



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

14th Assembly

PUBLIC ACCOUNTS COMMITTEE

Public Hearing Transcript

10:30 am, Friday 2 December 2022

Litchfield Room, Parliament House

Darwin

Members:

Mr Joel Bowden MLA, Chair, Member for Johnston

Mr Brent Potter MLA, Member for Fannie Bay

Mrs Robyn Lambley MLA, Member for Araluen (via videoconference)

Mr Bill Yan MLA, Member for Namatjira

Mr Steve Edgington MLA, Member for Barkly

Witnesses:

Department of the Chief Minister and Cabinet

Jim Rogers: Executive Director – East Arnhem

Cathryn Moore: Regional Director – Yolngu Region

Waka Mununggurr: Strategic Cultural Advisor – East Arnhem

The committee convened at 10.30 am.

Mr CHAIR: Welcome everybody. We are here today for our Public Accounts Committee, but it is also the LDM inquiry. We travelled out to Yirrkala and we went over to Groote and unfortunately we ran out of time, so welcome Jim Rogers, Executive Director of East Arnhem. G'day Jim. Cathryn is with you. We also have got Waka—is that correct?

Mr MUNUNGGURR: Yow.

Mr CHAIR: Yow. Welcome, welcome. Welcome and let me just do the spiel. Sorry, Jim, you just have to put up with this one more time.

Mr ROGERS: That's alright.

Mr CHAIR: On behalf of the committee, I welcome everyone to this public hearing into Local Decision Making. I welcome to the table to give evidence to the committee from the Department of Chief Minister and Cabinet Mr Jim Rogers, Regional Executive Director, East Arnhem; Cathryn Moore, Regional Director, Yolngu Region; and Waka Mununggurr—is that close?

Mr MUNUNGGURR: Yes, close.

Mr CHAIR: Close enough. Regional Direction, Anindilyakwa Region.

Thank you for coming today and appearing before the committee. We appreciate you taking the time to speak to us. We look forward to hearing from you.

The formalities: this is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee applies. In shorthand: tell the truth, don't mislead us, but whatever you say here you are not going to get in trouble for.

There will be a transcript made for use of the committee and it may be put on the website in the future. If, at any time, there is a subject matter that you think may be of concern, we will go into a closed session. If it is in-confidence or the like, we will do that but it hasn't happened yet. We need to make that available to everyone.

Jim, do you want to make an opening statement? If so, can you please state your name and title then hop into that?

Mr ROGERS: Yes, sure. Thank you, Chair.

Mr CHAIR: Thanks Jim.

Mr ROGERS: Can I just check that sound is working well at your end?

Mr CHAIR: Yes, very good. Is everyone comfortable with that? Yes. We have thumbs up all round.

Mr KEITH: Could we just get Robyn on the line?

Mrs LAMBLEY: Yes, I can hear.

Mr CHAIR: Welcome Mrs Lambley. We have got Jim Rogers, Executive Director, East Arnhem, about to commence his opening statement.

Mrs LAMBLEY: Thank you.

Mr ROGERS: Thank you to the committee. I might just also check, if the committee's comfortable, that we share the slides on the screen from Cathryn Moore's computer, or do you want to—will that inconvenience you at that end in terms of seeing us?

Mr CHAIR: Look, I think that is fine if you share it, and if it is not for some reason we can just interrupt you and say otherwise. Is that okay?

Mr ROGERS: Yes.

Mr CHAIR: Thanks, Cathryn.

Ms MOORE: No worries.

Mr ROGERS: All right. Thank you for the opportunity to give evidence today to the Public Accounts Committee. My name is Jim Rogers. I am the East Arnhem Regional Executive Director for the Department of Chief Minister and Cabinet based in Nhulunbuy where I have lived for 12 years.

To my left is Mr Waka Mununggurr. Waka is the Strategic Cultural Advisor for our office, and to my right is Cathryn Moore, our Regional Director for the Yolngu Region for CMC.

I acknowledge that we are meeting on Yolngu and Larrakia and other country of First Nations people today. It sounds like I have got people from Central Australia and potentially from the Barkly as well and I acknowledge those leaders, past, present and future of those countries and here.

Amongst a range of responsibilities, my regional team is responsible for the implementation of the Northern Territory Government's LDM framework in East Arnhem Land, and we have been working in that space now for about—since 2017.

At the Yirrkala hearing, you heard a range of views about the role of organisations in local decision-making and empowerment. You also heard a passion and desire to right the imbalance between Yolngu decision-making and government. The key theme from most presentations and statements given was that *bäpurru* or clan and *gurrutu* or kinship-centred approaches should be taken to LDM in this region.

LDM can challenge the status quo, including government, institutional and organisational power and control, and that is something that we think you witnessed at the last hearing. You have observed some of the complexity about different tensions which emerge even within a single stakeholder's position. Sometimes these tensions emerge in explicit conflict and sometimes in more subtle ways.

