

The Auditor-General
Audit Report No.32 2010–11
Performance Audit

Northern Territory Night Patrols

Attorney-General's Department

Australian National Audit Office

© Commonwealth
of Australia 2011

ISSN 1036-7632

ISBN 0 642 81176 8

COPYRIGHT INFORMATION

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the Commonwealth.

Requests and inquiries concerning reproduction and rights should be addressed to:

Executive Director
Corporate Management Branch
Australian National Audit Office
19 National Circuit
BARTON ACT 2600

Or via email:
webmaster@anao.gov.au



Canberra ACT
1 March 2011

Dear Mr President
Dear Mr Speaker

The Australian National Audit Office has undertaken an independent performance audit in the Attorney-General's Department in accordance with the authority contained in the *Auditor-General Act 1997*. I present the report of this audit, and the accompanying brochure, to the Parliament. The report is titled *Northern Territory Night Patrols*.

Following its presentation and receipt, the report will be placed on the Australian National Audit Office's Homepage—<http://www.anao.gov.au>.

Yours sincerely

Ian McPhee
Auditor-General

The Honourable the President of the Senate
The Honourable the Speaker of the House of Representatives
Parliament House
Canberra ACT

AUDITING FOR AUSTRALIA

The Auditor-General is head of the Australian National Audit Office (ANAO). The ANAO assists the Auditor-General to carry out his duties under the *Auditor-General Act 1997* to undertake performance audits and financial statement audits of Commonwealth public sector bodies and to provide independent reports and advice for the Parliament, the Australian Government and the community. The aim is to improve Commonwealth public sector administration and accountability.

For further information contact:
The Publications Manager
Australian National Audit Office
GPO Box 707
Canberra ACT 2601

Telephone: (02) 6203 7505
Fax: (02) 6203 7519
Email: webmaster@anao.gov.au

ANAO audit reports and information about the ANAO are available at our internet address:

<http://www.anao.gov.au>

Audit Team
Sarah Pratt
Donna Penny
Dr Andrew Pope

Contents

- Abbreviations..... 7
- Glossary 8
- Summary and Recommendations 11**
- Summary 13
 - Introduction 13
 - Audit objective and scope 16
 - Overall conclusion..... 16
 - Key findings by chapter..... 18
 - Summary of agency response 22
- Recommendations 23
- Audit Findings and Conclusions 25**
- 1. Introduction 27
 - Northern Territory Night Patrols 27
 - Policy context for night patrols 28
 - Policy developments in the Northern Territory relating to service delivery 33
 - History of Northern Territory night patrols..... 37
 - Audit objectives and methodology 45
 - Report structure 46
- 2. Arrangements to support the expansion of night patrols 47
 - Introduction 47
 - Night patrols prior to the Northern Territory Emergency Response 48
 - Expansion of night patrols under the Northern Territory Emergency Response 49
 - Conclusion 58
- 3. Program administration 60
 - Introduction 60
 - Overview of AGD’s administrative framework for night patrols..... 61
 - Roles and responsibilities 62
 - Risk management 66
 - Funding process..... 68
 - Recommendation No.1 74
 - AGD’s response 74
 - Management of service providers..... 75
 - Management and support provided to patrollers 78
 - Conclusion 80
- 4. Night patrols in communities 82
 - Introduction 82
 - Overview of service delivery context..... 83
 - Community circumstances and service delivery arrangements 86
 - Community ownership and involvement in night patrols..... 90
 - Recommendation No.2 92
 - AGD’s response 92

Engagement and interaction with related community services.....	93
Recommendation No.3	96
AGD's response	96
Conclusion	97
5. Performance measurement and reporting	99
Introduction	99
Program performance indicators.....	100
Data collection mechanisms	102
Performance reporting	105
Implications of performance framework and current reporting arrangements.....	108
Recommendation No.4	111
AGD's response	111
Conclusion	111
Appendices	113
Appendix 1: Formal Comments on the Proposed Report.....	115
Appendix 2: Overcoming Indigenous Disadvantage Strategic Framework	119
Index.....	120
Series Titles.....	121
Current Better Practice Guides	125
Tables	
Table 1.1 Distribution of night patrol services across states prior to 2007.....	40
Table 1.2 Appropriations for administered funds for night patrols and other justice programs over five years under the Closing the Gap in the Northern Territory initiative (previously NTER)	43
Table 1.3 Actual administered expenditure for night patrols and other justice programs over five years under the Closing the Gap in the Northern Territory initiative (previously NTER)	44
Table 2.1 Implementation schedule for night patrols.....	51
Table 3.1 Allocation of key roles and responsibilities by AGD	63
Table 3.2 Timetable for grant allocation	71
Table 4.1 Comparison of two communities with operational night patrols	85
Table 4.2 Annual costs of night patrols per community at the time of implementation (without night patrol manager costs in total).....	88
Table 5.1 AGD's whole-of-government reporting requirements for night patrols.....	106
Table 5.2 Performance information reported against the NTER and Closing the Gap.....	107
Figures	
Figure 1.1 COAG Building Blocks and National Indigenous Reform Agreement	33
Figure 2.1 Night patrols' service delivery model	53

Abbreviations

AGD	Attorney-General's Department
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSIS	Aboriginal and Torres Strait Islander Services
CDEP	Community Development Employment Projects
COAG	Council of Australian Governments
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
GMS	Grants Management System
ICC	Indigenous Coordination Centre
IJP	Indigenous Justice Program
MOU	Memorandum of Understanding
NIRA	National Indigenous Reform Agreement
NTER	Northern Territory Emergency Response
NTPS	Northern Territory Police Service
PDRP	Prevention, Diversion and Rehabilitation Program
PDRRP	Prevention, Diversion, Rehabilitation and Restorative Justice Program
PFA	Program Funding Agreement
RAMSI	Regional Assistance Mission to the Solomon Islands
SFA	Standard Funding Agreement

Glossary

Building blocks	The seven key, interrelated, areas identified by the Council of Australian Governments as critical for addressing Indigenous disadvantage: early childhood; schooling; health; economic participation; healthy homes; safe communities; and governance and leadership.
Closing the Gap in the Northern Territory National Partnership Agreement	An agreement between the Commonwealth and Northern Territory Governments which provides for the continuation of a number of measures commenced under the NTER (in 2007) until 30 June 2012. The agreement transitioned the NTER to a three year development phase from July 2009.
Indigenous	Indigenous is used as a general term to refer to both Aboriginal and Torres Strait Islander people. Where relevant, the term Aboriginal has been used.
<i>Little Children Are Sacred</i>	<i>Ampe Akelyernemane Mele Mekarle, Little Children are Sacred</i> was the final report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, released on 16 June 2007. The report indicated that, in all 45 communities visited by the Board of Inquiry, child abuse and potential neglect of children had been reported.
Northern Territory Emergency Response	A five-year, whole-of-government intervention commencing in June 2007, aimed at improving family and child safety in Indigenous communities in the Northern Territory.

Operational framework	A document developed by the Attorney-General's Department to guide service delivery by providing the minimum standards for the formation, structure, operation and management of night patrols in the Northern Territory. The first operational framework was released in July 2008 and an updated version was released in January 2010.
Prescribed area	An area defined in the <i>Northern Territory National Emergency Response Act 2007</i> , including Aboriginal land defined under the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> ; roads, rivers, streams, estuaries or other areas on Aboriginal land; areas known as Aboriginal Community Living Areas (a form of freehold title issued to Aboriginal corporations by the Northern Territory Government); town camps declared by the Minister for Families, Community Services and Indigenous Affairs (the Minister) under the <i>Northern Territory National Emergency Response Act 2007</i> ; and any other area declared by the Minister to be a prescribed area.
Prescribed community	Aboriginal communities specifically named in the <i>Northern Territory National Emergency Response Act 2007</i> . These 73 communities generally have more than 100 residents.
Related community services	Related community services includes police, ambulance, hospitals and health clinics, sobering-up shelters, safe houses, alcohol and other substance abuse support services, youth and after school services, legal aid, community justice services, and other related services.

Summary and Recommendations

Summary

Introduction

1. Safe and functional communities assist in addressing Indigenous disadvantage by providing an environment where individual and family wellbeing is fostered. Impediments to achieving this goal can include alcohol and substance abuse, violence (including domestic violence), youth unsupervised at night, mental health problems, property damage, and family feuds. A related community safety issue is the overrepresentation of Indigenous people in the justice system and the subsequent impact on individuals and families. These issues are inextricably linked with other social and economic factors affecting Indigenous communities. Accordingly, the Council of Australian Governments (COAG) has strongly emphasised the role that safe and functional communities can play in Closing the Gap on Indigenous disadvantage, and various Australian governments have made commitments to action in this area.

2. Night patrols are community-based intervention initiatives which seek to improve personal and community safety in Aboriginal communities across the Northern Territory. The Northern Territory Night Patrols Program is administered by the Attorney-General's Department (AGD) as part of the broader Indigenous Justice Program (IJP). The IJP operates nationally and its primary objective is to reduce the numbers of Indigenous Australians coming into adverse contact with the criminal justice system. A key strategy of the IJP is to use cultural knowledge and identity in its implementation.

3. Night patrols originated in the Northern Territory as a community-generated response to improving safety by preventing anti-social behaviour within Aboriginal communities. One of the first night patrol services was established by Julalikari Council during the 1980s to patrol areas in and around Tennant Creek. These patrols were originally staffed by volunteers with the aims of resolving problems in town camps, settling disputes, and supporting and assisting local police in their dealings with the community. From these beginnings in the Northern Territory, the concept of night patrols spread to other Indigenous communities in Western Australia, Queensland and New South Wales. Subsequently, the Australian Government established program arrangements to support the operation of night patrols across a larger number of communities.

4. In line with the broader objectives of the IJP, the core functions of the night patrol program are to provide a service that assists vulnerable people, prevents social disorder, maintains community peace, and offers an alternative to police involvement. To do this, teams of local people patrol communities at night (mostly in vehicles but sometimes on foot), and assist community members who may be at risk of either causing harm or becoming a victim of harm. The approach is non-coercive and seeks to be culturally appropriate. Common forms of assistance that a night patrol service might offer include: transport to a safe place or sobering-up shelter; mediating potentially violent situations (when it is safe to do so); moving youth off the streets; or, referring clients to other related community support services.

5. Night patrols were initially funded by the Aboriginal and Torres Strait Islander Commission from the mid-1990s, with responsibility being transferred to AGD in 2004. When the program was transferred to AGD, it was a small, annual grants program providing supplementary funding for aspects of night patrol services (such as vehicle maintenance, uniforms or training), and was dependent on other Australian Government programs such as the Community Development Employment Projects (CDEP) Program. The funding was intended to complement state and territory funded initiatives, as state and territory governments are primarily responsible for law and justice.

6. Night patrols were expanded as part of the Northern Territory Emergency Response (NTER), established by the then Australian Government in June 2007 as a result of the Government's concerns about the safety of children in Aboriginal communities in the Northern Territory. At the time the NTER was announced, the Australian Government was providing support under the Prevention, Diversion, Rehabilitation and Restorative Justice Program (PDRRP) for the operation of 44 night patrols across Australia, including 32 in the Northern Territory. In the Northern Territory, 30 service providers were funded to operate 32 patrols, with 23 operating in remote areas and the remainder providing a service in urban areas of Alice Springs, Katherine and Tennant Creek.

7. A key focus of the NTER was to improve law and order in 73 communities, known as prescribed communities. As part of this enhanced focus on law and order, the Government decided to significantly expand its support for the operation of night patrols, and extend the program to cover all 73 prescribed communities as a measure to improve community safety. AGD was required to implement the significant, and rapid, expansion of patrols in the Northern Territory to an additional 50 remote communities not previously

covered by the program so that all of the 73 prescribed communities were serviced by a night patrol. Subsequently, night patrols funding under the NTER was expanded to include the operation of patrols in urban areas of Alice Springs, Katherine and Tennant Creek (previously funded under the PDRRP).

8. At the same time as the NTER was announced, the Northern Territory Government was implementing major reforms to the structure of local government. This reform led to the creation of eight shires that began formal operations on 1 July 2008. These shires replaced local community government councils and associations that previously were a provider of municipal and other community-level services, including night patrols in some communities. In light of this development, the Australian Government decided to use shire councils as the main service providers of night patrol services, following a 'hub and spoke' regional administration model. In addition to the eight shire councils, there was initially one non-government organisation servicing communities near Darwin that were not within a shire council boundary. Currently, there are a total of 12 service providers, with the later addition of three non-government organisations providing night patrols in urban areas of Alice Springs, Katherine and Tennant Creek.

9. Following the initial emergency phase of the NTER, in July 2009, the NTER was transitioned to a three year development phase to build on, and enhance, existing measures. The funding and framework for this transition was provided under the Closing the Gap in the Northern Territory National Partnership Agreement, which allowed for the continuation of a number of NTER measures, including night patrols, until 30 June 2012.

10. Funding for night patrols has increased over recent years. AGD received \$13.25 million for the Prevention, Diversion, Rehabilitation and Restorative Justice Program (with a nominal percentage allocation for night patrols nationally) in the 2007–08 Budget. This was further increased when the NTER was announced in June 2007 - AGD received \$14.98 million for law and order which included \$12.11 million for night patrols. AGD was allocated \$17.7 million in the 2008–09 Budget to promote the achievement of law and order and increase community safety through night patrols. The 2009–10 Budget provided for \$67.9 million over three years to continue the operation of night patrols in the Northern Territory.

