

**Council of Australian Governments (COAG)
Trial Evaluation**

WADEYE

Northern Territory

An independent evaluation by

Bill Gray AM

WJG & Associates Pty Ltd

25 May 2006.

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-  river
-  bush track
-  graded road
-  Thanarrur Regional Council boundary
-  outstation
-  town
-  land above 20 metres



Introduction

The Council of Australian Governments (COAG) agreed in April 2002, to trial a new approach to the delivery of services to Indigenous communities, based on a whole-of-government cooperative approach with the aim of improving social and economic outcomes. The aim of the trials was “to improve the way governments interact with each other and with communities to deliver more effective responses to the needs of Indigenous Australians...and apply the lessons more broadly.”¹ The trials were founded on two fundamental principles:

- Governments must work together at all levels and across all departments and agencies; and
- Indigenous communities and governments must work in partnership and share responsibility for achieving outcomes and for building the capacity of people in communities to manage their own affairs.

It was intended that the new approach would streamline government processes and support local Indigenous communities regaining responsibility for, and control over, decision making and general planning for social and economic development.

Eight trial sites were selected around Australia, with Wadeye being selected as the site in the NT. Each trial site was to be overseen by a Secretary of a Commonwealth Government Department. In the case of Wadeye, the Secretary of the then Department of Family and Community Services, FACS, (now the Department of Families, Community Services and Indigenous Affairs, FACSIA) was nominated to oversight the trial at Wadeye.

A Shared Responsibility Agreement (SRA) between the Commonwealth (through the then Department of Family and Community Services), the Northern Territory Government (through the Department of Chief Minister’s Office of Indigenous Policy) and the Thamarrurr Regional Council (located at Wadeye), was signed on 21st March, 2003 at a major ceremony conducted at Wadeye. The then Commonwealth Minister for Family and Community Services, Senator Amanda Vanstone, The Chief Minister of the Northern Territory, Clare Martin and the members of the Thamarrurr Regional Council were signatories to the SRA.

On 14 March 2006, some three years on from the commencement of the SRA, the consultant was contracted to undertake an independent evaluation of the COAG trial at Wadeye with a primary focus on “what’s working, what’s working well and what could be improved.” It was anticipated by the Office of Indigenous Policy Coordination (OIPC) that at this stage of the trial “most of the lessons learned will

¹ Council of Australian Governments, 2002. ‘Communique’ 5 April.

relate to the processes of the trial, and capturing community and government perceptions of these processes will be an important part of the evaluation.” The OIPC also indicated that “though any interim evidence of outcomes should also be included, a detailed analysis of outcomes achieved is not required for this evaluation.”²

The consultant was requested to provide a draft report for consideration by the partners and subsequently a final report, both of which were to be “short and concise”.

The History

Wadeye is located some 270km by air south west of Darwin, on the coastal lowlands between the Daly and Fitzmaurice Rivers. It is located within a region that was and continues to be the traditional country for 20 tribal groups whose traditional lands are situated within the region. First contact with European society started with the explorations of Captain King in 1819 but the complex and sophisticated social, economic and cultural systems of the Indigenous inhabitants of the region remained relatively unaffected up until the establishment of contact with non-Aboriginal influences in 1935.

The establishment of the town of Wadeye started with the founding of a Mission by the Catholic Church in 1935. Called Port Keats by the non-Aboriginal administration, its Aboriginal name was Wentek Nganayi. This area is often referred to as ‘Old Mission’. In 1938 the Mission moved to the present site of Wadeye, closer to a reliable water supply.

Services provided by the Mission attracted people from the tribal groups within the region, an increasing number of whom took up residence at Wadeye. These people were always considered by the traditional owners of Wadeye, the Kardu Diminin, as visitors with none of the rights that go with the ownership of Wadeye land. This same attitude prevails today.

In 1975, with the introduction of the Commonwealth’s policy of ‘self-determination’ for Indigenous people, a local council body called ‘Kardu Numida’ was established. Over the succeeding years the Council experienced many difficulties and setbacks in fulfilling its objectives of representing the people living at Wadeye and the delivery of services to the community.

In 1976, the land upon which Wadeye is situated and its surrounds, was granted as Aboriginal Land under the provisions of the Aboriginal Land Rights (NT) Act.

In 1994, following the breakdown of the Kardu Numida Council, a traditionally based institution of governance called Thamarrurr emerged and developed to the point where in March, 2003, the Thamarrurr Regional Council was established and given local government authority under NT Local Government legislation.

² Terms of contract signed between OIPC and WJG & Associates, March 2006.

The Thamarrurr structure is founded on the centrality of traditional clan affiliation and the role of Clan Elders and is seen by the people living at Wadeye and the surrounding region as a traditionally legitimate vehicle by which decisions can be made about their region, both traditional and contemporary, and through which the Indigenous people can manage their contact with governments and other agencies with whom they must deal in the wider community. The executive of the Council is made up of two elected representatives from each of the 20 clans with traditional estates located within the Thamarrurr region.

