

Submission
to Senate Committee on the
'Stronger Futures' Bill

From Burdon Torzillo and Associates Pty Ltd, Alice Springs. NT
26th January 2012



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Contents

Introduction	2
Contextual Orientation	3
'Wicked problems'	5
The Burdon Torzillo Stores Engagement working diagram	6
Description	7
Specific Issues /Priority Areas.....	8
Food security	8
Governance.....	9
Economic development and employment	10
School attendance and educational achievement.....	10
Tackling alcohol abuse	11
Community safety and the protection of children.....	12
Health.....	12
Housing	12
Community Engagement, Community Development and Implementation.....	13
Summation.....	14

Introduction

Burdon Torzillo and Associates are specialist practitioners, based in Alice Springs, working with Aboriginal communities throughout the Northern Territory and Australia. Rob Burdon, Jude Torzillo and their associates' core business is in corporate governance reform, community development, commercial enterprise reform, intercultural communication and information presentation. The Burdon Torzillo group of practitioners has been specifically engaged in the nominated priority areas outlined in the Minister's Stronger Futures Discussion paper, in particular - Food Security, Stores management, Indigenous Governance, Employment and Economic Development.

This submission complements and builds on three previous papers from Burdon Torzillo prepared since the commencement of the NTER:

“Sustainable community development for a secure remote Australia’

‘Ownership, governance and management of stores on remote aboriginal communities.’

‘Sustainable Futures, FaHCSIA Stores Licensing, a success story, its future post NTER.’

For copies of the above papers please contact Rob Burdon at rob@burdontorzillo.com.au.

In the last couple of years Burdon Torzillo and Associates have worked closely with over 30 Store Corporations in the Northern Territory and beyond. We have facilitated the transition of 18 stores from being NT Associations to becoming Aboriginal Corporations under the CATSI Act. It is pertinent to note that, as part of our task to improve food security and more active and accountable store procedures, we have been instrumental in successfully reforming over ten store corporations and their businesses, most of which were in extreme risk. On the basis of that pragmatic, on-the-ground experience, this submission is offered as an indication of what has been achieved, as well as suggesting to the Committee that Burdon Torzillo and Associates case by case experience could well be offered for examination in detail in a confidential setting. We consider that it would not be appropriate or ethical to release in this submission the figures, procedures and interactions, for instance, with the 30 stores and 18 transition cases referred to above. The story of those 30 stores/ corporations do stand as potential case studies to assist the further implementation of the Stronger Future's initiative. We would welcome the appropriate opportunity to present this information.

In summary, this paper makes some general comments on all priority areas in the Stronger Futures Bill and considers 'food security,' community stores, and community and corporate governance in more detail, since this is our area of acknowledged expertise.

Contextual Orientation

The NTER was designed by Government and non-Indigenous people in an effort to 'close the gap' on Indigenous disadvantage. It is acknowledged that both approval and criticism has attended aspects of the NTER. Burdon Torzillo, in the course of our practice have noted a range of reactions to the NTER. The reactions range from indifference to bewilderment, from virulent criticisms to approving support for the rationale and conduct of the NTER. We have noted diverse and emotionally charged moods of local complaint that revolve around the view that the NTER initiative was an imposed and blunt instrument, implemented hastily.

Throughout this period our group has attempted to take on its specific tasks with balance and forethought, with good humour and patience. We have not taken a political position. It may be the case that some of those employed within the Intervention procedure failed to grasp the detail of human relationships within the Aboriginal setting and some may have been oblivious to local intelligence, custom, depth of experience and the complexities of the local situation. Some NTER agencies and individuals may have had difficulty in comprehending the complex and paradoxical human systems on the communities.

As long term practitioners on-the-ground, Burdon Torzillo have formed a methodology of working through the challenges brought with the NTER . We have, through our work with the reform of community stores, been successful in this endeavour by working alongside the directors of the store corporations, at their pace and by providing the information and support they need to take control of their own corporation and the store busines. This work has given us significant insights, understanding and empathy with their situation and with those agencies involved. From our experience and real life scenarios we have developed some case studies, and would be available to discuss these in confidence as the Minister may see fit.