Audit objective and scope

11. The objective of the audit was to assess the administrative effectiveness of AGD's management of the Northern Territory Night Patrols Program.

Overall conclusion

12. Community safety issues in Aboriginal communities in the Northern Territory are diverse and complex. In rapidly expanding the geographical distribution and level of support for night patrols as part of the Northern Territory Emergency Response (NTER), the Attorney-General's Department (AGD) worked within the policy parameters set by the Government and was also influenced by the service delivery environment. This included the need to design and implement the expanded program over a very short period to meet the Government's overall implementation schedule for the NTER. Implementation also took place against a backdrop of local government reforms in the Northern Territory which significantly changed the nature of the service provider market.

13. AGD was able to quickly implement a new service delivery model in the Northern Territory, which enabled the department to establish and support night patrol services in an additional 50 remote communities across the Northern Territory. There are now night patrol services operating in 80 communities, including in urban areas. In one year of operation, between July 2008 and June 2009, night patrols assisted 75 220 people on a range of community safety matters.

14. A fundamental implementation consideration for the department was the need to manage the transformation of a small program operating on a community by community basis into a scaled-up program operating across 73 locations in the Northern Territory. In this situation, it was important that the design of the expansion of the program, and the supporting management arrangements, achieved a balance between flexibility to respond at the local level and consistency in delivery across all areas. Adapting initiatives to other communities can have many benefits. However, successful community-based activities generally grow from within the community in response to a particular set of conditions and circumstances. Accordingly, in order to replicate the success of community initiatives, it is important that the program is adapted to other community sites with appropriate consideration to local circumstances.

15. The timeframes for NTER implementation meant that AGD gave priority to the roll out of a common service delivery approach across all communities, with limited variation in the model to match specific community needs. This facilitated the establishment of night patrol services in all prescribed communities within the short timeframes required by the emergency context of the NTER. This model has also potentially limited the ability of the service to respond to community circumstances and priorities. Over time, as the program matured and the service delivery environment stabilised, the program framework has been incrementally updated by AGD to give greater recognition to specific service delivery requirements in different communities.

16. AGD collects a large amount of performance data from service providers that is primarily activity-focused. This data indicates that night patrols are providing a service in the Northern Territory which is heavily utilised. Undertaking greater analysis of existing performance information, in conjunction with consideration of other available data, would better position AGD to measure the contributions that the night patrols program makes to broader community safety and law and order outcomes.

17. The effectiveness of achieving community safety outcomes is influenced by the ability of night patrol services to respond to varying circumstances in communities, and to develop effective relationships between patrollers and other related services in communities. Overall, AGD expanded night patrols as required. While the department has made adjustments to program administration, there is potential for further modification to allow increased flexibility and responsiveness to local circumstances, as well as a greater focus on referrals to other community services. Administrative benefits would be achieved if aspects of the grant process, such as annual competitive funding cycles were revised to allow for alignment with the long-term objectives of the program and the service delivery model. This would be further supported by an enhanced program performance framework to measure the effectiveness of night patrols' interventions.

18. In order to improve the administrative effectiveness of the program, the ANAO has made four recommendations aimed at reducing the administrative load associated with annual competitive funding, enabling more flexible service delivery in communities, improved connection with other services, and assessing program performance.

Key findings by chapter

Arrangements to support the expansion of night patrols (Chapter 2)

19. A theme in Indigenous policy has been the need to adopt a flexible approach to program delivery that can be tailored to the needs and priorities of communities, as well as the development of effective partnerships between government and communities. Engaging with Indigenous communities is an important step in developing appropriate program approaches and service delivery activities. Engagement provides an avenue for community input into proposed approaches and allows these approaches to be informed by local knowledge, ultimately contributing to more responsive service delivery. The implementation plan developed by AGD included a community consultation phase, but this came after decisions had been made on the service delivery model, the program framework, and the engagement of service providers (including defining their scopes of service). Feedback to the ANAO from some stakeholders indicated that the initial implementation of night patrols did not allow for adequate community consultation or engagement, and in some cases, this impacted on the community ownership of the service.

20. While the use of a common service delivery approach had some benefits in terms of enabling the department to rapidly implement the expanded program, the nature of service delivery in remote communities is complex with community circumstances varying. In some cases, by attempting to apply tighter definition to the scope of services, the department has limited the ability of night patrols to take a flexible approach across communities. The ANAO observed some instances where the standardised service delivery approach did not align well with community expectations and circumstances. AGD has recognised the importance of incorporating a more flexible approach to community service provision and has taken steps to enable this. However, service providers consulted by the ANAO were not aware of the flexibility available to them. It will be important for the department to maintain this active approach to the program's management so that the program can continue to be adjusted to increase its flexibility over time, and to work more closely with communities and service providers to raise awareness about the flexible program options available to them.

21. The effectiveness of night patrols is also affected by the extent to which night patrollers can persuade clients towards a course of action and to adequately access support services. While the service delivery environment can make it difficult to coordinate with other services, this is an important

element of the program's objectives and achieving community safety outcomes. In the immediate future, the nature of the assistance provided by night patrols will continue to provide a service of benefit to community members in the Northern Territory, but it is important that a focus is also maintained on supporting integrated community solutions to address community issues.

Program administration (Chapter 3)

22. The administration of night patrols is based on AGD's centralised management, and a 'hub and spoke' regional service delivery model, involving eight shire councils and four non-government organisations delivering services to a varied number of communities in their identified regions. The administrative arrangements developed by AGD include an annual grants funding process supported by a suite of operational guidelines, service delivery guidance, and monitoring and reporting requirements for service providers.

23. The administrative arrangements, such as the use of a competitive annual funding round and annual funding agreements with quarterly reporting, were based on the existing arrangements prior to the expansion of the program under the NTER. These arrangements allow for program operation on a year to year basis and give the department a way to manage risks associated with the use of new service providers. Given the long-term nature of night patrols' objectives, and the current service delivery model, the annual competitive grants process creates an administrative load for both service providers and AGD. There would be benefit in AGD reviewing the process to streamline funding arrangements and considering alternative options to reduce the difficulties associated with the annual funding cycle.

24. Recruiting and retaining local Indigenous people in night patrol positions is an ongoing difficulty. There are many reasons for this, including location, availability of skilled people, and cultural commitments affecting the availability of staff. Interviews with service providers indicated that there is a wide variety of experience and formal qualifications across the night patrol workforce and this, in conjunction with other factors, suggests that the training and support needs of patrollers vary across locations. In 2010–11, AGD has implemented additional support mechanisms and is also working towards delivering a standard training suite. The ANAO encourages AGD to maintain an ongoing focus on the adequacy of support provided to patrollers, including

appropriate training, ongoing mentoring, consistent resourcing, and adequate employment provisions.

Night patrols in communities (Chapter 4)

25. Night patrols operate in a complex service delivery environment that is characterised by differences in remoteness, population, size of the client base, social and economic pressures, and availability of related community services. For example, a night patrol service operating in an urban area, such as Alice Springs, Tennant Creek or Katherine, is likely to be influenced by, and have different requirements to, a service operating in a very remote community of 100 people. Research suggests that the historical effectiveness of night patrols in achieving community safety outcomes derives from the cultural authority of patrollers and the targeting of community safety issues.

26. In order to achieve outcomes (both in communities and at a program level), AGD needs to manage service providers in a broadly consistent manner, while also understanding and being responsive to, service delivery issues in different communities. AGD advised that it provides guidance on minimum standards for night patrols' operation and service providers are required to determine the details of their operations in consultation with communities. However, the arrangements for the management of service providers are focused more at the regional administration level, rather than at the community level. The ANAO considers there is scope for AGD to better promote the flexibility available within existing service delivery requirements in order to facilitate greater responsiveness to community circumstances.

27. There has been limited consultation and engagement with communities or consideration of individual communities' circumstances when determining priorities from a central perspective. While the 'one size fits all' approach assisted AGD to meet the implementation timeframes of the NTER, it has also limited the flexibility of service providers to adapt night patrols to the circumstances of individual communities and maintain community ownership of the service. In recognition of this, AGD is moving towards a model that is more tailored to community circumstances; for example, additional patrols have been funded in larger communities.

28. Effectively addressing the multi-faceted nature of community safety and related issues requires a coordinated approach to service delivery at the community level. In practical terms for night patrols, this means establishing effective partnerships with other related community support services (such as

police, safe houses, sobering-up shelters, and health clinics) at a local level so that when night patrols identify people who are 'at risk', they can be transported to a safe place to avoid the occurrence of future harm. Connections between night patrols and these other services do not always exist in communities, leading to a risk of fragmented service delivery and ultimately, a risk to the achievement of the program's objectives. Developing such relationships can be difficult for service providers at the local level owing to factors such as different times of operation and different understandings of respective roles and responsibilities.

29. Recognising the constraints on service providers developing comprehensive arrangements at the local level, the AGD has negotiated a Memorandum of Understanding between the Northern Territory Police Service and service providers. This could potentially be replicated with other key services to further improve service connectivity at a community level.

Performance measurement and reporting (Chapter 5)

30. The collection of robust and meaningful program performance information is important so that assessments can be made about a program's progress towards its objectives and its overall effectiveness. There are particular challenges to measuring performance of prevention and diversionary programs, such as night patrols, where success is judged by the absence of undesirable events, such as police arrest or incarceration. As a diversionary service, there are also multiple implications of night patrols' work, and information is needed to connect night patrols to the broader environment.

31. Presently, the performance indicators and reporting arrangements established by AGD are focused on the number of operational services and the demand on night patrol services. This data allows AGD to measure the level of night patrol's activities. However, these arrangements do not currently support an analysis of the extent to which the program's objectives are being achieved and whether night patrols are contributing to the achievement of broader community safety and justice outcomes.

32. While AGD collects a significant amount of data, there are some gaps in data collection, collation and analysis, which affect the ability of the department to make an overall assessment of the program's performance and provide advice to the Government on its effectiveness. The reliability of the data is influenced by several barriers to collecting high quality and available

data. The current performance reporting arrangements are also resource intensive for service providers which may detract attention from service delivery matters.

33. In light of these constraints, the department could explore other ways of obtaining perspectives on performance, including through a greater engagement with communities. Additionally, there would be benefit to AGD and service providers if collated data was analysed and used to inform future program decisions and operations at the strategic and community level. This would further support a flexible approach to service delivery based on the needs and priorities of communities.

Summary of agency response

34. The Department welcomes the performance audit of the Northern Territory Night Patrols Program, and largely agrees with the recommendations of the report.

35. The report presents an accurate view of the unique challenges faced by the Attorney-General's Department in managing the transformation of a small community-driven program administered at a community council level, to a greatly-expanded program delivered at a regional level by the shire councils.

36. Night patrols are an important element of the Closing the Gap in the Northern Territory initiative focusing on reducing adverse contact with the criminal justice system and increasing community safety. The Department works closely with service providers to support patrols which are responsive to community needs, delivers high quality outcomes and partners with other services to support safer communities.

37. The findings in this report will assist in the future effective delivery of night patrols in the Northern Territory.

Recommendations

Recommendation No.1
Paragraph 3.40

In order to reduce the administrative load and reflect the nature of the service delivery model, the ANAO recommends that AGD considers alternatives to the use of an annual competitive funding cycle to reduce the level of administration associated with the current funding approach.

AGD's response: *Agreed with qualification.*

Recommendation No.2
Paragraph 4.30

To improve the effectiveness of night patrols in adapting to community circumstances, the ANAO recommends that AGD works with service providers to promote the use of more flexible program arrangements to tailor service delivery to community needs and priorities.

AGD's response: *Agreed.*

Recommendation No.3
Paragraph 4.50

In recognition of night patrols' contribution's to broader community safety and socioeconomic outcomes, and to assist in achieving connected service delivery, the ANAO recommends that AGD identifies opportunities for, and leads the development of, stronger connections with related community support services.

AGD's response: *Agreed.*

Recommendation No.4
Paragraph 5.37

In order to maintain community ownership and active involvement in night patrol service delivery, and to assist in developing a community-centred approach to reporting and performance measurement, the ANAO recommends that AGD investigates options for engaging with and seeking community input into measuring night patrols' contributions to community safety outcomes, and diversion from the criminal justice system.

AGD's response: *Agreed.*

Audit Findings and Conclusions

1. Introduction

This chapter describes the history of night patrols as well as the relevant policy context. It also outlines the audit objective and scope.

Northern Territory Night Patrols

1.1 Safe and functional communities assist in addressing Indigenous disadvantage by providing an environment where individual and family wellbeing is fostered. Impediments to achieving this goal can include alcohol and substance abuse, violence (including domestic violence), youth unsupervised at night, mental health problems, property damage, and family feuds. These issues are inextricably linked with other social and economic factors affecting Aboriginal communities. Accordingly, the Council of Australian Governments (COAG) has strongly emphasised the role that safe and functional communities can play in Closing the Gap on Indigenous disadvantage, and various Australian governments have made commitments to action in this area. A related issue is the overrepresentation of Indigenous people in the justice system and the subsequent impact on individuals and families.

1.2 Night patrols are community-based intervention initiatives which seek to improve personal and community safety in Aboriginal communities across the Northern Territory. The objectives of night patrols are to:

- reduce the number of Indigenous Australians coming into adverse contact with the criminal justice system;
- prevent crime and victimisation in Aboriginal communities; and
- ensure services are coordinated with other community support and law enforcement services.

