



NORTHERN LAND  
COUNCIL

*Our Land, Our Sea, Our Life*

# Community Planning and Development Program

2019 Monitoring Report

June 2020



**LA TROBE**  
UNIVERSITY

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proposed approach, methodology, resourcing  
and timelines, including stages of data  
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This monitoring report follows the first baseline  
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This report reflects the views of the authors and  
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*This is what we have been  
missing. We need to start  
learning about different  
legal issues and using  
them to help out the  
community, especially with  
the problems that we have  
with young people*

Participant, Community legal education  
workshop



# Executive summary

## Introduction

This report is the second monitoring report for the Northern Land Council's (NLC) Community Planning and Development (CP&D) Branch, a part of the Northern Land Council<sup>1</sup>. It covers progress of CP&D's work from January until December 2019, its third year of operation.

Since its inception in 2016, Traditional Owners (TOs) in eight locations are now working through the CP&D Program. Across these locations Aboriginal people have committed almost \$7.9 million of their income from land use agreements towards projects that benefit the community.

From that income, \$2.7 million has been planned and is delivering community projects, approximately \$1.3 million has been spent on project implementation during the 2019 reporting period.

Overall, the CP&D Program had 27 projects within its system at the end of 2019. This is almost double that being delivered last year. Aboriginal people chose to spend the money across a wide range of project types. In 2019, nine projects (33%) were focused on language and culture, six (22%) on governance and five (19%) on young people (including youth sports and recreation, employment, and education). The remainder was spread across a mixture of areas including outstations, funerals, churches and law and justice. Projects directed at young people received the most funding, followed by outstations and language and culture.

## Findings against program objectives:

**Objective one: Strengthen Aboriginal capacity, control, and group cohesion, particularly through the management of their money.**

Throughout 2019, for most of the groups working through the CP&D Program on delivering their community development projects, there appears to be appropriate and functioning decision-making processes in place. Notably some groups, for example Daly River TOs, are described in reports as being very skilled in managing their own resources.

There appears to be a strong commitment among Aboriginal people to long term management of their resources in ways which will return benefit to their families. This includes an interest in some places in developing local businesses or Aboriginal corporations.

The feedback from 2019 monitoring suggests that Aboriginal peoples' trust in NLC and particularly its CP&D Program remains high, and that in general TOs and working groups see value in the support offered by the CP&D Program. There are some distractions created by different views about the allocation of money for community benefit, and the possible variations in understanding or knowledge about previous arrangements and decisions. This is compounded by different practices across NLC.

Additional research undertaken by the Northern Institute of Charles Darwin University (CDU) has highlighted some additional perspectives in the community planning and development work. This includes an often productive tension between development work that is managed and mobilised by particular families and work carried out by community service providers for everyone. Their research suggests that continuing to understand and work with this

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<sup>1</sup> Annex Three of this report lists the recommendations from the first baseline report and the subsequent action undertaken against each recommendation.

difference may help to generate new ways of thinking about community development work and its place in supporting Aboriginal people's aspirations and well-being.

**Objective two: Achieve social, cultural, environmental, and economic outcomes Aboriginal people want, value and benefit from.**

The monitoring for 2019 indicates strong and consistent support for projects that support culture and traditional Aboriginal authority and practices. This is alongside a focus on young people and their development, including employment for young people, access to justice and with opportunities for young people to access traditional knowledge and practices.

The monitoring undertaken by CDU indicates strong support for projects to work in ways that reinforce and support Aboriginal people's knowledge and ways of relating, while also bringing practical benefit.

At the same time, it is not clear that people in all locations understand the process of allocating money for community benefit nor the connection between specific projects and the likely benefits they derive from those projects. Similar to the findings from previous monitoring, increased communication in forms which are accessible to Aboriginal people appears to be important going forward.

**Objective three: Document, monitor and evaluate the work to make sure it is on track in delivering outcomes valued by Aboriginal people.**

Internally, the CP&D Program has consistently monitored its work throughout 2019 through staff reporting, staff reflections and requirements for project partner reports. This has been complemented by additional external monitoring facilitated by CDU. A gap arising from the monitoring for 2019 has been the limited voice for Aboriginal people to comment on the progress, value, and recommended improvements of the community development work.

From an operational delivery context, the findings from 2019 also speak to the ongoing need for collaboration and cooperation between the NLC Branches. This would present a unified and consistent development approach, in line with the original vision for the CP&D work in NLC, and recommendations from the first baseline report.

*Since its inception in 2016, Traditional Owners (TOs) in eight locations are now working through the CP&D Program. Across these locations Aboriginal people have committed almost \$7.9 million of their income from land use agreements towards projects that benefit the community.*

# Recommendations

*Note: Progress against recommendations made in the first baseline report is outlined in Annex Three.*

Findings from 2019 lead to the following additional recommendations:

## **1. NLC sets out a strategic whole of institutional approach to ensure community development is clearly linked to the broader NLC development framework. This is relevant to the delivery of:**

- the engagement of constituents, including new groups
- disbursements from land use agreements, consistent with existing policies,
- new land use agreements, elucidating community benefits,
- associated policies to support
  - direction and due process for engaging with Aboriginal Corporations
  - interpretation of the Land Rights Act as it relates to community benefits
  - interpretation of the Native Title Act as it relates to community benefits,
- monitoring and evaluation of all monies of the NLC trust and how it is utilised to support Aboriginal people to provide
  - quantitative and qualitative information, and
  - regular and consistent reporting to Aboriginal people, the NLC and other stakeholders.

## **2. CP&D ought to expand and improve its communications with Aboriginal groups. This includes:**

- Having more regular contact with people in project locations to explain the detail of projects.
- More utilisation of social media and other forms accessible to Aboriginal people.

- More acknowledgement and credit for the TO role in allocating money for community benefit, particularly in media that they consume.
- Opportunities for TOs to speak about their achievements and the projects they support to new groups.
- Creating opportunities to learn from the experience of other groups, such as project site visits (i.e. Malak Malak TOs with Warlpiri Education and Training Trust) and share new knowledge.
- Sourcing resources to develop quality materials and for support to manage delivery of communication projects.

## **3. Monitoring and evaluation ought to be further integrated into the community development process (as originally envisaged) to ensure there are regular opportunities where the voice and opinions of TOs are captured and reported. This might include:**

- Securing resources to engage local researchers.
- Securing internal expertise to train and build capacity of local researchers.
- Refining practice of Community Development Officers to extend to Monitoring and Evaluation and engagement with TOs.

## **4. As resources and opportunities allow, the views of Aboriginal people including NLC Council members, ought to be increasingly sought, to verify the CP&D monitoring and test the value of the associated analysis and recommendations.**

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# Acronyms

<b>ALFA</b>	<b>Arnhem Land Fire Abatement Ltd.</b>
<b>ALRA</b>	<b>Aboriginal Land Rights Act (NT)</b>
<b>APONT</b>	<b>Aboriginal Peak Organisations of the Northern Territory</b>
<b>CD</b>	<b>Community Development</b>
<b>CP&amp;D</b>	<b>Community Planning and Development</b>
<b>IBA</b>	<b>Indigenous Business Australia</b>
<b>ILUA</b>	<b>Indigenous Land Use Agreement</b>
<b>IPA</b>	<b>Indigenous Protected Area</b>
<b>M&amp;E</b>	<b>Monitoring and Evaluation</b>
<b>MEF</b>	<b>Monitoring and Evaluation Framework</b>
<b>NAAJA</b>	<b>North Australian Aboriginal Justice Agency</b>
<b>NIAA</b>	<b>National Indigenous Advancement Agency</b>
<b>NLC</b>	<b>Northern Land Council</b>
<b>NTG</b>	<b>Northern Territory Government</b>
<b>NTH</b>	<b>Native Title Holder</b>
<b>ORIC</b>	<b>Office of the Register for Indigenous Corporations</b>
<b>s19</b>	<b>Section 19</b>
<b>SEALFA</b>	<b>South East Arnhem Land IPA Fire Abatement Project</b>
<b>TO</b>	<b>Traditional Owner</b>
<b>WG</b>	<b>Working Group</b>

## 1. Introduction

The Northern Land Council (NLC) is an independent Commonwealth authority, with statutory responsibilities under the Aboriginal Land Rights Act (NT) (ALRA) 1976 and the Native Title Act 1993. The NLC assists Aboriginal peoples in the Top End of the Northern Territory acquire and manage their traditional lands, waters and seas, and realise the social, cultural, environmental and economic benefits that can flow from this.

In 2016, the Full Council of the NLC set a strategic direction to establish a Community Planning and Development (CP&D) Program to help Aboriginal people plan and manage development projects using their own resources. The CP&D Program is intended to work with Aboriginal land owner groups to support them in using their money from land-use agreements, such as royalties or lease money, to undertake projects that create lasting community benefit.

In 2018, the CP&D Program established a monitoring, evaluation and learning (MEL) approach for the Program. Based on this approach, a monitoring report was produced in 2019 that covered progress of work from 2016 until December 2018. This document is the second monitoring report and covers progress of CP&D work from January until December 2019, its third year of operation.

## 2. NLC Community Planning and Development

### Overview

The NLC has a core commitment to increasing Aboriginal peoples' control of their vast estates, in order that they can meaningfully derive associated benefits for the betterment of their communities.

In August 2015 the NLC commissioned independent research to identify the views of Aboriginal traditional owners (TOs) regarding the adoption of a developmental approach

for lease monies and other resources for the specific purposes of deriving economic, social and cultural benefits. The research was also required to identify the role of the NLC in any future community development (CD) process.

The subsequent report made several recommendations for the NLC to consider before it implemented a CD approach<sup>2</sup>. These recommendations identified that two core changes were required for the CD approach to be successfully implemented with TOs in the Northern Territory. The first was cultural change among lease payment recipients, to shift deeply embedded expectations that those recipients should benefit directly from payments in the form of personal distributions. The second change was within NLC, requiring a commitment to shift from long established processes around royalty and lease payments to accommodate a CD approach.

Beyond these recommendations, the report suggested NLC would need to focus on building the capacity of groups and communities to plan and manage their utilisation of money for shared social, economic and cultural benefits. Further, the NLC would need to collaboratively develop and communicate the key principles and methodology of CD externally and within the Land Council, in order to underpin a shift in understanding and commitment to this approach.

Significantly, the report identified the need for a 'whole of NLC' approach where a community development section would work closely with other branches including Anthropology, Regional Development and Legal, to ensure a consistent message for external groups.

Based on this report, in 2016 the Full Council of the NLC set a strategic direction to establish a CP&D Program and endorse a community development Framework 2016-20 to assist Aboriginal people plan and manage development projects using their own income.

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<sup>2</sup> Martin, D. King, E. (2015) 'Scoping for the establishment of a Community Development approach for the Northern Land Council', report to the Chief Executive Officer, Northern Land Council, November.



## The CP&D Program goal and objectives are as follows:

**Goal:** Healthy, resilient and engaged Aboriginal people, groups and communities that are strong in language, culture, connection to country, health, education and employment.

**Objective one:** Strengthen Aboriginal capacity, control and group cohesion, particularly through the management of their money.

**Objective two:** Achieve social, cultural, environmental and economic outcomes Aboriginal people want, value and benefit from.

**Objective three:** Document, monitor and evaluate the work to make sure it is on track in delivering outcomes valued by Aboriginal people.

**Objective four:** Show governments and other organisations the value of and how they can better support Aboriginal-led planning and development.

The NLC CP&D approach to change builds on established theory around CD practice in Australia and beyond. For the NLC, CD is a practice of enabling and supporting groups and communities to work together and drive their own development. Core to the approach is the assumption that when groups of people are enabled to act together, based on their ideas about what is important, and making use of their knowledge to solve problems, solutions are both of greater benefit and likely to be more durable.