My genuine concerns are about the behaviours and actions that come when people are challenged—including myself sometimes—worried or even confused when the status quo is challenged. Sometimes—so this continues to be a significant worry for me personally and professionally. This work requires courage and great resilience.

Taking the path of least resistance is rarely the right path. It might be easy in the short term, but in the LDM context it risks bypassing other voices and perpetuating the loss of control in agency for communities and leaders supporting self-management and genuine empowerment.

Most leaders in this region clearly point to the loss of power control as a primary underlying reason for the socioeconomic challenges their communities face. Navigating the empowerment space has been the most challenging and rewarding work that I have done in my NTPS career to date. In this work, organisational stakeholders can perceive you as a threat so we are having to tread patiently, carefully and lightly, find points of common ground and build consensus. We will talk more about our lessons learned later.

We have sent you a table that responds to factual inaccuracies introduced at the Yirrkala hearing, and can provide evidence about that if required. We are happy for that to be made available publicly.

With that said, what we would like to do today is to tell the story of the journey that we've been on and one we are proud to continue with. We appreciate you've heard the Anindilyakwa evidence from CMC and other Groote stakeholders, so today we will focus on the Yolngu region. However, I am happy, of course, to take questions if necessary on Groote LDM matters.

As you know, LDM is a Northern Territory Government commitment to return control and decision-making to regions and communities at a pace communities set and in community priority areas. LDM acknowledges that government needs to do things differently. This may look different in each place or move faster or slower, depending on a range of factors.

LDM acknowledges that government can't change everything at once, but there is a commitment to change over the short, medium and long term. There are four core principles that you'd be aware of: self-determination; flexible place-based approaches; co-design; and community control.

There are two pathways for LDM in this region, and of course across the Territory. The first is to improve the way government delivers services and develops and implements policies and programs, to listen better and be more adaptive across the breadth of government responsibilities. And the second involved place-based agreements to transition to community control and to achieve local and regional priorities.

There are, of course, strong links to treaty discussions and Commonwealth initiatives like Treaty, Empowered Communities and Local and Regional Voice. We explain LDM as a stepping stone or precursor to Treaty, for instance.

So with this policy framework in mind, our presentation today will briefly cover the context for LDM in East Arnhem Land; our journey—LDM journey—so far and work; and briefly touch on our upcoming work. We will then talk about our lessons learned and provide an opportunity for questions.

So the LDM context in East Arnhem is really important to understand. East Arnhem has significant First Nations and many language groups and clans. Seventy per cent of the population is Yolngu or Anindilyakwa across 33,000 square kilometres of Aboriginal land.

In terms of East Arnhem's cultural landscape, the Anindilyakwa nation of the Groote Archipelago consists of 14 clans who have been coalesced under a single land council model and who wish to be engaged distinctly from the rest of the East Arnhem region. They have strong connections with the mainland but want to be engaged with directly as Anindilyakwa leaders having their own voice.

The Yolngu nations, around 10,000 people strong, there are many clans and language groups and whilst Yolngu live in larger communities, regional centres and homelands, they are strongly connected through the kinship systems. Yolngu have an unbroken connection to language, cultural law and seas, and whilst living across larger communities remain strongly connected.

There are strong Yolngu-led organisations who operate at the regional and national level—organisations like Miwatj Health, ALPA, Laynhapuy, Gumatj, Rirratjingu and Yothu Yindi and others. The leaders who we engage with—have the privilege to engage with—are those who led the homelands movement in 1970s who are the direct descendants of leaders who signed the Bark Petition and led historic land and sea rights cases.

Different to the Anindilyakwa people, there is no one or single Yolngu body politic organised or reflected under *balanda* (or Western) recognised governance systems. However, a common thread across our consultations to date, which is also consistent with the witnesses—with most witnesses—at the Yirrkala hearing is that *bäpuru* or clan and *gurrutu* or kinship-centred approaches to the LDM should be followed. This important context has guided, at a high level and more detailed level, our approach to LDM in the East Arnhem region. We are learning along the way and trying to improve our ways of working.

The Northern Territory Government LDM journey in East Arnhem started in 2017 with the release of the LDM framework. We held significant engagements and workshops across the region with groups who wanted to hear about the LDM opportunity and we offered the opportunity to engage. There were two places where there was particularly strong and early interest—Groote Eylandt where leaders saw the opportunity to progress their strong desire to see services transition to community control and to gain support for their future aspirations, and in the Blue Mud Bay or Djalkiripuyngu homelands where leaders who had been involved in the historic Blue Mud Bay High Court case and who had already had a *Dilak* or Ngarra or leadership council in the Yolngu world wanted to progress their sustainable homelands development aspirations.

Because LDM principles recognise flexible place-based approaches, discussions started in these locations. You've already heard the Anindilyakwa LDM story, so I will not repeat those aspects. I will share a little of the Djalkiripuyngu LDM Agreement story a little later.