1.3 To address the objectives of the program, the core functions of night patrols are to provide a service that assists vulnerable people, prevents social disorder, maintains community peace and offers an alternative to involving the police in issues. To do this, teams of local people travel around communities at night (mostly in vehicles but sometimes on foot) and assist community members who may be at risk of either causing harm or becoming a victim of harm. The approach is non-coercive and seeks to be culturally appropriate. Common forms of assistance that a night patrol service might offer include transporting clients to a safe place or sobering-up shelter, mediating

potentially violent situations (when it is safe to do so), moving youths off the streets, or referring clients to other related support services.

1.4 Night patrols commenced in the Northern Territory in the 1980s as a community-generated response to improving safety. An example of one of the early initiatives is the night patrol established by Julalikari Council, largely as a response to policing issues in Tennant Creek and the surrounding areas. Subsequently, the Australian Government saw the benefits of the approach and established arrangements to provide night patrols across a larger number of communities where this was desired by the communities.

1.5 The Northern Territory Night Patrols Program is currently administered by the Attorney-General's Department (AGD). The program has been administered by various Australian Government public sector agencies since the mid-1990s and has undergone extensive evolution during this period. Night patrols are a sub-program of the Indigenous Justice Program (IJP) which, overall, aims to respond to the accelerating rate of Indigenous offending and incarceration, and to support the achievement of safer communities.¹ The IJP complements AGD's other Indigenous law and justice programs and seeks to fund projects that will lessen the need for legal aid, with a focus on prevention and building safer family and community environments.²

Policy context for night patrols

1.6 There are two related public policy issues that provide context for the development and maintenance of the night patrol program: overrepresentation of Indigenous people in the justice system; and supporting the development and maintenance of functional communities. Overrepresentation of Indigenous people in the justice system has long been a concern for governments. In parallel with this concern, governments have also identified the importance of tackling community dysfunction caused by breakdowns in law and order.

¹ Attorney-General's Department, *Indigenous Justice Program, Program Guidelines 2010–11*, AGD, Canberra, 2010, <http://ag.gov.au/www/agd/agd.nsf/Page/Indigenouslawandnativetitle_Indigenouslawprograms_Theprevention.diversionandrehabilitationprogram> [accessed 18 March 2010].

² *ibid.*

Representation in the justice system

1.7 On a per capita basis, Indigenous people are overrepresented in the justice system. In 2008, Indigenous people were 13.3 times more likely than non-Indigenous people to be imprisoned (after adjusting for age differences), and Indigenous imprisonment rates increased by 45.5 per cent for women, and 26.6 per cent for men, between 2000 and 2008.³ Efforts to reduce this rate have included early intervention activities (especially for youth at risk, to prevent juvenile detention), youth diversion initiatives, supporting people who have come into contact with the justice system, and the implementation of culturally appropriate justice practices.

1.8 A key development in the way governments have approached Indigenous representation in the justice system was the 1989 Royal Commission into Aboriginal Deaths in Custody. The Royal Commission was established in response to growing public concerns about the high instances of Aboriginal and Torres Strait Islander people dying in custody. A principal finding of the Royal Commission was that Indigenous Australians are substantially overrepresented at every stage of the justice system. This resulted in commitments from governments to address this situation. Reporting from the Royal Commission recognised the importance of improving relationships between Indigenous people and police, and the role played by 'Aboriginal Community Policing' initiatives was recognised as one way of dealing with this issue.

Safe and functional communities

1.9 Law and order plays an important role in contributing to safe and functional communities. Recognising the influence of safe and functional communities on a range of other desired outcomes, various Australian governments have made a number of commitments to action in this area. COAG has been an important mechanism for articulating this focus on improving safety in communities, and it has formulated several desired approaches in this area since 2000.

1.10 In 2000, following work from the Council for Aboriginal Reconciliation, COAG agreed that sustained and coordinated action was needed to address Indigenous disadvantage. COAG committed itself to an approach based on

³ Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2009*, Productivity Commission, Canberra, 2009, p. 4.139.

partnership and shared responsibilities with Indigenous communities. Also emphasised in this approach was the need for program flexibility and coordination between government agencies, with a focus on local communities and outcomes.⁴ Specifically, COAG agreed to implement measures to tackle family violence, drug and alcohol dependency and other symptoms of community dysfunction.

National Framework on Indigenous Family Violence and Child Protection

1.11 Following the commitment made in 2000, the National Framework on Indigenous Family Violence and Child Protection was agreed by COAG in June 2004. Under this framework, preventing family violence and child abuse in Indigenous families was agreed as a priority for action requiring a national effort, based on the principles of safety, partnerships, support, strong and resilient families, local solutions and addressing the causes.⁵ The Commonwealth and Northern Territory governments agreed to implement two new measures as part of their bilateral partnership commitment: community patrols and anti-violence education for Indigenous young people.⁶

Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities

1.12 Safety in Indigenous communities remained a focus of government attention, and following the Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities in 2006, COAG again expressed concerns about safety in Indigenous communities across Australia and the high levels of family violence and child abuse occurring in some communities. In order to target these issues, COAG agreed to a collaborative approach to addressing the issues of policing, justice, support and governance through bilateral agreements between the Commonwealth and states and territories. As part of this approach, the Commonwealth agreed to make available funds in the order of \$130 million over four years to support national and bilateral actions. Activities identified included increased policing in remote areas, community

⁴ Council of Australian Governments, *Council of Australian Governments - Reconciliation Framework: Report on Progress in 2001*, COAG, 2002, <http://www.coag.gov.au/coag_meeting_outcomes/2002-04-05/docs/reconciliation_report.cfm> [accessed 11 October 2010].

⁵ Council of Australian Governments, *Council of Australian Governments' Meeting 25 June 2004*, COAG, 2004, <http://www.coag.gov.au/coag_meeting_outcomes/2004-06-25/index.cfm#indigenous> [accessed 11 October 2010].

⁶ *ibid.*

education, increased support for victims and witnesses, and measures to address contributing factors such as substance abuse.⁷

Blueprint for Indigenous Affairs

1.13 Adding to these COAG policy directions, the Australian Government reaffirmed a focus on the role that improved law and order, in particular community safety, played in Indigenous development. In December 2006, the then Minister for Indigenous Affairs, the Hon Mal Brough MP, announced the Australian Government's Blueprint for Action in Indigenous Affairs, which identified law and order as an essential part of functioning societies. Accordingly, the blueprint identified safe communities as a priority area for special attention, along with early childhood intervention and building wealth, employment and an entrepreneurial culture.⁸ In July 2007, the then Australian Government announced the Northern Territory Emergency Response (NTER), which was an intervention designed to protect children, make communities safe, and build a better future for people living in Aboriginal communities and town camps in the Northern Territory. The NTER, which provided the impetus for the expansion of night patrols, is discussed later in this chapter.

Closing the Gap on Indigenous disadvantage

1.14 The trend of highlighting the importance of community safety continued with the election of a new Australian Government in 2007, which announced the development of an integrated approach to addressing Indigenous disadvantage. The Closing the Gap strategy, agreed by COAG in 2007, aims to reduce the disadvantage experienced by Indigenous people across key socioeconomic areas including life expectancy, young child mortality, early childhood education, reading, writing and numeracy, year 12 attainment and employment. The strategy is a long-term approach and commits to addressing Indigenous disadvantage over a sustained period. The Closing the Gap strategy emphasises the interrelated nature of issues that create Indigenous disadvantage, and bases its approach on making

⁷ Council of Australian Governments, *Council of Australian Governments' Meeting 14 July 2006*, COAG, 2006, <http://www.coag.gov.au/coag_meeting_outcomes/2006-07-14/index.cfm#indigenous> [accessed 11 October 2010].

⁸ Brough, M (Minister for Families, Community Services and Indigenous Affairs) 2006, *Blueprint for Action in Indigenous Affairs*, speech, Canberra, 6 December, <http://www.formerministers.fahcsia.gov.au/malbrough/speeches/Pages/blueprint_05dec06.htm.aspx> [accessed 11 October 2010].

improvements in seven key areas. Known as the COAG 'building blocks', these seven areas are: early childhood; schooling; health; economic participation; healthy homes; safe communities; and governance and leadership.⁹

1.15 In the safe communities building block, a focus has been placed on improving family and community safety through law and justice responses (including accessible and effective policing and an accessible justice system), victim support (including safe houses and counselling), child protection and preventative approaches. Addressing related factors such as alcohol and substance abuse continue to be recognised as critical to improving community safety.

1.16 Night patrols are designed to contribute to the broader COAG aims for safe communities by supporting:

- the provision of culturally appropriate early intervention, mediation and negotiation strategies aimed at the prevention of conflict and anti-social behaviours;
- the development of partnerships that link to supporting programs and services in the community for both those at risk of being harmed or causing harm;
- patrolling the community at appropriate times; and
- providing advice, information and assistance that may help prevent further repeat behaviours.

1.17 While the night patrol program fits primarily under the safe communities building block, it is closely linked with the other building blocks. This indicates that, while night patrols can support the achievement of outcomes in other areas such as schooling and health, its effectiveness in achieving community safety outcomes can also be influenced by activities undertaken in these other building blocks.

National Indigenous Reform Agreement

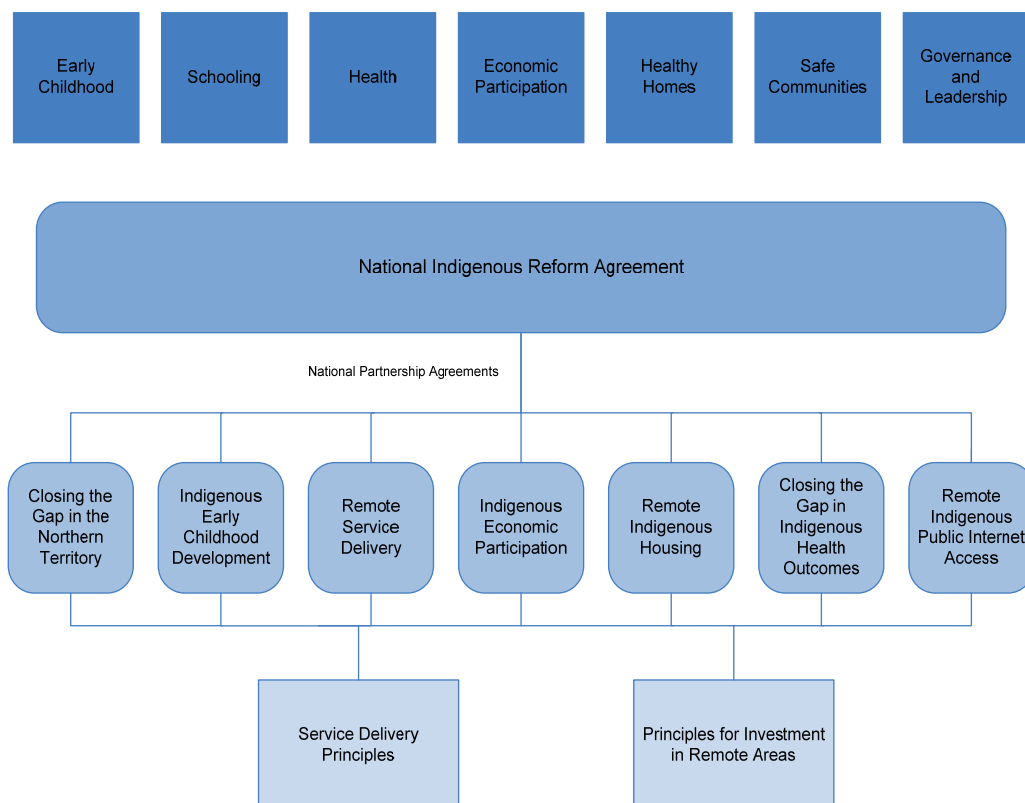
1.18 The National Indigenous Reform Agreement (NIRA) sets the overarching framework for service delivery to Indigenous communities, and is

⁹ Council of Australian Governments, *National Indigenous Reform Agreement*, COAG, 2008, <http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/IGA_FFR_ScheduleF_National_Indigenous_Reform_Agreement.pdf> [accessed 3 December 2010].

outlined in Figure 1.1. Further, the approach for the implementation of the Closing the Gap strategy was agreed to by COAG in November 2008, and is drawn from the NIRA.

Figure 1.1

COAG Building Blocks and National Indigenous Reform Agreement



Source: National Indigenous Reform Agreement 2008

Policy developments in the Northern Territory relating to service delivery

1.19 Two important policy changes that are relevant to the implementation of night patrols in the Northern Territory are the Northern Territory Emergency Response (NTER), established in 2007, and reforms made to the local government structures in 2008.

Northern Territory Emergency Response

1.20 Following the Summit on Violence and Child Abuse in Indigenous Communities in 2006, and as a result of advocacy by the Australian Government and others, the Northern Territory Government appointed a Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse on 8 August 2006. The Board of Inquiry's report, *Ampe Akelyernemane Mele Mekarle (Little Children are Sacred)*, was released by the Northern Territory Chief Minister on 16 June 2007. The report indicated that in all 45 communities visited as part of the inquiry child abuse and potential neglect of children had been reported. The Board of Inquiry considered there was evidence of a strong connection between family abuse, child neglect and violence on the one hand and alcohol and substance abuse on the other.¹⁰ The report reiterated other issues identified in previous reports as contributing to breakdowns in community safety such as: people without meaningful things to do; a failure of existing service delivery methodologies; dysfunctional governance; and overcrowded houses.¹¹ The report also discussed the nature of sex offending and the links with pornography.¹²

1.21 The NTER was introduced as a response to *Little Children are Sacred*. The NTER included a series of measures, implemented immediately by the Government, which were designed to protect children, make communities safe, and build a better future for people living in remote Aboriginal communities and town camps in the Northern Territory.