Today the Thamarrurr region has a population of some 2500 people with the population expected to double in the next 20 years³. Wadeye is currently the sixth largest town in the NT and is the largest Aboriginal town in the NT. It is likely to become larger than Tennant Creek within a generation.

In 2003, Dr. John Taylor of the Centre for Aboriginal Economic Policy Research, Australian National University, was commissioned by the partners to establish base line data against which the impact of the trial and regional development could be assessed. The data established during that study constitutes the most quoted and reliable analysis available of the demography of the Thamarrurr region, along with profiles on housing, health, employment, education and involvement with the criminal justice system.⁴ Amongst other things, the study identified the following elements of the Wadeye profile:

- 100 people are aged over 50;
- 500 people are aged 25-50;
- 1500 people are aged less than 25; and
- 700 people are of school age.
- 60-80 babies are born into the community each year
- The population of the Thamarrurr region is likely to expand at a rate of 4% pa
- There are 144 habitable homes with an occupancy rate of 16 persons per dwelling.
- Another 122 dwellings will be needed by 2023 just to maintain the present level of occupancy. If a rate of 7 persons per dwelling was to be achieved, an additional 465 dwellings will be required by 2023.
- The vast majority of school age children are not attending school.
- Less than one-fifth of all adults are currently employed; and
- 82% of Aboriginal income is attributable to welfare sources (90% if CDEP is included).

The Process

As a consequence of the extended discussions between the NT Government and the population of Wadeye exploring the issue of developing a more customary mode of regional governance and the establishment of the Thamarrurr Regional Council, the Wadeye community accepted a proposal to become the COAG trial site in the NT.

³ Taylor J. 'Social Indicators for Aboriginal Governance: Insights from the Thamarrurr Region, Northern Territory, CAEPR, ANU, Research Monograph No. 24, 2004.

⁴ Ibid

The newly established Thamarrurr Regional Council entered into a Shared Responsibility Agreement (SRA) with the Commonwealth and Northern Territory Governments on 21 March 2003. (Attachment A)

The SRA is a formal agreement between three parties who are described in the agreement as “the Governments” – The Commonwealth Government, the Northern Territory Government and the Thamarrurr Regional Council. It is an agreement that is based on the following guiding principles:

- Each partner is equal and understands and accepts the role of others;
- The central role of the Thamarrurr Regional Council is recognised and partners understand and accept the differences of cultures;
- Responsibility for achieving outcomes and setting actions is shared;
- Partners recognise that priorities identified under the agreement will change over time;
- Thamarrurr will be the primary point of contact for undertaking activity in the region; and
- The development of Thamarrurr and the well being of its people will underpin all actions undertaken through the COAG Indigenous Community Coordination Project.

The stated aims of the SRA are as follows:

- To establish partnerships and share responsibility for achieving measurable and sustainable improvements for people living in the region;
- Support and strengthen local governance, decision making and accountability;
- Learn from a shared approach – identify what works and what doesn’t and apply lessons to future approaches both at the community level and more broadly;
- Ensure the provision of better coordinated and more flexible services to meet the needs, as agreed to by the Governments, of the Thamarrurr Region; and
- Concentrate on community capacity building by supporting the community’s assets capacities and abilities.

Following comprehensive consultations within the community and with the Commonwealth and NT Governments, three ‘key regional priorities’ were agreed and identified within the SRA. These were:

- Women and Families
- Youth; and
- Housing and construction.

The partners also agreed that education, training and enterprise development would also be essential for the well being of Thamarrurr and its people. As such, the partners recognised that any agreed actions to address the three key regional priority areas identified above, would also need to address agreed education, training and enterprise development needs.

The SRA established two mechanisms by which agreed actions would be developed and monitored. The first of these was the Tri-Partite Steering Committee (TSC) and the second was the establishment of three Priority Working Groups (PWGs)

corresponding to the three agreed regional priorities. The PWGs were to develop Action Plans which, when endorsed by the TSC, would be drawn together and attached as a schedule to the SRA and become part of the Agreement.

The Tri-Partite Steering Committee (TSC).

The TSC was established to:

- Guide and monitor negotiations on the partnership agreement;
- Negotiate with the community on establishing priorities and themes; and
- Develop an appropriate evaluation methodology agreed by all parties.

At the beginning of the trial, in March 2003, the TSC had a membership comprising of 4 from Thamarrurr, 4 from the NT Government and 4 representatives of the Commonwealth Government. (Attachment B) Although the Secretary of the Commonwealth Department of Family and Community Services (FACS) (now FACSIA) was the designated 'champion' of the Wadeye trial, the NT Manager of FACS was the senior representative of the Department on the TSC. The Executive Director of the Office of Indigenous Policy in the NT Department of the Chief Minister was the senior representative of the NT Government. Given that the Chairman of the Thamarrurr Regional Council is nominated on a rotational basis at each meeting of the Council and is not a permanent position, the non-indigenous CEO of Thamarrurr was regarded as its senior representative on the TSC.