Further to those initial LDM engagements and recognising the rich cultural complexity of the Yolngu region, in 2017 and 2018, we held independently facilitated workshops with Yolngu leaders from across the region to share the story of LDM policy more deeply and the opportunities therein, explore whether there was interest in engaging with LDM and, if so, what was the right way or ways to engage with leaders right across the region.

The agreed and documented messages from these workshops are on your screen, and perhaps most importantly of these for us was that communities were ready to engage, but governments needed to be ready too. CMC understood that to refer to readiness or for innovation and change as well as working together across jurisdictions in new ways.

A key agreed principle was that engagement should be coordinated and cohesive with Yolngu leaders and engagement should be *bäpurru* or *gurrutu* centred, not organisationally centred.

So LDM was, and remains, a new and different way of working. From initial and early workshops in 2017 and 2018, the message was clear: government needed to be ready to engage and consider what it needed to do to change.

CMC East Arnhem recognised that we would need to build on our capability to undertake this work effectively. We immediately prioritised the employment of senior Yolngu staff to upskill our agency and other agencies. We recognised that we needed to do more consciously and systematically to adopt the LDM principles in our ways of working, so a fundamental shift from traditional government roles to a developmental approach, and we also recognised that we needed to support the development of a culturally competent workforce to engage much more effectively in the region.

At this point, I would like to ask Waka Mununggurr, who is a senior cultural colleague, a clan leader and my wawa to talk about his role and responsibilities in the Yolngu world and how these roles and responsibilities support CMC's work, and in particular LDM. Waka.

Mr MUNUNGGURR: Thank you. Thank you, everyone. Yolngu—my name is Waka Mununggurr. Yes, I just want to share some of the background about my history, my role in the Yolngu culture and how I am connected to my LDM role and process.

My role—I am a senior clan leader of my clan, and I have responsibilities and knowledge to give—to pass on to other generations, and I also am from *dhuwa* moiety. We have two moieties, *dhuwa* and *yirritja*. I am from the *dhuwa* moiety, which I handle some of the *dhuwa* clan ceremonies of my *dhuwa* clan—take all the leadership—and even in *yirritja*—*yirritja* I take role in organising or operating their ceremonies in the men's ceremonies and in the public ceremonies. Yes, so I have a big role and very important.

I was chosen to play this role because of the *Dilak* was the ones who I was recognised by the *Dilak*. That is why they gave me the role to play this.

I have four or five *Ngarra* which I stand and all of those *Ngarra*, or the Yolngu parliament, that I play, I can control that or offer the terms. Through that, when I first came to what—this office—when I heard about the LDM, I, to me, I found out that it was similar to our law, Yolngu law. So I know that the LDM was already existed. It had—we already had LDM in our ceremonies and in our homelands.

So, I am also Chairman of Djalkiripuyngu Corporation, and I have a very important role in Djalkiripuyngu Corporation as well. So [Yolngu matha spoken] when talking about Groote Eylandt LDM and Djalkiripuyngu agreement. Yes, that is how, that is how when we—when Djalkiripuyngu Corporation wanted to become a LDM, that is because it was all set up by the *Dilak* and that is how the Djalkiripuyngu leaders stood up for their rights and finally we got that. It is to do with not—but to serve all our communities and other people that want to be in this area. It is about, it is about setting up a development out in the homelands and self-determination, self-control so we as Yolngu can manage our own businesses in the homelands. Thank you.

Mr ROGERS: Thanks, Wawa, thank you.

As you can see, Waka holds many responsibilities, including in other organisations, but also in the Yolngu world, operating in both *dhuwa* and *yirritja* moieties and holding ceremony on both. Waka's role is critical to our work in terms of being able to work across the clans and families of the Yolngu region, and has a key mediator role in supporting our engagement across many of those areas. But of course, we will talk a little bit later about how Waka takes off a hat, which is the Djalkiripuyngu hat and then will work, in terms of being on the other side of the negotiating table, if you like, in negotiating agreements in different context.

As I said before, we identified a clear need to upskill our own agency to be more culturally competent. We engaged with ARDS Aboriginal Corporation who are expert cultural facilitators—cross-cultural facilitators—to develop an online and face-to-face training program. It took two years to develop and some significant investment, but it is now mandated for all Northern Territory Public Service agency staff, and about half of the regionally-based NT public servants have now completed this course. It is a central plank of our LDM implementation strategy.

I just note that when I came here in 2010 there was no way for me to learn formally about working with Yolngu communities. We are excited that this has been part of our LDM work.

So, as I mentioned earlier, the first LDM pathway is to improve the way government works through better approaches to service delivery. I'd like to provide some examples in practice which I'll share briefly. The first is the East Arnhem Land Youth Model, or Gunga'yunga Djamarrkuliny, which I pronounce very poorly I am sure, the handback of the Yirrkala Training Centre to community control and the Gapuwiyak Child and Family Centre.