1.22 As part of the NTER, 73 Aboriginal communities, and a number of community living areas and town camps, were identified as 'prescribed areas'. The programs established by the Australian Government as part of the NTER affected all people living in prescribed communities. The programs established as part of the NTER were divided into the following six components:

- law and order;
- supporting families;
- welfare reform and employment;

¹⁰ R Wild, and P Anderson, *Ampe Akelyernemane Mele Mekarle, "Little Children are Sacred", Report of the Northern Territory Board of Inquiry into the Protection and of Aboriginal Children from Sexual Abuse*, Northern Territory Government, Darwin, 2007.

¹¹ *ibid.*

¹² *ibid.*

- improving child and family health;
- enhancing education; and
- housing and land reform.

1.23 Under the law and order component of the NTER, the Government identified a range of key activities for support. These included:

- alcohol, drug and pornography restrictions in prescribed communities and harsher penalties for offences;
- increased police presence in communities, as well as new police stations and additional police powers;
- creation of the National Indigenous Intelligence Taskforce, with the aim of providing key stakeholders with a better understanding of crime in Aboriginal communities and what is driving crime;
- exploration into the establishment of a national Child Abuse Desk which would be accessible to all law enforcement agencies;
- additional funding for Northern Territory Aboriginal Interpreter Services to cope with the anticipated higher demand created by the other law and justice measures;
- expansion of night patrol services to all 73 communities under the NTER as a community-generated response to anti-social behaviour; and
- additional legal services for Aboriginal people in the Northern Territory, to cope with the anticipated increase in the need for legal assistance, with a particular focus on high need clients such as women or domestic violence victims.¹³

1.24 The NTER was designed to operate in three phases. The first phase was the stabilisation phase, which covered the first year up to 30 June 2008. The current phase, described by the Government as the normalisation of services and infrastructure phase, will extend until approximately the fifth year of the NTER. Following the current phase there will be long-term support to close the

¹³ P Yu, ME Duncan and B Gray, *Northern Territory Emergency Response—Report of the NTER Review Board*, Australian Government, Canberra, October 2008, p. 111.

gaps between prescribed communities and the standards of services and outcomes enjoyed by the rest of Australia.¹⁴

1.25 After the initial stabilisation phase, and following the change of Australian Government in 2007, key NTER measures became part of the Government's overall strategy to reduce Indigenous disadvantage. NTER initiatives were absorbed into the new Closing the Gap on Indigenous Disadvantage in the Northern Territory National Partnership Agreement. The agreement was signed in July 2009, which allowed continuation of a number of NTER measures. This new National Partnership Agreement also constituted a new agreement under the NIRA, providing an overall umbrella for the implementation of specific services, such as night patrols. The desired outcomes under this agreement are:

- improved safety, health and wellbeing of Indigenous children;
- improved school engagement and performance; and
- sustainable communities to support children and youth including through education and employment pathways.¹⁵

Northern Territory local government reforms

1.26 In October 2006, the Northern Territory Government introduced significant reforms to its local government system. Prior to these reforms, small community government councils and associations were responsible for the provision of municipal and other community-level services, including night patrols in some communities. The Northern Territory Government decided that the existing service arrangements for each community, most with populations of less than 1000, did not support effective service delivery because a large part of council funds were spent on administration, councils had limited capacity to raise revenue and develop infrastructure, and it was difficult for councils to attract and retain qualified staff.¹⁶

¹⁴ *ibid.*, p. 62.

¹⁵ Council of Australian Governments, *Closing the Gap in the Northern Territory National Partnership Agreement*, COAG, 2009, <http://www.federalfinancialrelations.gov.au/content/national_partnership_agreements/OT004/Closing_the_Gap_in_NT.pdf> [accessed 3 December 2010].

¹⁶ Department of Local Government, Housing and Sport, *New Local Government Questions and Answers*, Northern Territory Government, Darwin, <http://www.localgovernment.nt.gov.au/_data/assets/pdf_file/0013/7150/lg_answers.pdf> [accessed 1 July 2010].

1.27 The local government reform package involved the existing community government councils merging into eight new shire councils, and the four existing municipal councils being maintained (Darwin, Palmerston, Katherine and Alice Springs). From 1 October 2007, the Northern Territory Government established eight Prospective Shire Councils to commence the transition of local government functions from community councils to the new arrangements until the new shire councils began formal operations on 1 July 2008. In agreeing to the expansion of the night patrols program, the Australian Government also agreed to a model of service delivery based on using shire councils as the service providers.

History of Northern Territory night patrols

1.28 Night patrols originated in the Northern Territory as community-driven responses to social disorder within Aboriginal communities. The issues which night patrols responded to varied and the patrols operated in different ways. One of the first night patrol services was established by Julalikari Council in Tennant Creek to patrol areas in and around Tennant Creek during the 1980s. The Julalikari patrols were originally staffed by volunteers, with the objectives of resolving problems in town camps, settling disputes, and supporting and assisting local police in their dealings with the community.

1.29 In other areas of the Northern Territory, such as Yuendumu and Ali Curung, patrols had been established by women in the community to:

‘keep out grog’, ‘stop young people dying’, ‘stop them going to gaol’, ‘stop family fighting’, ‘stop petrol sniffing’ and ‘humberging’.¹⁷

1.30 From its beginning in the Northern Territory, the concept of night patrols spread to other Indigenous communities in Western Australia, Queensland and New South Wales in the 1990s. Historically, the effectiveness of night patrols has derived from the sense of cultural authority and legitimacy that underpinned the work of the service. Night patrols are considered by some community stakeholders to be effective because they are ‘an Aboriginal response to an Aboriginal problem’.¹⁸ Importantly, they are also a

¹⁷ Remote Area Night Patrol Newsletter in Harry Blagg, *An Overview of Night Patrol Services in Australia*, <[http://www.ag.gov.au/agd/WWW/rwpattach.nsf/personal/C0415ABF1F0D0AD1CA256E6F00072DCC/\\$FILE/Night+Patrol.pdf](http://www.ag.gov.au/agd/WWW/rwpattach.nsf/personal/C0415ABF1F0D0AD1CA256E6F00072DCC/$FILE/Night+Patrol.pdf)> [accessed 16 December 2009], p. 42.

¹⁸ ANAO interview notes.

community-led response, and in 1992 the Julalikari Council night patrols were the major winner of the Australian Violence Prevention Award, which recognises responses to crime prevention.

1.31 Historically, the success of night patrols can be linked with the cultural appropriateness of the service that has evolved from within communities, and within cultural norms and practices. Indigenous kinship systems are complex and diverse, and inform social interactions at all levels for Indigenous people. In a practical sense, the kinship system affects daily life in communities and can be both a positive and negative influence on social stability. For night patrols, this can have a range of implications: for example, certain patrol members shouldn't respond to some incidents, shifts need to be worked around relationships and some people have greater cultural authority within the community.

1.32 The success of night patrols as a community-driven initiative has seen night patrols evolve from a small, community-based project to a formal structured government program. The original night patrols were established without government support and were staffed by volunteers from the community. Since these early patrols, access to resources and the level of funding with which patrols have operated has varied. Operational support has come from a variety of sources, but predominantly from different territory or federal government departments, which have provided funding for vehicles, salaries, uniforms and other aspects of patrols.

Night patrols prior to 2004

1.33 The night patrols program was originally developed as a response to the report of the Royal Commission into Aboriginal Deaths in Custody. The Aboriginal and Torres Strait Islander Commission (ATSIC) was first responsible for administering night patrols. Under ATSIC, the program fostered mainly small, community-based projects that were also dependent on other ATSIC funded programs. For example, at the time, night patrols were usually an identified Community Development Employment Project (CDEP) activity, so funding to staff night patrols was provided through the CDEP program rather than through a dedicated night patrols program. The program's structure was based on decentralised management and the projects sponsored were managed through the existence of ATSIC's, and later the

Aboriginal and Torres Strait Islander Service's (ATSIS)¹⁹, extensive regional office network.

Transfer of night patrols to the Attorney-General's Department

1.34 In 2004, ATSIC and ATSIS were disbanded as part of a broader policy shift towards whole-of-government arrangements in Indigenous affairs and their programs were transferred to relevant mainstream departments. As part of this arrangement, in July 2004, the Indigenous Law and Justice Branch of the AGD assumed responsibility for night patrols under the broader Prevention, Diversion and Rehabilitation Program (PDRP). The overarching program name was subsequently changed to the Prevention, Diversion, Rehabilitation and Restorative Justice Program (PDRRP), to reflect the restorative justice element introduced by AGD. More recently, in 2009–10, the program was renamed the Indigenous Justice Program (IJP).

1.35 AGD administers four sub-programs as part of the IJP, of which night patrols is one initiative. The objectives of the IJP are to:

- facilitate the development and implementation of effective culturally relevant projects (especially for 'at risk' youth);
- support Indigenous Australians who have come into adverse contact with the criminal justice system, and to seek to reduce the number of same; and
- utilise cultural knowledge and identity to realise increased outcomes on the ground.

1.36 The shift towards whole-of-government arrangements in Indigenous affairs led to the co-location of Australian Government staff from different departments in Indigenous Coordination Centres (ICCs) located in urban, rural and regional areas across Australia. Under the new arrangements, responsibilities for funding and delivering programs that were previously funded by ATSIS or ATSIC were to be coordinated through local ICCs. Accordingly, program funding arrangements for PDRRP were coordinated out of the newly established ICCs; this meant that while the night patrol's program management responsibilities were managed centrally out of AGD, ICCs were involved in coordinating the funding procedure through the annual Common

¹⁹ ATSIS was established on 1 July 2003 as the administrative arm of ATSIC which resulted in greater separation of the elected arm (ATSIC) from the administration of programs.

Funding Round for Indigenous Programs. The role of the ICCs was to provide organisational risk assessments for program funding and advise AGD when local issues impacted on projects.

1.37 In 2006, there were 44 night patrols funded by AGD across Australia. Table 1.1 sets out the distribution of night patrol services across states. While the average funding amount per community was \$46 685, the range varied from approximately \$10 000 to \$220 000.

Table 1.1

Distribution of night patrol services across states prior to 2007

State	Number of night patrols funded in 2005–06	Number of night patrols funded in 2006–07
Northern Territory	32	32
Western Australia	5	6
Queensland	2	2
New South Wales	3	3
Victoria	3	1
South Australia	2	-
Total	47	44

Source: ANAO analysis of publicly available information and information provided by AGD

1.38 Outside of the Northern Territory, AGD does not administer a comprehensive program for delivering night patrol services. The services that the department funds outside the Northern Territory have been funded under the IJP for many years, on the basis that they were locally developed initiatives that met the criteria for funding. Outside of the Northern Territory, AGD now only funds four organisations under the IJP to deliver community patrols:

- Murdi Paaki Regional Enterprise Corporation for the Indigenous communities in Coonamble, Gulargambone and Walgett, in New South Wales;
- Innisfail Community Justice Group in Innisfail, Queensland;
- Mamabulanjin Aboriginal Corporation in Broome, Western Australia; and
- Nyoongar Patrol Systems in Perth, Western Australia.

Night patrols in the Northern Territory

1.39 AGD records indicate that there were 30 service providers in 2006–07, delivering 32 patrols, and 26 providers in 2007–08, delivering 32 night patrol services in the Northern Territory under the PDRRP.²⁰ Also, the 26 service providers in 2007–08 include the three service providers operating in urban areas. In 2007–08, the patrols located in remote communities were transferred to the shire councils as part of the transitional arrangements under the Northern Territory local government reforms. The majority of patrols funded in 2008–09 under the PDRRP were funded for less than a year.

1.40 Before the NTER was established there were 23 night patrols operating in remote communities in the Northern Territory as well urban patrols in Alice Springs, Katherine and Tennant Creek. When the then Government announced the NTER, it recognised the role that night patrols play in community safety and the potential contributions that night patrols could make to the achievement of the broader NTER outcomes. Accordingly, as part of the law and justice element of the NTER, night patrols were rolled out to an additional 50 prescribed communities and overall program funding was significantly increased. The initial expansion of night patrols under the NTER only focused on remote areas, and patrols already operating in the urban areas continued to be funded under the PDRRP.

1.41 The importance of community-led safety responses was articulated in the *Little Children are Sacred* report, which described a model emphasising the concept of ‘community to promote children’s safety and protection’.²¹ The model included a night patrol service as it ‘provides a culturally appropriate mobile service that can respond quickly to problems in the community in a culturally appropriate manner’.²² Additionally, in light of this discussion, a recommendation of the report was:

that the government should actively encourage, support and resource the development of community-based and community-owned Aboriginal family violence intervention and treatment programs and any other programs that meet the needs of children and are designed to respond to the particular

²⁰ The number of service providers does not necessarily indicate the number of patrols, as a service provider may have delivered more than one patrol.

²¹ R Wild and P Anderson, 2007, op. cit., p. 191.

²² *ibid.*

conditions and cultural dynamics of each community and commit to ongoing resourcing of such programs.²³

1.42 The expansion of night patrols under the NTER broadened the scope of the program. It was intended that night patrols would link with other aspects of government policy such as addressing Indigenous unemployment and engaging Indigenous people in service delivery, aiming to 'empower Aboriginal people to take charge of their own communities and provide employment opportunities for local Indigenous people'.²⁴

1.43 Currently, the scope of AGD's management of night patrols in the Northern Territory is to fund projects that provide locally driven, culturally relevant early intervention services to:

- help prevent crime and victimisation in Aboriginal communities;
- help prevent adverse contact with the criminal justice system; and
- ensure the services are coordinated with other community support and law enforcement services.

