

East Arnhem Local Decision-Making Workshop 10 September 2018

FINAL SUMMARY REPORT



East Arnhem LDM Workshop Summary Report prepared by:

Ben Laidlaw & Gawura Waṇambi (Gamarran)
ARDS Aboriginal Corporation

Prepared for:

Mr Jim Rogers
Regional Executive Director – East Arnhem
Department of the Chief Minister, NT Government

Telephone (08) 8987 0536
E-mail Jim.Rogers@nt.gov.au

Table of Contents

1. Introduction	3
2. Workshop Approach.....	4
3. Workshop Discussion & Outcomes	5
3.1 Yolngu Traditional Decision-Making Structures & Experiences	5
3.2 Current Approaches to Community Engagement across East Arnhem Region	6
3.3 NT Government Local Decision-Making Overview	6
4. Local Decision-Making Implementation.....	8
4.1 Guiding Principles	8
4.2 Identification of LDM Risks	9
4.3 Proposed Next Steps – East Arnhem LDM Statement of Commitment.....	12
4.4 Proposed Actions and Workshop Follow-up	13
5. Acknowledgement	13
6. Appendices	14
6.1 Appendix 1 – Workshop Agenda	14
6.2 Appendix 2 – East Arnhem LDM Workshop Summary Report (July 2017)	15
6.3 Appendix 3 – Workshop Attendance List.....	16

1. Introduction

In July 2017, the NT Government hosted several workshops with key East Arnhem Government and Non-Government service providers and stakeholders to provide information on the Government's LDM agenda and commence early discussions to consider what this could potentially look like in practice across the East Arnhem region.

It was communicated to all workshop attendees at the time that this was to be the first step in a longer journey and that the NT Government envisages broader sessions also to be held with local communities as part of the future engage process.

The East Arnhem Strategic Coordination Group (SCG) at its most recent meetings proposed the convening of workshops to continue progress these early discussions and to develop agreed next steps for developing and implementing a Local Decision-Making (LDM) Framework for the region.

It was proposed that an East Arnhem LDM Workshop be conducted on 10th September 2018 with a NT government agency workshop to be held following.

The attendees for the workshop included regional Aboriginal controlled organisations, all three tiers of Government, the Northern Land Council and APONT. Senior representatives and key board members or Yolngu leaders were invited to attend the workshop and contribute to this important discussion.

The following paper provides a summary report of the key discussions and feedback provided by workshop participants during the workshop and proposed next steps for agreement and implementation.

2. Workshop Approach

In collaboration with the NT Government (Department of the Chief Minister), ARDS Aboriginal Corporation prepared workshop agendas and background communication materials for invited workshop participants.

The workshop agenda and copies of the previous LDM Workshop Summary Report (July 2017) were circulated to the workshop attendees has been included as a reference in Appendix 1 of this report.

ARDS Aboriginal Corporation provided joint facilitators, Ben Laidlaw and Gawura Wanambi (Vice Chairperson, ARDS Aboriginal Corporation) to provide structure and guidance for the meeting.

A list of workshop attendees has been included in Appendix 2 for reference, however in summary, the following East Arnhem Local, State and Australian Government, Non-Government and Regional Service Provider Organisations were represented at the workshop:

- East Arnhem Regional Council (EARC)
- Arnhem Land Progress Aboriginal Corporation (ALPA)
- ARDS Aboriginal Corporation (ARDS)
- Miwatj Health Aboriginal Corporation (MH)
- Northern Land Council (NLC) Community Development Unit
- Independent Member for Nhulunbuy, Yingiya Mark Guyula MLA
- Australian Government, Department of Prime Minister & Cabinet (PMC)
- Departments of the Chief Minister (DCM, East Arnhem Regional Office)
- Department of the Chief Minister (DCM, LDM Project Team)
- Department of Education (DEd)
- Department of Territory Families (TF)
- Department of Housing and Community Development (DHCD)
- Department of Infrastructure Planning and Logistics (DIPL)
- Department of Health (DH) / Top End Health Service (TEHS)
- Department of Trade, Business and Innovation (DTBI)
- Aboriginal Peaks Organisations of the NT (APO NT)