Applied to the situation of Aboriginal people living in remote and rural Australia, the approach proposes that the exclusion and lack of ownership of Aboriginal people in the processes and projects which affect them has led to disempowerment, and poor outcomes. The CP&D processes seek to support community members to elaborate their vision for a better community and to identify projects and processes that need to

be addressed to achieve it, using Aboriginal people's own money. In so doing the CP&D approach assists in identifying key stakeholders, developing partnerships, and overseeing the implementation of projects drawing on local and external resources.

The money utilised for community benefit derives from several sources. These include lease agreements entered into under Section 19 (s19) of ALRA; a 20-year intertidal fishing access agreement with the NT Government; the sale of carbon credits through the South East Arnhem Land Fire Abatement (SEALFA) project; and an Indigenous Land Use Agreement (ILUA) with Native Title Holders (NTH). Some of these agreements require that funds are used for community benefit purposes (e.g.: two s19 township leases in Galiwin'ku, the SEALFA project and components of the ILUA), however in all other cases the income would otherwise be going to individuals.

The CP&D approach follows an eight-step process (see Annex One) to support beneficiaries of land use agreements to engage in the participatory planning and development of their community projects. In general, the eight-steps are progressed over a number of meetings with groups. Initial meetings are held with the wider group and/ or family groups, who determine the approach going forward, such as using smaller working groups to develop community based project ideas. Decisions include prioritising projects, budgeting income against projects, engaging third party partners to undertake the project and monitoring delivery of projects. To facilitate this approach, a range of visual communication tools are used to assist in establishing Aboriginal groups' governance of projects, raising awareness and planning ideas, and building capacity in formulating and delivering community projects. Outcomes of meetings and projects are reported to various audiences. Local newsletters documenting key outcomes of meetings are presented back to groups at each meeting. Broader outcomes from the Program are presented back to the Regional and Full Council periodically, as well as in NLC publications including the CP&D biannual Newsletter, Land Rights News, Annual Report and internet webpages and any social media.

In order to manage the overall growth and to balance the capacity of program resources and Aboriginal group expectations, the CP&D Program caps the minimum amount of money groups need to set aside for community benefit projects at \$250,000. As discussed later in this document, this minimum is subject to review, based on both CP&D capacity and direction by Aboriginal people.

## Progress to date

Since its start in 2016, the CP&D Program has worked with TOs in eight locations (see Fig 1) and explored opportunities for CP&D in two new locations.

Fig 1. Project locations



Across these locations Aboriginal people have committed almost \$7.9 million towards community benefit<sup>3</sup> (see Fig 2).

Since program inception, CP&D has supported 34% of the committed funds to be delivered as projects. In 2019, approximately \$1.3 million was spent on project implementation (see Fig 3) with the largest amounts of money being expended in Galiwin'ku and Palumpa.

Fig 2. Percentage of funds committed by TO by location to the CP&D program

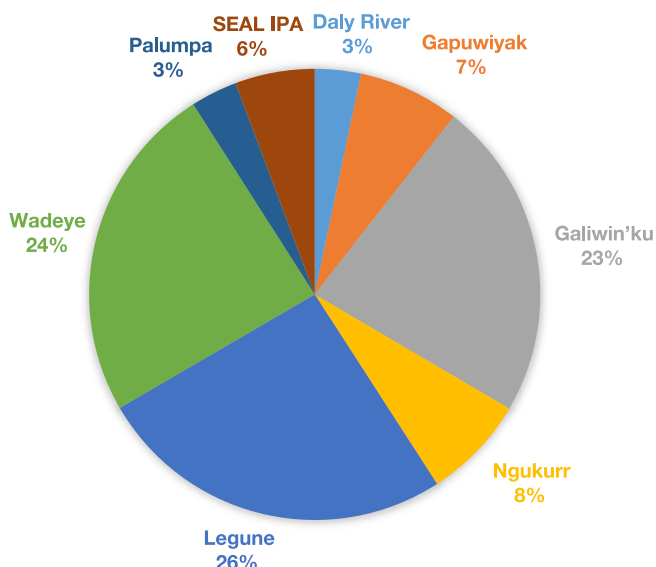
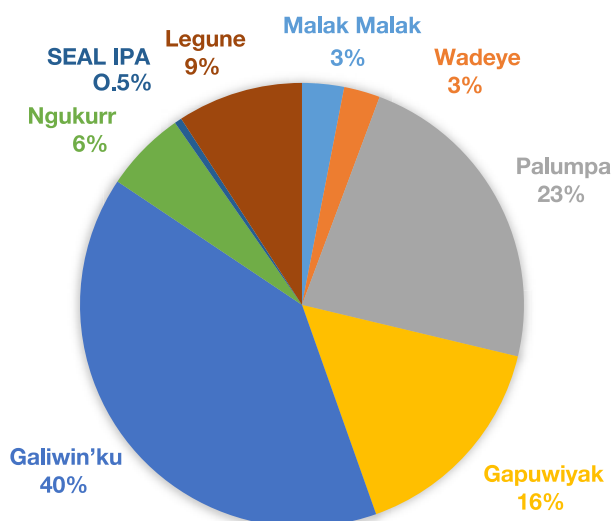


Fig 3. Percentage of CP&D funds expended by location in 2019



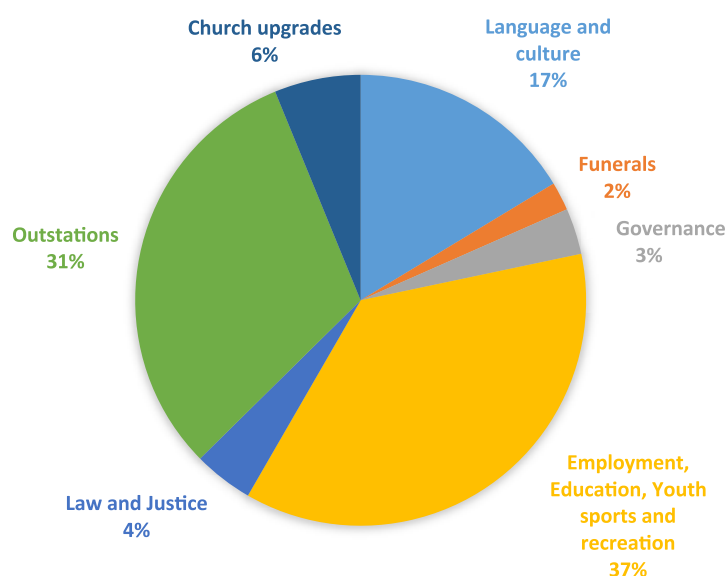
Overall, the CP&D Program had 27 projects on its system by the end of 2019<sup>4</sup>. This is almost double that being delivered last year. Of the 27 projects, seven have been completed and the rest are in different stages of progress. Some are a few months from completion and a small number (three) are about to start.

<sup>3</sup> This includes future known income for two locations.

<sup>4</sup> This includes one large outstation project in Palumpa which has five sub project activities.

Aboriginal people chose to spend the money across a wide range of project types. The funding amount committed across these categories shows a slightly different pattern to the 2016-18 Monitoring Report, with most money spent on projects directed at young people, followed by outstations and language and culture, see Fig 4.

Fig 4. Project focus by % of funds spent in 2019



In 2019, nine (33%) were focused on language and culture, six (22%) on governance and five (19%) on young people (including projects focused on youth sports and recreation, employment, and education). The remainder was spread across a mixture of areas including outstations, funerals, churches and law and justice.

Similar to previous years, CP&D staff have been required to undertake a number of formal and informal meetings with TOs and associated working groups (WG) to assist their development of ideas, identification of projects, their choices around project partners and their ongoing management and eventual assessment of projects. As indicated in Table 1, CP&D staff have undertaken 46 formal meetings across 2019, at multiple locations, to facilitate these processes. This compares to 28 meetings for 2018 and indicates the increasing size of the Program together with the increased activity around specific projects.

**Table 1. CP&D meetings with Aboriginal groups in the 8 locations**

Project location	TO Meetings	WG / Governance Group	Informal <sup>5</sup>
Daly River	2	3	0
Galiwin'ku	2	0	0
Gapuwiyak	3	0	0
Legune	14	0	11
Ngukurr	2	3	3
Palumpa	2	0	0
SEAL IPA <sup>6</sup>	2	6	0
Wadeye	2	1	8
Timber Creek	2	0	0
Gunbalanya	2	0	0
<b>Meeting totals</b>	<b>33</b>	<b>13</b>	<b>22</b>

<sup>5</sup> Informal meetings are the number of days CD Officers have conducted in-field small group meetings. Several small group meetings or informal gatherings might be held on these days.

<sup>6</sup> SEAL IPA has two distinct governance groups that meet separately in Numbulwar and Ngukurr, usually in the same week. In 2019 each separate meeting is included here in contrast to previous year where the two events were recorded as one meeting.

The significant increase in number of both projects and meetings also indicates CP&D staff are spending more time supporting community planning and development processes in communities. This has been made possible, at least in part, by the engagement of a CP&D Administration officer in 2019. This appointment has positively impacted the Program by reducing project administration burden and improving preparation and turnaround for consultations.

During 2019 no new groups joined the program, however CP&D consulted with two additional groups in Gunbalunya and Timber Creek. While neither of the TO groups in these locations chose to join the program, CP&D engagement worked to both raise awareness of those groups and to develop its practice in consulting with new groups. Reports on these consultations are included later in this document.

### 3. CP&D Monitoring and Evaluation

In August 2018, the CP&D Program developed an implementation plan<sup>7</sup> for the ongoing monitoring and evaluation of its work, primarily to provide accountability to Aboriginal people. The plan was also designed to support program improvement and as a way to assess and communicate the value of the community planning and development approach.

The plan builds on the 2017 CP&D monitoring and evaluation framework (MEF)<sup>8</sup> drawing from a 'critical' approach to understanding and supporting change. That is, it seeks to understand not only what has happened but to also ask why? And beyond this to ask how things could be further improved?

Monitoring and evaluation of the work of CP&D is not a simple process of aggregating

results from projects into overall progress against objectives. The nature of the work is specific to the context, and the needs and vision of different Aboriginal land owner groups. Further, the value of the work in every location will be determined not simply by what is done through NLC support and processes but is also dependent on other influences and events in that location and the engagement that Aboriginal people are able to have with the process. Therefore there are multiple data collection processes, designed to triangulate findings and develop a comprehensive understanding of change in each location. These are complemented by reflection and analysis processes that support Aboriginal people and NLC staff to consider the implication of the findings and how things might change or remain the same.

Full implementation of the whole of the MEF plan is still under development. In 2018 and 2019 the main methodology for data collection and analysis has been two fold. Similar to 2018, all CP&D officers have utilised a standardised project reporting template to track significant points of change through the project locations. Information from this reporting has been combined with some additional information, mainly CP&D staff reflection and project reports, to provide an overview of activity and change in all locations.

In addition, for two sites, Galiwin'ku and Gapuwiyak, the Northern Institute at Charles Darwin University (CDU) has worked with TOs to undertake a 'Ground Up' monitoring and evaluation approach<sup>9</sup>.

This provided more in-depth and extensive monitoring of those sites, particularly from the perspective of Aboriginal people's knowledge and values. This has provided considerable

<sup>7</sup> Kelly, L. (2018) Northern Land Council Community Planning and Development Program Monitoring and Evaluation Implementation Plan. August. Internal.

<sup>8</sup> Kelly, L. (2017) Northern Land Council Community Planning and Development Program Monitoring and Evaluation Framework. October. Internal.

<sup>9</sup> 'Ground Up research and evaluation methods take seriously at the outset, the authority and sovereignty of Aboriginal knowledge authorities and elders and their various places, and work collaboratively with them to design, undertake and evaluate research and service delivery from the ground up. At each site local researchers were engaged and supported to negotiate understandings and practices of monitoring and evaluation with the clan elders who supervise the community development projects on their communities.' (Spencer, M. & Christie, M. (2019) 'NLC Community Planning and Development project, Ground Up Monitoring and Evaluation', interim Report December, Charles Darwin University, p 6).

depth for the report for those two sites and some further consideration of how to extend this methodology to other locations is now underway.