1.44 Funding for night patrols has increased over recent years. AGD received \$13.25 million for the Prevention, Diversion, Rehabilitation and Restorative Justice Program (with a nominal percentage allocated for night patrols nationally) in the 2007–08 Budget. This was further increased when the NTER was announced in June 2007 - AGD received \$14.98 million for law and order which included \$12.11 million for night patrols. AGD was allocated \$17.7 million in the 2008–09 Budget to promote the achievement of law and order and increase community safety through night patrols. The 2009–10 Budget provided for \$67.9 million over three years to continue the operation of night patrols in the Northern Territory. Table 1.2 and Table 1.3 set out the detailed appropriations and actual expenditure for administered funds from 2007 to 2012.

²³ R Wild and P Anderson, 2007, op. cit., p. 191.

²⁴ Macklin, J (Minister for Families, Housing, Community Services and Indigenous Affairs) and Debus, B (Minister for Home Affairs) 2008, Making Indigenous Communities Safer, media release, Parliament House, Canberra, 13 May 2008.

Table 1.2**Appropriations for administered funds for night patrols and other justice programs over five years under the Closing the Gap in the Northern Territory initiative (previously NTER)**

Source of funds	2007–08 \$'000	2008–09 \$'000	2009–10 \$'000	2010–11 \$'000	2011–12 \$'000
Appropriations administered by AGD					
Night patrols	8 211	17 058	21 700	21 530	21 647
Indigenous Legal Aid Services	2 000	2 000	3 500	3 556	3 616
Aboriginal Interpreter Services	550	683	550	559	568
Additional Estimates	3 900	-	-	-	-
Northern Territory Community Policing Initiative	-	-	-	1 700	1 700
SCAG Indigenous Program Evaluation (movement of funds)	-	-	(1 800)	1 800	-
Total	14 661	19 741	23 950	29 145	27 531
Other appropriations					
FaHCSIA – FFP/IESA	1 474	2 948	2 948	-	-
IJUS/PDRR – X Sub	-	1 956	1 999	2 043	2 115
Total	1 474	4 904	4 947	2 043	2 115

Source: Information provided by AGD

Notes: FFP/IESA is the Flexible Funding Pool/Indigenous Employment Special Account

IJUS/PDRR is the Indigenous Justice Program/Prevention, Diversion, Rehabilitation and Restorative Justice Program

Table 1.3**Actual administered expenditure for night patrols and other justice programs over five years under the Closing the Gap in the Northern Territory initiative (previously NTER)**

Source of funds	2007–08 \$'000	2008–09 \$'000	2009–10 \$'000	2010–11 \$'000	2011–12 \$'000
Actual expenditure and future appropriations administered by AGD					
Night patrols	12 111	14 475	14 258	21 530	21 647
Indigenous Legal Aid Services	2 000	4 583	7 337	3 556	3 616
Aboriginal Interpreter Services	550	683	1 092	559	568
Transfer to other justice programs	-	-	1 263	-	-
Northern Territory Community Policing Initiative	-	-	-	1 700	1 700
SCAG Indigenous Program Evaluation (movement of funds)	-	-	-	1 800	-
Total	14 661	19 741	23 950	29 145	27 531
Other expenditure					
FaHCSIA – FFP/IESA	1 474	2 948	2 948	-	-
IJUS/PDRR – X Sub	1 681	1 956	1 999	2 043	2 115
Total	3 155	4 904	4 947	2 043	2 115

Source: Information provided by AGD

Notes: FFP/IESA is the Flexible Funding Pool/Indigenous Employment Special Account

IJUS/PDRR is the Indigenous Justice Program/Prevention, Diversion, Rehabilitation and Restorative Justice Program

Funding in 2009–10 is less than the previous year as AGD decommitted night patrol funds based on the level of unexpended grant funds being held by service providers. The unexpended funds were reallocated to Aboriginal Legal Services and Aboriginal Interpreter Services in the same year.

1.45 The program was also allocated funding as a result of reforms to the CDEP Program. The reforms meant that night patrols were no longer a CDEP-funded activity, and night patrol positions were converted to full-time salaried positions. In 2007–08, AGD received funding of \$2.622 million under the *Building an Indigenous Workforce* measure to convert 115 CDEP positions to salaried positions. This funding was applied to both pre-NTER patrols and NTER night patrols. Additionally, AGD received \$1.474 million from the Northern Territory Flexible Funding Pool (now the Indigenous Employment Special Account) for the conversion of 45 positions in prescribed communities.

Audit objectives and methodology

1.46 The objective of the audit was to assess the administrative effectiveness of AGD's management of Northern Territory Night Patrols. The audit examined night patrols' administrative arrangements, including program design and planning, management of service providers, and the links between performance indicators, activities and outcomes. This included a focus on the arrangements to implement the expansion of night patrols as part of the NTER and service delivery in communities.

1.47 In conducting the audit, the Australian National Audit Office (ANAO) examined the implementation of the expansion of the night patrols program and the ongoing arrangements to support program delivery and the achievement of program objectives. Accordingly, the report covers:

- the arrangements established by AGD to support the implementation of the expansion of night patrols as part of the NTER;
- the administrative framework established by AGD to manage the program on an ongoing basis;
- the delivery of night patrol services in communities in the Northern Territory; and
- the performance measurement and reporting mechanisms established by the department to assess the progress towards the program objectives and desired outcomes.

1.48 The audit team interviewed AGD staff, service providers, night patrollers, community stakeholders and staff from related services. Ten communities were visited across the Northern Territory in addition to urban areas where night patrols operate. File reviews were undertaken and data from the Grants Management System was analysed. Information was also drawn from the NTER and Closing the Gap in the Northern Territory documentation.

1.49 This audit was commenced in February 2010 under the authority of the *Auditor-General's Act 1997*. It was conducted in accordance with ANAO auditing standards at a cost of approximately \$360 000.

Report structure

1.50 The report is structured as follows:

- **Chapter 2—Arrangements to support the expansion of night patrols** discusses the development and implementation of night patrols in the Northern Territory, with a particular focus on the expansion of night patrols as part of the NTER in 2007.
- **Chapter 3—Program administration** discusses the overall program framework established by AGD to manage night patrols to meet program objectives.
- **Chapter 4—Night patrols in communities** examines the operations of night patrols in communities. It covers the contexts in which night patrols operate and the extent to which the program's administration arrangements provide for flexibility at the community level, including the relationship with other services.
- **Chapter 5—Performance measurement and reporting** covers the performance measurement and reporting arrangements that AGD has established to measure the program's progress towards achievement of the objectives.

2. Arrangements to support the expansion of night patrols

This chapter discusses the development and implementation of night patrols in the Northern Territory, with a particular focus on the expansion of night patrols as part of the NTER in 2007.

Introduction

2.1 The Attorney-General's Department (AGD) has been responsible for managing the Prevention, Diversion, Rehabilitation and Restorative Justice Program (PDRRP) and night patrols since 2004, when responsibility for the program was transferred from the Aboriginal and Torres Strait Islander Services (ATSIS). Since taking responsibility for night patrols, the department has implemented a range of changes to the program including the use of a new service delivery model and, expanding night patrols to over 50 new remote communities as part of the Northern Territory Emergency Response (NTER) in 2007. An analysis of night patrols conducted for AGD in 2003 notes the inter-connectivity of community problems, and acknowledges the 'holistic framework of measures' that is crime prevention in communities.²⁵ The night patrols program is one component of AGD's response to Indigenous justice issues.

2.2 Expanding a community-based activity into a broader program presents some challenges, as there is evidence that community-based initiatives owned and run by the community are more successful than programs imposed on communities.²⁶ It is critical therefore for responsible government agencies to design supporting management arrangements that balance flexibility to respond at the local level and consistency in delivery across the whole program. Further, adapting initiatives to other communities can have many benefits; however, successful community-based activities generally grow from within the community in response to a particular set of

²⁵ H Blagg, *An Overview of Night Patrol Services in Australia*, <[http://www.ag.gov.au/agd/WWW/rwpattach.nsf/personal/C0415ABF1F0D0AD1CA256E6F00072DCC/\\$FILE/Night+Patrol.pdf](http://www.ag.gov.au/agd/WWW/rwpattach.nsf/personal/C0415ABF1F0D0AD1CA256E6F00072DCC/$FILE/Night+Patrol.pdf)>, [accessed 16 December 2009], p. 83.

²⁶ R Wild and P Anderson, *Ampe Akelyernemane Meke Mekarle, "Little Children are Sacred", Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, Northern Territory Government, Darwin, 2007, p. 53.

conditions and circumstances. Accordingly, in order to replicate the success of this kind of community approach, it is important that the program is adapted to other community sites with appropriate consideration to local circumstances, as well as community involvement and ownership of the arrangements.

2.3 Reflecting its position within a broader intervention by Government in law and order, the expansion of night patrols in 2007 was influenced by the joint requirements and directions of the NTER and the Indigenous Justice Program (IJP). The department's responsibilities in the expansion of night patrols under the NTER in 2007 were to manage the overall coordination, monitoring and evaluation of the program. Departmental officers were also to coordinate the delivery, community engagement, implementation, monitoring and evaluation of the night patrols' model with shire councils and communities.

2.4 The ANAO examined how the department designed and managed the expansion of the night patrols program under the NTER in 2007. The ANAO focused on the development of the new service delivery model and transition to the new service delivery arrangements in communities, and in particular, how AGD consulted and engaged with communities on local priorities for the delivery of services. The ongoing program management and service delivery arrangements will be discussed in the following chapters.

Night patrols prior to the Northern Territory Emergency Response

2.5 At the time night patrols were expanded, AGD had been managing the program for three years following the transfer of responsibilities from ATSIIS, the program administration arm of ATSIIC. AGD-funded night patrols under the PDRRP were to assist people at risk—including intoxicated people, juveniles, victims of violence and the homeless—and to reduce Indigenous people's adverse contact with the criminal justice system. The key program strategy of the night patrols component under the PDRRP was to patrol the streets and/or local community areas, where people may be at risk of coming into adverse contact with the criminal justice system, and to get them to a place where their immediate needs may be addressed.

2.6 When AGD assumed responsibility for the program, it also adopted the existing PDRRP service delivery model within which night patrols operated. This model was a small, community-based program where annual funding

was distributed to a number of community government councils and non-government organisations to deliver night patrols in the Northern Territory. The Northern Territory local government reforms, as discussed in Chapter 1, impacted significantly on night patrols, as 13 out of 26 organisations receiving funding for night patrols in the Northern Territory were community government councils.

2.7 Prior to the NTER there were 26 providers delivering patrols in the Northern Territory, including three providers delivering services in urban areas to town camps. At this time, AGD often only funded part of a project, which usually included items such as salaries or motor vehicle expenses or, in some cases, training and uniforms. Funding under the PDRRP (now the Indigenous Justice Program) was designed to complement state and territory initiatives, and applicants were encouraged to also seek funding from other sources. These patrols were largely staffed by CDEP participants, as night patrols were usually an identified CDEP activity. As the patrols were run by either community government councils or local non-government organisations, the community was involved in, and had a strong say over, the operations of patrols. Additionally, the patrols had the flexibility to tailor their services to their community's needs.

Expansion of night patrols under the Northern Territory Emergency Response

2.8 The expansion of night patrol services in 2007 was positioned within NTER Measure 2: Law and Order. The overall objective of the Law and Order measure was:

to address a situation in Aboriginal communities where basic standards of law and order have broken down and where women and children are unsafe.²⁷

2.9 The specific contributions that the night patrols were expected to make to the NTER were to improve community safety, particularly for women and children, and to assist in preventing adverse contact with the criminal justice system. Night patrols were intended to continue as a community-generated response to anti-social behaviour. In deciding to expand the night patrols program, the Government agreed that the night patrol service should be

²⁷ Hansard, House of Representatives, Tuesday 7 August 2007, p. 10.

established in all 73 prescribed communities within a timeframe of ten months. At the time, night patrols operated in just 23 remote communities.

Planning for implementation

2.10 The nature of the initial implementation of the NTER dictated that timeframes for designing and implementing the programs that made up the NTER would be tight. Arrangements for the implementation and ongoing internal program management of night patrols were set out by the department in an implementation plan and the *Night Patrol Services in the Northern Territory Operational Framework* (the operational framework)²⁸. These documents were developed on the basis of overall NTER implementation guidance. Although not strongly linked with other aspects of the NTER and its management, these documents provided guidance for AGD staff in managing the night patrols program. Table 2.1 sets out the initial implementation schedule developed by AGD.

²⁸ A document developed by the Attorney-General's Department to guide service delivery by providing the minimum standards for the formation, structure, operation and management of night patrols in the Northern Territory. The first operational framework was released in July 2008 and an updated version was released in January 2010. It also provides tools for service providers such as templates for an operational plan; stakeholder management; and performance reporting.