Although the first twelve months saw regular meetings of the TSC take place and it began operating in a way consistent with the intent of the SRA, it appears that over time, the operation of the TSC became less effective as a result of a number of factors.

Firstly, the TSC became the victim of conflicts of personality resulting in the disengagement of key personnel and agencies, including Aboriginal representatives from Thamarrurr. It was reported that during 2004/05 the TSC did not meet for a period of 8 months and that, as a consequence, the trial lacked direction and leadership. In these circumstances, there was little if any endorsement of work being undertaken by the PWGs or decisions being made in relation to issues arising from the implementation of the SRA that were properly the responsibility of the TSC. When the TSC was reconvened, the number of people attending the TSC grew to a point where there were as many as 30 people attending, some of whom appeared to be observers only. It was also the case that the attendance of Indigenous members of the partnership was decreasing. For example, of the 27 attendees at the TSC meeting of 9 December, 2005, none were Indigenous representatives from Wadeye. The notion of a TSC made up of senior representatives of the three partners exercising authority in relation to the trial was diluted to a point where the TSC became essentially an information sharing exercise. In the face of these developments, the senior representatives of the partnership recently took the step at the last meeting of the TSC held on 31 March 2006, to restrict attendance to two or three officers each in the hope that with fewer numbers, dialogue would be more focused and the time of the meeting might be used more productively.

Secondly, Thamarrurr complained that proposals that it had prepared and submitted to the TSC for comment and/or endorsement such as scoping papers, business plans and policy proposals were often ignored or left unaddressed from one meeting to the next. The Government partners, on the other hand, considered many of the proposals and initiatives put forward by Thamarrurr to be either draft documents, the status of which was unclear, or outside the framework of the agreed action plans and were, as a consequence, not confident in knowing how to respond to the Thamarrurr proposals. It was also stated by some government representatives that previously agreed agendas would appear to change with Thamarrurr pursuing new or different initiatives with highly placed personnel in government agencies which had not been endorsed by the TSC.

Finally, in terms of the TSC operations, it should be noted that during the course of the trial there have been a series of personnel changes within Commonwealth (and to a lesser extent NT) Government ranks of the TSC that resulted in the Thamarrurr participants having to accommodate a number of requests for a restatement of their position and priorities. This has caused considerable frustration and irritation with the process and a desire on the part of the Aboriginal participants to deal with and relate to ‘faces’ that are going to see the exercise through to completion. Maintaining continuity of personnel was seen by those developing the trial as an important factor and it is suggested by a number of the participants that the lack of continuity has resulted in a further distancing of the Indigenous partners from the process.

As a consequence of the difficulties experienced with the operation of the TSC and the lack of focus on agreed priorities, the TSC endorsed a series of new priorities at its meeting on 15 July, 2005. This was referred to as Phase 2 of the COAG trial and was initiated by Thamarrurr in a submission to the TSC. In comments given to the consultant following circulation of his draft report to the partners, Thamarrurr stated that a Phase 2 was suggested “in an attempt to breathe new life into a project which had been in the doldrums for a considerable period.”⁵ Phase 2 resulted in a greater number of priorities being identified than the original three agreed to in the SRA. The new priorities were listed as:

- Institutions and Economic Development
- Infrastructure and Construction
- Social Development
- Natural and Cultural Resource Management
- Communication and Engagement

Whether there was or is a wide spread understanding of the new priorities amongst the Indigenous partners in the trial is a moot point. During the consultant’s visit to Wadeye, for example, the Thammarrurr Regional Council Indigenous representatives placed considerable emphasis on the fact that the original three priorities as set out in the SRA had not changed as far as their community was concerned. No one interviewed at Thamarrurr made mention of the new priorities. Indeed, it was not until the consultant was given access to documents by FACSIA late in the exercise that he became aware that a second phase of the trial had been put in place. The Darwin Urban Indigenous Coordination Centre (UICC) expressed the view that

⁵ Correspondence from Thamarrurr Regional Council, 22 May, 2006.

“communication and understanding of the COAG trial and its activities to the Indigenous reps (sic) and community members has always been extremely poor. This was identified by the partners at various times and remains an issue that has not been addressed in any real way.”⁶ These comments reflect a broader concern held by both the NT and Commonwealth Government partners that the decisions and activities that take place within the COAG trial framework may not always be effectively communicated to the Indigenous representatives of Thamarrurr or community members.

As a consequence of the experience of the TSC over the past 3 years, all partners have recently expressed a desire to review the membership and responsibilities of the TSC in order that the trial can move forward on a more effective and productive footing. Recommendations as to how this might best be achieved were discussed by the partners at a roundtable conference convened by the consultant in Darwin on 19 April, 2006, the outcomes of which will be outlined later in this report.

Priority Working Groups

The PWGs were to work with the community to develop Action Plans to address the three identified key priorities and related issues. This was to have been achieved through the development of Action Plans in which the specific activities, timelines and allocated responsibilities of the partners would be identified. In addition, once the Action Plans were endorsed by the TSC, they were to be drawn together and attached as a schedule to the SRA.

