

The Sea Trials

President Maralampuwi Kurrupuwu has given you some idea of what the Tiwi people want. As the non-Tiwi CEO of one ship in the fleet currently trying to govern the Tiwi Islands, I want to help fill in some gaps from an administrator's point of view.

There has been much said over the last 2 years about Tiwi Islands Local Government and whenever I attend a meeting of local government there is great interest in what is happening, good and bad.

The President has outlined his dream of creating a big ship with all crew on board so that the Tiwi people can travel together in the same direction.

The voyage that the President outlined started a number of years ago when the Tiwi leaders correctly identified the need to come together and they made representation to the government of the day for a form of regional governance.

Tiwi Islands Local Government was formed by the amalgamation of three Community Government Councils and an Aboriginal Corporation in July 2001.

That was the easy bit.

Before the new Tiwi Ship hit the water there were problems.

Yes, the plans had been drawn up and a crew identified but none were employed for the maiden voyage. Before TILG was formed, there had been an interim Tiwi Assembly representing each of the old ships and they had already worked out a blueprint for the new mother ship. However, when the TILG ship was finally launched, it did not match the blueprint and the ship that was launched was without an engine or organisational structure and there were continual mutinies amongst the crew who were to come from other ships. The solution to the lack of engine was to get a couple of the engineers or officers from the old community councils to create an engine out of old parts when the construction of a new engine was required. Without a workable engine or rudder, and a crew who were constantly being recalled by the captains of the old ships, it has been nearly impossible to steer the ship. However, the dream of the Tiwi people as President Maralampuwi has said, keeps the ship afloat and today, more than 2 years later we are at last building a new engine and a rudder or vision to steer by.

With some rough seas still to weather, I want to summarise some of the critical issues for the successful establishment of any regional governing body with the Tiwi Islands as the example.

GOVERNMENT ISSUES

➤ **Leadership and implementation**

Change is always difficult but once the decision has been made by democratic means, governments at all levels have a responsibility to be strong in implementing new laws. After the Tiwi Islands Local Government legislation passed through the NT Parliament in 2001, the existing community councils were left to their own devices for a further 9 months without leadership, without the promised establishment package, without a financial management system in place and without a strategic plan of what they were trying to achieve. Once plans are developed and agreed they should be implemented in the shortest possible timeframe with maximum government support for this period. The Tiwi Islanders were left to sort out a mismanaged mess for themselves.

There are many lessons to be learnt from other States where amalgamations of local government have occurred. About this time last year I was invited to address the LGANT conference in Alice Springs about the Tiwi experience and I said then, and say again now, that there is no doubt in my mind that larger, more professional forms of Local Regional Governments are the reality of the future.

One option is to consult/legislate changes, then appoint a team to implement those changes, get the changes in place and return to an elected governing body after successful sea trials.

The second option is to announce changes, set the rules for the agreed changes, hold an election and let the elected members get on with the job.

The Tiwi option was to tell everyone that nothing was going to change, establish a structure that was clearly intended to be the framework for a regional governance structure but to leave in place all the other organisations to operate as separate autonomous governing bodies.

There is a great deal of merit in the principle that if it is agreed and needs to be done, someone or some few people should get on and do it!

➤ **Cooperation vs. legislation**

If a regional governance structure is to work successfully then the roles of Land Councils, ATSIC Regional Councils and community or regional councils need to be clearly defined and agreed by all spheres of Government.

Indeed a clear, simple structure would make more sense and be far more workable than the present tortuous bureaucracies the Tiwis have to live with.

For many years the driving force for Tiwi regional governance was the Tiwi Land Council and yet the reality today is that the leadership of the Land Council has turned its back on that vision. For those not aware of the composition of TILG, eight of our seventeen members are nominees of the Tiwi Land Council and the other nine are selected or elected to represent the four Skin Groups in communities, a structure that was clearly designed to bring together the Land Council with the Local Government body. I believe

this is the right structure as it brings together the Traditional Land Owners with elected Community representatives but if we cannot get cooperation within existing legislation and with the existing bodies, then I would see that the only way forward is a revision of Commonwealth and Territory legislation to set up regional governance structures separately from, and over-riding other bodies.