Table 2.1**Implementation schedule for night patrols**

Milestone	Date
NTER announced	21 June 2007
Service delivery model developed	30 August 2007
Confirm funding sources	5 October 2007
Develop overarching program framework, operational plan and duty statements	15 October 2007
Regional management structure established	30 October 2007
Service providers engaged	30 November 2007
Regional managers engaged	30 November 2007
Consultation with communities	November 2007 January 2008
Night Patrol officers job ready	December 2007
Night Patrols operating in 73 communities (50 additional communities)	May 2008

Source: AGD documentation

2.11 The implementation plan clearly established the deliverables for the implementation period and the required timing of these key tasks and activities. AGD did not enter into initial Program Funding Agreements with service providers between December 2007 and March 2008, which had the effect of delaying subsequent activities. Significantly, this also condensed the already limited timeframe for consultation with communities.

Service delivery model

2.12 In order to implement the expansion of the program, AGD determined that a new service delivery model was needed that had the capacity to deliver a larger program across a broader geographical area. Accordingly, AGD developed a 'hub and spoke' regional service delivery model that aligned with the creation of new shires through the Northern Territory local government reforms. The eight shire councils were engaged by AGD to provide night patrol services to communities within their boundaries, with an additional

service provider in the top end.²⁹ This approach allowed for the employment of ten regional night patrol managers (one per service provider, except for MacDonnell Shire Council which was allocated two due to its size), to manage night patrols in geographically grouped communities according to shire boundaries. The number of patrols per service provider ranged from two to fourteen. At the community level, the service delivery model included a team of Aboriginal night patrol officers and team leaders per community (who were required to participate in accredited training), and infrastructure to operate the patrol. The team leaders and patrol staff were employed by the service providers.

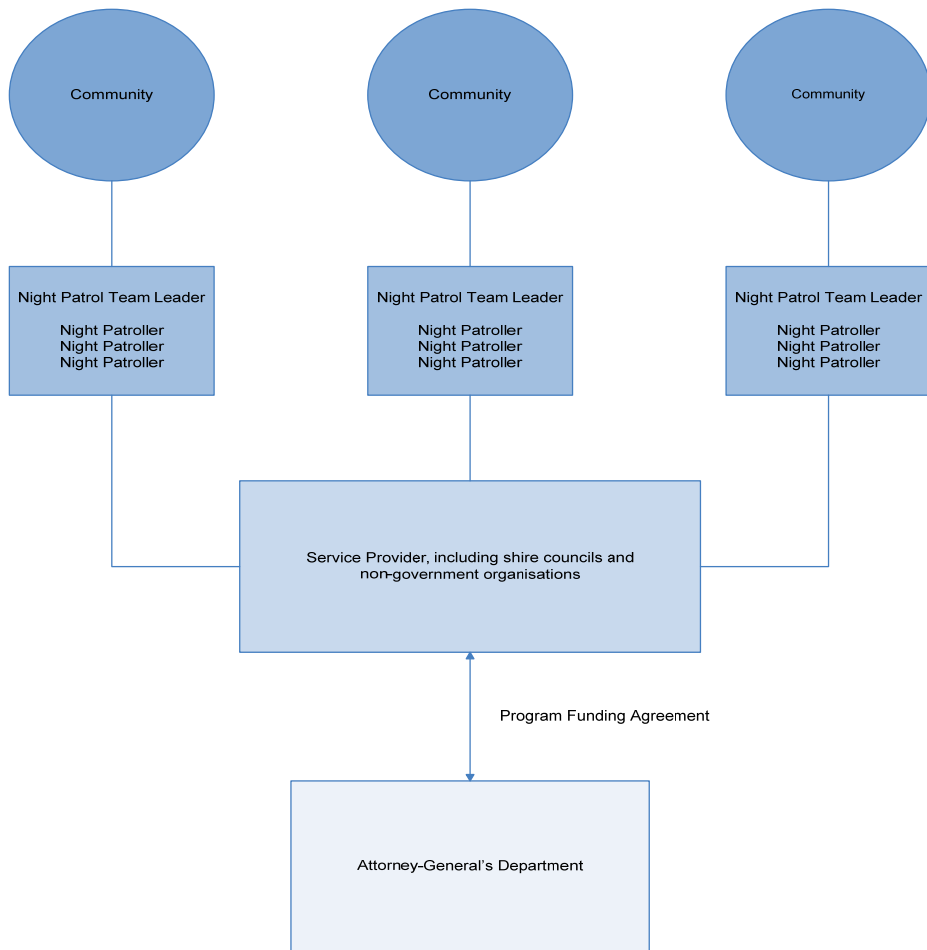
2.13 Prior to deciding on the model, AGD consulted with the Northern Territory Government and the Department of Families, Housing Community Services and Indigenous Affairs (FaHCSIA). In AGD's approach to developing the service delivery model, it was also intended that consultation would occur with communities or existing service providers. However, there is no evidence that this consultation occurred. Alternative service delivery approaches were not considered during the expansion of the program, although the department considered its options were limited by the local government reforms being undertaken in the Northern Territory. Additionally, the model gave coverage to all 73 prescribed communities as they fell within existing shire boundaries. Accordingly, the Australian Government agreed on the use of the current model as the most effective mechanism for delivering night patrol services as it was consistent with the Northern Territory Government's service delivery model for core and non-core services. The service delivery model is outlined in Figure 2.1.

²⁹ As part of the local government reforms, it was originally intended that there would be nine shire councils. In February 2008, the Northern Territory Government cancelled the prospective shire council covering area around Darwin, what was to be the Top End Regional Shire, and allowed the four affected councils to remain as district councils. Consequently, the AGD engaged a non-government organisation to deliver night patrol services to communities in this area.

Subsequently, the urban areas of Alice Springs, Katherine and Tennant Creek were included in NTER funding, and an additional three non-government organisations were engaged to provide night patrols in these areas.

Figure 2.1

Night patrols' service delivery model



Source: ANAO adaptation of AGD's service delivery model

2.14 AGD had to transition the existing night patrol services in 23 communities, and intended to make this transition with the least amount of disruption to service delivery. AGD negotiated funding agreements initially with MacDonnell Shire Council and Central Desert Shire Council. Funding agreements with the other shire councils and the top end service provider were negotiated in early 2008. In order to transition existing service providers and communities to the new arrangements, AGD waited until the existing contracts expired, after which the new shire councils were required to take over service

delivery with the remaining night patrol assets, including unexpended funds, to be transferred to the relevant shire.

Night patrol services and activities

2.15 The Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse found that many government policies are formed without the active involvement of the people whose lives the policy is likely to affect, and whose support is needed for success, resulting in policies that do not lead to 'on the ground' outcomes.³⁰ In order for service delivery arrangements to support the achievement of program objectives, it is important that the scope of services is clearly defined and well understood by staff and service providers. Additionally, there needs to be sufficient flexibility to adjust the service to individual communities' circumstances. This assists in delivering appropriate and responsive services, while also attaining some consistency in the delivery of services across communities. The ANAO examined available program documentation to assess the extent to which the nature and scope of night patrol services were well defined and were consistent with the achievement of the program's objectives.

2.16 During the expansion of night patrols under the NTER in 2007, AGD sought to retain the flexibility of a community-based approach throughout the program while, at the same time, applying more definition to the scope of night patrol activities. The services and activities under the new service delivery arrangements were generally consistent with the intent of the earlier form of the program. However, AGD also developed an operational framework to add more rigour to the services provided by night patrols under the new service delivery arrangements. The core services to be provided by night patrols include:

- operating in the community at least five times per week, with a minimum of two patrollers;
- providing a safe, culturally sensitive service;
- developing service level partnerships with related community service providers in the community;
- providing information, support and referral; and

³⁰ R Wild and P Anderson, 2007, *op. cit.*, p. 53.

- providing public awareness regarding the night patrol service to promote its benefits through relevant communication strategies.

2.17 Within this, the activities undertaken by individual night patrols can include:

- relocating a person to a 'safe' environment, such as a relative's home, recognised safe house, woman's refuge, hospital, sobering-up shelter or other medical facility;
- defusing violent situations when it is safe to do so;
- diverting intoxicated people away from contact with the criminal justice system; and
- providing advice, information or referral for instance to a counselling service.

2.18 These activities were largely consistent with activities undertaken by night patrols prior to the NTER, although linking clients with support services is an additional element that reflects the interconnected nature of responses to improve community safety. As discussed further in Chapter 4, there are a number of barriers that prevent night patrols from undertaking key activities, such as referrals to related services and follow up, which limit the achievement of the program's longer term objectives.

Implementation of night patrols in communities

2.19 The then Australian Government attached considerable urgency to establishing and implementing the NTER and its measures. Accordingly, AGD was required to implement the expansion of night patrols quickly. The implementation timeframe was ambitious, allowing only 10 months for night patrols to be fully operational in all 73 prescribed communities, 50 more than were serviced prior to the NTER.

2.20 In order to meet the implementation timeframes, AGD applied a 'one size fits all' approach to establishing the patrols in each community. As a result, the services and resources provided to all communities were the same: a night patrol vehicle (plus running costs), four full-time patrollers, uniforms, training for patrollers and basic office equipment (detailed costs are discussed further in Chapter 4). This approach had advantages for the department in that it enabled AGD to quickly establish and roll out a model to serve the 73 communities in order to meet the Government's requirements. However, this

required trade-offs to be made in the areas of community consultation and developing a model that could accommodate local circumstances.

2.21 Under the implementation timeframe, there was a brief period of two months in which service providers could conduct community consultations. This was scheduled to occur after the design of the program was advanced and service providers had already been selected. AGD advised that there are no records as to whether consultation was undertaken. Further, because of the requirement to operate night patrols in each NTER prescribed community, the ANAO was informed there was at least one community that received a patrolling service even though the community indicated it did not want a night patrol. As community safety issues vary across communities, this potentially impacted on the appropriateness of the service in meeting the differing needs and circumstances of communities.

2.22 To retain community ownership and involvement in night patrols, AGD requires service providers to consult and engage with communities in the delivery of services. The ANAO was advised that consultations were limited to issues such as the location of the night patrols base rather than establishment and operational issues. Feedback to the ANAO from stakeholders suggested that the initial implementation of night patrols did not allow for adequate consultation and community engagement. This impacted on the understanding, acceptance and ownership of night patrols within communities.

Factors about night patrols that influence the nature of services to be provided

Operational scope

2.23 Night patrols have a long history as a 'grassroots' program, responding to the needs of individual communities. As a result, different communities have different views about the role of night patrols. To increase the level of consistency across communities, AGD has provided guidance to service providers in the operational framework on how night patrols should operate. This framework precludes night patrols from providing a taxi service; providing a security service for protecting assets in the community; participating in ceremonial business or hunting; providing a service that is the responsibility of another agency such as ambulance, fire or youth services; transporting people to court or other activities; or providing services that are the responsibility of the police.

2.24 The ANAO observed that, due to the variation, complexity, and history of different night patrol services, it might be difficult for service providers to interpret what activities are within and outside their scope of operations. In practice, it is difficult to identify where a night patrol's role ends or where it crosses into the domain of other services, particularly where other services such as police are not present. For example, in one community it may be quite legitimate to take an intoxicated person home from a club to reduce the risk of harm, but in another community this same activity is seen as providing a taxi service. In attempting to apply more rigour to defining the scope of services, the department may have also limited the ability of night patrols to respond to safety issues within individual communities that are relevant to those communities.

Links to related services

2.25 The overall effectiveness of a night patrol in reducing adverse contact with the justice system relies on the ability of a patrol to move a person to a safe place. In recognition of this, since 2007–08, the program objectives have also included a focus on referrals and links with other services. Service providers are required to develop service level agreements with providers of related services in the community, as well as providing information and referrals to clients. These related community services can include police, safe houses, sobering-up shelters, alcohol and drug support, and health providers.

2.26 In many communities, however, there are only limited opportunities for assisting people who are at risk of causing or being a victim of harm. This is because of the lack of related services in some communities, the opening hours of related services and the hours that patrols operate, and sometimes the relationship between patrollers and related services. Feedback from providers indicated that they felt restricted in their capacity to provide referrals to other services because of these factors.

2.27 Additionally, many clients may need more than just a referral to a support service. For example, a client might need ongoing alcohol counselling, which might involve transport, expenses and support; if this support is not provided the client is likely to continue drinking. By way of illustration, in one community of 140 people, a service provider recorded 7822 incidents of assistance, of which approximately 4500 were alcohol related incidents. The implication for night patrols is that while responding to individual circumstances, they are dealing with the same clients without long-term

change being affected to the underlying issues, emphasising the importance of integrated community solutions to address community issues.

2.28 Within the existing model, it is challenging for patrols to provide the required level of coordination and referral to other services. Case support for problems, such as alcohol and drug abuse, violence, and mental health requires specialised knowledge to firstly identify the issue and then the most appropriate support mechanism. Many patrollers do not have the skills or qualifications to identify and provide client referrals to support services. Since the audit fieldwork was undertaken, AGD has worked to introduce a new approach to training for patrollers, which is discussed in more detail in Chapter 3.

2.29 Overall, the ANAO observed that the realities of the service delivery environment make it difficult for night patrols to provide information, support and referrals to other services. There would be benefit in considering where the existing model can be adapted to enable service providers to develop these partnerships and provide greater referrals and support at a local level. This might include negotiating agreements at a higher level or allowing for a daytime case worker. AGD advised that the current model does not exclude having a person employed in the program as a referral person. However service providers advised the ANAO they were not aware of this.

Conclusion

2.30 The night patrols program has evolved from a ‘grassroots’ initiative into a formal government program that has been through various funding bodies and policy changes. AGD was responsible for expanding the program from a small community-driven program to a major element of the government’s law and order program for Aboriginal people in the Northern Territory within a short space of time.