The agenda for this workshop focussed on the following topics:

- Yolngu Traditional Decision-Making Structures & Government Engagement Experiences;
- Current Effectiveness of Community Engagement Approaches utilised by various Government and Non-Government/Service provider Organisations across East Arnhem communities;
- NT Government Local Decision-Making Agenda Overview & Update;
- LDM Guiding Principles – Critical factors required to underpin successful Implementation of LDM across East Arnhem region; and
- Next steps to progress LDM in East Arnhem region, including consideration of a Statement of Commitment for key regional organisations to assist to guide process.

3. Workshop Discussion & Outcomes

The following section provides a summary of key points and outcomes arising from discussions across the 2 days of workshops.

3.1 Yolngu Traditional Decision-Making Structures & Experiences

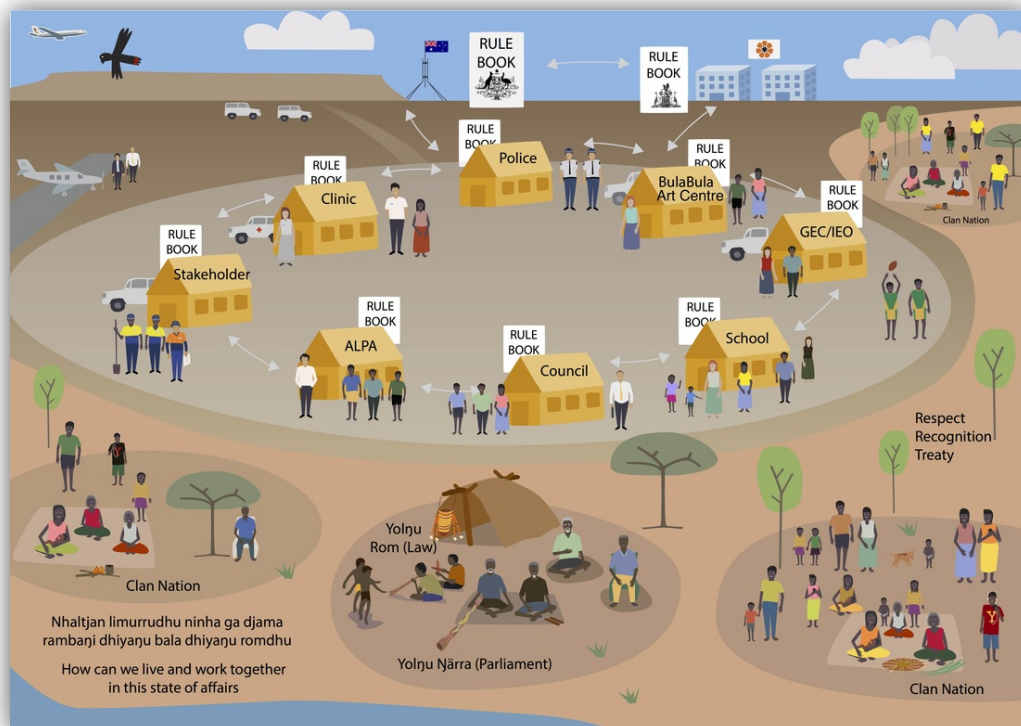
The opening session of the workshop provided the opportunity for Yolngu Directors to share their insights into Yolngu Traditional Decision-Making processes that have been operating effectively across East Arnhem regional communities for many years.

Yolngu Directors described how decision making had been undertaken in the past and the impact that has resulted from the many different layers of engagement at the community level introduced by Government agencies over time.