For another site, Legune, various activities were undertaken to begin to develop a wider assessment of community wellbeing, against which the contribution of the CP&D projects could be considered over time. This development is still underway and new data was therefore not available from this process for this report. What was clear from this process is that Aboriginal people do have a strong sense of the importance of overall wellbeing for themselves and their families. This is an important frame therefore for the evaluative component of the M&E work. Further, it validated the group's planning process and vision for a stronger future.

Information from all sources was analysed by an independent consultant and draft findings in each location were shared for further consideration by NLC staff, including people from CP&D, and other Branches in the organisation. For the first time some feedback and analysis was able to be provided by a small number of NLC Council members, ensuring some direct analysis by Aboriginal people. This report reflects the additional analysis and conclusions provided through this process.

The full methodology underlying this report is attached at Annex Two.

This document outlines the key findings from monitoring the projects at each specific location. It then considers the overall findings against the CP&D objectives. It builds from the previous report and its recommendations, which are attached at Annex Three.

## 4. Findings

The following reports on each location, include background, a project summary and findings from the delivery of those projects against the two major CP&D Program objectives – which are to enable:

- Aboriginal capacity, control and group cohesion and
- Value and benefits for Aboriginal people.

The section also includes information about the two new areas where CP&D consulted with new TO groups, with attention to the future possible implications for CP&D practice with new groups.

Finally, this section also reports about progress in communication related to CP&D work and its outcomes. This was identified in the baseline report as an area where further development was required, including a specific recommendation that a communication strategy should be developed for CP&D (see Annex Three).





## Background

TOs for the Malak Land Trust primarily live in Wooliana (a block of land privately owned by one family in the group) and Nauiyu community in the Daly River area, as well as at Bagot and 15 Mile town camp in Darwin. The group has a small number of aging, senior TOs and a limited number of TOs coming through in the next generation who are living on country or hold cultural knowledge of country.

In 2014 Malak Malak TOs entered a 20-year intertidal fishing access agreement with the Northern Territory Government (NTG) for the period 2012-2022. In return for access, TOs are party to a number of provisions in their Agreement, including an annual fishing access compensation payment. In November 2016 Malak Malak TOs agreed to plan and implement CD initiatives.

The two main projects for 2019 focused around language and culture with the installation of interpretive signs and the development of a mobile phone application to provide a platform for Malak Malak language-learning.

In addition, attention was given to the establishment of a corporation. Office of the Registrar for Indigenous Corporations (ORIC) came to a TO meeting to provide information to the group, and it was agreed that the CP&D Program will act as the project partner to deliver logistical support for an AGM meeting for an existing corporation which could be revitalised.

Throughout 2019, TOs also participated in planning workshops to develop a Healthy Country Healthy People (HCHP) plan. This is being run by NLC's Caring for Country Branch. It has a strong focus on language and country. The plan will provide a framework for the Land Trust, and capture strategies that can be progressed through CP&D. It provides a holistic way to progress the group's decision in late 2018 to develop a cultural strategy through the CP&D work.

Since June 2017, the Malak Malak TOs have committed \$260,064 for community benefit.



**Table 2. Malak Malak CD projects**

<b>Title of project</b>	<b>Project spend 2016-Dec 2018</b>	<b>Project spend Jan-Dec 2019</b>	<b>Project objective</b>	<b>Project Status</b>
Culture camps for youth	\$47,508	-	Language and culture	Ongoing
Funeral project	\$1,843	\$4,417	Funerals	Ongoing
Installation of three interpretive signs	\$7,791	\$17,315	Language and culture	Completed
Development of Malak Malak mobile phone application (with The Language Conservancy)		\$9,184	Language and culture	Partly completed
Attendance at 2019 PULiiMA Indigenous Language and Technology conference		\$2,290.91	Language and culture	Completed
AGM logistics support for Madaingya Aboriginal Corporation			Governance	Not started

### **Aboriginal capacity, control and group cohesion**

The previous report noted that the working group was paying good attention to governance and decision-making processes. This has continued during this period, with the group developing meeting guidelines setting out what needs to be done in preparation for meetings and how members should conduct themselves during meetings. They require CP&D staff to maintain a timeline for CP&D activities and a record of all decisions made, which they check. This is contributing to a sense that meetings are productive. The group has asked that the guidelines be used for all NLC meetings. Members of the group have also provided positive feedback about NLC's responsiveness and support for the working group.

The experience of being part of the working group - including presenting to meetings of all TOs - is helping to develop confidence among some members of the group, including the women.

Project reports note that the group is working constructively together and continues to manage differences and tensions appropriately,

making use of the meeting guidelines. For example, managing the behaviour of different group members and accommodating the ways in which people are able to contribute.

The group is currently making decisions together by majority, then seeking endorsement from older women TOs. The issue of how the TOs make decisions was raised in December 2018 but has not been further discussed. There have also been discussions about who key decision makers will be once the older women pass away, but no decisions have been made yet.

The group have strong pride in their achievements and are very ready to challenge NLC inputs. They ask for more information to be provided if they are dissatisfied with what has been provided. This in turn has changed the CP&D officer practices, with increased attention to minutes from meetings and comprehensive feedback being provided from one meeting to the next.

Although the project report notes that the group seems quite reliant on NLC to bring people together, they are demonstrating commitment and enthusiasm for the work

and taking more responsibility for planning and executing projects. For example, several members of the working group played a key role in working with older TOs to develop the mobile phone application, in which there was strong interest and engagement. The working group intends to increase engagement with the ranger coordinator in order to organise the culture camp in 2020. Project reports note a growing sense of group cohesion arising from the CP&D work. Feedback from Aboriginal people indicates a strong sense of support for the community development process.

### **Social, cultural, environmental, and economic outcomes**

The CD projects funded to date have been focused on outcomes related to language and culture. Project reports indicate that the group values the work that has been done through these projects. One TO expressed her sense of pride in the group's work on seeing the newly-installed interpretive signs. Other working group members reported that they make a point of always stopping at one of the signs and reading out the 'welcome to country' statement in language. The group was also satisfied with the way the project partner (Bellette Media) worked with them on the sign project.

The six TOs who attended the PULiMA language conference indicated that they benefited from hearing others' experiences and sharing ideas. They were particularly interested in hearing about the community development work undertaken by the Warlpiri Education and Training Trust supported by the Central Land Council's Community Development Unit.

There was strong interest and engagement among the working group members and TOs in the development of the mobile phone application to promote learning and use of Malak Malak language. Given there are only five fluent Malak Malak speakers left, this is an important investment in preserving language

and culture which will be of both immediate and future benefit and one they seek to further develop as an online tool for learning applications.

The group has continued to express significant interest in coming back to country (to live or visit) and are focused on keeping their culture safe possibly through the development of a cultural centre.

*The group have strong pride in their achievements and are very ready to challenge NLC inputs.*



## Background

Members of the Gupapuyngu: Liyalanmirri (Marrkula clan) live in Gapuwiyak, a small community of around 874 people in East Arnhem Land. Some senior clan members live at Nhulunbuy, Millingimbi and Mäpuru Homeland.

This TO group had accumulated income from payments made as a result of the Commonwealth intervention compulsory five year lease, NTG leases and other s19 leases on their land. The TOs sought assistance from the NLC to ensure that this money was appropriately managed for inter-generational benefit.

In 2018, two projects were approved and then two more in 2019. Significantly, the Gapuwiyak painting crew, was re-approved (after first being approved in 2018), to change project partners due to the Commonwealth Government's change in service providers.

Second, the governance support project was developed, to support the newly established traditional owner development trust (Milindji Development Trust) and a trustee company (Milindji Developments Pty Ltd). The governance project is intended to provide further training in corporate governance and support development of a strategic plan for business development for the trustee board.

In total, \$573,696 has been committed by TOs in Gapuwiyak (since June 2017) for community benefit. Table 3 outlines how this money has been spent since that time. Of the four CP&D projects, two have been completed to date.



**Table 3. Gapuwiyak CD projects**

Title of project	Project spend 2016-Dec 2018	Project spend Jan-Dec 2019	Project objective	Project Status
Milindji Development Trust	\$40,000	\$6,410	Governance	Completed
Milindji Developments Pty Ltd governance support		\$20,400	Governance	Ongoing
Gapuwiyak Painting Crew		\$100,082	Employment	Ongoing
Logo/t-shirt		\$2,795	Governance	Completed

### Aboriginal control, capacity and group cohesion

TOs continue to hold productive meetings and make decisions about the CP&D projects as a group. This was evident in the decision to fund a new project to provide governance support for trustee board members of Milindji Developments Pty Ltd. The group reviewed three quotes – which included some quite complex information - and met with two companies before making a decision. The group is also demonstrating an interest in the progress of projects and in the performance of project partners, including financial performance. They have taken on board NLC direction and advice regarding budget issues.

Decision-making is relatively inclusive. There are three senior men in the group, one of whom is key in driving decisions. Despite their gender and seniority, the three men provide opportunities for others to speak and share their views. The CDU monitoring suggests that it is valuable to allow for side discussion in meetings, to allow TOs to enact their own negotiating and decision making practices alongside those prescribed by the meeting protocol.

Members of the group appear committed to spending the money for community benefit, although tensions are occasionally evident. When a TO at one meeting raised the question of distributing the funds for individual benefit,

there was a strong response from several of the other senior members of the group. This led to a reaffirmation of the purpose of the funds for CD by the group. TOs consulted by CDU researchers indicated that the visibility of the CP&D projects – particularly the support for Yolŋu employment in Gapuwiyak – was important.<sup>10</sup>

The previous report noted that some of the concepts associated with governance were new and challenging for people to understand. Over the past year, the group's understanding of governance and management has continued to develop. Members of the group have now participated in the process of establishing a trust and a trustee company as well as in governance and business development. This has contributed to their understanding, although there remains confusion among some about whether projects are being run through Milindji Developments Pty Ltd or as TOs working with CP&D as well as about the processes involved in establishing a business. The group recognises that they will need support to develop their capacity to manage the company effectively and have engaged external expertise for this purpose. The CDU report suggest that the role of a local interpreter is critical, in part to ensure the translation of concepts about business and investment.<sup>11</sup>

<sup>10</sup> See CDU report p23 and p34.

<sup>11</sup> See CDU report p33.

The monitoring by CDU also found that the concept of royalty payments, and business investments can be confusing and it is useful to have Yolŋu people in the group who can regularly explain the differences.

*They were a bit confused why are we paying our money to them. I said this is how the business starts. We pay them and they find work for us. They look for business, they find something for us. Clancy asked, 'why are we spending money'. The more I interpreted the more the TOs understood (Edna Gäwuđu - Traditional owner).<sup>12</sup>*

### **Social, cultural, environmental, and economic outcomes**

During initial discussions for the CP&D work, the group expressed a strong interest in using funds to support job creation and generate additional income. The trust and trustee company were to be the main vehicle for this. There have been some frustrations among the group about the slower than expected progress in establishing the trust and trustee company.<sup>13</sup> However, the company is now able to trade and initial discussions were held in late 2019 on possible business opportunities that will be considered under a strategic plan to be delivered late 2020.

In discussion with CDU researchers, TOs indicated that they see Milindji Developments ensuring younger generations understand who they are and the place they come from. This core message, that people need to know the origins of the land and its people in the Milindji area is the lens through which the TO can

evaluate the worth of the projects.<sup>14</sup> It includes a vision for the corporation about recognising and acknowledging the rightful owners of the place.

*I feel happy and strong for this corporation, for the TOs, this community, and for our grandchildren. Because us mob will pass, and that [corporation] will go on for the future. They won't miss out on who the land is, story of where they are from. We will hand it over to them. For our children, our grandchildren, our sons and daughters.<sup>15</sup>*

As TOs, they see themselves as having a responsibility to care for others who are not from that place. This is one of the principles they see as underpinning how Milindji Developments will operate.<sup>16</sup> TOs also indicated that the establishment of Milindji Development's gave them something to pass on to their children.

