

Aboriginal Peak Organisations Northern Territory (APO NT)

18 August, 2021

Submission by the Aboriginal Peak Organisations of the Northern Territory (APO NT) to the Public Accounts Committee Inquiry into Local Decision Making

On behalf of the Aboriginal Peak Organisations of the Northern Territory (APO NT) please find herewith our submission to the Northern Territory Government's (NTG) Public Accounts Committee Inquiry into Local Decision Making (LDM).

APO NT welcomes the opportunity to provide comment and recommendations in relation to the Local Decision Making Policy and Framework – having been a key partner in the early period of LDM development. From this unique perspective, we provide the following submission.

This details our views on both the structural and practical strengths and weaknesses of LDM, as well as the opportunities and threats to the initiative from regional and national influences. We await the outcomes of this inquiry and a commitment from the NTG to strengthening the LDM model going forward.

In addition, APO NT is calling on the Committee to:

- **Recommend that a participatory, evidence-based evaluation of LDM processes and impacts to date is undertaken to provide a comprehensive measure of the effectiveness of the model in delivering on its promised outcomes.**
- **In the spirit of cooperation and inclusiveness witnessed through the development of the Closing the Gap Implementation Plan, recommend that the Northern Territory Government works together with APO NT to implement the recommendations detailed below to ensure the best outcomes for Aboriginal people throughout the Territory**
- **Recommend that the Northern Territory Government works in partnership with APO NT and invests in the expertise of the Aboriginal Governance and Management Program around Aboriginal-led governance capacity building support towards strengthening the Aboriginal community controlled sector.**

Aboriginal Peak Organisations Northern Territory (APO NT)

APO NT has operated as an alliance for ten years and has a wealth of knowledge and expertise, drawn from our member organisations: Northern Land Council, Central Land Council, the North Australian Aboriginal Justice Agency, Aboriginal Housing Northern Territory, Aboriginal Medical Services Alliance of the Northern Territory, and more recently the Northern Territory Indigenous Business Network and associate members Anindilyakwa Land Council and Tiwi Land Council. The alliance was created to provide a more effective response to key issues of joint interest and concern affecting Aboriginal people in the Northern Territory, including providing practical policy solutions and advice to government.

Aboriginal Governance & Management Program (AGMP)

In 2013, APO NT initiated the Aboriginal Governance and Management Program (AGMP) to build the strength and effectiveness of NT Aboriginal organisations in remote communities. The AGMP aims to strengthen governance and management in NT Aboriginal organisations so that they can operate

Aboriginal Peak Organisations Northern Territory (APO NT)

effectively to deliver positive social and economic outcomes. Strong governance of Aboriginal organisation is crucial to the success of LDM in the Territory.

Background: APO NT's involvement in LDM (2017-19)

Between 2017 and 2019, APO NT played a key role in the early stages of design and development of LDM. This occurred through participation in the LDM Reference Group and numerous consultations to review the LDM framework and guidelines. A positive outcome of this process was an agreement from the NTG to incorporate the APO NT [Partnership Principles](#) as a core design of the model, and as a symbol of their commitment to respectful partnership with the Aboriginal community controlled sector.

In addition, AGMP received funding from the NTG over two years (2016-18) for the purpose of 'strengthening Aboriginal governance and management in NT Aboriginal organisations in order to increase positive engagement in Local Decision Making'. AGMP also supported the initial LDM 'roadshow' in the Barkly region, East Arnhem Land and other regions, which provided information about LDM to key community stakeholders.

During this period, APO NT invested significant time and resources, and made a genuine commitment to engage in strengthening the LDM framework. A key output was the APO NT- LDM Issues Paper developed in May 2018 which offered detailed feedback on APO NT's concerns about the LDM Framework together with recommendations from the APO NT membership on how it could be strengthened.

However, a lack of response to the document added to concerns amongst APO NT members of an overall lack of responsiveness to APO NT's contributions. APO NT members expressed concern that the NTG was not upholding the principles of co-design, communication and collaboration and that the Terms of Reference of the Reference Group were in breach.

As a result, APO NT withdrew its engagement with LDM in July 2019 citing 'fatigue from policies that don't live up to the promise of real change or reform' and a loss of confidence and trust in the process. The NTG subsequently withdrew its commitment of funding for AGMP.

The following points describe APO NT's observations of LDM and the feedback gathered from Aboriginal communities represented by APO NT member organisation since this time.