The Intervention had a psychological impact and was and is reacted to psychologically.

Consideration of the psychology of human relations – 'the human factor' - and how it works in this region is a matter for careful contemplation, especially when the government seeks to implement extraordinary and sweeping social and cultural changes throughout the Indigenous territories. The psychology of the intervention is referred to here (even if simplistically) because, while the good intentions of the former and current Federal governments are acknowledged, many local persons (Indigenous and others) notice that the implementation strategy seems designed to regulate behaviours, control the supply of 'things', control individuals and coercively manage communities of people without thought given to dignity, presentation and consequence (this was exemplified in the prescribed area signage).

The Intervention aimed to improve the quality and quantity of things that are essential for a good life; food, shelter, land, essential services and to reduce, limit or prohibit things that are seen as potentially damaging, including alcohol, drugs and pornography. It was expected that this would assist in modifying individuals' behavior and there is some indication in Minister Macklin's foreword to the Stronger Futures Discussion Paper that the effort has had some effect in some areas.

It can be fairly suggested that the NTER succeeded in raising awareness of the seriousness of the plight that remote Aboriginal Communities are in and has increased resources and services to some selected communities (Regional Service Delivery 'RSD' sites). Such attention has been experienced ambivalently. We have heard (Indigenous) people declare the action of the NTER as a relief, since some problems have been forthrightly addressed and the practice of 'bullying into silence' has been challenged. The national and media attention has unfortunately been experienced as a 'shame job' that all NT Aboriginal people have been given a 'bad name'. The psychology of the next phase of the 'Intervention' needs to take this ambivalence into account.

The NTER legislation comes to a close in August 2012, the government has proposed Stronger Futures Bill as a Regulatory framework to replace the NTER. We register a concern that it appears to be again coming from a regulatory and supply perspective to influence individuals' behavior. There are some references in the discussion paper to efforts to influence the demand side of the equation but they are not specified. Attention to this will, we hope, form part of our and others responses to 'Issues for discussion'.

'Wicked problems'

The challenge we all face is that 'closing the gap' is no ordinary problem but a 'wicked problem'. Lynelle Briggs the Australian Public Service Commissioner recognises that the APS faces significant 'wicked problems'.

Some of these policy issues are so complex they have been called 'wicked' problems. The term 'wicked' in this context is used, not in the sense of evil, but rather as an issue highly resistant to resolution.

Briggs further recognises that traditional policy decision making and linear thinking will not solve such complex problems and thus new, innovative and holistic thinking is required.

In her paper 'Tackling Wicked Problems : A Public Policy Perspective' Briggs quotes from M. Clarke and J. Stewart, 'Handling the Wicked Issues—A Challenge for Government', p. 15.

'The style is not so much of a traveller who knows the route, but more of an explorer who has a sense of direction but no clear route. Search and exploration, watching out for possibilities and inter-relationships, however unlikely they may seem, are part of the approach. There are ideas as to the way ahead, but some may prove abortive. What is required is a readiness to see and accept this, rather than to proceed regardless on a path which is found to be leading nowhere or in the wrong direction'

While there are many positive points raised in the Stronger Futures discussion paper, we suggest that it appears to emphasize a regulatory attempt to control human behaviours and institutions and continues in linear and logical manner the trajectory of the original NTER, albeit in a more openly consultative manner. We are concerned that the 'wicked problem' of the NT will remain 'highly resistant to resolution.'

Based on our work experiences within the Stores situation, we have some confidence that solutions can be found through 'all -of-factor', (i.e. holistic) approaches that involve detail specific, patiently applied diplomatic confrontation with intractable patterns of behavior and thinking in our region.

We trust that the Minister will encourage solutions and strategies that are carefully deliberated and folded into action with an 'all-of-factor' or holistic approach.