As noted in the previous report, although there was initial reluctance to plan further projects until the Trust was established, in late 2018 the TO group decided to fund the Painting Crew 'top-up' project to provide additional income to participants in the National Indigenous Australians Agency's CDP. Between January and June 2019, a core team of seven Yolŋu men, with an additional five others participating occasionally, provided painting services in the local community.<sup>17</sup>

<sup>12</sup> See CDU report p29.

<sup>13</sup> A contract was signed with the project partner in October 2017. Milindji Developments Pty Ltd was registered with ASIC in March 2018 and Milindji Development Trust was registered in March 2019. The delays appear to be a result of both project partner performance as well as difficulties in obtaining signatures and documentation from individuals required to register for an ABN. There also appears to have been some misunderstanding of the processes involved in establishing a business, which led to expectations among the TO that business could begin sooner than was realistic.

<sup>14</sup> See CDU report pps26 and 34.

<sup>15</sup> See CDU report p32.

<sup>16</sup> See CDU report p27.

<sup>17</sup> The painting team began as an additional project to team members' work for the dole activity when they were paid to paint some of the office space of Miwatj Employment and Participation's office space. Gapuwiyak School then engaged the team to paint some areas of the school. TOs then put CP&D fund behind the project to continue painting work throughout the community.

Painting Crew Project partner reports and CDU review with the TOs, suggest that this provided benefits for both individuals and the community.

*Manymak (good) job, latju (wonderful). We're painting just the insides not the outsides. First do all the preparations, cleaning, washing with sugar soap, then painting the walls. Great if can keep going because so many houses need painting, and better if Yolŋu can do it.*

*Is a great program, guys enjoy doing it, doing really good job giving something worthwhile to contribute to community. Better than balanda (coming in from outside). Engaging Yolŋu in our community, keeping it local.<sup>18</sup>*

Members of the team received additional income and the work also provided participants with skills and experience in house painting, although due to a change of project partner from Miwatj Employment Program to ALPA late in 2019, the longer-term aim of providing accredited training was not realised.<sup>19</sup> Regardless, the work has contributed to increased self-esteem among project participants through community recognition for the quality and their work and its contribution to improving the community. According to TOs it has supported partnerships which in turn support local control over activities.

*Good that Milindji is cooperating with ALPA and CDP because that is local for this community. Get this community to run the community with local people doing jobs that they are capable of. We are trying to make that happen – everything will be local. My hope for Milindji is to be sustainable to help this community keep going. To be a local provider, local service provider.<sup>20</sup>*

Members of the community also benefited: the team liaised with the Gapuwiyak Aged and Disability Service to identify elderly members of the community to receive complimentary painting for their homes.

Both project reports and discussions between TOs and CDU researchers indicate that TOs valued the opportunity to provide community members with paid work in their community.<sup>21</sup> This also demonstrated the principle of 'Yolŋu helping each other'.<sup>22</sup>

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<sup>18</sup> See CDU report p12.

<sup>19</sup> The contract for the original project partner was terminated as the contract was awarded to another company. The new company is now engaged to deliver the project; however, implementation been delayed in 2019. The change in service provider has hampered administrative processes between the new project partner and the government, which has delayed delivery of the project since the change in project partner.

<sup>20</sup> See CDU report p31.

<sup>21</sup> See CDU report p28.

<sup>22</sup> See CDU report p29.





## Galiwin'ku

### Background

In this location, 10 year Top Shop and Bottom Shop leases were executed in 2006, with a portion of the rent from each lease allocated for 'Community Benefit'.<sup>23</sup>

At clan-based discussions in June 2017, TOs agreed to appoint clan representatives to participate in a working group to discuss and decide on use of the Community Benefit funds. Representatives from interested and affected groups were also invited to participate. The use of the CP&D approach to plan and spend funds for community benefit was endorsed by the working group at a meeting in June 2017.

Significantly this arrangement for community benefit, made more than 14 years ago, has been subject to other issues including the differing views of various people. There is a risk that the agreement may change under the new leases being negotiated.

The TOs have allocated \$1,804,776 to CD projects for community benefit since September 2017, which has been spent on projects as outlined in Table 4. Of the five projects, one has been completed to date with the first funding round for the Youth Diversion and Engagement Program also delivered and further extended with a second round of funding to 2021.

<sup>23</sup> To note: Each lease includes a clause portioning money specifically to 'Community Benefit'.

**Table 4. Galiwin'ku CD projects**

Title of project	Project spend 2016-Dec 2018	Project spend Jan-Dec 2019	Project objective	Project Status
Youth diversion and engagement	\$210,062	\$166,880	Youth sport and recreation	Near Complete, with in-principle agreement second round funding
Yalu raypirri camp program	\$101,776	\$48,243	Language and culture	Ongoing
Murrunga Island raypirri camp		\$87,131	Language and culture	Completed
Galiwin'ku Law and Justice Project	\$56,128	\$46,128	Law and justice	Ongoing
School adventure playground equipment		\$100,000	Education	Ongoing

Among the priorities of the TOs is a strong emphasis on the importance of 'raypirri camps' for young people. These camps involve the teaching of traditional knowledges, practices and ways of behaving.<sup>24</sup>

### **Aboriginal control, capacity and group cohesion**

Considerable work was done by NLC's CP&D team during 2017 to negotiate tensions between family groups and build consensus around using funds for community benefit. The previous report noted that this had resulted in a growing sense of cohesion among the group.

Overall, the group continues to adhere to the governance arrangements they put in place at the start of the CP&D process with NLC and to revisit these where required, such as when some clans are not fully represented at meetings. Members of the group are also comfortable to allow others to make decisions when they need to leave meetings early. This suggests a growing trust in other members of the group and in the governance arrangements. This is a positive development given the past tensions between

the groups and needs to be carefully nurtured and encouraged. It is of note that one TO clan continues to be poorly represented and further consultation is required to improve approaches to engaging with them.

Some concerns have been expressed about the extent to which TOs have control over the use of funds. This appears to stem from the fact that use of the funds for community benefit was stipulated in the original leases negotiated by NLC with the proponents and approved by TOs in 2006.<sup>25</sup> Consultation with TOs by CDU researchers indicated that some feel that Aboriginal people should have more control over project planning and management.<sup>26</sup> Some TOs also questioned the allocation of funds for wider community benefit, expressing a preference that funds be given to TOs for the benefit of their families.<sup>27</sup> Others, however, see value in using funds for broader community benefit and understand the importance of strong governance arrangements for managing the funds.<sup>28</sup> This suggests a need for wider information sharing and the greater engagement of people in understanding the benefits generated by the TOs work.

<sup>24</sup> See CDU report p17.

<sup>25</sup> The leases are currently in holding over period until new leases are in place.

<sup>26</sup> See CDU report p21.

<sup>27</sup> See CDU Report, p17-18.

<sup>28</sup> See comments on p22 of CDU report.

TOs are suggesting ideas for new projects and there is considerable interest in the progress of current projects. TOs value the presentations on progress from project partners as a form of accountability.

### **Social, cultural, environmental, and economic outcomes**

The CP&D projects are focused on outcomes for youth, which the group had agreed were a key concern within the community.

The youth engagement and diversion project potentially contributes to a wide range of individual, social and cultural outcomes including improved physical health (through sporting activities and provision of nutritious food at activities), positive social relationships and social wellbeing (through social activities), learning and cognitive development (through arts and crafts and music activities), and greater connectedness to culture (through on country trips etc.). It also potentially contributes to wider community safety and security by helping reduce antisocial behaviour.

Project partner reports indicate that activities are popular and there is strong engagement from adult members of the community, particularly in the youth program, with community members assisting with activities. This suggests that members of the community feel a sense of ownership over the project and see value in it. In terms of benefits for participants, in consultations with CDU researchers, one TO commented that participants' in the program were now 'sure of their pathway' and better understood their identity. This was demonstrated during a recent funeral ceremony conducted on country.<sup>29</sup> Project reports note that TOs were happy with the progress of the youth engagement and diversion project and see its value. The project has been extended for a further 12 months (throughout 2020).

The raypirri camps are also providing benefits for young people and are valued by TOs as an important way of passing on Yolŋu culture.<sup>30</sup> Some camps target vulnerable youth and contribute to stronger knowledge and connection to culture by teaching children and youth about raypirri, ceremonial dance, traditional health and wellbeing and other cultural matters. They also contribute to the development of practical skills, such as bush survival, hunting and food gathering, cooking and camping. Sessions on sexually transmitted diseases, the impact of smoking and health checks by a local health service provider contribute to better physical health. The camps also seek to re-engage children and youth in school and emphasise the importance of education and training for future employment.

TOs see the camps as beneficial in connecting young people to country and culture and for their health and wellbeing.<sup>31</sup> While some have indicated that they see small changes in the children, they recognise that the learning journey is a long one, and that this step-by-step, slow approach is consistent with a Yolŋu way of doing things.<sup>32</sup> The approach to re-engaging children and youth in education is also seen as culturally appropriate, as one TO noted:

*Yolŋu way is treating people in equal way not balanda [white person] way of good or bad. Having young people want to learn, not thinking about being not good, not attending. Give the students a good pathway how to meet requirements, uplifting together. Supporting, encourage them for raypirri and come to school once again.<sup>33</sup>*

While views of the camps are positive overall, some TOs have expressed a concern that the benefits are not evenly distributed among the different families.<sup>34</sup>

<sup>29</sup> See CDU report p20.

<sup>30</sup> There was some discussion of the raypirri camps being clan-based, rather than involving youth from several clans as is currently the case.

<sup>31</sup> See CDU report p19-20.

<sup>32</sup> See CDU report p17.

<sup>33</sup> CDU report p20.

<sup>34</sup> See TO comments on p 16 of CDU report.



TOs have allocated funding for further raypirri camps for Galiwin'ku in 2020, indicating that they see ongoing value in these activities.

Consultations with TOs indicate that CP&D projects – including the youth engagement and diversion program and raypirri camps – provide opportunities for community leaders to act as role models. This is incentivising leaders to consider their own actions. It is also reinforcing the authority of traditional leadership structures, which TOs see as fundamental for strong and healthy communities.<sup>35</sup> One TO also commented that the CP&D projects demonstrate to outsiders – including the government – that TOs care about their communities and are committing their own funding to improve them. The projects also demonstrate the value of integrating Balanda and Yolŋu approaches to learning and education.

The law and justice project aims to help bridge the divide between Yolŋu and Australian law and improve outcomes for Yolŋu in conflict with the law, especially young people. This includes facilitating meetings between community leaders and legal professionals, including the local court judge, preparing reference letters to support better integration of Yolŋu law into sentencing, and providing legal education for community leaders and community organisations.

Project reports indicate that the project is helping to build community leaders' understanding of Australian law and legal professionals' understanding of Yolŋu law:

*[The meetings are] where we learn both laws and to teach both laws ... This is a form of person to person learning from one another. It is a way for Yolŋu law and Australian law knowing each other and learning from each other.*  
Galiwin'ku Traditional Owner, July 2019

The project partner, the Community Legal Education team, is also supporting families to understand court outcomes.

Feedback from TO indicates that community leaders are feeling 'heard' and in greater control:

*[In the meetings] we are telling them our opinion and what we feel about it... We work together understanding each other... This is Yolŋu community and we think different to [white people]. We say what should not be done. This is our community, so we make those decisions.*

Galiwin'ku Traditional Owner, July 2019

This – together with the input that communities are able to provide into sentencing through reference letters – is an important basis for more culturally appropriate justice outcomes for communities.