Strengths of the LDM Model

Local decision making supports Aboriginal people's aspirations to be in the driver's seat and aligns with APO NT's principle role of:

- providing effective and proactive responses to policy issues affecting NT Aboriginal people;
- increasing Aboriginal involvement in policy design and implementation;
- expanding opportunities for Aboriginal control; and
- strengthening networks between Aboriginal organisations in the NT and nationally.

APO NT initially expressed in principle support for the LDM model and acknowledged the Northern Territory Government's intention of transitioning services to Aboriginal control. As stated in the APO NT LDM Issue Paper, May 2018:

Aboriginal Peak Organisations Northern Territory (APO NT)

*“The LDM Framework **recognises the Government’s commitment to supporting Aboriginal self-determination** and the vital role of effective governance- to enable Aboriginal people to govern and make decisions about how their affairs are managed. It also acknowledges the imperative for the NT Government to transform the way it works, and to align LDM principles and practices with related Government initiatives, including **discussions about a potential treaty** and commitment to partner with Aboriginal communities to implement recommendations of the Royal Commission into youth detention and child protection.*

*APO NT considers that the **LDM Framework provides opportunities for Government to support the local capacity of Aboriginal communities** and transform its way of working: to coordinate across all levels of government, to provide direction and support for behavioural change within its departments and agencies, and to implement funding and accountability arrangements which promote realistic, Aboriginal-driven outcomes.*

To do this, LDM must be designed in partnership with Aboriginal people and facilitate a genuine power shift in decision-making power and not merely service delivery control.”

(APO NT LDM Issue Paper, May 2018)

Weaknesses of the LDM Model:

Slow progress and a lack of tangible delivery:

There is a perception that the delivery of LDM on the ground has been slow to progress – particularly in Central Australia where there are fewer LDM agreements in place and progress on the majority of these has been minimal. Feedback also suggests that the low visibility of LDM means there is a low level of clarity amongst Aboriginal communities as to what LDM is and the benefits it can offer. As such – it is APO NT’s view that the practical outcomes of LDM have not had a chance to be proven and this is due to both limitations of the policy itself and a lack of capacity and resources made available by the government.

Lack of evidence-based evaluation to measure and record outcomes:

The lack of visibility of LDM is further affected by the lack of targets associated with the model and a lack of cohesive monitoring, evaluation and reporting mechanisms for LDM outcomes. We have observed that few agreements set outcome targets and that LDM processes are opaque and hard to track. APO NT welcomes the commitment to undertake an independent external evaluation as part of the Closing the Gap Implementation Plan.

Recommendation: Undertake a participatory, evidence-based evaluation of LDM processes and impacts and outcomes to date to provide a comprehensive measure of the effectiveness of the model in delivering on its promised outcomes.

Lack of Aboriginal-led governance capacity building to enable LDM engagement:

APO NT notes that the NTG - as both convenor and facilitator of LDM agreements - holds an inherently unequal balance of power over Aboriginal organisations with whom negotiations and agreements are made. In 2018, APO NT proposed that – “Working closely with DCM, AGMP would provide advice and assistance to community entities wanting to engage in the LDM process.” This included both an assessment of governance capacity, as well as provision of direct support to organisations. The proposal also included a framework for development of Aboriginal governance at local and regional levels. This proposal was not progressed.

Aboriginal Peak Organisations Northern Territory (APO NT)

Furthermore, the withdrawal of NTG funding to the AGMP in 2019 further reduced Aboriginal organisations' capacity to engage and participate in LDM processes.

The NTG Remote Aboriginal Governance and Capacity Building (RAGCB) Grants were introduced in 2019 as a step towards filling this gap. Whilst AGMP has had a role on the assessment panel for these grants, we note the following inadequacies in this process:

- The RAGCB Grants typically supported one-off brief engagement rather than long term governance support based on sustained relationship-building.
- The grant assessment process did not preference Aboriginal governance providers. Many if not most governance providers contracted under these grants have been private (for-profit), non-Aboriginal businesses with little local context or place-based knowledge.
- The RAGCB approach does not support a commitment to developing and sharing best-practice; few (if any) providers are involved in a shared approach to strengthening the sector as a whole.
- No assessment of the effectiveness of the RAGCB grants process has been conducted to determine if the intended outcomes have been achieved.

Recommendation: Re-investment in AGMP to facilitate Aboriginal organisations' increased capacity to engage and participate in LDM processes (which may be adapted following an independent review).