In the case of the Tiwis, it now appears that the child borne from the Land Council is reaching adolescence and as it starts to find its own way in the world, its parent is resisting that growth. We now appear to have moved to a position where it was stated by the Secretary of the Tiwi Land Council at a meeting last week that 'Regional Governance will be a decision for future generations' with a general unwillingness to share information, to the point that its minutes and decisions are to be kept secret from Local Government despite the fact that almost half the Members are common to both organisations. It has been explained to TILG Members in legal terms that the Land Rights Act 1978 prevents the Tiwi Land Council from making its minutes available to other organisations. I thought that we were, and governments at all levels, were requiring open, transparent processes.

➤ **Federal vs. States and Territory Government**

Indigenous Local Government bodies such as ours are caught in a demarcation dispute between the Commonwealth (ATSIS) and the Territory Governments. This is not only giving us financial nightmares but it has serious implications for service delivery.

One example is the supply of generated power to one of our communities which since amalgamation remains unfunded to the tune of \$100,000 p.a. because ATSIS (which previously funded the Aboriginal Corporation) now believes that the provision of Power & Water is a Territory responsibility.

The second example is in relation to CDEP programs where we are continually reminded that CDEP cannot fund local government functions despite the fact that the most promising areas for training and ongoing employment for indigenous people is in the provision of such services to the community. Furthermore, that without CDEP programs providing community services, present funding would be unable to meet the costs of these services.

The third example is the funding of outstations. These outstations require very high levels of funding to support infrastructure and support services. Over the last 2 yrs ATSIC under its homelands policy has approved the allocation of funds for housing to several Tiwi outstations but IHANT (the Government housing body) refuses to approve the construction of the Houses as they do not comply with IHANT guidelines.

There is a need for both spheres of Government to call a truce in this war and to recognise that there are real people needing real services in indigenous

communities and the way to achieve this is to break down the demarcation between the Territory or State Government and AT SIS responsibilities.

➤ **Democracy vs. Traditional Decision-making.**

Governing bodies in indigenous communities need to ensure community representation and communication without being too cumbersome. In trying to meet the needs of everyone, the creation of TILG included the continuation of 4 community management boards of elected members, together with the full TILG Council with all these bodies initially meeting monthly. All this on top of the multitude of other Tiwi organisations (I think there are at least 10 for a population of around 2,500 people) holding western style elections where 10 votes can get you elected. This makes decision-making a confusing and time-consuming process.

Within Tiwi culture, the most important forum for communication and discussion are the Family structures based on Clan and Skin Group. Opportunities for informal community involvement in governance need to be given greater credibility and thought so that there is greater level of understanding and communication at grass roots level. With strong family and community support, one single elected body could be all that is needed to streamline governance processes.

I cannot stress strongly enough that a simple coordinated structure is required for any regional governance structure to work

FINANCIAL MANAGEMENT

➤ **Financial clearance**

It should be mandatory for all funding agencies to give financial clearance for the formation of a new body and for assets registers to be up to date and audited at the time of any amalgamation or restructure.

The last two years have been spent trying to sort out the financial issues of the past. The failure of AT SIC to deal with issues in the old communities going back to 1999 demands that we re-audit the accounts for the last three years. At this stage I am not sure if this can be done, yet we are told if this cannot be done we will have to repay money we no longer have.