2.31 The major challenge for AGD has been to expand a program that traditionally derives its effectiveness from being a community-driven response to local issues.³¹ This required a framework that provided for consistency in service delivery but allowed flexibility to adapt to local circumstances and priorities. The implementation timeframes of the NTER required that AGD develop a ‘one size fits all’ approach to services for communities based on the

³¹ R Wild and P Anderson, 2007, *op. cit.*, p. 191.

services delivered under the PDRRP. AGD advised the ANAO that work has been undertaken to increase flexibility, and this is discussed further in Chapter 4. As the NTER has now moved into a three year development phase under Closing the Gap in the Northern Territory National Partnership Agreement, the ANAO sees benefit in AGD continuing to consider ways of increasing flexibility within the model so that night patrol services can be adapted to the needs and circumstances of communities.

2.32 The effectiveness of night patrols is also affected by the extent to which night patrols can persuade clients towards a course of action and to adequately access support services. While the service delivery environment can make it difficult to coordinate with other services, this is an important element of the program's objectives and achieving community safety outcomes. In the immediate future, the nature of the assistance provided by night patrols will continue to provide a service of benefit to community members in the Northern Territory, but it is important that a focus is also maintained on supporting integrated community solutions to address community issues.

3. Program administration

This chapter discusses the overall program framework established by AGD to manage night patrols to meet program objectives.

Introduction

3.1 The framework established by the Attorney-General's Department (AGD) to administer night patrols includes an overall allocation of roles and responsibilities, risk management, funding processes, arrangements with service providers, and support to night patrol (through service providers). AGD currently engages shire councils to deliver services to the communities within their boundaries, and non-government organisations to deliver services to urban areas. In 2010, the number of communities each shire council was responsible for varied from two to twelve³², while the non-government service providers mostly operate in larger, urban areas (except for one delivering services in the top end). The communities and urban areas in which night patrols operate are diverse and have different requirements that need to be taken into consideration. These include, for example, the availability of suitably skilled and qualified staff, operational costs in different locations, and the distances from urban centres and services. This adds a further layer of complexity for service providers in terms of meeting the program requirements.

3.2 Since 2004, when the program was transferred to AGD from the Aboriginal and Torres Strait Islander Services (ATSIS), service providers have been mainly managed by staff based in the department's office in Canberra. While this has some advantages, it also creates challenges in terms of developing management structures that allow effective oversight and accountability without overburdening service providers with unnecessary

³² In 2007, MacDonnell Shire Council was responsible for delivering services to 14 communities. In August 2010, the shire received legal advice that the council did not have any responsibility for the community of Mutijulu (near Uluru), as the land was leased to the Australian Government from the Traditional Owners on a long-term basis. Subsequently, the shire ceased providing services to the community, including night patrol services. There is also a community in the MacDonnell Shire that currently does not have an operational night patrol service, from MacDonnell Shire Council, *MacDonnell Shire ceases services to Mutijulu*, Media Release, 17 September 2010, <<http://www.macdonnell.nt.gov.au/LinkClick.aspx?fileticket=H9AUDE3cU4Y%3D&tabid=57>> [accessed 07 January 2011].

reporting. It also requires AGD to have a strong understanding of the service delivery environment and the situation 'on the ground'.

3.3 At the time of the program's expansion to an additional 50 communities under the Northern Territory Emergency Response (NTER) in 2007, the nature of night patrols funding changed significantly. The funding and service delivery model under the NTER, was based on the eight new shire councils and one non-government organisation delivering night patrols services to the 73 prescribed communities. Night patrols now fall under the Closing the Gap in the Northern Territory National Partnership Agreement, and the current model includes an additional three non-government organisations delivering services to town camps and urban areas, a total of four non-government organisations. The department also moved from funding small aspects of service delivery to fully funding all aspects of night patrols' operations (for example, wages, capital items, vehicles, uniforms and office equipment).

3.4 The ANAO examined the extent to which the department's program management arrangements facilitated the achievement of the program objectives. In particular, the ANAO focused on:

- the extent to which roles and responsibilities are clear;
- the strength of risk management processes;
- the funding application and assessment process;
- management of service providers; and
- management and support provided to patrollers.

Overview of AGD's administrative framework for night patrols

3.5 The night patrol program's administrative framework is established by a number of key documents, including:

- the Commonwealth Grant Guidelines;
- the *Common Funding Procedures Manual for Indigenous Programs 2008-2009*;
- Standard Funding Agreements (SFAs) between AGD and service providers;

- the *Night Patrol Services in the Northern Territory Operational Framework* (operational framework); and
- a Service Standards Manual for Night Patrol Services in the Northern Territory (in draft form and not yet implemented with service providers at the time of the audit).

3.6 These documents set out the requirements of service providers and the department throughout the program cycle.

Roles and responsibilities

3.7 For the implementation of program initiatives to be successful, consideration needs to be given to appropriately allocating roles, responsibilities and accountabilities.³³ The operational framework developed by AGD is the key mechanism for the allocation of roles and responsibilities. These are set out in Table 3.1.

³³ Department of Prime Minister and Cabinet and ANAO, *Better Practice Guide – Implementation of Programme and Policy Initiatives*, October 2006, Canberra, p. 13.

Table 3.1**Allocation of key roles and responsibilities by AGD**

Stakeholder	Roles and responsibilities
AGD	<ul style="list-style-type: none"> • Monitoring the compliance of service providers with the requirements of the Program Funding Agreement (now Standard Funding Agreement) and addressing any breaches identified. • Assisting service providers to ensure that appropriate organisational structures, systems and processes are in place to facilitate effective delivery of night patrols.
Service providers	<ul style="list-style-type: none"> • Leadership and direction in relation to the strategic vision of community night patrol services. • Reflection of the needs and priorities of the communities within a region in accordance with its contractual obligations. • Recruitment, employment and supervision of staff. • Development of the Regional Operational Plan and reporting to AGD as required. • Development of policies and procedures for safeguarding client confidentiality with regard to privacy law and managing any conflicts of interest that may arise. • Establishment of a complaints handling procedure in accordance with the relevant standard.

Source: AGD's operational framework

3.8 The operational framework provides minimal information about decision-making arrangements. This is particularly relevant given the document is a working-level tool for use by service providers. A practical example of the lack of clarity around decision-making can be found in discrepancies between different service providers' understanding of decisions that need AGD approval. Some service providers contacted AGD regularly regarding changes to budget or service delivery issues, whereas other service providers rarely contacted AGD for approval on matters. While these issues were mostly easily resolved, it was a cause of some frustration for service providers and may result in decisions that adversely affect program outcomes. For example, service providers must liaise with AGD to reallocate funding between budgeted line items. One service provider identified the rigidity of the budget as an administrative hindrance in the instance of a night patrol manager wishing to use unspent funds to purchase items for the night patrol base. Other service providers did not consult with AGD on budget matters.

3.9 AGD has advised that since the ANAO's fieldwork, the program team has introduced an Issues Register to help identify these inconsistencies and introduce best practice or formal processes into revised editions of the operational framework.

3.10 To some extent, other program management arrangements such as the Program Funding Agreements (now Standard Funding Agreements since 2009–10) contribute to service providers' understanding of their roles, responsibilities and accountability. The service providers interviewed by the ANAO generally had a clear understanding of their roles and responsibilities in relation to program management. This understanding tended to be built from workshops held by AGD, experience in managing the program and responding to issues, as well as informal methods such as conversations with AGD staff. Where any doubts existed about roles and responsibilities, it was generally related to the division of roles and responsibilities between AGD's national office and staff located in regional offices.

3.11 The regional 'hub and spoke' model for service delivery is based on the Northern Territory local government structure, with the eight shire councils and four non-government service providers in urban areas. Under this model, a central manager (the night patrol manager) in each organisation oversees the services provided to each community within a region; the number of which ranges from two to fourteen. AGD manages the service provider and the delivery of services by liaising primarily with the 12 night patrol managers (or their equivalents in the non-government organisations). AGD advised it is starting to engage more directly with more senior staff in the shires.

3.12 Service providers are managed by AGD from its Canberra office (with the exception of one AGD staff member based in Darwin), and each service provider has a designated contract manager. The role of contract managers involves being available to service providers for general queries, providing advice, reviewing performance and financial reports, and monitoring service providers' compliance against contractual obligations. While this set of responsibilities is consistent with the operational framework, the role of the department is focused on compliance with processes. AGD has allocated service providers the role of leadership and direction in relation to the strategic vision of night patrol services. Service providers are in some respects well-placed to provide valuable input into program leadership and vision, particularly into the strategic vision on a community or regional basis and this is also an opportunity for community involvement and ownership of the service.

Engagement with service providers

3.13 Field visits are an opportunity for program management staff to spend time with service providers and gain increasing familiarity with the service delivery environment. In the case of night patrols, field visits are also an opportunity to develop a greater understanding of the circumstances of different communities in order to ensure responsive service delivery. It is also likely to assist in assessing performance reports and negotiating contractual matters where differing communities' circumstances require consideration. AGD staff have conducted field visits to service providers over recent years, which have been received positively by service providers. However, there has been limited opportunity for AGD to conduct regular field visits with service providers. Increased field visits are likely to support positive relationships with service providers and responsiveness to local circumstances. AGD advised that field visits have increased since 2009–10 due to an allocation of funding specifically for this purpose.

3.14 While there has generally been limited scope to undertake field visits, AGD has created opportunities to engage with service providers and to encourage service providers to engage with each other. Since the expansion of night patrols under the NTER in 2007, AGD has held two conferences and a number of workshops on different topics. These have also enabled AGD to understand emerging service delivery issues and work towards mutual solutions. Most service providers reported a positive relationship with the department.

3.15 It is important that night patrols are accountable not just to AGD, but also to communities. The operational framework outlines that service providers are responsible for developing services that reflect the needs and priorities of communities as well as mechanisms for responding to complaints about service delivery. Accordingly, it is important that community stakeholders such as traditional owners, elders, community leaders, members and staff of other services are aware of the governance mechanisms. The effectiveness of this engagement may be limited if there are not mechanisms for the community to communicate its needs and priorities and if the community is not aware of who is responsible for different aspects of the program. There is a risk that it will be difficult for AGD to retain community ownership of night patrol services without a high level of community awareness about the program's governance arrangements, and opportunity to participate in and shape these arrangements.

3.16 Overall, the ANAO concluded that AGD established sound governance arrangements that supported the program during its initial years of operation. While these governance arrangements have developed over time, they continue to be primarily focused on the operational relationship between AGD and service providers. As night patrols have now been operating for three years it would be helpful, for service providers and communities, if AGD considers how the existing governance arrangements may be further developed to support the ongoing management of the program and incorporate communities' involvement in the governance arrangements.

Risk management

3.17 Active risk management is an important part of program management. Risk management enables program managers to identify potential threats to program outcomes and to mitigate the impact of these threats through early and proactive action. The ANAO examined the department's approach to risk management to understand the extent to which program risks have been identified, and is incorporated into the ongoing program implementation and decision-making process.

3.18 Risks for night patrols exist at three main levels: the program level, the service provider level, and the service delivery (community) level. The department's approach to risk management has included:

- identification of key risks to implementation at the time of program expansion;
- a program-level risk assessment in 2008;
- annual service provider risk assessments; and
- a general awareness by staff of service delivery risks.

3.19 At the time of the program's expansion at the commencement of the NTER in 2007, AGD identified the key risks to program implementation as part of developing an implementation plan. The key risks included community support, prospective shire council support, and attracting staff. The implementation plan outlined that risk management would include the development of a risk mitigation strategy to monitor and address the risks. While these risks were relevant, a more comprehensive and active approach to risk management would have better informed the transition period and contributed to achieving program outcomes. For example, under community support, it was recognised that some communities were not in a position to

support the successful implementation of a full night patrol service, or actively opposed its implementation. The risk mitigation was for the shire council to work with the community to develop a community capacity building strategy. However, in meeting the challenges of the implementation timeframe, there was not sufficient time or resources to invest in these strategies.

3.20 At a program level, AGD undertook a comprehensive risk assessment for the overall Prevention Diversion Rehabilitation and Restorative Justice Program (PDRRP) in May 2008 once the night patrol program element had been established. The risks were grouped into the following elements: governance structures, human resource management, stakeholder management, program delivery, cultural, financial, political and legal issues.

3.21 AGD used this program level risk assessment to inform its program management. Based on the PDRRP risk assessment, AGD narrowed down the risks for night patrols and identified the main program management risks as business failure (i.e. failure to deliver services), financial and ethical. AGD considered that the risk management plan helped with managing risks but the risks that remained mainly concerned service providers and external risk sources. The program manager was allocated responsibility for monitoring and reviewing risks regularly in order to identify potential problems before they became unmanageable.

3.22 AGD has an internal policy outlining the importance of risk management and the need to maintain an appropriate level of risk management documentation. Risk assessment at the night patrols' program management level has not been formally undertaken since May 2008. While the risk management processes and documentation have not been updated, the ANAO observed that the program management staff have a strong awareness of risks, and risks are considered and factored into program planning and decision-making. For example, AGD staff identified that there are risks associated with the use of caged vehicles to transport clients (particularly when the clients are children), and legal risks for night patrollers themselves if someone was hurt or injured while under a night patroller's duty of care. As the program has now been established in its current form for three years, it would be beneficial for AGD to revisit program risk management more regularly to ensure that risks that have been identified informally are captured and assessed, all identified risks are monitored, and mitigation strategies are developed. This would align management practice more closely with AGD internal policy. AGD advised the ANAO that a review of risk management is expected to be undertaken in 2011.