Recommendation: That all LDM agreements include a commitment to adequate resourcing for governance assessment and capacity building (where necessary) to ensure the best chance of success in the negotiation and transition of services.

Aboriginal leadership and representation issues:

APO NT members have raised concerns regarding the means by which 'communities' are represented in LDM negotiations and the difficulty or failure of LDM processes to effectively recognise and engage with existing and emerging Aboriginal leadership and governance structures. In some instances we have noted that LDM engagement has occurred with groups lacking cultural authority or appropriate decision making power. In some instances, we have observed a reliance on Regional Councils or Local Authorities (with a narrow mandate and limited authority) as the representative body in LDM engagements. This presents the risk that traditional decision-making structures that already exist in communities [by way of the traditional Aboriginal owners] are potentially being bypassed creating conflict in communities. It also raises the risk that community aspirations for an alternative community controlled structure or organisation are not accommodated. We note that the issue of representation also presents the risk of overlap and duplication of existing community-level agreements and initiatives.

These concerns have become heightened with the Closing the Gap National Agreement and the NT Implementation Plan, in addition to the NT Treaty process and continuing consultations on a Voice. Importantly, decisions about Aboriginal governance structures must be Aboriginal-led and this is not something that is easily or appropriately facilitated within the LDM process.

Favours organisations with existing capacity and resources:

As a result of the points listed above, APO NT has observed that there is a tendency for LDM to selectively favour regional councils, local government authorities or larger Aboriginal organisations with existing resources and capacity.

Aboriginal Peak Organisations Northern Territory (APO NT)

APO NT observes that the majority of LDM agreements to date are with large, well-resourced Aboriginal organisations. Furthermore, feedback suggests that LDM priority setting has worked well for those organisations that have self-generated funds and the ability to resource their own targets and aspirations. APO NT therefore notes some concern that smaller organisations with lesser resourcing and capacity or those very complex and diverse communities continue to be excluded from the opportunities and benefits that LDM may deliver.

Lack of resourcing to enact LDM:

APO NT notes the widespread feedback from our members in relation to the ‘complete lack of realistic resourcing’ towards effective delivery of the LDM model. This includes a lack of staffing and funding, both within the NTG and available for Aboriginal organisations, towards consultation, facilitation and of utmost importance the implementation to enact the transition of services and the longer term sustainability of those services.

As noted above, feedback from APO NT members suggests that this lack of resourcing has favoured participation of large Aboriginal organisations with existing funding and capacity. They report that whilst LDM works well at re-directing and transitioning existing programs and services, there is little scope under the current framework to realise new opportunities, fill gaps, or deliver on new projects or services. As per previous advice from APO NT, we recommend that the LDM guidelines should identify:

- Quantum of resources available (DCM funding and ear-marked funding from each department/agency?)
- What resources are available (direct funding, human resources (e.g. consultant/contractor services).
- How communities/organisations can access these resources (e.g. apply to Regional Coord Group, or relevant local/regional Aboriginal organisation or structure).
- What criteria will determine if and how resources will be allocated?

Community-level focus; limited regional or sector-wide approach:

APO NT has observed that to date, many (but not all) LDM agreements have been negotiated at a community or organisational level – with fewer covering cultural groups or regions.

APO NT notes the importance of ensuring that the LDM model serves to recognise and support the aspirations of whole language/ clan groups across a number of communities to increase efficiency and effectiveness of the model. This approach also serves to support collective, regional approaches for Aboriginal decision making and self-determination. APO NT notes the Empowered Communities approach that works towards place-based priorities across a region is an alternative approach.

In addition, APO NT notes that the current LDM model does not include sector-wide transition plans – which work in favour of economies of scale. The transition of NTG-run clinics is a key example, whereby a systematised approach to transitioning a number of clinics concurrently would be far more efficient than the current case-by-case model. This is further discussed in relation to Closing the Gap in the ‘Opportunities’ section below. [But also note that the transition of NT clinics to community control is not the province of LDM as these processes are managed and resourced through the Northern Territory Aboriginal Health Forum (NTAHF) with NTG responsibility carried by the NT Department of Health.]

Aboriginal Peak Organisations Northern Territory (APO NT)

Recommendation: That the LDM model be made more flexible to accommodate collective agreements/partnerships with regional or sector-wide partners to better support efficiency and regional self-determination.