So, the East Arnhem Land Youth Model is a co-designed youth development model which arose out of significant volatile substance misuse in the region in 2016 through to 2018. It is co-funded between the Australian Government, Northern Territory Government and a community partner, ALPA, the regional partner. It absolutely challenges our normal ways of working. ALPA is facilitating community-level Yolngu leadership groups and local Yolngu coordinators in four Yolngu communities to develop youth strategies and make decisions in respect of a brokerage fund. That fund is resourcing community-led initiatives for young people. We have evaluation built in, as well—community-level evaluation built in – as well as independent evaluation.

We met with the Yolngu representatives of the Yolngu leadership groups in the last three days and the enthusiasm and passion of the leaders in this locally-controlled program was clear: 'It is not just a program, it is like the heart of East Arnhem Land.'

Emergent themes from the first two years were that it took time to build trust with communities; that this was real, that controlling the brokerage fund, for instance and developing the strategies weren't for government. And what emerged was a strong focus on clan-based and cultural activities reflecting Yolngu world views that prevention activities are grounded in family, country and culture.

An example of—this example of LDM in practice has challenged government in almost every way, from the alignment of grant schedules and reporting, the need to develop innovative governance approaches, convincing government agencies to let go of control in a well-managed way, and to measure success from a community perspective.

The second example is a simpler example, but important, is the handback of the Yirrkala Training Centre from the Northern Territory Government to community control. In summary, following negotiations, government made the decision to hand back an important community asset which was the old Yirrkala school. In fact, the school, I think, Waka taught in when he was a teacher, but also was built by Yolngu in the mission days.

So, we facilitated the relinquishment of that asset and its transfer to the Buku-Larrnggay Mulka Centre who have converted it into accommodation—and you held your last hearing there in October. It is now becoming income-generating and there is a great source of local pride for Yolngu leaders who are involved with the art centre.

A third example is the child and family centre in Gapuwiyak. Whilst the process has unfolded over two years and was to some extent interrupted by COVID, with Waka's guidance we have seen evidence that working at a pace leaders set allows culturally responsive *gurruṯu* centred models to emerge.

These examples are a varying scale, but demonstrate how important the LDM is in practice, and can support very positive community outcomes.

As I said earlier, I'd like to share two examples of the second LDM pathway, the agreement or partnerships pathway. At this point, it is important to note that Waka wears many hats at different times, as I said earlier, and he—and he has his work with CMC, but he has other roles as a clan leader and Chairman of the Djalkiripuyngu Aboriginal Corporation. DAC—oh, sorry, or DAC.

DAC is a representative body established to hold the Blue Mud Bay native title rights and interests, which was established through the historic 2008 High Court case. There are times where Waka declares a conflict of interest and we are clear about that in our work.

So, Waka, you've already explained to the committee your role as a Djalkiripuyngu leader and as part of the *Dilak*. Is there anything further you want to add to that, or are you comfortable?

Mr MUNUNGGURR: I can answer that when ...

Mr ROGERS: Answer questions?

Mr MUNUNGGURR: Yes.

Mr ROGERS: Yes.

So, this agreement is the first LDM agreement in the Yolngu region and has formally recognised the Djalkiripuyngu leaders or *Dilak* as the decision-makers for these homelands. The engagement started in 2017 and in 2018 a statement of commitment was signed to negotiate the agreement. The negotiations were held across eight priority areas on country and were interrupted by COVID-19. But four years on, the LDM agreement was signed at the celebration of sea rights on 30 July 2022, and subsequently by the Chief Minister on 15 September 2022.

One of the most significant aspects of the agreement is it is a recognition of Djalkiripuyngu clan leaders as the key decision-makers for this subregion, with a voice at the regional level. It is the first of the six Yolngu subregions to be formally recognised in the LDM framework. This five-year agreement is a social compact where the parties have clear responsibilities and co-dependent deliverables. The agreement brings the parties' strengths, assets and leaders to bear for support and improve socioeconomic outcomes and achieve a common vision and set of goals.

The agreement is available on the LDM website and our learnings from this process has been significant, and I'll share those in a moment.

Another example of the second LDM pathway is the Yolngu region partnership commitment. As I mentioned earlier, in 2018 a number of key Yolngu organisations and all levels of government recognised the significant risks of different government approaches to empowerment.

The Yolngu leaders and organisations involved in the workshops agreed we should develop a single partnership approach or way of working to collectively engage with Yolngu clans, landowners and communities.

The parties agreed to negotiate the Yolngu region LDM Partnership Commitment. At this point, I'd like you to refer to the diagram on your slide. So, you will see at the top is the government organisations, in the circle in the middle are the Aboriginal Corporations and service providers, local government and the like, and around that is the Yolngu clans. So, this diagram was prepared by an old man from Ramingining. We have permission to use this diagram in this context. And it is important to understand that whilst Yolngu might also be involved in the Aboriginal corporations and organisations, they are also connected in the *bäpurru* system that sits around that.