Available evidence would suggest that only two of the Priority Working Groups (‘Women and Families’ and ‘Housing and Construction’) developed Action Plans which were submitted to and endorsed by the TSC in July 2003, some four months after the signing of the SRA. There was no endorsed Action Plan for ‘Youth’, although there was a draft prepared for consideration by the TSC. Based on the recollection of those involved, a ‘Youth Strategy’ was not finalised by the relevant PWG and was never submitted to the TSC for endorsement. In a document attached to the agenda of the TSC meeting of 31 March, 2006, it is recorded that in relation to the PWG on ‘Youth’, it had not functioned since 2003. In the same document it is reported that the PWG in relation to ‘Women and Families’ had not functioned “since approximately 2004.” It should be noted, however, that while the PWG on Women and Families had not functioned for some time, some of the activities that had been identified by that PWG in the initial year, were progressively put in place such as providing support to Palngun Wumangat (Womens Association), continuing with the sewing project and developing the screen printing project.⁷

With regard to the ‘Youth’ PWG, it is apparent that those involved with the attempts to develop strategies to address the Youth priority, came to recognise that there were a wide range of activities that could be defined to fall within the ambit of that priority. Based on the comments of those involved, it is clear that agreement was never reached within the partnership, either within the TSC or the PWG, as to what

⁶ Correspondence with Darwin UICC, 19 May, 2006.

⁷ Ibid.

activities should be developed and as a consequence a youth strategy failed to emerge. Given the present situation of Wadeye in relation to youth violence and all that flows from it, it has to be a matter of some concern that one of the most critical of the agreed priorities within the SRA was unable to be effectively addressed by the partnership and was allowed to fall by the wayside so early in the process.

It should also be noted that during discussions with officers of the Wadeye Unit of FACASIA on 5 April, 2006, in Canberra, the consultant was informed that the Unit had developed a comprehensive 'Youth Strategy' for Wadeye. The strategy was drawn up to inform discussions across agencies and then to be presented as a package of options to Thamarrurr Regional Council and the Wadeye community for consideration. The consultant was later informed that implementing the Machinery of Government changes that merged OIPC and FACS into FACSIA, early in 2006, had resulted in a delay to the finalisation of the youth strategy. FACSIA has now indicated that the youth strategy will be further developed within OIPC and then submitted to the TSC for consideration and possible implementation.⁸

All in all, it is apparent that within the SRA framework, the priority area of 'Youth' had been allowed to fall between the cracks and is in urgent need of examination.

While the first 6 months of the trial saw the establishment of the 3 PWGs and the development of comprehensive Action Plans in relation to two of the three nominated priority areas, there is evidence that the partners began to initiate funding applications and responses outside the agreed framework of the SRA. Thamarrurr personnel began to initiate contact directly with funding agencies at a senior level with a series of initiatives and proposals which were perceived by others in the partnership to change agreed agendas. Government agencies and personnel initiated or responded to funding proposals that were often ad hoc or motivated by a desire to expend programme funds by the end of a financial year rather than in accord with identified activities within the Action Plans.

With the TSC endorsing a new set of priorities as set out above, the new structure now comprises some 6 PWGs – Education; Natural and Cultural Resource Management; Institutions and Economic Development; Infrastructure and Construction; Communication and Engagement; and Health (Attachment C). It should be noted, however, that there is no evidence of any Action Plans endorsed by the TSC having been formally attached as a schedule to the SRA since its signing on 21 March 2003.

In summary, although some of the PWGs are considered to have made progress, the overall consensus is that the PWGs have not been as effective as they should be and there is a recognised need within the partnership to rationalise their number, membership and objectives.

⁸ Correspondence with FACSIA, 24 May, 2006.

Whole-of-government approach.

The new arrangements in Indigenous affairs have been described by Dr Peter Shergold, the Secretary of the Department of Prime Minister and Cabinet as “a bold experiment in implementing a whole-of-government approach to policy development and delivery” and as “the biggest test of whether the rhetoric of connectivity can be marshalled into effective action.”⁹ The Wadeye trial has already provided some insight as to the challenges faced by those ‘on the ground’ who seek to translate the rhetoric of connectivity into practical action.

Streamlining

According to recent documentation submitted by the Thamarrurr Regional Council to the TSC for discussion on 31 March 2006, the burden of administering funds received from the Governments has increased during the trial rather than decreased. While acknowledging that the COAG trial may have delivered more financial resources to Wadeye than may otherwise have occurred, the Council expressed the view that “...there has been almost no change in the way in which governments engage the community and deliver services. The Trial was supposed to make delivery more streamlined and to assist the Council. In fact, there has been an increase in complexity for Thamarrurr, with a greater administrative burden than before”. Whereas Thamarrurr was administering around 60+ government funding agreements prior to the trial commencing, it now administers more than 90. In addition, the guidelines, reporting and acquittal requirements for these grants are many and varied, requiring Thamarrurr to dedicate significant administrative resources to the task.