This is already on top of approx \$500,000 already spent on a Grants Controller after our first rudderless, engineless 9 months of operation. Indeed the work done then also failed to address many critical issues and rather than solving our problems has created many more. The Grants Controller had no commitment to establishing a new financial structure suitable for the new vessel but merely set up a chart of accounts with over a thousand job codes in an accounting package that was unacceptable for Local Government Accounting Regulations and it is certainly incomprehensible to local managers. After his departure we were still left to sort out AT SIC/AT SIS

funds, acquit grants, set up a payroll, set up debtors, and set up an assets register amongst other critical issues. Here we are again 12 months later, still floundering and the only response to pleas for patience from both ATSSIS and Local Government is to threaten another Grants Controller. A Grants Controller is nothing more than an accountant who charges exorbitant rates on a fly-in fly-out basis for short term results. The Tiwi Islands needs competent, resident accountancy services and to get these we need more staff accommodation.

➤ **Coordinated reporting requirements**

The present financial reporting requirements by the NT Government and ATSSIS are different and becoming increasingly frequent and complex. Unless these can be brought together it will virtually force councils to run at least two sets of accounts to meet the different accounting regulations. In addition, there are BAS reports, ABS reports, Commonwealth grants to be acquitted and a variety of other demands for financial information. Remote councils with limited staff are rapidly sinking under the financial reporting burden being imposed by bureaucrats in large offices in Darwin and Canberra. Part of the reason that successive finance managers in the Tiwi Islands have jumped ship has been the enormity of the workload and tasks imposed on the organisation.

Currently there is considerable money (\$7.5M) being spent by the Commonwealth Government through LGANT for the NT Connect project which aims to provide councils with online business and accounting systems to meet these demands and to open up the possibility for online accountancy support. The Tiwi Islands is in the fortunate position of being the pilot project for the ITVision local government software system. The cooperation, not dictation, of the various funding bodies is needed to ensure that this streamlined and simplified business system can be put in place.

I am asking ATSSIS and Local Government to support the project and work with LGANT in developing a common reporting system which will support effective governance in indigenous communities. To stand back from it and simply threaten 'Grants Controller' to struggling councils is a very short-sighted view.

➤ **Winding up of redundant bodies**

When new regional or amalgamated structures are established old and redundant organisations should be properly wound up.

When TILG was formed it replaced three Community Government Councils and an Aboriginal Corporation. Despite the transfer of its assets, the Wurankuwu Aboriginal Corporation has not been wound up and has not submitted reports for more than two years.

- **Asset management**

Prior to the formation of TILG, not only were no financial audits completed but there was no stock take of assets and process for the transfer of assets. In fact, none of the previous community councils even had an up to date assets register. More work is still ahead of us in clearing up our assets register and clarifying with the Land Council, other community organisations and housing, issues such as whom legally owns the assets and who is thus responsible for their maintenance and upkeep.
- **Corporate structure**

With the exception of Local Government, the other organizations in the Tiwis have been established as private companies with the Tiwi Health Board currently in the spotlight. What has happened to that organisation is now well known, however to establish governance structures as private companies places at risk the assets of those organizations if they get into financial trouble. It doesn't seem to smart to me to have assets sold by administrators to pay creditors when these assets were provided by government grants.

RESOURCES

- **Local administration**

The original Tiwi vision was to bring the various organisations together under the umbrella of a regional assembly. There was indeed a lengthy list of such functions for the new body in the legislation passed in 2001 but as I said previously, there are still separate organisations governing lands, education, training, employment and health in the Tiwis. Unfortunately, the existing organisations have been building their empires over the last 2 years and moving away rather than towards unification. Visitors to our communities are frequently surprised to see the construction of new Land Council offices and training facilities in each when the Council Offices and schools already have ample conference, training and meeting spaces available.

The extraordinary situation in the Tiwi Islands is that despite the emphasis on putting up buildings in the communities the administration offices of the Tiwi Land Council, Tiwi Training Board and the erstwhile Tiwi Health Board are all in Darwin with staff flying in on a weekly or daily basis.

The cost of administering all these organisations is using money that could be better used in delivering services and encouraging employment within our communities.

Decisions and clear plans need to be developed to bring together and coordinate the administration services, especially in those critical areas of health, education, training and employment to avoid duplication and to concentrate on service delivery over empire building.