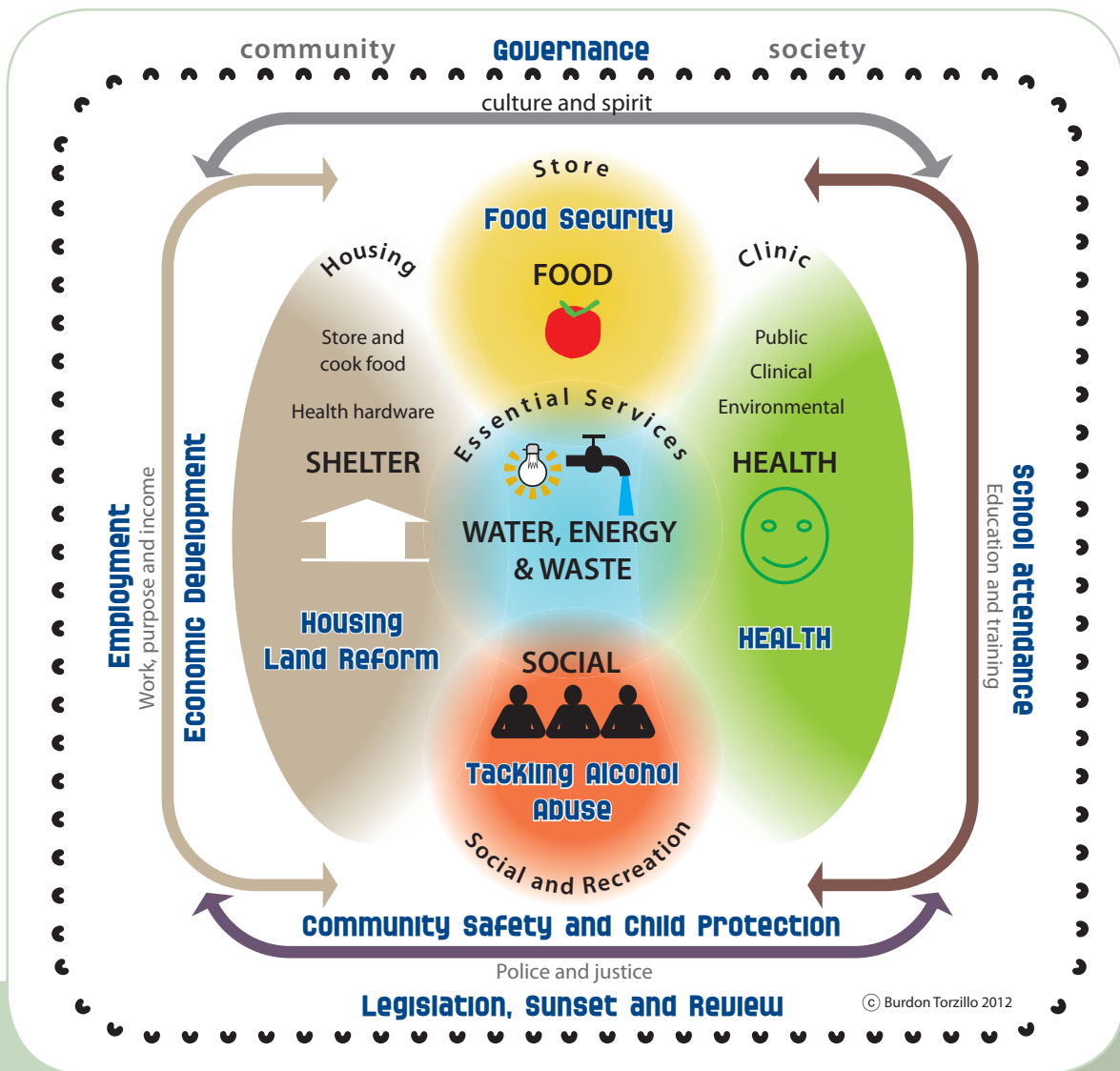
The issues that the range of Aboriginal communities face are significantly sensitive, extremely complicated, and consistently shifting according to the prevailing human climate in the NT. In that climate we have found that positive solutions do appear and evolve, in time, given a methodology of engagement that meets the reality of Indigenous living.

For this reason we emphasise the value of an iterative annual ongoing review process of the Stronger Futures project and that it not be locked in for 10 years, (as perhaps suggested) without opportunity for intelligent localized revision and adaptation, this way the 'wicked problem' can be addressed over time and with deliberation.