Flexible Funding

One of the issues that arose in discussion with all partners was the inability to obtain access to flexible funding. The three partners see the development and availability of flexible funding as critical if streamlining is to occur. The need for access to flexible funding for rapid and targeted responses to clearly identified and agreed needs was highlighted by all partners. In the absence of flexible funding the notion of ‘single contract’ or ‘single chute’ funding cannot be achieved and there is little option for those working with the community other than to operate through the many programme silos that still dominate the funding and delivery of services to the community. The fact that Thamarrurr now have more funding contracts to administer rather than less would indicate that there is some considerable way to go before the intentions of the new arrangements, in so far as they relate to flexible funding and streamlining, are translated into practice at the community level.

Cooperation and Coordination

There are indications that the Commonwealth and NT Governments have moved to develop a more coordinated and cooperative approach in developing their responses to identified needs, most notably in relation to Education, Health and Housing. The Government partners, as a result of considerable work within the trial framework,

⁹ Shergold P. A speech launching *Connecting Government: Whole of Government Responses to Australia's Priority Challenges*, Management Advisory Committee Report No 4, Department of Prime Minister and Cabinet, 20 April, 2004

have moved to lay the foundations for improved outcomes in these areas of need. In relation to Education and progress has been made in reviewing the funding agreement between the Commonwealth, NT Government and Catholic Education which it is anticipated will result in increased funding for education at Wadeye. There is also a funding commitment for the building of two secondary school classrooms for Stage 1 of the secondary school at Wadeye. A funding commitment of \$11.3 million has also been made in relation to a significant upgrading of the Health Clinic over the next three years. With regard to housing there has been progress made through the completion of a cement slab prefabrication factory at Wadeye which will have the capacity to construct twelve houses per year. Funding for head works for a proposed new subdivision at Wadeye has also been secured through the NT Government.

Communication

Communication between Governments and within Governments is regarded as crucial to the success of a whole-of-government approach. The Wadeye experience would indicate that communications between the partners to the SRA has been mixed. All partners have indicated that the most consistent and direct communications were experienced at the beginning of the trial. As the trial has developed, however, there has been a reduction in effective communication across jurisdictional boundaries and in some cases within Departments. The causes may be many and varied but suffice to say that as communications began to break down so did the ability of the partners to maintain their combined focus on agreed priorities and to engage pro-actively and productively across jurisdictional lines on the many issues that flowed from the broad priority areas. This was to some extent exacerbated by the growing number of PWGs and sub-committees that were created to address the additional priorities endorsed by the TSC.

Lines of authority and allocation of responsibilities within the Commonwealth lead Department, FACSIA, have caused confusion and uncertainty between its national office, the NT office and the ICC field officers. It also caused uncertainty both within Commonwealth and NT agencies as to where the trial was being coordinated or run from within the Department. These are matters which have been acknowledged by FACSIA and were addressed at the roundtable held in Darwin on 19 April, 2006 and are commented on later in the report.

Leadership

One of the more common questions asked by all the partners was “who is in charge?” The SRA makes it clear that the three partners are to be treated as equal. While this principle is designed to address the ‘balance of authority’ within the partnership, it gives rise to the situation where no one person or agency is identified as the ‘leader’ of the group. There is no one person to whom the partnership can turn to take such action as may be necessary to keep the trial on track. This is seen as a contributing factor to the way in which the processes envisaged by the SRA have progressively deteriorated over the life of the trial. One option put forward was that a person, with the necessary authority, could be appointed to manage the trial on behalf of the partners. It was suggested that such a manager could more closely monitor the activities taking place within the COAG framework and impose a discipline upon the partners to ensure the trial proceeded consistently with TSC endorsed actions. In the

absence of such management, some felt that the TSC would again become too remote from the day-to-day action to provide the kind of direct supervision the partners were seeking. On the other hand, the NT Government has expressed the view that the authority should lie with the senior partner representatives on the TSC who should impress upon participants the need for discipline around priorities, strong leadership and management of implementation team work.

Expectations.

In hindsight, it is apparent that there were differing expectations held by Thamarrurr and the Commonwealth and NT Government partners. Thamarrurr is of the view that it seriously underestimated the amount of work and the ongoing commitment involved in having the trial at Wadeye. It was a newly formed body with little understanding of what a COAG trial might entail. It also participated believing that the combined and coordinated resources of both governments would result in early and visible improvements in the wellbeing of the people and the infrastructure of the town and surrounding region. These expectations were reinforced by visits by the Prime Minister, The Chief Minister of the NT and other Ministers over the past three years. Their expectations have not been realised and there is frustration and disappointment regarding the lack of visible and tangible outcomes on the ground.

The Commonwealth and NT Governments, on the other hand, foresaw that considerable preliminary and planning work would be necessary before any major improvements would be seen on the ground. They were also aware of the considerable lead times associated with the budget processes of government. This 'mismatch' of expectations goes some way to explain why the perceptions of the partners as to whether 'progress' is being made, can differ. What might be regarded as an 'achievement' by government personnel living outside the community may not be seen as a tangible improvement by people living at Wadeye. Thus, there are often differences of opinion within the partnership as to the pace of reform and the tangible outcomes that can be demonstrated as a consequence of the trial.