➤ **Human Resources**

Most remote Community Government Councils have a limited number of staff with a high turnover, particularly of qualified professionals. In fact, I was congratulated a few months ago when someone realised that I had survived in my current position for 18 months (11 months being average stay by CEOs). Larger Councils may be able to redeploy staff to cope with any major change but smaller, remote communities do not have this luxury.

When the NT Government identifies a need for change, its usual response is to recruit more staff to its own department in Darwin. To use our ship analogy again, having shore based staff giving us more advice does not help those of us struggling at the pointy end of the ship. TILG needs those extras hands on deck to cope with the huge workload that the new structure has imposed on top of its day to day services.

The Tiwis single greatest need is for council staff housing which the government currently does not see as a priority. Unless adequate and suitable staff housing is provided, skilled staff cannot be recruited to support the changes needed. Unless we have more staff resident and committed to the Tiwis, we cannot hope to keep our ship afloat. Indeed, it is my view that one of the reasons for the recent sinking of the Tiwi Health Board was that there were no locally resident administrators to manage its finances resulting in huge overtime bills, excessive vehicle use and the high cost of daily travel to and from the islands.

➤ **Establishment package**

Government Financial Assistance or Establishment Packages need to be clearly defined and committed from day one. TILG was promised an establishment package before the legislation passed through Parliament and again at the time of a Review 12 months after its establishment and yet here we are still without any additional resources to assist in the transition.

Financial assistance or establishment packages should be negotiated and finalised before any changes take place.

➤ **Training and employment**

Attention also needs to be given to the objective that we are talking about today, which is Building Indigenous Governance.

The Tiwi dream is for all paid jobs, including governance jobs, to be held by Tiwis by 2020 but this depends on education and training becoming an integral feature of community life.

At present, the education of our 1,000+ young people is split between the NT Government and Catholic Education offices and the training and employment of the adult population depends of the services of the Tiwi Islands Training and Employment Board. There is no coordinated structure to provide Tiwi people with pathways through education and training to real jobs within their own communities.

In planning for a regional governance structure, Tiwi Islands Local Government has already identified that a single education, training and employment division should be a feature of the new coordinated structure.

Tiwi Islands Local Government could run an efficient administration system if it imported all its employees as one of our Darwin based organisations does, without one Tiwi employee in its Darwin office.

However the Tiwi people are rightly determined to increase local employment and Tiwi Islands Local Government has committed itself to the employment and training of Tiwis in all areas of its business. The Tiwi people are tired of outside people coming in and taking their jobs but for this to work, we have to have the right support structures in place.

The Tiwi Islands Training and Employment Board which should be broking training programs has become an RTO and is focussing on attracting funding for new training facilities rather than working cooperatively to use existing facilities in Tiwi schools and council offices. As a result, there is a reluctance of other RTOs to provide programs to the communities.

The current Tiwi training board gets the majority of its funding for apprenticeship training when there are, in reality, few new jobs at the end of those apprenticeships. What the Tiwis most want and need is on-the-job training for the job available now. Training in governance as in other areas needs to be continual, with one to one mentoring, not visiting trainers who vainly attempt to teach unfamiliar faces on an intermittent basis. The most productive governance training we have comes from daily training in the workplace augmented by Indigenous Community Volunteers who live and work in the community for up to 3 months. We are very proud of the recent achievements of our Tiwi President, Community Managers and Chairmen, the leading hands on the good ship Tiwi. They are part of an up and coming generation who are setting a fine example to the community of the importance of lifelong education and training.

In conclusion, I firmly believe the Tiwi dream of one ship, one rudder and an all Tiwi crew can be realised. There are still some rough seas ahead, even the odd cyclone to weather but what the Tiwi Islands needs most is for all levels of Government including ATSIS to put away their torpedos and to put some wind in our sails until the new engine takes over.

As one of the community leaders said to me the other day”

You mob have taken hundreds of years to develop your system of Governance.

We have only been at it for less than 100 years!