The project is also providing benefits for individuals in the form of more culturally appropriate sentences:

*It was a powerful thing to have [community leader] there to support [client] in person. It was even more powerful that his letter showed the cultural and family support for [client] which could combine with the [Australian] criminal justice system to impose a sentence that was appropriate.*

Lawyer, North Australian Aboriginal Justice Agency, April 2019

Lawyers from the North Australian Aboriginal Justice Agency (NAAJA) have suggested that engagement with community leaders and reference letters from the community are '... mak[ing] a difference to outcomes for NAAJA's clients' (Daniel Thomas, Lawyer, North Australian Aboriginal Justice Agency, May 2019).

<sup>35</sup> See CDU report p15.

This has the potential for flow on benefits for the community: if sentences are more meaningful culturally, then communities are more likely to feel that justice has been served. This may reduce ongoing conflict or resentment and promote community harmony.

Legal education for community leaders and community organisations are also helping to promote better understanding of differences between Yolŋu lore and Australian law and of offending behaviour:

*This is what we have been missing. We need to start learning about different legal issues and using them to help out the community, especially with the problems that we have with young people.*

Participant, Community legal education workshop

Consultations with TOs revealed that holding one of the legal education workshop at Galawarra outstation was particularly valuable in providing a learning environment where participants felt safe and comfortable.<sup>36</sup>

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<sup>36</sup> See CDU report p15.



## Background

The Milwarapara-Yutpundji TOs speak for the Ngukurr township area. People live in Ngukurr, Urupunga, Minyerri and Bulman, while a few of the group's senior spokespersons live in Katherine and Roper Valley.

There are a range of s19 leases across the Ngukurr Township and surrounding area that deliver rental income for the Milwarapara-Yutpundji group.

TOs in Ngukurr have committed \$585,736 to community benefit since November 2017. Table 5 shows how this money has been spent to date.

So far, excluding ongoing maintenance of the Church, two projects have been completed out of the three.



**Table 5. Ngukurr CD projects**

Title of project	Project spend 2016-Dec 2018	Project spend Jan-Dec 2019	Project objective	Project Status
Welcome sign at Kewyuli	\$838	-	Outstations	Completed
Construction and maintenance of church toilet block, including privacy screen	\$61,494	\$66,744	Church upgrade	Upgrade completed Maintenance ongoing
School Oval improvement	\$81,818	-	Sport and recreation	Cancelled
Ngukurr Oval Improvement Works			Sport and recreation	Not started

### Aboriginal capacity, control and group cohesion

The previous report noted that it had been difficult for this group to come together, in part due to geographic disbursement of TOs. As a result, there were mixed views about the value of the CP&D process.

Project reports note that the governance structure is working reasonably well. In the first half of 2019, TOs created a working group to which four men and four women were appointed. The working group is responsible for planning projects, with funding decisions made by the full group of TOs. The working group meets regularly, and members understand its role.

Members of the working group are demonstrating good capacity to undertake project planning. Although not all members attend meetings consistently, there is a core group who are very engaged in project planning, and actively considering options and risks associated with projects. The working group has developed guidelines for working together and project plans, which two of the working group members presented confidently to the full TO group of about 80 people in October 2019.

The TO group has been able to make decisions together effectively. At a meeting in May 2019 they prioritised project ideas by voting on suggestions from both groups of men and women. They have also demonstrated good judgement regarding the use of funds, deciding to terminate a contract for school oval improvements where project delays and insufficient government contribution presented a risk to the viability of the project. This decision provided an opportunity for the group to undertake a good decision-making process and was not taken lightly.

One challenge for effective decision-making and group cohesion is that TO meetings are very large (around 70 people). This means it takes time to discuss each issue or decision. It is also difficult for all voices to be heard and for collective decisions. The large TO group limits the number of meetings that can be held each year, as these require considerable human and financial resources on the part of NLC. This may limit opportunities to discuss and approve projects. On the other hand, working group members presented at the most recent TO meeting. The TOs were engaged and the working group was able to confidently and comprehensively report on the progress of projects.

While the group appears committed to using funds for community development purposes, they do not necessarily see CP&D as the best avenue for this. In May, for example, the group decided to top up future purpose funds rather than CP&D funds, and in October, a decision was made to allocate funds from s19 lease income to an Aboriginal Corporation. The staff project report notes that key individuals within the group see the corporation as the vehicle for future income generation, although its aspirations - and whether there would be a role for CP&D - are still unclear. These funding decisions should not necessarily be interpreted negatively as they indicate that the group feels it has control over where it directs funds for community development purposes. It is noted that the NLC has to be clear about its role in this situation and also clear about how due diligence around the funds is ensured.

*The TO group has been able to make decisions together effectively. At a meeting in May 2019 they prioritised project ideas by voting on suggestions from both groups of men and women.*

### **Social, cultural, environmental, and economic outcomes**

Only the privacy screen for the toilet at the church was completed during 2019.<sup>37</sup> This project was seen as important for gender and cultural reasons.

Two priority projects identified in May were approved in November: upgrading of infrastructure for the school oval and construction of an enclosed waiting facility for the airstrip. Both the oval and airstrip infrastructure are seen as important for improving comfort and safety for users. TOs also feel that the airstrip project signals their pride in – and contribution to – their community.

Of particular importance to TOs for both projects is the creation of jobs for local people. This was an important consideration in selection of the project partner. TOs have created a working group to oversee the airstrip project to ensure it is completed to a satisfactory standard and that local community members are employed.

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<sup>37</sup> The toilet block itself was constructed in November 2018, but due to a missing key for the toilet block, access was first possible in August 2019.



## Background

TOs for the South East Arnhem Land (SEAL) Indigenous Protected Area (IPA) primarily live in Ngukurr and Numbulwar communities, with associated outstations throughout the region.

The SEAL IPA was declared in 2016. The SEAL IPA Plan of Management (2016-2021) provides direction for management of the area and was developed by the SEAL IPA Advisory Committee to reflect the broader interests of all TOs. Relevant to CP&D is income generated through SEAL Fire Abatement (SEALFA) Project, carried out in partnership with Arnhem Land

Fire Abatement (NT) Ltd (ALFA). Grant Monies derived from SEALFA work must be used for projects consistent with the objectives of ALFA Ltd, such as protection of environment consistent with Aboriginal practices, in looking after the health and wellbeing of TOs for the land and passing on cultural knowledge and education.

A total of \$505,290 has been allocated to community benefit. Table 6 indicates how that money has been spent. To date, of the four projects, one has been completed.

**Table 6. SEAL IPA CD projects**

<b>Title of project</b>	<b>Project spend 2016- Dec 2018</b>	<b>Project spend Jan-Dec 2019</b>	<b>Project objective</b>	<b>Project Status</b>
Back to Country Culture Camps	55,290		Language and culture	Ongoing
Engagement of Consultant – IPA support project		\$6,000	Governance	Completed
Train the Trainer			Governance	Ongoing
Aged Care Country Visits			Language and culture	Not started

### **Aboriginal capacity, control and group cohesion**

As noted, projects funded through grant monies must be aligned with ALFA Ltd.'s objectives, which was identified as a potential challenge for Aboriginal control over decision-making and management of the projects. However, TOs in this group continue to demonstrate strong capacity for good governance and decision-making, developed through their experience as part of the SEAL IPA Advisory Committee and through governance training (see previous report). This was demonstrated through the group's considered approach to the decision to fund a new project of on country visits for older members of the community (see Table 6). They have maintained a strong focus on the need for project and funding decisions to be made together at the Advisory Committee meetings when there is a quorum present.

Although TOs are comfortable with project planning being undertaken separately by the Ngukurr- and Numbulwar-based groups, they are aware of the need to discuss some topics together, such as those that involve regional cultural knowledge. The group is also conscious of the need to ensure equity of benefits between the two groups. This is a positive development given past tensions between the groups.

TOs have a clear understanding that the funds are to be used for community benefit. The group is also conscious of the importance

of wider community engagement, in part as a means of building wider capacity for governance and decision-making. To this end, the group posted notices in public places inviting community members to be involved in CP&D meetings. Although this did not result in any community members attending, it demonstrates the group's attention to expanding capacity and to inclusivity.

Given that the IPA Advisory Committee consists of representatives of the traditional landowning clans, most discussions around CP&D projects have been conducted at IPA meetings, which are led by NLC's Caring for Country Branch. Although it was originally planned that IPA and CP&D matters would be separate, joint meetings appear to be supporting efficient use of people's time and sharing of knowledge. This has been facilitated by good coordination within NLC, which in turn has built ideas about how internal collaboration in NLC can be further developed.

### **Social, cultural, environmental, and economic outcomes**

CP&D projects are focused on preserving and transmitting cultural knowledge and building project management capacity, particularly among the younger generation.

To this end, in 2018, TOs allocated CP&D funding for two culture camps. Although only one of the planned two camps have been run, TOs continue to see these camps as an

important means of educating children and youth.<sup>38</sup> With the commencement of NLC's Learning on Country program in Ngukurr and Numbulwar, the group is considering how the culture camps can complement or enhance the program.<sup>39</sup>

The only project approved this year was project planning and management training for youth. This was designed to provide trainees with skills which could be passed on to others through further training. The group sees building broader capacity for project planning and management as a way of increasing Aboriginal control, particularly for the younger generation. As one TO commented: 'Young ones have got to be the ones to take over and carry on'.

The group recognises that this will take time, although they already see value in the consultant's continued involvement with IPA/CP&D as the trainer for youth.<sup>40</sup>

In October 2019, the group approved a project of on country visits for older people. This project is seen as an important way of enhancing the wellbeing of older members of the community and enabling them to pass on their knowledge. The project is also expected to provide employment opportunities.

*The group sees building broader capacity for project planning and management as a way of increasing Aboriginal control, particularly for the younger generation. As one TO commented: 'Young ones have got to be the ones to take over and carry on'.*

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<sup>38</sup> An initial culture camp was run by the Yugul Mangi rangers in September 2018 but a second camp run by the Numbulwar Numburindi rangers planned for dry season of 2019 has been delayed at the direction of the IPA Advisory Committee due to ceremony.

<sup>39</sup> Learning on Country is a partnership between schools and ranger groups and will help with taking young and old people on country and intergenerational transfer of knowledge.

<sup>40</sup> CP&D Staff reflection report.





## Background

Seafarms Group Ltd is proposing to build a large scale commercial prawn farm in northern Australia, known as Project Sea Dragon. The project comprises a range of facilities in the Northern Territory and Western Australia. One facility is proposed at Legune Station, located approximately one hundred kilometres north-east of Kununurra in the Northern Territory.

Native title has been determined to exist over Legune Station with three estate groups involved. Following negotiations between the NLC, Native Title Holders (NTHs) and Seafarms, NTHs executed a 95 year Indigenous Land Use Agreement (ILUA) in November 2017. The benefits package includes a number of provisions, including funds to upgrade Marralum outstation and employ a full time Governance, Planning and Development Officer.<sup>41</sup>

One group of NTHs receiving 90% of benefits from the ILUA has committed a significant portion of associated payments to community benefit, totalling \$2,030,000, noting a final and large payment is pending Seafarms securing finance for its project. Based on payments received under the ILUA to date, NTHs are so far only able to plan and develop projects to the value of \$680,000.

Table 7 shows how that money has been allocated to date. Out of the 2 projects, excluding ongoing maintenance works, one project has been completed.

<sup>41</sup> As a result of this provision, NLC has had a dedicated governance / CPD officer, based in Kununurra, working with this group since April 2018. This allows targeted work on this project and a level of servicing not available to other groups.



**Table 7. Legune CD projects**

Title of project	Project spend 2016-Dec 2018	Project spend Jan-Dec 2019	Project objective	Project Status
Marralum outstation upgrade (Stages 1 and 2 and maintenance)	\$411,835	\$75,197	Outstations	Stage 1 & 2 Upgrades completed Maintenance work ongoing
DjarraDjarrany Education Fund		\$28,000	Education	Ongoing

### Aboriginal capacity, control and group cohesion

This group of TOs is not working together as a whole. Rather, planning is undertaken separately within the three clan groups involved: Djarrandjarrany, Gurribijim and Wadanybang, reflective of traditional governance regimes related to geographic connections of the groups and the disparity in benefits derived from the land use agreement. Djarrandjarrany are recognised as sharing 90% of benefits, while Gurribijim and Wadanybang each share only 5%. Further, internal tensions between families within the Djarrandjarrany clan, as mentioned in the previous report, remain apparent.