So, this diagram—the Partnership effectively was about how the organisations who are in that circle and at the top of the diagram could work better and in a more coordinated way with the Yolngu clans and the *ngarra* or the Yolngu governance systems surrounding.

So, at a summary level, and as an agreed way of working the Yolngu region Partnership provided for balanda and Yolngu organisations and institutions to share their stories, to better understand the way decisions were made in the balanda or Western, and Yolngu systems or *gurrutu* and kinship systems, including their strengths and weaknesses—to think about the ways of changing the balanda system to recognise or accommodate the Yolngu way of making decisions, and if agreed, think about how we can make those changes together. I can provide a copy of the Partnership Commitment if the Committee requires it.

So, based on the diagram, the partnership aimed to determine if those organisations and governments at the centre and the top of the diagram could agree a coordinated way of engaging with clans.

The Partnership included the establishment of the Yolngu-led working group to do this work. The group met nine times and initially planned a large independently-facilitated workshop; over five days to bring all of the clan leaders together from across the Yolngu subregions to explore the questions at the heart of the partnership.

The partnership working group deliberated extensively on and agreed the regional workshop arrangements, including the format and the approach for this significant gathering, and selected an independent facilitator to conduct the workshop, including securing funding from the Australian and Northern Territory governments.

In early 2020 COVID arrived in Australia and the plans for the regional workshop had to be shelved because of the health risks. Whilst there was some delay associated with COVID-19 the work and the Partnership

moved to a lower health risk, subregional approach. Workshops were held with leaders in Gapuwiyak, Ramingining and Milingimbi. Reports were prepared and clear themes and directions emerged, including there is a strong desire to engage in LDM negotiations across a range of different priority areas; agreements should be negotiated directly with *bäpurru* leaders; and that subregional Yolngu discussions were consistently able to progress decision points more efficiently compared to region-wide forums, even like the Partnership Working Group, which introduced clan and organisational politics at a broader scale.

COVID-19 was not the only challenge the Partnership faced. The exploration of different governance systems, both Yolngu and balanda, surfaced some differing perspectives from local government and confusion associated with various empowerment initiatives. These differing perspectives are evident in the submissions to the Australian Government Local and Regional Voice consultations process, in submissions from the Yolngu region to the Public Accounts Committee process, and more recently, the concerns amongst regional stakeholders about the East Arnhem Regional Council's Call for Recognition. As a result, consensus was not able to be achieved on the final goal of settling a Yolngu region LDM partnership agreement.

Following a process to seek the views of parties on the future of the Partnership, the Minister for Treaty and Local Decision Making wrote to the parties to thank everyone for their valuable work to achieve a number of partnership objectives, noted the partnership had concluded and advised that the Department of the Chief Minister and Cabinet would prioritise supporting subregional workshops and negotiations of LDM agreements where there was clear interest. The letter has been provided today as part of our evidence.

So, in terms of LDM work being leading into 2023, further engagements and negotiations will be held in the Miyarrka, Gattjirrk and Ramingining subregions where clan leaders have indicated a desire to continue discussions. On the Gove Peninsula and Laynhapuy homelands, we are awaiting advice regarding the timing and next steps—awaiting advice from homelands leaders about the timing of next steps in the negotiation process. In Galiwinku we have had initial conversations.

Finally, here are our learnings from the perspective of public servants charged with the implementation of the LDM policy framework.

The first is that empowerment agenda is a crowded space. The risk of confusion and dividing leaders is very significant. Between the LDM framework policies legislation—sorry, between the LDM framework, policies and legislation on local government and local authorities, Commonwealth Local and Regional Voice and Empowered Communities and other local or regional initiatives, create a very crowded and sometimes contested environment. It is difficult to address this, but I think governments, through the Closing the Gap Agreement, have a clear responsibility to be joined up and consistent where possible, and clear if there are points of difference.

The second lesson is that neutrality and objectivity are key to recognising and addressing vested interests. Government needs to be prepared to listen to leaders and to be neutral, avoid organisational alignment and marginalising groups. At the Yirkala hearing, Ben Grimes from ARDS spoke about models of neutral support structures for leadership groups that don't have vested interests—e.g. vested interest such as land ownership, service provision or commercial interests—and which can play a facilitation role to ensure leaders have effective decision-making support, but the organisation does not end up controlling the voice of leaders. This is also a challenge for government.

The third lesson is that capacity building and developmental approaches are a good way. The East Arnhem Land Youth Model is an example of what can be achieved through empowerment approaches which focus on building leadership and governance and implementation capacity. There are many more opportunities to work this way and the learnings from these approaches should be shared.

The fourth lesson is that governments must be flexible and patient. Rushing consultation with set time lines will inevitably lead to poor outcomes. Moving at a pace of leaders and having consistency of policy and personnel involved is important.