There are, however, areas about which the Thamarrurr Regional Council have very real expectations for early improvement but which they feel have yet to be appropriately addressed by the partnership.

Community Safety

There is little doubt that Thamarrurr had anticipated that the need for community safety and the reduction of violence, particularly with gangs, would be addressed and resolved at an early stage of the trial. That the issue of safety and youth violence continues to be a matter of immediate need and is seen to have worsened over the life of the trial, is the source of both disappointment and anger within the community and to many of the people involved in the trial. The provision of police in adequate numbers is seen by those living at Wadeye to be their most immediate need. This was confirmed by a women's delegation from Wadeye appearing before the TSC in October 2005. To put the matter in perspective, the police establishment at Tennant Creek, a town with a similar number of citizens as Wadeye, is in the order of 30 officers. At the time of the consultant's stay at Wadeye in March, 2006, there were 3

officers, all of whom were operating under extreme pressure. This is not a sustainable situation and the community is seeking an urgent and immediate response from the Government partners. All personnel involved with the trial recognise that the stationing of more police at Wadeye will not, of itself, resolve the endemic social dislocation and community violence which Wadeye has had to endure for many years. However, there is a strong view held, that without adequate policing and the restoration of law and order at Wadeye, none of the initiatives currently underway or planned to improve the wellbeing of the community are capable of succeeding. While there is an environment of fear and violence women are not prepared to take their babies to the clinic, children will not go to school, families are reluctant to obtain food from the store and the already unacceptable levels of overcrowding can be escalated dramatically in one night, due to the housing stock being vandalised and trashed by waring gangs. The importance of resolving the issue of community safety at Wadeye cannot be overstated.

Overcrowding / Health.

With regard to housing, the community has seen 4 houses for Indigenous occupants built over a period of three years. During that same period some 15 houses were made uninhabitable for periods of up to three months through gang violence and an additional 200 babies were born into the community. In these circumstances, there is little prospect of the chronic overcrowding being reduced in the foreseeable future despite the efforts being made under the COAG trial. Overcrowding is the most frequently identified cause of ill health within Wadeye and in this regard it is instructive to read the Health Priority Working Group report to the TSC on 31 March 2006. (Attachment D)

“In response to the recent Human Rights and Equal Opportunities visit to Wadeye, Commissioner Tom Calma was provided with an overview of the current health situation, together with the community aspirations regarding the use of the OATSIH funding. The following was highlighted:

- Statistics from the Taylor Report 2003 were quoted which reveals a Death Rate 18% higher than the NT Aboriginal Death Rate, which in turn is 3.4 times the Non Aboriginal rate. The Median age of death is 46yrs compared to 78yrs for non Aboriginal Australians
- There is a high incidence of infectious disease related to the poor environmental health / housing situation eg. Epidemic gastroenteritis, skin infections, recurrent respiratory tract infections, chronic otitis media with associated hearing loss. There is also a high incidence of conditions not seen in non-Indigenous communities which have significant long term morbidity & mortality eg Epidemic Post-Streptococcal glomerulonephritis, Bronchiectasis, Rheumatic Heart Disease. House occupancy rates are increasing, so is likely these conditions will also increase.
- Ongoing violence in the township is adding to the levels of overcrowding and high incidence of disease. The fear of violence also lowers people’s ability to access services. There was a recent incident of a mother being too scared to visit the clinic with her baby, when she finally did the baby was in a critical condition and was evacuated to Darwin.
- Recent Growth Assessment and Action figures demonstrate a high percentage of children in the 0-5 age range who are stunted, wasted, anaemic and/or

underweight. The World Health Organisation states that “provided there is no severe food shortage, the prevalence of wasting is usually below 5%.....prevalence between 10-14% are regarded as serious” The percentage of children that are wasted in Wadeye is 12% (compared to 3% in Australia as a whole).”

Given the dire situation outlined above, Thamarrurr Regional Council has raised the question as to why Governments can't respond to the crisis currently facing the town of Wadeye in the same way as Governments have responded to the Ache disaster in Indonesia and cyclone devastated Innisfail in Queensland. There is a strong feeling within the Council that unless a 'crisis' approach is adopted by both the Commonwealth and NT Governments there will be little improvement to the health and wellbeing of the community for years to come.

Land Tenure

The future of housing and other developments at Wadeye will be dependent upon the claims by the traditional owners of the town site, the Kardu Diminin, being recognised and resolved through the granting of appropriate land tenure arrangements. This is an issue that has been under consideration for the period of the trial, but due to apparent difficulties with the NLC, Thamarrurr has not been able to progress the situation. The NLC was to have developed a plan for granting Section 19 leases under the Aboriginal Land Rights (NT) Act to meet the needs of the Kardu Diminin, but this has yet to eventuate. In any event the traditional owners of the town area have indicated that until their land needs have been appropriately recognised and dealt with, they will not approve any further house blocks or town development at Wadeye. This issue was nominated by Thamarrurr as an immediate priority at the meeting of SRA partners on 19 April 2006 and is discussed later in this report.