Implementation of the ILUA is guided by the ILUA Committee made up of members of each NTH group, NLC and Seafarms. Again, Djarrandjarrany hold majority seats (4) on the committee compared to the other 2 NTH groups (2 each). CP&D act as the facilitator for meetings which occur 4 times each year. Each year NTHs are more confident in participating in the meeting, in reading out and regular review of meeting guidelines, code of conduct, objectives of the ILUA and contributing during each agenda item. Within the meeting setting, NTHs seem to respect the process of the meeting and work collectively toward shared outcomes from the broader ILUA.

Outside of the ILUA Committee, each NTH group seems satisfied with the current arrangements with the CP&D Program. Regular meetings with NLC staff and the ILUA committee have continued to build the group's understanding of governance and decision-

making processes and how these can support them to achieve their goals. However, within the Djarrandjarrany group, decision making appears to be led by a few key male and female members of one family at the exclusion of another family. This may present some challenges for the inclusiveness of decision-making processes. It may also impact on the timeliness of decisions, given that key decision-makers live some distance from each other (in Kununurra and Wadeye).

Clear ideas about what community projects they would like to undertake and capacity to plan these varies between the three clans. The Djarrandjarrany group – which receives 90 per cent of the income - has identified a number of priority areas as well as some of the outcomes they want to see achieved, with young people and living on their outstation as a key focus. They appear to see value in engaging with the CP&D process. Neither the Gurribijim nor Wadanybang clans have been as interested in planning. These groups only receive 5 per cent each of the income, so may feel that their current funds do not justify detailed planning at this stage but do remain open to the potential by requesting NLC to continue to hold their milestone payments and accumulated funds for the time being. Moreover, the idea of conceptualising and planning a community project is a new experience. There was some interest among Wadanybang in establishing an outstation, although this was not universally shared within the clan.

### **Social, cultural, environmental, and economic outcomes**

The Djarrandjarrany clan has used funds received through the ILUA to undertake a major 2 stage upgrade of Marralum outstation, including renovation of houses to improve living standards and improvement of infrastructure. The main benefit of the project is the ability to live more comfortably and self-sufficiently on their homeland, with attendant benefits for social and cultural wellbeing. The group is making good use of the upgraded facilities, spending extended periods of time there, although there are some tensions, with some feeling that one family within the clan has disproportionately benefited from the project. There is a strong aspiration to spend more time on country and to build more houses so other family members can live there. In the longer term, the clan hopes to live permanently on the site and to seek employment at the prawn farm or with the NLC's proposed ranger program. The upgrade project also provided employment for some members of the group.

The Djarrandjarrany clan has approved an education fund which aims to support secondary school children studying at boarding schools and their families with funds for travel and equipment for school such as computers or uniforms. This project is just beginning.

The Djarrandjarrany clan is also planning a project involving 'on country' trips. There is a strong desire to reconnect with their homeland and to learn from elders. However, progress on this project has been slow due to disagreements over what some see to be high costs and negotiations on budget and logistics with NLC Caring for Country, which is the project partner.

*The Djarrandjarrany group – which receives 90 per cent of the income - has identified a number of priority areas as well as some of the outcomes they want to see achieved, with young people and living on their outstation as a key focus.*



## Background

Although members of a number of different clan groups reside at Wadeye, Yak Dimininh are the recognised TOs for Wadeye township area. Members of the group predominantly live at Wadeye, with at least one older member living at Nganmarriyanga (Palumpa).

There are currently a number of s19 leases over areas in Wadeye township, for which rental payments are made.

TOs have allocated \$1,919,939 (plus future interest) of funds from township leases to community benefit through the CP&D Program.

As outlined in Table 8, this money has been allocated so far to two projects.



**Table 8. Wadeye CD projects**

<b>Title of project</b>	<b>Project spend 2016-Dec 2018</b>	<b>Project spend Jan-Dec 2019</b>	<b>Project objective</b>	<b>Project Status</b>
Dimininh cultural sites and knowledge transmission	-	\$12,018	Language and culture	Ongoing
Cemetery improvement Stages 1 and 2	-	\$17,661	Funerals	Ongoing

### **Aboriginal capacity, control and group cohesion**

The passing on of senior members of the group in late 2018 and early 2019 has changed the dynamics of the group. This has impacted on group cohesion and commitment to using funds for community benefit. In August 2018, the group decided to allocate 50 per cent of funds for community benefit, with the remaining half distributed to individuals. This decision is now being questioned. It appears that there are a range of interests and agendas among the different families within the group, with some families wanting all funds to be distributed to individuals (in line with previous practice) and other families wanting to withdraw their portion of funds so they are no longer working with other Dimininh families. Others have also expressed an interest in channelling CP&D funding to the Kardu Diminin Corporation in which some of the group members are involved. This may be motivated by a feeling among some in the group that they are not fully in control of the CP&D process.

Leadership of the group is currently in flux, with younger, emerging leaders trying to assert their leadership, over the authority of some of the older men who have provided good leadership and kept the group cohesive. It appears that some group members are feeling marginalised and disempowered.

Although a working group was elected, the group does not appear to understand its role in decision-making or have much trust in it, preferring to make decisions with the full group of TOs. The working group has not

been particularly effective, with members unable to attend or meetings not held. There is also some overlap in membership of the working group and the board of directors for the local corporation. This has potential for misunderstandings of the roles of individuals and activities in each domain. It could also potentially lead to some conflict of interests.

Although there is interest in expanding particular projects among members of the group, there appears to be some lack of trust in local partner organisations. This has likely stemmed from the groups' frustration with project delays. Presentations to TOs from project partners in the second half of 2019 have helped to build confidence and trust.

### **Social, cultural, environmental, and economic outcomes**

The group had initially indicated their key priorities to be youth and culture, specifically ensuring that young people understand their culture. To this end, the group had approved a project involving visits to local sacred sites and had also discussed improvements to the cemetery.

In early 2019, the group decided that the cemetery was the more immediate priority, although the scale of the project was reduced. In addition to the historical and cultural importance of this project, CP&D staff observations suggest that this decision may have been motivated by other agendas, including discussions about funding for the corporation. The group had strong expectations about employment for members of Dimininh families on the cemetery project.



The first stage of improvements to the cemetery have now been completed, although the project was somewhat delayed due to a funeral and the lengthy process for obtaining Aboriginal Areas Protection Authority (AAPA) certification. The group initially expressed some concerns about engaging the project partner for further improvements. However, after meeting with them, they were reassured. Despite this – and the fact that families have lots of ideas for improvements to the cemetery – only a small part of the planned work for the second stage of the project was approved. This work has also been delayed, posing a risk for ongoing commitment to the CP&D process.

*The group had initially indicated their key priorities to be youth and culture, specifically ensuring that young people understand their culture. To this end, the group had approved a project involving visits to local sacred sites and had also discussed improvements to the cemetery.*



## Background

Rak Papangala TOs live predominantly at Nganmariyanga (Palumpa) and Wadeye (Port Keats). There are a number of gravel pits located along the Port Keats Road, over which the NT Government Department of Infrastructure has an s19 agreement. Rak Papangala group have connection to the country on which there are gravel pit/s, and hence receive income for extraction of materials under this s19 agreement.

TOs decided to allocate available funds from the gravel extraction agreement to community benefit through the CP&D Program. They elected to plan projects as a larger group (rather than elect a working group).

In total Rak Papangala TOs have committed \$264,054 towards community benefit, a reduction from the \$314,024 originally allocated. Table 9 outlines how that money has been spent since the allocation. Of the four projects, three have been completed.

**Table 9. Palumpa CD projects**

Title of project <sup>42</sup>	Project spend 2016-Dec 2018	Project spend Jan- Dec 2019	Project objective	Project Status
AAPA Authority Certificate		\$2,500	Outstations	Completed
Outstation Housing and Bore infrastructure		\$228,065.72	Outstations	Completed
Papangala Outstation road works		\$24,404.55	Outstations	Completed
Outstation contingency		\$6,117.82	Outstations	Ongoing
Papangala R&M			Outstations	Not Started

### Aboriginal capacity, control and group cohesion

The previous report noted that implementation of the outstation project was stalled in late December 2018 due to conflict between two families within the group. Decisions regarding the project – including decisions to adjust the scope of project works due to budget constraints - have since been able to be made effectively.

Project reports indicate that the group appears to trust NLC in terms of accountability for funds and project management.

### Social, cultural, environmental, and economic outcomes

This project is focused on realising a long-held aspiration to live on country, with attendant expectations around the social and cultural benefits this brings. The group also see this as a means of distancing themselves from other families in Palumpa with whom they are in conflict.

Construction is now complete and TOs have indicated that they value the peace and quiet at the outstation and their ability to escape from the conflict and fighting in Palumpa. However, due to budget constraints, which meant that the scale of the work had to be reduced, it is

not currently possible for all members of the family (approximately 20 people) to live there. Further, a number of issues with the construction (including the height of the foundation and the depth of plumbing) have prompted NLC to identify the need for greater oversight of construction work undertaken through CP&D. The group has approved West Daly Regional Council for repairs and maintenance and will consider other small improvements to the site using remaining funds of approximately \$15,000.

<sup>42</sup> The work undertaken in Rak Papangala is counted as one project in NLC records. In practice it has been managed as five activities as shown in this table.

## New Group Engagements

During 2019 no new groups joined the program, however CP&D consulted with two additional groups in Gunbalunya and Timber Creek (as outlined in the following sections). While neither of the TO groups in these locations chose to put money aside for CD and work through the CP&D program, the consultation work was further development of the CP&D engagement with TO groups.

The decision by these groups not to join the CP&D program appears to have been motivated by several factors. These include institutional barriers as well as how the ideas about community development are being communicated to and understood by TOs. These are discussed further in the sections below, with attention to the implications for ongoing CP&D practice.

### Gunbalunya

The Mandjurlngunji Mengerdji Traditional Aboriginal Owners of Gunbalunya township located north west of Jabiru in west Arnhem Land receive annual payments from a range of s19 land use agreements within and surrounding their town. In 2017, TOs decided to set some money aside for other purposes, such as for community purposes. However, CP&D was only new within NLC and with the opportunity to work with the CP&D Program was not offered at that meeting.

In October 2019, CP&D staff engaged with TOs of Gunbalunya regarding the funds which had been set aside and since accumulated in the NLC royalty account. At that time NLC was aware of interest to direct that income to the local Aboriginal Corporation, and therefore sought to resolve with TOs the purpose of held funds.

While the group decided to allocate existing funds for individual benefit rather than to community benefit, NLC believes there is some potential to work with this group on CP&D in the future, noting that the 2017 standing instructions expire in March 2020.

Several factors could have influenced the 2019 decision not to work with the CP&D Program. Firstly, TOs may have lost faith that NLC was managing their income properly (TOs were in need at the time for pocket money). Further, it was the first time CP&D had met with the group and had little opportunity to meet with key decision makers prior to the meeting to discuss and hear individual views on community development. As such, there was insufficient time for the group to contextualise the relevance of the program for them. Finally, and probably most influential, the meeting was open to a large number of extended family members, which put significant pressure on the few decision makers to take the money as individual payments.

The experience provided several valuable lessons for CP&D staff on how to engage more effectively with new groups and how and when to approach discussions about using royalty funds for community development.

### Timber Creek

Beginning in 2017, NLC held a series of meetings with five NTH groups eligible for compensation money for extinguishment of Native Title on their land near Timber Creek in the Victoria River district, directly west of Katherine. The meetings have been led by NLC's Legal branch, with CP&D staff playing a limited role.