The fifth lesson is that trust should not be assumed, it should be earned and maintained. Words without actions will erode trust. The East Arnhem Land Youth Model is an example of where trust has been earned on both sides—Yolngu and government. But now that we have achieved it, failing to deliver in the future could set us back further than where we started.

The sixth lesson is that ineffective cross-cultural communication is a real risk. Misunderstanding each other is a real risk with very different world views and language barriers. Engagement of specialists and independent cross-cultural facilitators with language capabilities can significantly reduce that risk.

The seventh lesson is that capacity, and to a lesser extent now capability, of government is a risk to LDM. About 20% of the work lies in negotiating the agreement or co-design work. This really significant effort lies in—sorry, really significant effort lies in effective implementation, so resources are necessary, but if LDM works, over the time investment will reap results.

CMC offices didn't receive additional resources for our role in LDM implementation, but we have worked with the funding that we have to build capacity and capability, to be responsive to the aspirations of leaders who wish to engage in LDM.

We also need to identify greater community capacity-building support, programs available currently are fully subscribed and there needs to be more support for the development of community-controlled sector.

Lastly, I strongly advocate that honesty, transparency and accountability must be maintained. Everything government does in this space should be transparent, open and honest.

So, for everything we have done in LDM—everything we have done in LDM has been shared and been transparent and we need to continue that.

So, thank you for the opportunity. I know my opening statements are quite lengthy, but I certainly now would be happy to take questions.

Mr CHAIR: Thanks, Jim. Very interesting and appreciate your time again. Are there any questions from the committee, noting we also have a couple of people online as well, with Mr Potter and Mrs Lambley?

Mr EDGINGTON: I will go first if you like.

Mr CHAIR: Yes, go for it.

Mr EDGINGTON: Jim, thanks very much for that presentation. It was fantastic and very informative. I've also had a look at the written submission that you provided. We just didn't get a chance to speak to you about it on the day, but I think for the record one of the things that I did say to you on the day—and it's interesting when I look at the learnings you've just spoke about—the overcrowded space, and particularly around empowerment. I only had a couple of minutes to speak to you on the day, but it seemed to me from what I heard on the day is that there is an overcrowded space there with a number of organisations competing for money. Could you elaborate a bit further on that in regard to that learning point one?

Mr ROGERS: Yes, so as at—even to the extent of—so LDM of course is our key policy. We've got Empowered Communities operating in the same space. We have the introduction of Local and Regional Voice and—particularly the consultations around that came at a time where we had LDM discussions going on through the LDM Partnership—the Yolngu Region Partnership Commitment. And of course, our focus on building local government capacity and strengthening Local Authorities.

So, in all of that, there are different funding flows and there are different—sometimes slightly- different messages. So, Empowered Communities is a very good example. So, it has a particular focus around Commonwealth programs, but the messages can be easily misunderstood, in the broader local decision making or empowerment space if you like.

Empowered Communities talks about leaders having more say over the way Commonwealth money is spent. But, of course, the Empowerment Communities process—and it is not a Territory policy, people naturally aspire to other areas of focus which are part of the Northern Territory Government's responsibility.

So, you can just see there alone there is just one example, and it is not a—it is very easy to understand how those programs can be misunderstood or—but particularly if you're not at the table to explain the differences.

So, yes, I guess that's an example. It's not a criticism, it's just an example of how crowded the space is.

Mr EDGINGTON: So, is there a better way of delivering local decision-making, particularly when you have three levels of government, being the Commonwealth Government, the Northern Territory Government and local government. The example that I use around shared decision-making and local decision-making through a governance table approach is the Barkly Regional Deal. Do you see any merits in using that type of approach—having three levels of government working together with all of the leaders in your area, compared to what's going on at the moment?

Mr ROGERS: With the Yolngu Regions Partnership Commitment, that was exactly the process we were aspiring to. It does need everyone in that space to commit to the process, and the partnership was a formal commitment to work to that end.

The—What it did challenge and surface was a different - differing – perspectives of the different stakeholders in the Partnership working group around perhaps the issue of who should control the voice or who was in charge of different parts of it, and so we—inherent in the Partnership was [unpacking] that very issue.

And so I think there is still room, and we are really hopeful there is still room, for a more collaborative approach. We have got a high-level Collaboration Commitment with NIAA around engagement and there are great examples of where we're working in that very way around the East Arnhem Land Youth Model where we have high-level governance but also implementation directly working together.

So, there are—there remains some challenges in that space. We are hopeful that these subregional engagements will continue to bring governments together in a way which engages with community in a meaningful way.

Mr EDGINGTON: And just finally, reading your written submission, I was interested to read more about the NT police initiatives, particularly around signing MOUs between police and night patrols and community safety action plans. How do you see that working in the context of local decision-making?

Mr ROGERS: So, there are great starts in that area. We have seen mutual respect agreements or—I think in the past they were termed service level agreements—where—but what we would hope is that the membership of those agreements is broadened out. At the present time, it's between the council and police and I think one other stakeholder, for instance in Yirrkala.