The Burdon Torzillo Stores Engagement working diagram

The basis for the next set of comments comes from the diagram below. We hope these can be read as constructive suggestions in addressing some of these issues in areas where we have the expertise to contribute. The diagram below condenses factors that Burdon Torzillo and Associates deliberately acknowledge as influencing intervention in food supply and contributions to governance processes. This demonstrates our effort as practitioners to deliberately acknowledge the context in which our specific tasks are carried through in the challenging situations of store management, food supply management and Indigenous, community and corporate governance procedures - mostly so far with some success. The diagram was originally developed to present in Indigenous meetings and allow recognition of how Stores issues link into other contextual factors.

The graphic illustrates some key factors - the nature of an individual's and community's needs with the 'Priority Areas' from the Stronger Futures paper overlaid (in blue) integrated into the original Burdon Torzillo diagram.



The Burdon Torzillo Stores Engagement working diagram

Description

The diagram highlights the interrelationship of functions and services. Health and wellbeing is dependent on Food Security, good housing and essential services which are all interrelated factors. Burdon Torzillo's focus is on Food Security. We recognize that all elements actively demand attention. Furthermore, in our own activities we attempt to engage in reciprocal relationships with those working in the other sectors.

Tackling Alcohol (and related) Abuse is experienced as a serious task and underlies, unfortunately, much of the disorder of current living in Aboriginal communities.

The other factors, represented in the diagram i.e. employment, economic development, school attendance, education and training, community safety child protection and effective governance, legislation and review - are recognized as embracing or affecting all other areas as is governance facilitation. These are all essential factors within the integrated picture.

The diagram of 'all-of-factor' elements demonstrates that our group and some other similar groupings of professionals experienced in Indigenous affairs, endeavor to take seriously the integrated structure of the Stronger Futures project. We also acknowledge the 'wicked problem' syndrome and admit to the difficulties of working with collaborative will and efficient relationship within the stresses of the communities, three tiers of government and multiple stakeholders.

We note that the Stronger Futures initiative acknowledges that:

- sound social structure is underpinned by law and order
- meaningful employment is underpinned by school attendance and education, pragmatic training and recognition of authentic cultural and family obligations
- physical health in remote areas depends upon access to reliable healthy food for adults and for children
- valuing and adhering to culture, ethics and social morality is implicit in developing and maintaining a sound social system
- the management of money in remote and Indigenous Australia is indeed a significant matter
- effort is required to keep abreast of developments in all areas of Indigenous life in community
- for a successful whole-of community governance process to work well there are specific implicit factors in the organisation of Indigenous groups and within the service provision groups which can only be learned experientially over long periods of time with time set aside for contemplation, deliberation and discussion with Aboriginal and non-Aboriginal people alike.

Specific Issues /Priority Areas

Because attention to food security, stores management and governance is Burdon Torzillo's main task we have prioritised the points below.

Food security

Stores licensing has been one of the most successful aspects of the NTER and has raised the standards of remote community stores. This is one priority area that can have an immediate and direct affect on the most basic need; food and on the individual and families use of income.

Income management and Stores Licensing has improved retail stores and food security in almost all communities.

We have been intimately involved with the successful reform of many independent stores. This reform process, FaHCSIA's support, the ABA capital project and Outback Stores have all made significant improvements to food security.

Stores licensing must continue and be nationalized and the licensing branch need to be properly resourced to carry out their functions effectively.

The requirement for store owners/companies to be Corporations (Aboriginal and Torres Strait Islander) under the CATSI Act, improves accountabilities for stores that are community owned. However such a move does mean that the directors of the corporations need training and ongoing mentoring and support that must be professional and independent from the store management and the accountant. The pragmatic outcomes that flow from this practice can be demonstrated by Burdon Torzillo and, we submit, needs to be recognized and supported at a Federal Stronger Futures level. For stores that are semi viable or underpinned then the financial underpinning must include recognition that independent Governance support is essential and is built into the stores budget.