Lack of NTG contracting and procurement policy:

To date the NTG has had no finalised contracting and procurement policy, considerably weakening LDM in practice. This has posed a significant hole in the NTG's approach to LDM – whereby transition to Aboriginal community-controlled organisations has been promoted on one hand, yet not backed up by a comprehensive policy to preference Aboriginal procurement and contractors on the other. APO NT notes that the NTG contracting and procurement policy has been recently finalised and we welcome the implementation as a critical core component.

LDM does not constitute systems change:

Feedback from APO NT members suggests there is a risk that LDM will not deliver real decision-making to Aboriginal people, but will merely lead to government departments shifting programs and deferring responsibility for service delivery. This means that structural mechanisms for representation and meaningful shifts in decision making power remain unchanged.

APO NT recommends that LDM raises its sights towards a model of systems-change through transformational reform within and between Governments and Aboriginal people. The current LDM model lacks the formal commitment to go the next step required to achieve this. To enable and empower Aboriginal people to influence policies; the resourcing and systems demands reform at a higher level – involving explicit structural changes, as well as implicit shifts in relationships, power, assumptions and beliefs, are required. It is hoped that this process will be strengthened through the NT Closing the Gap Implementation Plan Priority Reform commitments and processes.

An example of this is the Local Engagement and Decision Making (LEaD) committees flagged through the NT Department of Education commitment to LDM. APO NT believes that whilst community engagement is a valuable first step, separate community parent groups with minimal decision-making power fail to create collective voice or agency across a region. We recommend genuine space for subsidiarity – whereby Aboriginal people have real authority to influence the (education) system as a whole. Reporting against LEaD must go beyond establishment as an outcome and carefully monitor ongoing sustainability and engagement.

Threats to the LDM Model:

Voice:

APO NT members have expressed their confusion and concern with how the LDM framework overlaps and interacts with the national Voice process. The Central Land Council submission to the Indigenous Voice co-design process (April 2021) states:

“ The design of the Voice must be cognisant of the potential impact on existing Indigenous governance structures, including Indigenous organisations and networks, and pay very close attention to the detailed local contexts of Aboriginal community structures, processes, decision-making, representation, and membership. It must also have very close regard to the current processes and dynamics of engagement between Indigenous communities and organisations, and governments.”

Land Councils and Native Title groups play a statutory role representing Aboriginal people. Aboriginal community-controlled organisations represent family and language groups, traditional owners and communities through their membership. Regional Councils and Local Authorities act as

Aboriginal Peak Organisations Northern Territory (APO NT)

another layer of governance. As noted – there is no one ‘voice’ to represent Aboriginal people’s varied views and interests in a community or region. Both the LDM and Voice processes threaten to complicate and or duplicate role of existing committees, governing groups and representative bodies and vice versa.

The Voice design paper states: *“Communities in each region would be able to decide the membership and governance structure of their Local and Regional Voice in whichever way best fits their context...”* Whilst APO NT strongly supports a place-based approach to both the LDM and Voice initiatives – at this stage it is unclear how the structures and approaches of each will serve to compliment and interact with each other at the local level, or interfere with or impede existing and emerging structures.

Opportunities for the LDM Model:

Closing the Gap:

APO NT, as a member of the National Coalition of Aboriginal Peak Organisations, have been instrumental in drafting the Closing the Gap National Agreement, priority reform areas and targets and welcomes a collaborative approach to further guide and include LDM under the Closing the NT Implementation plan.

APO NT notes the commitment under the NT Implementation Plan that the NT Government will work with APO NT to review LDM in line with the strong partnership elements in Priority Reform One and all other priority reform areas.

We also note that the Closing the Gap NT Implementation Plan sets clear, measurable targets (currently lacking in the LDM model) – including the number of partnership agreements in place and measurable data on ‘reprioritisation opportunities’ for Aboriginal organisations. This measure of accountability is a key opportunity to strengthen the existing LDM model under Closing the Gap.

Furthermore, APO NT supports the commitment to evaluation of the LDM Framework and Governance Sector Strengthening Plans under Closing the Gap. We note that the former RAGCB Grants are now to be re-directed to build governance capacity towards the priority reform areas # 2 – of strengthening the community controlled sector. APO NT welcomes the opportunity to re-engage with the NTG to co-design and support this initiative by re-investing in a partnership with the AGMP who have unique expertise in Aboriginal-led governance capacity building. Suggested models may include:

- Work with AGMP to resource and develop sector-specific governance support across each of the identified sectors - Early Childhood and Development, Housing, Health, Disability.
- Ensure that the governance sector strengthening plans are measured and evaluated using evidence based, participatory methods throughout.