Homelands / Rural subdivisions

The population in the Thamarrurr region is expanding rapidly and is expected to reach more than 3000 by the year 2020. Wadeye is currently on track to become the fifth largest town in the NT, overtaking Tennant Creek. Given the social problems now endemic at Wadeye, it is not a socially viable option to continue to build houses at Wadeye for the members of the 20 different clan groups currently living within the town. Provision of more housing in homeland areas is seen by the community as imperative to ease the social pressure and is regarded as the only sustainable solution to overcrowding at Wadeye. The expectation of Thamarrurr is that the Commonwealth Government will recognise the need to establish housing on homelands and will facilitate the movement of people back to their traditional estates where, through the combined resources of the SRA partnership, appropriate accommodation will be provided along with upgraded regional infrastructure such as roads and communications.

It might also be noted that Thamarrurr seeks to promote the notion that the movement of people back to their traditional country should be seen in many cases, not as a movement to homelands but more as a desire to establish rural subdivisions or areas in much the same way as Darwin has a surrounding rural area which is serviced by roads and other infrastructure, including public transport. Many of the estates of the

19 clans outside Wadeye are relatively close to the town when compared to homelands in Central Australia or Arnhem Land and should be regarded as the rural areas surrounding Wadeye which would be used as the service centre. The subdivision at Manthape, where eight houses were built on Yek Maninh clan lands some 4 kms from Wadeye, prior to the COAG trial, is held up as a successful example of what can be achieved.

Lessons Learned

The experiences of the partnership over the past three years and the findings of this evaluation suggest that there are a number of lessons that have emerged. These are:

- Expectations of the partners need to be clarified and mutually understood at the outset and reviewed periodically through out the process.
- The identification of priorities needs to be specific, mutually understood and limited to an achievable level.
- The SRA should encourage the development of achievable deliverables that result in visible outcomes on the ground.
- The processes require a discipline on the part of the partners if they are to be effectively implemented.
- There is a need for an ‘authorised’ person (or group) to manage the process on behalf of the partnership. Someone (or some body) needs to be in charge of the trial.
- There is a need to work within the capacity of the Council and the community when developing strategies for delivering services.
- Developing effective communication links between the partners and within agencies is essential for the whole-of-government approach to succeed.

There has been a great deal of time and effort expended by a number of dedicated people who have sought to make a positive difference at Wadeye. That they have experienced difficulties of the kind outlined in this report trying to give effect to a new way of doing business should not detract from their endeavours. The COAG trial is exactly that – a trial in which experimentation and innovation is being applied in a very complex and demanding environment. That said, however, it remains the case that the processes are in need of review and there is a need to modify the current structures if the trial is to improve the way in which services are delivered and improvements in the social and economic wellbeing of the community are to be achieved.

The SRA was the vehicle by which a partnership between the Thamarrurr Regional Council and the Commonwealth and NT Governments would operate in a whole-of-government way to achieve positive outcomes for the benefit of the community. It set out procedures and established mechanisms to facilitate the achievement of these objectives. The findings in this report would indicate that while there was a period in which the procedures and mechanisms were closely followed, over time there has been a loss of focus by the partners and a consequent loss of confidence in the COAG processes on the part of the Wadeye community. These findings are generally endorsed by the partners and although there are differences of opinion as to how or

why this trial has lost some of its direction, there is agreement that a new and more focused approach is necessary.

The way forward.

Following a stay of 4 days at Wadeye (27-30 March, 2006) and interviews with representatives of the partners at Wadeye, Darwin and Canberra, the consultant convened a roundtable conference in Darwin on 19 April, 2006. A wide range of stakeholders were represented including the Secretary of FACSIA, the Executive Director of the Office of Indigenous Policy (Chief Minister's Department) and Indigenous representatives and the CEO of the Thamarrurr Regional Council. (See Attachment E.)

The purpose of the conference was twofold:

1. To consider the preliminary findings of the consultant;
2. To consider the way forward in light of the findings.

The preliminary findings put to the conference by the consultant included:

- That the SRA mechanisms and processes were not being implemented effectively;
- That the TSC had lost focus and become largely an information sharing forum;
- That the PWGs were not operating as intended under the SRA;
- That there was confusion as to the current priorities and different interpretations of the key actions needed to address priorities;
- That there was an absence of flexible funding;
- Departmentalism and programme silos continued to dominate;
- Funding applications and Government responses were often ad hoc and outside the framework of the COAG trial;
- The burden of administration for Thamarrurr was now greater than before the trial began with 90+ funding agreements;
- There was a loss of confidence at Wadeye in the COAG process;
- There was a lack of communication both vertically and horizontally within and across government jurisdictions;
- There was some confusion within the partnership as to the roles and responsibilities of some FACSIA participants in the trial;
- There was a lack of focus on achievable deliverables;
- There was a need for policy and legislative action in relation to land tenure at Wadeye, homelands and local government; and
- There was a need for leadership as no one could identify who was in charge.