On the basis of our experience in this field we suggest that there needs to be panels of (available) expert experienced practitioners established. This implies that such individuals have gone through a pre-selection process and can demonstrate that they meet professional standards required in the field of:

- Corporate governance
- Auditors practice
- Retail management advice
- Accountancy
- Retail management companies
- Community Development

The next challenge will be to work on reducing the cost of food (and sustainable chains of food supply) through the strategy of establishing Aboriginal owned, Territory wide cooperatives of independent stores, group buying and other shared economies of scale that respects the individual community ownership of each member store. This plan Burdon Torzillo has been considering. More detailed consideration on such questions is provided in the three papers by Burdon Torzillo referred to in the introduction.

Specific Issues /Priority Areas

An investment in ensuring their governance is supported not only ensures the community has a strong store corporation but that the community has a strong voice and ready-made engagement process that the community supports.

Governance

This priority established in the Stronger Futures proposals is, in our experience, a most critical element in sustaining remote area Indigenous livelihoods, including employment and industry. We submit, on the basis of our experience, that where community governance and the engagement process between the community and government are properly addressed and handled then this attentiveness does enable all other priority areas to be more easily addressed. Case studies can demonstrate the variations of outcome and the practical difficulties in sustaining governance alone. We might mention human factors, bi cultural governance priorities and institutional issues.

We note that whilst the Shire reforms may have certain economies of scale, and improve service delivery, those responsible for conducting those reforms face challenges with community engagement. All three tiers of government face this same challenge.

We submit that government intervention cannot effectively create compliance in governance processes for all and every community, but government policies and agencies can assist in providing some essential support to sustaining community governance processes. Governance agents need to consider, in a rounded manner, how to engage with communities through due process and consolidate initiatives that the 'community' can drive and can endorse. Burdon Torzillo have case examples of how this process succeeds and fails and is able to point to twenty seven years experience in this engagement task.

In many demonstrable cases where Burdon Torzillo and associates have worked, the store corporation has evolved into a recognised hub for community engagement. The store corporations are:

- community owned and controlled
- in most (but not all) cases representative of the community
- usually self funded and sustainable

These corporations already exist. An investment in ensuring their governance is supported not only ensures the community has a strong store corporation but that the community has a strong voice and ready-made engagement process that the community supports.

It is noted that there are some communities where the store corporation is not representative of the community. These situations and the history of food delivery, finances and contribution to health and community wellbeing of these stores are worth studying.

Specific Issues /Priority Areas

It would also be worth studying and noting in which Indigenous communities there is a level of achievement in the five factors identified in the Burdon Torzillo diagram. This suggests alertness to factors which need to be maintained or brought up to speed in any functioning community.

Economic development and employment

Comments on issues for discussion:

The planned review of remote participation and employment service with the aim of simplifying and ensuring they are better integrated is a good start.

Recognizing there is a very small real job market is essential and any project, activity or enterprise that increases real jobs should be encouraged.

Utilising CDEP as a community development tool and as providing a worthwhile albeit part time occupation is needed as in some cases it may not be a pathway to a real job where none exist.

Encourage funded service providers and local government through grant conditions and incentives to provide mentoring to local Aboriginal people as part of all work on the communities.

Key positions on communities be funded for the employment of an understudy, counterpart or local trainee. This is standard and best practice throughout the developing world.

School attendance and educational achievement

The strong focus on early childhood education is essential and an excellent start for the coming generation. This is essential as development is an inter-generational, never ending process, and development begins at or before birth.

Incentive links to welfare payments are a supply side solution or may be seen as a negative or 'stick' tactic. Measures that encourage awareness and demand for education like 'no school, no pool' or Clontarf type philosophies could be encouraged, as could building awareness for parents of the need and value of a good education.

We are keen to see strategies developed for the current generation.

Specific Issues /Priority Areas

Tackling alcohol abuse

The Bill is focused on regulating supply and prohibition. There are reasonable doubts that imposed prohibition in the long term has ever really worked - unless the given community, internally, without coercion, has argued through, argued for and continues to support the prohibitions.

Most remote Aboriginal communities have historically chosen to be 'dry' communities and in our experience would continue to support prohibition. However, the government should work towards the communities and town camps having their own choice and say in the matter. This could be carried out as part of drafting a community's 'Alcohol Management Plan' AMP. The AMP would of course be completed with professional assistance from persons qualified and experienced in the field of alcohol, substance misuse or drug abuse management in situations such as the Territory.