It was noted that many of these changes have resulted in the following types of impacts at a community level:

- Creation of divisions within communities and clan groups;
- Yolngu no longer able to speak as “One Voice”;
- Limited and at times no opportunity for broader community and clan group engagement;
- A complex system of engagement including significant duplication with the same Yolngu people having to meeting with different Government agencies in different forums... a need to “trim the branches and simplify”;
- Misalignment of messages coming from Government at Local, State and Federal levels;
- Ineffective engagement and lack of cultural competency resulting in misunderstandings and confusion;
- Processes for establishing community representation on decision making and/or consultative forums do not reflect traditional decision-making processes;
- Existing traditional decision-making processes/forums are underutilised and/or not utilised at all.

Workshop participants reflected on the following description of a Yolngu view of the world and the experience of how the system of law currently works at the community level. There was consensus that effort needed to be made to move Yolngu to the centre of the decision making process, rather than sitting outside this.



This poster was designed by Dhulumburrk Gaykamanu, the YNA Co-Convener, expressing his experience of how the Australian system of law works in his community of Ramingining... as seen on the Yolgnu Nations website.

3.2 Current Approaches to Community Engagement across East Arnhem Region

During this session, organisations represented at the workshop were invited to share their own approaches to community engagement, things that work well and areas that continue to be a challenge.

In summary, time did not allow the opportunity for all organisations to discuss their engagement approach and so a selection of Government, Non-Government and Service Provider examples were used for discussion purposes to highlight different engagement models, structures, processes for determining representation in decision making forums. The following engagement structures were identified and discussed:

Non-Government Organisations & Regional Service Providers

Engagement structures tend to comprise representation that reflects clan group representation at community level.

- Local Government Council & Local Authorities (LA) – East Arnhem Regional Council
 - EARC intend that LA representation should be reflective of clan groups for each community. Members nominate for the LA.
 - Elected Councillors from each community participate in the Regional Council via NT Electoral Commission coordinated ballot process.
- Corporation Board Structures – ALPA & Miwatj Health
 - Community Committee level with Director representation from relevant clan group structures
 - Board representation with representation from relevant communities

NT Government & Australian Government Agencies

Engagement structures tend to comprise representation that partly reflects clan group representation but more commonly (but not always) through an Expression of Interest nomination process.

- Housing Reference Groups – Department of Housing & Community Development
- School Boards (IPS), School Councils & Parent Consultative Groups – Department of Education

3.3 NT Government Local Decision-Making Overview

Jim Rogers (Regional Executive Director, NT Government) presented an overview of the NT Government's local decision-making agenda including an update on current work being progressed across the region.

The following points were highlighted to describe NT Government's approach to LDM:

- NT Government promise to return control and decision making to regions and communities over the next 10 years in 6 key service areas and others;
- Acknowledgement that Government needs to do things differently and mistakes have been made in the past;
- LDM may be different in each community/location/region – driven by community/regional leaders;
- Communities and regions informing Government how they would like to be engaged in decision making, delivering services and setting priorities;
- We can't change everything at once – but there is a commitment to change (Chief Minister Barunga Statement);
- There are two approaches to LDM: Firstly, improving the way Government delivers services, and secondly, establishing place-based agreements to transition to community control;
- Strong links to Treaty discussions and initiatives like Empowered Communities, PM&C Place Based Framework.

Other topics discussed as part of the NT Government LDM Overview and update included:

- What is Local Decision-Making?
- NT Government's commitment to the LDM process as described in Chief Minister Barunga Statement;
- Local decision-making priority areas for consideration, including housing, children & families, education and training, law and justice, leadership and local governance, economic development and health;
- Local decision-making influence model including transition of services to Aboriginal controlled-organisations over time;
- Update on NT Government's approach to LDM to date, including LDM Workshops, Identification of LDM risks, progressing development of regional LDM Implementation Plan, cross government coordination, community leadership engagement processes, cultural competency training program, LDM information sharing, opportunities for engaging cultural leadership and Balanda systems of governance.

A copy of the NT Government presentation was provided to workshop participants in hard copy and has been included in the appendix to this report for future reference.