The five groups are disparate, with some not living in Timber Creek. The groups have very different levels of financial literacy and different views about where the money should be spent, with some interested in investing the funds over the longer term and others preferring to receive the funds for immediate use. As such a number of meetings were held between 2017 and 2019 before any resolutions were made.

At a meeting led by NLC's Legal branch in September 2019, the five groups agreed to divide the compensation money equally among them. The only decision on which there was consensus was the allocation of some of the funds for men's business (which the sacred site relates to). One group plans to invest its share



of the funds, while the other four have set aside a portion of their money for investment and will use the remainder for immediate benefit. However, in a subsequent meeting the groups decided to pool their allocated investment funds, although they do not appear to have a clear understanding of what 'investment' would mean.

In addition to group tensions and lack of clarity over use of the funds, the application of CP&D from an organisational perspective was not made clear at the outset of planning consultations. As such, differences in views across NLC branch staff nuanced meeting delivery and how information was presented to NTHs. The limited cross agency collaboration effort in the consultation planning and delivery highlighted the need for NLC to have clear directives and positioning around policies that support consistency across all business areas of the organisation. In this case, CP&D was viewed by some staff as a tag on to a more preconceived agenda to secure funds into long term investment.

## Communications

The reports from the various locations indicate the consistent need for communication tools and media to work with groups using the CP&D program. This includes communication to those groups, as well as communication about the achievements of those groups through the CP&D work, to external audiences.

CP&D have maintained basic communications since the inception of the program. These include general communications (Program Flyer, Map of project locations and fact sheet) through its website, and a biannual newsletter about community projects that is posted on the website and circulated at NLC Council and other TO meetings. Further, since it started, CP&D has published stories in the NLC Land Rights News about community projects and the Program. In general, these communications have been developed for a range of audiences, not specifically targeted to any one group.

In 2018, the 2016-18 Monitoring Report recommended a more comprehensive communication strategy be developed to accompany the CD process and privilege the opportunity for Aboriginal people to speak about their own achievements. It was anticipated that this would enhance understanding and interest of new groups in using the CP&D Program, as well as highlight the benefit of CD to government and other stakeholders more broadly, such as validating TOs ability to plan and progress their own development.

In response, a number of key actions were undertaken to expand communication activities and in 2019, the CP&D Program developed an internal Communication Plan, which focuses on time targeted communication and media opportunities for specific projects, and a targeted and extended audience reach.

Since development of the Plan, CP&D has worked to reach more audiences and be more locally relevant including:

- Use of various mediums to share news stories about CP&D work, including:
  - Facebook posts, where feedback shows interest from Aboriginal audience.
  - Stories in mainstream media including the Katherine Times and the NT News.
  - A CP&D introduction video which is being utilised in a number of meetings and other settings.
- Presentations and knowledge exchange, including for example:
  - support for local M&E co-researcher, Nyomba Gandraju to present on her work at the national Community of Practice Forum in October.
  - presentations by CP&D staff at the same forum.
  - Malak Malak TOs attending 2019 PULiiMA Indigenous Language and Technology conference.
- Regular briefing meetings with key external agencies including federal and state government.

The intention of the plan is also to expand the opportunities for Aboriginal people, to communicate about their CD process and achievements in doing projects to their clan groups and broader community, in line with the findings in the baseline report and this year's monitoring. This will require further work and resourcing to engage and support Aboriginal people. Further work is also planned to support CP&D staff to take up a wider range of communication opportunities.

## 5. Discussions and recommendations

### ***Strengthen Aboriginal capacity, control, and group cohesion, particularly through the management of their money.***

Throughout 2019, for most of the groups working with CP&D on their community development projects, there appears to be appropriate and functioning decision-making processes in place. Notably some groups, for example Daly River TOs, are described in reports as being very skilled in managing their own resources. Groups such as this are holding NLC to account for their processes and support, demonstrating considerable capacity to manage their money and exercise governance of projects.

There appears to be a strong commitment among Aboriginal people to long term management of their resources in ways which will return benefit to their families. This includes an interest in some places in developing local businesses or Aboriginal corporations. While these are not the same as programs focused on development for the whole community, they do indicate a commitment to sustained control of local resources. They also require similar skills and knowledge around governance and financial management to that required for effective community development. This raises questions around how and if CP&D should support development of Aboriginal businesses and corporations, noting that these organizations may be those delivering community development projects and thus need to be supported to develop strong governance processes. At the same time there are some

risks that individual businesses and narrowly focused corporations may exclude other TO groups and/or limit the benefits for wider communities. This is not a challenge limited to CP&D branch alone and requires further strategic discussion in the Land Council.

The feedback from 2019 monitoring suggests that Aboriginal people's trust in NLC and particularly in CP&D remains high, and that in general TOs and the working groups see value in the support offered by CP&D.

At the same time, there remains some resistance to the idea of allocation for community benefit as opposed to individual allocation. There are also some indications that individuals and some groups feel they have insufficient control over their resources. It seems likely that this arises in part because people have insufficient information about historical arrangements or previous decision making. It also seems likely that people are not necessarily clear about the various ways in which NLC supports them to manage their resources and their various sources of money.

According to discussions with other branches in NLC, this is not a difficulty confined only to CP&D. Various flows of money come to NLC for disbursement to Aboriginal people and the way in which this is received into the NLC and then dispersed varies between branches and programs.

### ***Recommendation one***

***NLC sets out a strategic whole of institutional approach to ensure community development is clearly linked to the broader NLC development framework as relevant to the delivery of:***

- engagement of constituents, including new groups
- disbursements from land use agreements, consistent with existing policies,
- new land use agreements, elucidating community benefits,
- associated policies to support
  - direction and due process for

engaging with Aboriginal Corporations  
 - interpretation of the Land Rights Act as it relates to community benefits  
 - interpretation of the Native Title Act as it relates to community benefits,

- monitoring and evaluation of all monies of the NLC trust and how it is utilized to support Aboriginal people to provide  
 - quantitative and qualitative information, and  
 - regular and consistent reporting to Aboriginal people, the NLC and other stakeholders.

Across many of the program locations there remains differences in view and interests among TO groups, and families within those groups. While some groups are more cohesive than others, there are not natural 'communities' in these locations. The research undertaken by CDU suggests that there is in fact a tension between development work that is managed and mobilized by particular families and work carried out by community service providers for everyone. Their research suggests that continuing to understand and work with this difference may help to generate new ways of thinking about the community development work and its place in supporting Aboriginal people's aspirations and well-being.

The monitoring in 2019 continues to highlight the overlap between the work of CP&D and other branches in NLC. Increasingly CP&D are working directly with other branches, and/or participating in processes that align with or intersect with the work of other branches. One issue which has reemerged this year is the concern with the minimum of \$250,000 being allocated by TOs for community development before CP&D are able to directly support that community. This continues to be seen by some parts of NLC as an unhelpful limit and one which precludes CP&D assistance with lease money distribution. This may need to be revisited as the work develops further.

More generally this issue and others speak

to the ongoing need for collaboration and cooperation between the Branches to present a unified and consistent development approach. This is in line with the original vision for the CP&D work in NLC,<sup>43</sup> and the recommendations developed in the baseline report.

***Achieve social, cultural, environmental, and economic outcomes Aboriginal people want, value and benefit from.***

The monitoring for 2019 indicates strong and consistent support for projects that support culture and traditional Aboriginal authority and practices. This is alongside a focus on young people and their development, including concern with employment for young people, with access to justice and with providing opportunities for young people to access traditional knowledge and practices.

The monitoring undertaken by CDU indicates strong support for projects to work in ways that reinforce and support Aboriginal people's knowledge and ways of relating, while also bringing practical benefit.

Where there are direct reports from Aboriginal people particularly through the monitoring undertaken by CDU, there appears to be strong support for the particular projects and clear identification of the benefits of these projects for TOs and their families.

At the same time, the amount and proportion of funds for community benefit has generally not increased in the various project locations. And the two new locations where CP&D has engaged have decided at this time not to proceed with allocation of money of community benefit. These and other findings for 2019 suggest that not all people understand the process of allocating money for community benefit nor the connection between specific projects and the likely benefits they derive from those projects. Similar to the findings from previous monitoring, increased communication in forms which are accessible to Aboriginal people appears to be important going forward.

<sup>43</sup> Martin, D. King, E. (2015) 'Scoping for the establishment of a Community Development approach for the Northern Land Council', report to the Chief Executive Officer, Northern Land Council, November.

**Recommendation two****CP&D ought to expand and improve its communications with Aboriginal groups.**

This includes:

- Having more regular contact with people in the project locations to explain the detail of projects.
- More utilization of social media and other forms that are accessible to Aboriginal people.
- More acknowledgement and credit for the TO role in allocating money for community benefit, particularly in media that they consume.
- Opportunities for TOs to speak about their achievements and the projects they support to new groups.
- Creating opportunities to learn from the experience of other groups, such as exchange project site visits (i.e. Malak Malak TOs with Warlpiri Education and Training Trust) and share new knowledge.
- Sourcing resources to develop quality materials and for support to manage delivery of communication projects.

To address recommendation three, the CP&D team require the relevant equipment, time, and skill development to be able to collect and represent information.

**Document, monitor and evaluate the work to make sure it is on track in delivering outcomes valued by Aboriginal people.**

Internally CP&D has consistently monitored its work throughout 2019 through staff reporting, staff reflections and requirements for project reports. In addition to this report, a formal report was also produced in 2019 about the CDU managed M&E project as part of a broader NLC research program to develop a more robust M&E System for the CP&D Program.

A gap in the monitoring for 2019 has been the limited voice for Aboriginal people themselves to comment on the progress, value, and recommended improvements of the community development work. The CDU research notes,

*Initial steps may include the engagement, and professionalisation, of Indigenous researchers as part of NLC M&E research teams who can negotiate and design appropriate M&E practices for their community. It is these researchers who are crucial to the gathering of stories and comments from involved people as part of the work so far. They are also crucial to the work of interpreting these stories, and to paying close attention to their 'insides' – asking what are the key concepts and concerns being articulated in the telling of these stories, how may these be recognised, attended to and supported through CP&D program work?<sup>44</sup>*

There has been limited opportunity for this process in monitoring in locations not covered by the CDU approach, and further work is required to ensure this important standard is achieved across all the CP&D M&E.

**Recommendation three****Monitoring and evaluation ought to be further integrated into the community development process (as originally envisaged) to ensure there are regular opportunities where the voice and opinions of TOs are captured and reported.**

This will likely include a mix of:

- Resources to engage local researchers.
- Internal expertise and upskilling to train and build capacity of local researchers.

<sup>44</sup> CDU report p 35.



- Refining practice of Community Development Officers to extend to M&E and engagement with TOs.

Monitoring serves several purposes including providing accountability to Aboriginal people through the NLC Council. Presently, the CP&D program provides generic updates to the Council, but other avenues should be explored to create opportunity for the NLC leadership to interrogate, review and advise on the progress of the CP&D Program through its M&E process.