Although participants had their own views as to how the trial had come to this point, none argued against the validity of the findings as presented. Participants accepted that despite the good will and commitment that all stakeholders had demonstrated over the past three years, there had been a 'loss of traction'. There was a need to review the situation, build on lessons learned and move forward.

In considering the way forward, Thamarrurr outlined to the conference what it now saw as its immediate priorities. These were:

- A rationalisation of the management structure for the trial;
- Action on resolving the land tenure issues at Wadeye; and
- Safety.

Thamarrurr made it clear that all future action in relation to improving the wellbeing of the community would hinge on the successful resolution of community safety and the recognition of the land owners of Wadeye, the Kardu Diminin, through the development of an appropriate land tenure arrangement that respected their rights and at the same time would allow a local governance authority to operate effectively in the town area. They suggested that the SRA/COAG partnership should focus on and give priority to these matters over the next 12 months.

In response, the Secretary of FACSIA agreed that there needed to be a sharpening of focus on the priorities and that the management of the trial needed restructuring. He expressed the view that perhaps the trial had tried to be too all-encompassing and that it had a better chance of success if the partners concentrated on a smaller number of priorities. In relation to the management of the trial, he indicated that the NT Manager of the Office of Indigenous Policy Coordination (OIPC) would now be the senior FACSIA representative in relation to the trial and that the NT Manager would have line responsibility for the COAG trial and would have direct access to the Secretary in Canberra. In addition, the Secretary endorsed the proposal to refocus on the two priorities nominated by Thamarrurr – Safety and Land Tenure- and committed his department to working in a whole-of-government way with the other partners to achieve appropriate outcomes within the twelve month timeframe.

The NT Government's senior representative for the trial endorsed the view that there needed to be a rationalisation of priorities and management of the trial. He suggested that the TSC be reduced to three people - the NT manager of OIPC, the CEO of Thamarrurr and the Executive Director of the Office of Indigenous Policy in the NT Chief Ministers Department. The conference endorsed that view and agreed that any restructuring of the PWGs would be addressed by the newly constituted TSC.

In proceeding with these changes, the conference noted that the activities already underway and planned within the GOAG framework would continue and be monitored by the TSC and through the relevant Commonwealth Secretaries Group in Canberra and the NT Chief Executives Committee in Darwin.

The two most immediate priorities identified and endorsed by the partners at the conference – Safety and Land Tenure – do not at this stage have any agreed indicators or indices against which progress could be assessed. As the intention is to address the two priorities within a twelve month timeframe, it will require an early determination of indicators, specific actions to be undertaken, the delegation of responsibility for those actions and the development of a mechanism for reporting effectively and regularly on those actions to the TSC. All other activities undertaken within the COAG framework will need to have similar requirements.

In looking to the way forward, mention has already been made of the baseline study undertaken by Dr John Taylor of CAEPR at the ANU in 2004, which provided a significant amount of data and analysis against which future developments at Wadeye and in the Thamarrurr region could be assessed. The data upon which the study was based was provided, in large measure, by the relevant Commonwealth and NT Government departments and agencies. It was, however, material that was not regularly collated or presented on an ongoing basis by those departments and agencies and required the dedication of some considerable resources and time to extract in a format relevant to the Wadeye trial. Consequently, it would be of considerable advantage in terms of the ongoing evaluation of the trial if, where possible, the original data could be used as indicators for priorities and regularly updated with a view to ensuring a timely and valid basis for comparison when the trial is finally evaluated in 2008. To this end, the newly constituted TSC should place early importance on analysis of the critical and most instructive points of the existing data to support the strategy and indicators for the next part of the trial. Careful consideration is required as to how such material might be regularly updated, by whom and in what format, so that the relevant material will be available and current as the trial progresses. One suggestion would be to contract CAEPR, or such other appropriate body, to undertake the task of maintaining and updating the original data set through to the final evaluation in 2008. Alternatively, depending on the performance data required, a formal agreement might be reached with the respective provider for regular updates.

Conclusion

This report has concentrated more on process than outcomes. It is intended that there will be a second evaluation undertaken in 2007/8 that will analyse in detail the outcomes of the Wadeye trial.

It is clear that there was a general consensus amongst the partners to the SRA that the current evaluation provided a timely opportunity to review the processes set down under the Agreement and to take stock of the effectiveness and efficiency of those processes in the light of experiences to date.

As reflected by decisions taken at the conference held in Darwin on 19 April, 2006, the partners were as one in accepting that the TSC and PWG structure required modification. Their decision to modify the structure to make the processes less cumbersome and to be more sharply focused on fewer priorities is likely to lead to an improvement to the processes examined in this report. But these are decisions that relate only to process and will not, of themselves, bring relief to the people of Wadeye in respect of safety, land tenure, overcrowding, health, school attendances or employment. The processes recently endorsed must be used as a vehicle to deliver to the Thamarrurr region and its people the services and resources that will enable them to see immediate, relevant and tangible improvements to their wellbeing.