4. Local Decision-Making Implementation

4.1 Guiding Principles

Below is a summary list of the Guiding Principles (not listed in any particular order of priority) discussed at the workshop and have been identified as critical to the successful implementation of LDM across the East Arnhem region:

- Yolngu are best placed to understand their community needs and priorities and therefore are also best placed to lead decision making processes through existing traditional decision-making structures... recognition of Yolngu law and cultural authority;
- The local decision-making process should be looked at as a long-term approach – making decisions today that also consider the future aspirations of the community (just because a community is not ready right now does not mean they will never be ready);
- Acknowledgement that communities and their Aboriginal leadership are best placed to understand community needs and have ability to work with Government to develop and deliver local services that meet these needs;
- A recognition that each community (or sub-region) may be different... focus on local or sub-regional solutions for local priorities and not a one-size- fits-all approach;
- Recognition that for local decision making to be effective capability development needs to happen within Government (eg. understanding traditional community decision making structures, increasing cultural competence and considering alternative approach to fly-in/fly-out service delivery) and within community organisations (eg. effective governance and leadership, skills and service delivery capacity);
- Ensure appropriate community level involvement in the design, delivery and timeframes for LDM implementation;
- Need to challenge perceptions of community capacity based on people's previous experiences – focus on community strengths and future opportunities;
- Important to acknowledge what is already working well and building on this success – existing community led models;
- Effective use of Plain English and local languages where required to enhance effectiveness of Government communications;
- Government interagency coordination and collaboration prior to engagement to minimise potential confusion and/or conflicting programs and strategies;
- Government investment decisions impacting delivery of services at a local level should include meaningful and respectful consultation with the community, including different levels of engagement (informing, consulting, actively participating, collaborating) as appropriate;
- Effective relationships and open two-way communication with community level decision making structures are seen to underpin all future discussions related to local decision making; and

4.2 Identification of LDM Risks

During the 2nd day workshop NTG representatives reviewed the list of LDM risks previously identified in the workshop held in Nhulunbuy in 2017. During the workshop the list was updated with additional risk scenarios and current mitigation actions and perceived risk level.

Risk Area	Potential Risk Scenarios	Existing Mitigations	Risk Level (With Mitigations)
LDM Policy & Framework	Change in LDM policy direction under current Government or as part of any change in Government may create frustration have a reputation impact for Government at regional and community levels. This also includes potential changes in key NTG senior agency personnel.	▪ Profiling of successful LDM outcomes; ▪ Demonstration of community support for LDM implementation; ▪ Buy-in from senior leadership across Government agencies; ▪ Cross political party engagement to build support for LDM policy and regional implementation.	Medium
	Misalignment or conflicting policy messaging across the three levels of Government and/or by service providers may confuse communities and impact participation and community support.	▪ Australian Government included as LDM partner where possible; ▪ Proactive communications and engagement between different levels of Government to ensure alignment prior to community level engagement;	Low - Medium
	Government agencies working in “silos” resulting in potential duplication of efforts, additional engagement costs, conflict between implementing LDM approach vs meeting department KPIs, inconsistent LDM messaging, consultation meeting fatigue for community members etc.	▪ Regular East Arnhem LDM Working Group (NT agencies) and Regional Reference Group meetings facilitated by DCM; ▪ Regular updates and sharing progress across departments; ▪ Potential signing of common set of LDM Guiding Principles for CEOs of each department (Statement of Commitment) commitment to ensure current programs and services are delivered consistent with LDM principles, policy and framework and align to PM&C place based framework; ▪ Involvement of senior NTG representatives in LDM regional workshops as required.	Medium - High
	LDM scope is not well understood or effectively communicated early in the engagement process resulting misalignment and different expectations between Government and Community of LDM outcomes.	▪ Discuss with EA LDM Reference Group and develop clear messaging with regards to scope eg. in/out of scope of more related to flexibility and/or constraints in some areas. ▪ Continue regional and local level engagement with agreed messages ▪ Engage communications and engagement partner for DCM and Reference Group.	Low - Medium