#### **Recommendation four**

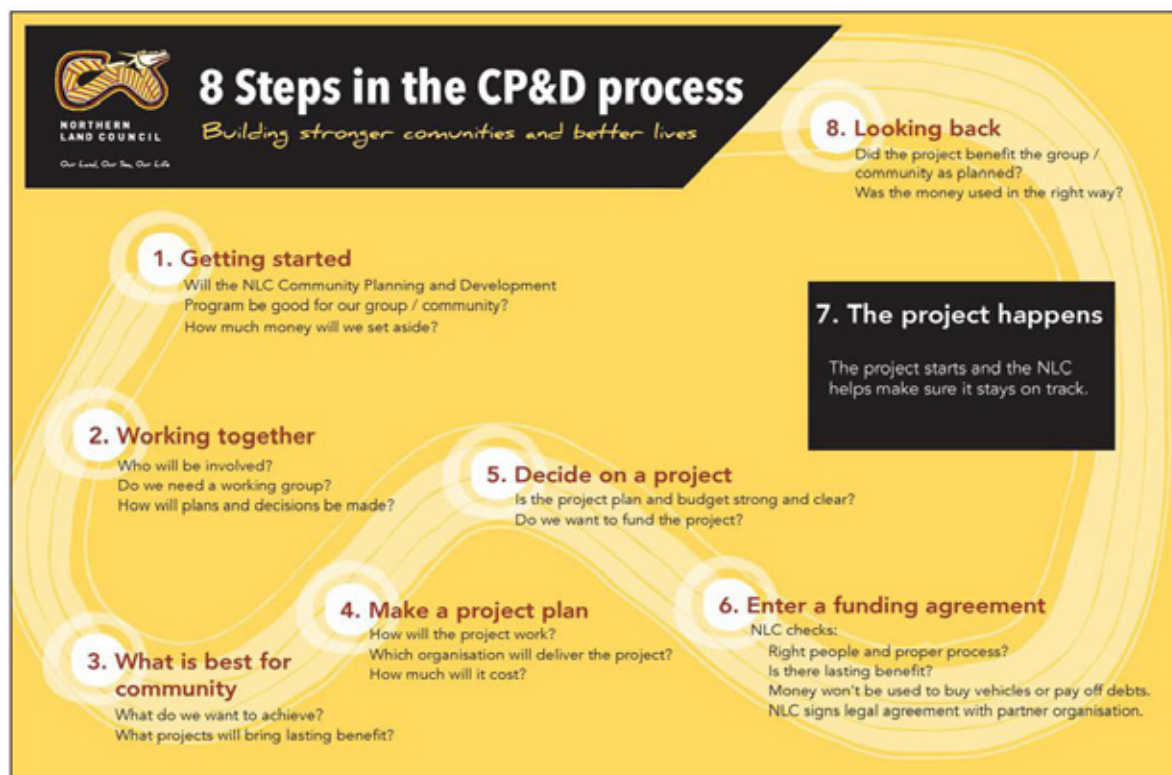
***As resources and opportunities allow, the views of Aboriginal people including NLC Council members, ought to be increasingly sought, to verify the CP&D monitoring and test the value of the associated analysis and recommendations.***

***Show governments and other organisations how they can better support Aboriginal-led planning and development.***

In June 2019 and September 2019, CP&D shared lessons about the community development work with representatives from the Northern Territory Government (NTG). This led to the development of networks with Community Development Regional staff. Communications with the Federal government included messaging to Minister Wyatt. CP&D officers seek to also engage with regional NIAA staff and regional NTG staff to update them on project progress, seek any relevant info and collaborate, where possible, on progressing local Aboriginal development.

CP&D supported broader Aboriginal governance and management capacity in its engagement with the Aboriginal Peak Organizations for the Northern Territory (APONT). Knowledge and adoption of the CP&D Program needs further development.

## Annex One: CP&D process



## **Annex Two: Methodology**

The monitoring for 2019 has drawn from a variety of data sources as outlined in the CP&D monitoring and evaluation implementation plan.

### **Standardised project reporting**

In order to have comparable information about all projects, a standardised project monitoring and reporting system was applied to each of the project locations managed by CP&D. Originally, in line with the template developed for this process (see Attachment One), this system was designed to capture the views of TOs at various points in the community development process.

In 2019, CP&D staff utilised the template to produce project reports and this formed the major source of information for all locations.

### **Additional data collection systems**

In order to triangulate information from project reporting some additional data collection systems were utilised these included:

- Reflection reports completed by CP&D staff, directed at tracking changes in governance and capability in Aboriginal people (see Attachment Two for the template). For this report, this included one set of reflection reports, completed in mid-2019.
- Project reports from project implementing agencies
- Quantitative information as made available from project data systems.

### **CDU monitoring and evaluation**

As noted the Northern Institute from Charles Darwin University undertook dedicated monitoring and evaluation in two locations, utilising its 'Ground Up' approach. This approach utilised local researchers. It utilised TO ways of making sense of the value of projects and TO analysis about the implications. The report stands as a document in its own right but was also a source of information for this report.

## **Analysis and reporting**

The information was collated and analysed by an external consultant. This collation was subject to an internal analysis process, with CP&D staff and other NLC staff. It was also subject to discussion with a small number of NLC Executive Council members.

Based on this analysis this first draft report was produced.

CP&D and NLC management will consider any recommendation for further refinement and change to the CP&D Program. Where other areas for action are recommended beyond CP&D, these will be presented to the NLC Leadership Group for consideration.

## Attachment One

### Project reporting template - questions

#### CP&D process

##### Step 1 - getting started

At this step (all questions apply at project level)

Did the TOs and their families identify any reasons for making use of the CD process?

Did they identify any early ideas about what they wanted to achieve through the process?

Did they talk about why it might be good for their group or community?

##### Step 2 - working together

At this step (all questions apply at project level)

Were any people or groups excluded/ particularly included?

Was the governance process clearly established?

Did everyone understand and agree to this process?

What governance issues remain a concern (both those identified by Aboriginal people and those you might have observed)?

##### Step 3 - what is best for community

At this step (might be project or each sub-project, depending on how the sub-projects relate to each other and to the process in the group. Apply in line with how people understand their money is being spent...

on something that adds up to one idea or as various and different ideas)

What did TOs and their families and groups decide they wanted to achieve?

What were the immediate changes they expected from this sub-project?

What longer term changes are they trying to achieve?

Possible questions:

What is this project good for? (likely speaks to immediate changes)

What will be different if this project is a success? (likely speaks to immediate changes)

How does this help the people who live here? (likely speaks to longer term changes)

Ideal tool for this is drawing...on paper, or whatever is available.

Ask people to draw what is happening now.

Ask them to draw how it will be different after this project finished.

By them discussing the drawing you get to hear the thoughts underneath the representations.

The drawing then become really useful monitoring tools which you can revisit in the future to see if all those things happened.

Also, people add in all sorts of other things they want to see (usually well beyond what the project can achieve) so you end up with a wider understanding of what people want for their location.

##### Steps 4-7

During these steps, have TOs and their families and groups changed or added to their expectations for this project or sub-project?

Have they identified concerns or changes that should be made to the governance process?

What are people's expectations of the sub-project partner/s? (Should be applied to each sub-project)

Specifically asking people, what do you want them to do? How will you know they have done a good job?

Such question usually elicits the detail about both the tangible outcomes expected but also start to get people talking about what else they want to see and the underlying interest and idea they have.

##### Step 8 - Looking back

What benefits do the TOs and their families and groups identify from this project?

Both immediate and longer term?

What views do they have about the project management by NLC?

What views do they have about the subproject implementation by the partner?

What views do they have about doing more of this work in future and would it be different to how this has been done?

What did NLC do that helped?

How could NLC do better to help in the future?

How did that .....(implementing partner) go?

What did they do that was good?

What more should they have done?

Do you have any ideas for the future about what you want from these partners?

What does all this mean for the next time you use your money for the community?

Will you do the same types of projects?



Why?

Will you do some different things?

Why? Like what?

Would you like to organise the decision making in a different way for the future?

What suggestions or changes do you have for the NLC and how it works?

Any other suggestions for the future?

## **Attachment Two**

### ***Staff reflection template - questions***

Reflecting on the project outcomes: over the past six months, what have been the benefits for Aboriginal people (positive or negative)?

Reflecting on Aboriginal people's control, capacity and group cohesion: over the past six months have there been significant (positive or negative) changes?

Why do you think those benefits and/or changes have occurred?

What other significant activities or events have occurred in this location which might be influencing either the project benefits or Aboriginal people's capacity?

Is there anything NLC should change about its CD work and approach for this project that would improve outcomes?

Are there any lessons learned which could be applied more widely to CD or NLC work?

### Annex Three: Action on 2018 recommendations

Recommendation	Action to date
<p>1. Prior to working with TO groups through the 'eight step' process, engage with the Anthropology Branch to identify existing information about community structures and dynamics.</p>	<p>Annual LIRs are sought for all project locations. CP&amp;D Officers engage with Regional Anthropologists prior to most meetings and to seek information on issues/dynamics generally, however staff shortages in the Anthropology department in 2019 has meant advice on structures and dynamics has been hard to obtain. Where necessary and possible, Regional Anthropologists will travel with a CP&amp;D Officer to attend meetings. A general inconsistency in the approach remains apparent among staff due to limited resources or training specifying NLC standards for disbursement meetings.</p>
<p>2. Acknowledge existing decision-making and group dynamics in each location, track the impact of the community development process on these existing structures, giving attention to how this supports sustainable and effective outcomes for people.</p>	<p>CP&amp;D Officers develop detailed file notes from each visit or meeting which enable the tracking of governance and decision-making processes. Minutes and newsletters, which are a summary and visual representation of progress are presented back to TOs at subsequent meetings. Challenges arising reflect lack of NLC positions on working with Aboriginal Corporation, including the directing of income and any due process or consultative practices and tools. To be addressed further as per the recommendations for 2019</p>
<p>3. Acknowledge that information is important for TOs and communities, undertake regular inquiry with groups to identify the information they want and the form in which this should be provided.</p>	<p>As part of meeting preparation, CP&amp;D Officers prepare a detailed meeting outline, including what information resources they will use. Examples of some information tools are:</p> <ul style="list-style-type: none"> <li>• Money story posters</li> <li>• Job story</li> <li>• Vision boards</li> <li>• Example photos</li> <li>• Rating matrix for project partners</li> </ul> <p>Review of these materials remains limited and not yet recognised as part of the standard practice of Officers when working with groups to monitor and evaluate meeting delivery. This is due to various reasons and may be refined through the MES analysis of an expanded M&amp;E practice.</p>
<p>4. Recognise that the original scoping report strongly recommended a 'whole of NLC' approach to implementation of community development, give further attention to developing CP&amp;D cooperation with other NLC</p>	<p>CP&amp;D furthers cooperation with NLC branches by:</p> <ul style="list-style-type: none"> <li>• Attending other branch team meetings</li> <li>• Inviting other staff to join CP&amp;D team meetings</li> <li>• Regular catch-up with Regional Staff</li> <li>• Internal CP&amp;D newsletter</li> <li>• Including NLC staff in M&amp;E workshop</li> <li>• Circulate news and updates</li> </ul>

branches, looking to maximise complimentary knowledge and activities.	During 2019 the NLC had 2 incoming CEOs and a change in the NLC full council, which has required a period of settling and review of strategic activities. Overarching processes to strategically align branches to deliver a consistent approach for community development remains allusive.
5. Translate key concepts into local language, ensuring that the translation is appropriate to the specific context of the different projects. Ensure that this is shared across the NLC so that there is common understanding of how specific concepts are understood in different locations.	As yet CP&D has not attempted to translate concepts into local languages.
6. Acknowledge the importance of the planning process for project outcomes, provide additional support for working groups and TOs to understand the steps in the planning process and the connection of these to their desired outcomes.	CP&D has increased number of consultations, importantly the prevalence of informal meetings that are now being recorded as with formal and working group meeting, which has enhanced TOs understanding of overarching planning processes. Further work against this recommendation required, particularly with regard to new group engagements and holistic NLC practices.
7. A communications strategy be developed to accompany the CD process. The strategy should privilege the opportunity for Aboriginal people to speak about their own achievements.	A 3 year CP&D communication plan was developed internally in September 2019. It includes a Content Planner that is providing a very useful tool for Officers to identify key communication opportunities that can then be program managed as part of their project's delivery. This has led to outputs giving TO voice including: <ul style="list-style-type: none"> <li>• Nyomba's presentation at the CoP Forum</li> <li>• TO quotes and photos in Land Rights News, Facebook posts, Newsletters and CP&amp;D Intro Video.</li> </ul>



**NORTHERN LAND  
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*Our Land, Our Sea, Our Life*

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