Town camps are a different situation to an isolated and remote community. Some residents have reported that the prohibition in town camps is ineffective and not able to be properly policed or enforced, this needs further consideration and consultation with each Town Camp, their representative body, the police and other stakeholders.

We have noted that some Town Camp residents have reported that having a floor price actually encourages those wanting alcohol to purchase stronger alcohol, spirits like rum that give a bigger bang for the buck.

With regard to the demand side of the equation, any form of meaningful occupation and activity that adds meaning to life is essential, for example football, sport, religion, spirituality, ceremonies, culture and the arts. Our observations of many Indigenous family systems and non Indigenous persons working in Aboriginal communities suggest that working on prevention, awareness, and programs that reduce the demand for alcohol need to be continually supported regardless of the regulatory measures introduced.

Finally the increased support for treatment and rehabilitation will be welcomed. It will also be necessary to increase support for the mental health sector, overlapping as it does with substance misuse characteristics and child care and development and foetal alcohol syndrome.

Specific Issues /Priority Areas

Community safety and the protection of children

Increased policing has, in our observation had a major positive effect on the communities.

Community members have reported that Night Patrol and Safe Houses are essential allies to community policing and safety. Their effectiveness varies from community to community and between service providers, this could be improved by ensuring that all operate to certain or consistent standards and policies.

Health

The move towards community controlled regional health services as a model seems preferred and should continue to be implemented through a consultative process with a realistic timeframe. We may observe variations in quality of those community health services and appreciate the difficulties in managing staffing and sustaining remote clinics.

Housing

We would suggest that the Land leasing issue in Indigenous communities requires attention. There are many and varied land leasing arrangements, from no arrangement through to 40, or 80 or 99 year leases. Under the ALRA Section 19 leases could be prepared to meet requirements. Further deliberation and a strategic approach is required to satisfy residents, service providers and land holders.

Daly River and Finke communities, for example, are on freehold land and have evolving and unusual leasing and sub-leasing arrangements; these should be monitored as they may help inform future land ownership on communities.

It may be worth local Indigenous community groups looking into large scale housing cooperatives that have had success internationally. That is to say there are examples of housing cooperatives where people with semi ownership of homes look after their own homes with more care than government run public housing and should be considered in the future. We recognize that housing in remote areas and in town is probably a 'wicked problem' irritated by many factors endemic in Aboriginal housing management and local building practices.

Community Engagement, Community Development and Implementation

The below is based on our earlier paper 'Sustainable Community Development for a Secure Remote Australia', March 2009, Burdon R.

To ensure a community development approach is followed in the post NTER implementation a trained, resourced and committed team of community developers are needed to facilitate coordination, implementation and community engagement.

The Government Business Managers (GBMs) are seen as a part of the original imposed intervention and symbolic of the government's imposition and presence in the communities.

The resource allocated to the GBMs, their support and on-costs, should now be shifted to resourcing a community engagement and community development model.

The proposed role of the Community Development officers (CDOs) includes:

- Report to the community driven and recognised Community Engagement Board (CEB) which as stated earlier in this paper in some cases may be the Store Corporation or another group that the Community select
- Assist with providing governance support to the CEB independent from the corporation's manager and accountant
- Preparing or updating a community development plan or updating the Local Implementation Plan (LIP) if one exists
- Assist in the coordination and implementation of the Plan
- Assist with interagency coordination

The project would be funded by Australian Government and administered by an NTG agency, as they have the local knowledge whereas the shires have enough to do and their focus is local government and service delivery.

Implementation of the project would be out sourced to experienced service provider/s familiar with community development in the developing world who would have or be able to muster a team of experienced support practitioners, trainers and mentors.

Summation

We welcome the opportunity to comment on the Stronger Futures Discussion paper and to make a submission to the Senate Committee. Burdon Torzillo and their diverse associates, Indigenous and non Indigenous, have decades of experience in the Northern Territory and beyond and have contributed in all fields covered by the Priority Areas for Action. We are used to working with 'wicked problems' and used to finding solutions. We welcome further opportunity to comment in detail and in confidence on any issues that the Senate Committee may wish to explore further.

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