Risk Area	Potential Risk Scenarios	Existing Mitigations	Risk Level (With Mitigations)
Community Engagement Process	LDM engagement is not seen to be genuine, respectful, open and transparent impacting level of trust and community support for the process.	▪ Involvement of key East Arnhem regional organisations, including representation of Yolngu Directors in discussions; ▪ Representation of senior NTG personnel from DCM, LDM Team and most relevant Government agencies for the region; ▪ Early discussions and agreement on guiding principles; ▪ Opportunity for Yolngu to lead early discussions and shape the look and feel of the LDM approach for the region; ▪ Engagement of ARDS as a facilitator of the engagement process.	Low
	Information provided during early engagement and consultation process creates false expectations impacting on level of trust in the LDM process.	▪ Progress discussions at the pace of the region/community; ▪ Under promise and over deliver; ▪ Ensure that communications are clear, language appropriate with consistent messaging. ▪ Deliver on commitments, have a step by step approach which progress can be demonstrated. ▪ Track and monitor progress and report back regularly.	Medium
	Cross-cultural language barriers and lack of a common and consistent LDM language for Government, regions, community and/or organisation may impact engagement process and could potentially create confusion and misunderstanding about LDM.	▪ Engagement of organisations, eg. ARDS, to assist with facilitating early discussions; ▪ Plain English and language translation of key LDM policy and framework documents; ▪ Individual departments engaging interpreter services to support their engagement activities as appropriate; ▪ Cultural competency training for Government personnel.	Medium - High
	The design and implementation of the LDM regional and community level engagement approach is not developed from Yolngu input and direction impacting level of participation, who participates and community support of the process.	▪ Establishment of EA LDM Reference Group – this group tasked with providing advice and guidance on the design of an appropriate LDM engagement approach, including efforts to remove complex structures and utilise existing traditional decision-making structures... “trimming the branches” ▪ Regular input from other key senior Yolngu and/or other EA community-controlled organisations.	Medium
	Timing and loss of momentum, including moving too quickly may impact level of participation and community support for the process.	▪ Establishment of EA LDM Reference Group – this group will meet to develop a plan of next steps including timing as determined by Yolngu. ▪ Have clear plans and timelines in each community	Low

Risk Area	Potential Risk Scenarios	Existing Mitigations	Risk Level (With Mitigations)
Government & Community Capacity Building	Without additional capacity building support for communities who do not have strong governance/organisational structures already in place may miss out or get left behind.	- EA LDM Reference Group will consider capacity building needs to support establishment of appropriate governance arrangements. - Supporting agencies need to consider necessary dedicated capacity to support LDM process and agreements.	Low - Medium
	Without sufficient capacity building within Government in areas such as, understanding traditional decision-making structures, cultural competency, effective engagement approaches, the benefits and outcomes of LDM may not be realised.	- Cultural competency training rollout; - Involvement of senior Government personnel in LDM discussions with Yolngu. - Advice and direction from EA LDM Reference Group and other key Yolngu on traditional decision-making structures to support LDM engagement processes. - Identify Indigenous Government employees with strong cultural competencies and extensive knowledge of Yolngu region.	Medium
Resourcing	Without allocating appropriate level of resourcing and support, identified LDM regions, communities and/or organisations may struggle to establish the required governance arrangements and not be able to achieve the desired LDM outcomes.	- LDM resources budgeted (\$1M) to support establishment of governance arrangements and capacity building activities to support LDM regional/community implementation. - Consider Local Government and Commonwealth programs also and programs from as the NLC and other benevolent organisations (i.e. NLC Community Development and ALPA community funding etc)	Medium
	Under resourcing of agency LDM activities may impact the effectiveness of engagement and program outcomes.	- Agencies to consider specific resource needs to advance LDM initiatives - Escalate capacity issues to Agencies Executives and CEs Coordination Committee	Medium

4.3 Proposed Next Steps – East Arnhem LDM Statement of Commitment

In the final session workshop participants discussed next steps to continue progressing LDM in the East Arnhem region.