So, I think building understanding of those things and seeing a broader group of representatives, and potentially agreeing directly with, through the clan systems—a more direct relationship in that context will certainly build momentum in that space.

Mr EDGINGTON: I suppose, just building on that, I suppose what I am interested to get clear in my mind—it's listed as local decision-making, but in my mind this is basic community policing, which has been going on for years. So what's really changed in that space of policing, engaging with the community, partnering with the community, partnering with Night Patrols to deliver the service that they should be delivering already? Is there something over and above that, that is in the LDM?

Mr ROGERS: I think so. So, we are working with a particular stakeholder in the region around a proposal for a community justice groups, which would engage quite specifically through the *gurrutu* systems to ensure all the clans are fully represented in engagement, which is a richer, I think, and deeper way of engaging with communities. That process is still in development, but police are already working with us around the opportunity to bring the community safety and the other justice system aspects of that into a single approach.

There is no doubt there is just good practice. And LDM in practice should be exactly what you're talking about, which is good, regular engagement at an operations level with, I think, the depth of engagement that can come through community justice groups working on some of the bigger and more underlying challenges which communities are very keen to focus on.

Mr EDGINGTON: Thanks, Jim. I'll just wrap up there with one further question. So, it is good to hear around that policing and partnerships. Do you see that perhaps leading into further work in the Aboriginal justice agreement?

Mr ROGERS: Yes, as I said, I think there is a huge opportunity there. Waka, you've been working with our local police around how we support Aboriginal liaison officers, and particularly here, starting here on the peninsula. Perhaps, if you want to talk to us very briefly about the sorts of things around how we support—identify and support Aboriginal liaison officers to work with police.

Mr MUNUNGGURR: Yes, thank you. Yes, when I first met with the police officer here in Nhulunbuy, when we first got the message here that to find some of the people we need local people from three areas—Ski Beach, Yirrkala and homelands. The police asked me to do *djāma* or [Yolngu spoken] with the police to go out and meet with the people and find out—that is to do because it is giving a Yolngu an opportunity for, to work and be really good so they can look after our communities and our people. But there has been a lot of

incidents happening in Aboriginal communities here in Nhulunbuy especially, and a lot of breaking in and all that.

What I mentioned—I had a chat—we had a good talk and I explained to him how it's going to work. And I told him a little bit about, well if it's going to be—if we want Yolngu—if you're going to get Yolngu liaison officers into this police *djāma*, or work, and what I told him it would be really good if someone like a mediator who could work alongside with the police and just to advise how he can do work with the Aboriginal communities because sometimes it feels bad when police go out and just lock up someone and put him in the gaol. It makes the leaders pretty sad and it's not the right way. So, anyway, I explained how it should work properly, in a proper way.

And, I told him about it would be really good if Yolngu liaison officer working for the police would be—he could be empowered or—yes, empowered—and he could be under control of two laws, balanda law and the police law and Yolngu law as well, That way, so that the people, the senior people can be a part of it in the homelands as well.

Mr EDGINGTON: And just quickly, being in Yirrkala, Jim, has there been a growth in the number of Aboriginal corporations since local decision-making started, or has there just been a natural growth overall? Do you have any sense of what the numbers are because there was some numbers quoted, I think the day we were at Yirrkala, if in the forties. Do you have any sense of what the numbers are of different Aboriginal corporations in your region?

Mr ROGERS: Oh, total? Sorry, I do not have those figures, but I can certainly find them. But there's not—I am thinking through—I think we are aware of one organisation that started up more recently but not associated with LDM per se. I think there was a suggestion that there was—it was connected. I think we've addressed that in our written table of responses. But it didn't relate to the LDM Agreement itself. The organisation was established in the Djalkiripuyngu homelands, was established as a Prescribed Body Corporate organisation under the Native Title Act. So, it didn't actually relate to LDM in particular.

And I am just looking at my colleague, Cathryn here, I don't think there are any examples of where LDM has actually created an organisation, per se. It has been working directly with leaders, and then organisations may—for instance have an agreed particular role, in the Gapuwiyak child and family centre example. Once leaders decided who should operate a service, then they may nominate an organisation to be a partner in the LDM process.

Mr EDGINGTON: And have you done ...

Mr ROGERS: I am sorry, I think that's probably not quite correct. I should correct myself there. In Groote Eylandt there are organisations that have been established [specifically for LDM], but they are to take service delivery responsibility. So, Anindilyakwa Housing Aboriginal Corporation was created for that purpose, but express purpose of being a registered community housing organisation for instance.

Mr EDGINGTON: Thanks.

Mr ROGERS: The same thing with the health services. There was no other organisation who was ready to take on certain responsibilities. Yes.

Mr EDGINGTON: Thanks, Jim.

Mr CHAIR: Mr Yan?

Mr YAN: No, he's covered pretty well everything.