The discussions confirmed that there was positive support across all participating agencies and organisations to continue the planning, local engagement and implementation of LDM at a regional and local level and a commitment expressed by organisations to play an active role in providing input and assisting to guide and support the process. The principle discussed was that there is benefit in major stakeholders supporting a consistent engagement approach across the region's communities and sub-regions which is supported by all levels of Government and major service providers and which recognises and supports Yolngu governance and leadership.

The workshop attendees agreed that the most important next steps were to:

1. Develop a *Statement of Commitment* for the key regional Government, Non-Government Organisations and Service Providers to formally recognise their collective support of the LDM process, including how they will continue to work together to progress key work to support the establishment and implementation of a regional LDM Framework; and
2. Establish an East Arnhem LDM Reference Group, with representation from the key regional Government, Non-Government Organisations and Service Providers to progress the work described within the *Statement of Commitment*.

The workshop attendees agreed that the East Arnhem LDM Reference Group would comprise representation from the following:

Regional Organisations/Service Providers

- ARDS Aboriginal Corporation (2 members)
- ALPA (2 members)
- Miwatj Health (2 members)
- Northern Land Council (2 members)

Government

- East Arnhem Regional Council (2 members)
- NT Government (2-3 agencies)
- Australian Government (2 members)

Workshop participants suggested that the following areas for be key focus areas for the East Arnhem LDM Reference Group (although others could also be identified):

- Developing the approach for engaging local communities across the region in LDM discussions;
- Undertaking community and sub-regional profiling to understand existing Yolngu and Balanda decision-making forums, their purpose and their community representation (who and how representation is determined), including traditional decision-making structures that continue to be active;
- Providing input into the development of LDM Framework to help to describe how LDM works across East Arnhem region;
- Assist to progress the development of a Regional Agreement that identifies community priorities and describes how Government, regional servicing providers and communities will work together in these areas; and
- Any other relevant areas that assist in achieving positive LDM outcomes for the region.

4.4 Proposed Actions and Workshop Follow-up

The following actions are suggested as follow-up to the workshop session:

Step	Action	Timeline	Responsibility
1	Prepare LDM Workshop Summary Report and provide to DCM for circulation of draft report to all workshop attendees for feedback/comments;	Within 2 weeks of Workshop	ARDS / DCM
2	Incorporate any suggested changes/edits and re-submit final Workshop Summary Report to DCM for dissemination to workshop attendees;	Within 3 days of receiving all feedback	ARDS / DCM
3	Develop and circulate draft LDM East Arnhem Statement of Commitment to NT Government, Australian Government, EARC and key Regional Service Providers for review and comment.	Within 2 weeks of Workshop	ARDS
4	Incorporate any suggested changes/edits and forward final version of Statement of Commitment to signatories ahead of signing by each of the parties.	Within 3 days of receiving all feedback	ARDS
5	Plan for signatories to formally sign East Arnhem LDM Statement of Commitment.	TBC	NTG (DCM East Arnhem Regional Office)
6	Establish East Arnhem LDM Working Group (with nominations from each participating organisation/agency) and conduct first meeting to review terms of reference and develop action plan for next steps to progress development of the Yolngu Region LDM Agreement and associated Implementation Plan.	Within 4 weeks of the workshops	NTG (DCM East Arnhem Regional Office)

5. Acknowledgement

ARDS Aboriginal Corporation would like to thank the NT Government for the opportunity to facilitate the recent East Arnhem LDM Workshops held in Nhulunbuy.

We understand that this is a very important step forward for the relationship between NE Arnhem communities and the NT Government.

6. Appendices

6.1 Appendix 1 – Workshop Agenda

EAST ARNHEM LOCAL DECISION-MAKING WORKSHOP

**Venue: Department of the Prime Minister and Cabinet Conference Room
Chesterfield Circuit, Nhulunbuy**

AGENDA

REGIONAL GOVERNMENT & COMMUNITY STAKEHOLDERS

MONDAY, 10th SEPTEMBER 2018

9.30am	Welcome to Country	
9.35am	Introductions & Workshop Overview	Ben & Gawura
9.40am	Yolngu Traditional Decision-Making Processes & Experiences ▪ History and background of Yolgnu traditional decision-making processes; ▪ Impact of changes in the way decisions are made on important issues in communities; ▪ Sharing experiences and discussing what is important for local decision making going forward.	Gawura Wanambi
10.10am	Community Engagement Approaches in the East Arnhem Region ▪ Collective understanding of what community engagement means? ▪ How organisations currently engage with East Arnhem communities? ▪ How does this currently work? What are the key factors for success? ▪ What can we learn from our previous experiences?	All
10.40am	NT Government Local Decision-Making Overview	Jim Rogers & Marina Wangurra
10.50am	Australian Government (PMC) Place-Based Framework Overview	PMC Representative
11.00am	Morning Tea	
11.15am	Facilitated Discussion - Local & Regional Delivery of Key Services ▪ How are key local & regional services currently delivered across East Arnhem? ▪ What are the current roles of Government, Community Organisations/Corporations and other Service Providers in coordinating and delivering these services? ▪ How can local decision-making (LDM) support and enhance the delivery of key services in communities? ▪ What would potentially change in how services are delivered and how do we work together?	All
12.30pm	Lunch Break	
1.00pm	Facilitated Discussion – Working Together & Next Steps ▪ What are the key focus areas for working together to progress local decision-making in the East Arnhem region, including establishing appropriate community engagement approach, setting priorities and decision-making with Yolgnu communities? ▪ What are the essential guiding principles that need to underpin how we work together? ▪ What are the most important next steps, both short term and long term? ▪ What are the most important next steps for the community and NT Government? ▪ Who else needs to be engaged in the process?	All
1.50pm	Summary of Workshop Outcomes & Next Steps	Ben & Gawura
2.00pm	Closing Comments & Close	All

6.2 Appendix 2 – East Arnhem LDM Workshop Summary Report (July 2017)

Double-click on link below...



6.3 Appendix 3 – Workshop Attendance List

NAME	ORGANISATION / NT GOVERNMENT DEPARTMENT
Ben Laidlaw, Gawura Wanambi (Facilitators), Alex Bowen	ARDS Aboriginal Corporation
Jim Rogers, Marina Wangurra, May Bury, Donna MacMahon	NT Department of the Chief Minister (East Arnhem)
Bridgette Bellenger, Selina Holtze	NT Department of the Chief Minister (LDM Team)
Tony Considine, Rob Picton	NT Department of Education
Michelle Evison-Rose	Top End Health Service
Michelle Nuske	NT Department of Health
Jim Bamber, Courtney Warr, Nick Sharah	NT Department of Housing and Community Development
George Hutchinson	NT Department of Infrastructure, Planning and Logistics
Chris Gilles	NT Department of Trade, Business & Innovation
Erin Quinlan	NT Territory Families
Wes Miller, Sarah Lacy	APONT
Yingiya Mark Guyula MLA	Independent Member for Nhulunbuy
Djininyi Gondarra, Mickey Wunungmurra, Alastair King, Liam Flanagan.	ALPA
Djapirri Mununggirritj, Shirley Shephard, Henry Enchong	PM&C
President Banambi Wunungmurra, Barry Bonthys (a/g CEO), Councillors John Ryan, Kaye Thurlow, Barry Malibirr, Jason Mirritjawuy, Lili Roy, David Djalangi, Wesley Bandi Wunungmurra, Bobby Wunungmurra	East Arnhem Regional Council
Eddie Mullholand, Molly Shorthouse	Miwatj Health
Craig Bonney, Kath Sale and Danielle Campbell	Northern Land Council
Juli Cathcart	Gong-dal (Gonj-Däl) Aboriginal Corporation