Mr CHAIR: Beautiful. Is there anyone online who's got some questions? Mr Potter or Mrs Lambley?

Mr POTTER: No, I am fine, it is very self-explanatory. Thanks for taking the time to talk to us.

Mrs LAMBLEY: I don't have any questions, Chair.

Mr CHAIR: Thank you. Well, I've got a couple of questions. Might as well try from the Chair. We are a few years in, and notwithstanding the fact we've had a break with the COVID engagement period of time which you've outlined. If you were tracking it, where are we at—you know, working from an end point backwards—the ultimate goal is empowered communities have got autonomy over the decisions and they all work in. How

are we going, because it is not linear, I would suggest? Right? So it's tracking, but it's not linear. As a generalisation, where are we at on the non-linear graph, if that makes sense, Jim?

Mr ROGERS: Yep. I think it's difficult to track it as we're 30% there or half way there, but I think in different contexts—and I think the simple answer is that we have a long way to go. I think the length of commitment of the LDM policy is such that it recognised it's a very long journey. In some places I think we're reasonably well advanced in the sense from a government perspective. If you look at the homelands LDM, it's so strong there—was as strong beforehand—and it doesn't require a lot of capacity building, if you like. In other places, there's more work to be done where leaders are very keen to make step changes. It's a very difficult question to be precise about, but I think the simple answer is that if we stay the course, we have a long way to go. We are making good steps and positive steps, which I think will build momentum.

Cathryn, I think you're well placed to think about if there's anything to add to that.

Ms MOORE: I think it's important to recognise that the subregional approach means that we have, in a couple of places, leaders who have identified particular areas of aspiration that they might proceed to negotiating agreements on, even as soon as early 2023. Waka leads that work, so he's best placed to speak on the specifics of that.

At the same time, we have models like the East Arnhem Land youth model, which means that leaders are already 'doing the doing' of local decision-making. That has been, in and of itself, one of the important practices that's been good to establish. As Jim mentioned, there's also another proposal that is in development and if we can finalise funding arrangements for it, we'll see a similar model in place around law and justice decision-making.

So I think there's two ways to think about that question. In terms of some of the highest levels of priorities in the Yolngu region, that varies at the local level, but we do consistently hear about law and justice priorities and we do consistently hear that strong young people will be empowered and strong in the Yolngu world first. Youth models and the model that Jim described are quite key.

When we see local decision-making introduced in those high priority areas according to the priorities of Yolngu, then in some senses, we could be very well placed—provided we can secure funding and embed those arrangements—in the areas that are most important in terms of what leaders identify within the next 12 to 24 months. That isn't the same measure as do we have LDM agreements in every subregion. I think it's important to distinguish that. The ways of working that are embedded through LDM in practice might look a little bit different to where we have signed agreements, so the measures are unique.

Mr CHAIR: Thank you. Waka, can I ask you a question around whether or not there's recognition and understanding of the Public Accounts Committee and whether or not we've continued to clutter the space and whether our visit was of any benefit and whether there is anything we can do as a committee—which effectively is, again, asking questions and writing reports—is there anything we can do to help in any way, shape or form? Are there any priorities that we could support the LDM, or the local decision-making empowering communities?

Mr MUNUNGGURR: Yeah. If I talk about—remember I said to have that knowledge, cultural knowledge, Yolngu cultural ceremonies. I wouldn't have been here. Because I had that knowledge before back at the homelands, because that's what LDM is—that I understand. Local decision-making should start from the grassroots. If I wouldn't have had that knowledge, I wouldn't have been here. For me, it's really interesting because that way I help at this office. I help Jim and this office about some of the things that what I know I help him to tell the office so that we can respect Yolngu and how we can help Yolngu.

In the same way as I have the Yolngu knowledge and I'm sharing that in the government world in this office—telling this office and the government how we should see Yolngu and give them the [dhäwu feeding back. The two different—yeah.

Mr CHAIR: We had allotted an hour. Unless there's any further questions, on behalf of the committee, thank you for your time. I notice that on your desk you have Knowledge Water that maybe we could get some of that Arnhem Land Knowledge Water.

Mr ROGERS: Actually, that's one of the commitments in an agreement; we're working on that.

Mr CHAIR: Yeah, so maybe we can get some of that sent into here, not just for parliament, but around Darwin. Jim, Cathryn and Waka, thank you for your time. It's much appreciated. I do hope that when we

came out there, there was a benefit to that visit. We certainly as a committee got a benefit out of it. Hopefully there was a benefit to the community as well. I think—as you alluded to early, Jim, in your presentation—there were conversations being had during that committee meeting during the day that were beneficial of some respect. A lot of it was in language, so I didn't pick up any of it, but there was no doubt bits and pieces that were beneficial. Hopefully we've added some value. Thank you for your time. We'll no doubt see you soon. If not, have a safe December and a happy Christmas.

The committee concluded.