3.23 At the service provider level, a risk assessment of service providers is conducted every year as part of the annual funding process. This risk assessment is undertaken in conjunction with representatives from other Australian Government agencies as a requirement of the common funding round. Organisations have typically been assessed as high risk and management strategies have included increased financial and performance reporting and increased field monitoring visits.

3.24 AGD requires service providers to develop a risk mitigation strategy as part of their annual operational plan. Service providers are required to develop strategies that seek to address management risks and community-specific risks. However, there have been some difficulties, with some service providers not submitting operational plans on time and risks copied from year to year. This suggests that risk management is not being undertaken adequately at the service provider level. When plans are submitted, the ANAO observed there was only limited engagement between the department and service providers on developing joint mitigation strategies to address identified risks. In 2009–10, AGD implemented a review tool for the operational plans submitted by service providers to assist program managers with assessing the content and structure of the plans. Feedback is provided by AGD to program managers in order to ensure that any issues identified are addressed.

3.25 Overall, the department demonstrated an awareness of the key program risks and an approach to risk management that addresses risk at multiple levels. However, this is not necessarily a formalised approach. In undertaking future risk management activities, there are opportunities for AGD to engage more frequently with service providers to identify and manage risks at the service delivery level. This will support a more comprehensive approach to risk management that contributes to the achievement of program objectives.

Funding process

3.26 The funding process for night patrols is administered annually through the Common Funding Round for Indigenous Programs. The Common Funding Round is an annual process covering a range of programs administered by different departments. It is coordinated by Indigenous Coordination Centres (ICCs), and organisations can submit multiple applications for funding through a single submission. It is a competitive process where outcomes are decided on the basis of agreed criteria. The 'e-sub' process is an online facility to assist organisations applying for Australian Government funding for

Indigenous-focused activities. The funding process for all sub-programs within the Indigenous Justice Program (IJP) is managed as part of the Common Funding Round for Indigenous Programs through the e-sub process.

3.27 The *Common Funding Procedures Manual for Indigenous Programs 2008–2009*³⁴ was developed by FaHCSIA to reflect a whole-of-government approach which commits all agencies to work together in a coordinated way. The manual covers funding administered through the annual Common Funding Round and is intended to assist ICC staff and other agencies to process funding applications to ensure common procedures are followed and that there is a consistent approach to funding recipient organisations. The manual also establishes a common timeframe for application assessment, which starts on 28 February each year with the receipt of applications, and ends on 6 July with the first payment to successful organisations following the execution of funding agreements by 30 June. AGD has also put in place an internal tool kit to assist departmental staff when administering whole-of-government grant funding.

3.28 The use of competitive grant processes by agencies is generally considered to assist the achievement of value for money, as applicants are competing against other proposals for a limited amount of available funding. In the case of the night patrols program, the Government decided that the local government structure would be used to deliver the program through the eight shire councils plus one non-government organisation where communities were outside shire boundaries (with the later addition of three non-government organisations servicing urban areas that were previously under PDRRP funding). As a result, while the Common Funding Round is set up as a competitive process, it is difficult to see a situation where shire councils, as the grant applicants, would compete either against each other or against other providers for night patrol contracts. There has been no change in service providers since 2007–08.

3.29 AGD advised that, in practice, it has opened up consideration of other service providers by making the funding round public and considers it likely and beneficial that, over time, other potential providers will be successful in obtaining grants to deliver night patrol services. In this event, it would be

³⁴ The *Common Funding Procedures Manual for Indigenous Programs 2008–09* will be replaced by the FaHCSIA Program Funding Manual currently being developed.

appropriate for the department to seek clarification from the Government in relation to previous decisions to base delivery on local government structures.

Common Funding Round

3.30 The Common Funding Round has been used by AGD since the transfer of the program from AT SIS in 2004. Prior to the expansion of night patrols under the NTER in 2007, funding was distributed through the Common Funding Round as small grants for discrete elements of night patrols delivery, such as motor vehicle expenses, uniforms or training. This process involved an unlimited number of potential service providers competing for an allocation of available funding to support projects that fit within night patrol objectives. Service providers were also able to access funding from other sources to support the operation of patrols, such as the Northern Territory Government, and were not entirely funded by AGD.

3.31 The eight shire councils and four non-government organisations are required to submit an annual funding application through the Common Funding Round e-sub process for all aspects of funding. This submission includes information about the organisation, a description of the proposed activity, a description of the need and target group for the activity, locations for operation, implementation details, the activity tasks and timeframes, how the activity will address the program objectives, why the activity is justified for government funding, a risk assessment, and the links with other government programs. Most service providers noted that the application was the same each year (except for the funding amount) and time was saved through 'cutting and pasting' from the previous year.

3.32 There has been no change in providers between the annual funding round and the program seeks to tackle long-term issues that are unlikely to be resolved in any one cycle. Nonetheless, AGD sees administrative benefits in continuing to use the annual Common Funding Round process. This is because the system encourages a whole-of-government approach, and the process provides a single access point, and satisfies compliance and probity requirements. The process also loads data into the interdepartmental, Indigenous-specific Grants Management System (GMS)³⁵ which also allows

³⁵ The Grants Management System (GMS) is a database managed by FaHCSIA and used by agencies to record information about grants to Indigenous organisations.

agencies to see funding decisions of other agencies which use GMS for common clients.

Timing of funding process

3.33 AGD currently enters into SFAs (previously Program Funding Agreements, or PFAs) with service providers for 12 month periods. This is because the funding agreements under the PDRRP historically covered 12 month periods, as the funding was for more discrete parts of the service and therefore was more focused on the short term. AGD advised that the use of the new shire councils presented potential risks to service delivery outcomes because of the problems often associated with the establishment of new organisations. In order to balance the risks associated with engaging shire councils as service providers for uninterrupted service delivery, the department has continued to limit SFAs to a 12 month period with quarterly reporting. The ANAO acknowledges AGD's advice that it is starting to offer multi-year funding to organisations but to date this has been limited to the four non-government organisation service providers that AGD considers have compliance and reporting capacity. The AGD advised that the eight shire council service providers have not met the appropriate level of financial or performance reporting compliance, and so are considered to be a higher risk.

3.34 For organisations operating on annual funding, the timing of decisions and disbursement of funds is a critical factor in the effective operation of those organisations. The indicative timetable for the annual grant cycle through the Common Funding Round is set out in Table 3.2. The funding application and assessment process takes approximately five months, as outlined in the Common Funding Procedures Manual for Indigenous Programs 2008–2009.

Table 3.2

Timetable for grant allocation

Activity	Timing
Grants advertised through appropriate mediums	December
Applications received by ICCs and departmental staff	28 February—3 March
Assessment of applications/cross-agency discussions	By 24 March
Negotiations with applicants	Early June
Final Delegate decision	By 10 June
SFAs sent to successful applicants	13—17 June
SFAs executed by applicants	By 30 June

Activity	Timing
First payment to service provider	6 July
First quarter financial and performance reporting due	11 August
Second funding release to service provider	September
Second quarter financial and performance reporting due	11 November
Third funding release to service provider	December
Third quarter financial and performance reporting due	11 February
Fourth funding release to service provider	March
Fourth quarter financial and performance reporting due	11 May
Financial and performance acquittance reporting due	30 September

Source: ANAO compilation of information from AGD and the *Common Funding Procedures Manual for Indigenous Programs 2008–2009*.

3.35 AGD largely funds service providers based on a standard funding formula per community, but there is still a period of negotiation on the amount of funding requested by service providers and the annual budget approved by AGD before SFAs are signed. Even though Table 3.2 indicates that the assessment of applications are made in March, the ANAO observed that the timeframe for the funding application and assessment process was often extended because of delays in funding assessments and the subsequent negotiations. Negotiations over budget and resource allocations were the most common causes of delays. This subsequently delayed the execution dates of SFAs and the release of the first payment to service providers. On average, in 2008–09 and 2009–10, SFAs were executed during mid September, 11 weeks after the commencement of service delivery. Similarly, in 2008–09 and 2009–10, the first funding release did not occur until late September, on average 12 weeks after the commencement of actual service delivery on 1 July. Some service providers advised the ANAO that this meant temporarily absorbing costs to maintain continuous service delivery. However, AGD notes that in the case of shire councils, the 2007–08 contracts were extended until 31 December 2008 as shires were underspent, and so shires had access to these funds at the start of the 2008–09 financial year to cover costs of service delivery.

3.36 In addition to uncertainty about the timing of their funding, service providers also experienced a high degree of uncertainty about the amount of funding they received. Even though AGD has a standard funding model for communities, there are still aspects of the budget to negotiate, such as the administrative service fee charged by service providers. The variations in

budget amounts are evidenced by the 2008–09 funding round; the average difference between the budget requested by service providers and the budget approved by AGD was approximately \$561 000 less than requested. ANAO's interviews with service providers indicated that the uncertainty about funding amounts from year to year had consequences for strategic planning, organisational and staff commitments, and retention of staff. In one case, a service provider advised that a team leader was lost to another position because they were not able to guarantee an employment contract while waiting for a funding decision.

3.37 There is a risk to the department that funding uncertainty and delays may have consequences for the continuity of service delivery in communities. AGD's implementation plan also notes that the necessity for annual grants appropriation may impact on longer term commitment from organisations or staff delivering the program. Additionally, service providers may not be able to effectively plan or implement strategies if facing uncertainty about funding amounts. This would be likely to have repercussions for the patrollers themselves, in terms of lost wages and community dissatisfaction with the service. There are also potentially broader implications for safety in the community if the service is not operational.

3.38 The objectives of night patrols are directed at the long-term challenges faced by communities in improving community safety and reducing adverse contact with the justice system. Consistent with the purpose of the NTER initiatives, and later the National Partnership Agreement on Closing the Gap in the Northern Territory, the service delivery model is also based around providing stability in service delivery and a long-term commitment to achieving outcomes for Indigenous communities. The use of a competitive grants process, coupled with an annual funding and reporting cycle, creates an administrative load for both service providers and AGD. Any benefits from these arrangements accrue to the department at the expense of a range of disadvantages for service providers and communities.

3.39 There is benefit in AGD reviewing and streamlining its funding arrangements and considering alternative options to reduce the administrative costs associated with the annual funding cycle. Noting that the current timetable includes an allowance of approximately 12 weeks between finalisation of initial assessment and the delegate's decision, AGD could examine ways of bringing the funding decision forward to allow for finalising of the SFA prior to the end of the financial year. Greater use could be made of Financial Management and Accountability Regulation 10, or multi-year

funding arrangements. It is important to ensure that multi-year funding arrangements have sufficient controls to minimise the risk of underperformance, while balancing requirements with the nature of the program could also be considered.

Recommendation No.1

3.40 In order to reduce the administrative load and reflect the nature of the service delivery model, the ANAO recommends that AGD considers alternatives to the use of an annual competitive funding cycle to reduce the level of administration associated with the current funding approach.

AGD's response

3.41 *AGD agreed with this recommendation, with qualifications.*

3.42 The Department is committed to reducing the administrative burden in all aspects of the program, both internally and for service providers. In anticipation of streamlining funding arrangements, the Department has set in place the administrative requirements to effect the option of multi-year funding agreements. Currently only four of the 12 service providers have demonstrated the capacity to provide timely and accurate reporting under a multi-year funding agreement. The budget for this program terminates in June 2012, providing limited opportunity to apply this funding approach more broadly at this time.

3.43 The Department will continue to work with the remaining eight service providers to build sound financial management and effective service delivery to meet the compliance obligations for future assessment against multi-year agreements. This approach would better align with obligations under the government's financial framework concerning the efficient, effective and ethical use of public money.

3.44 The annual funding cycle has up to now provided a sound basis on which to establish processes to work within the Australian Government's whole-of-government approach to service delivery. The Department agrees that administrative efficiency is of paramount importance, however, we have continued to utilise the annual funding process while the capacity of the new shire councils and risks associated with service delivery are established.

3.45 The process of application for the annual common funding round also provides the Department with information vital to negotiating agreements, and apportioning available funds between providers. Given the service

provider market will potentially expand in future years with the emergence of a stronger non-government sector in the Northern Territory we think it is appropriate to continue to use a competitive funding cycle.

Management of service providers

3.46 The effectiveness of night patrols is influenced by AGD's management of service providers and the administrative arrangements that are in place to support achievement of the program objectives. The challenge for AGD is to establish service delivery performance benchmarks and requirements that are applicable for a range of communities and circumstances and provide assurance to the department about service delivery standards and outcomes.

AGD's framework for managing service providers

3.47 As noted in paragraph 2.10, AGD developed an operational framework to guide the delivery of night patrol services across the Northern Territory. The first operational framework was developed in 2008, and recently AGD engaged with service providers to redevelop the operational framework for 2010 so that it was practical and appropriate for service provider's needs. Service providers provided mostly positive feedback to the ANAO about AGD's engagement with them to develop the operational framework. However, some service providers raised concerns that the final version was significantly different to the version that was agreed during consultation. AGD advised that the changes made to the document were to the presentation of the document and were intended to improve the useability of the document.

3.48 AGD has also developed Service Standards for Night Patrol Services in the Northern Territory to identify acceptable standards of service delivery in line with the terms and conditions of SFAs. The service standards for night patrols are:

- accessibility and ensuring that night patrol services are actively committed to promoting access, equity and non-discrimination;
- provision of assistance to people who are at risk of either causing or becoming the victims of harm in order to break the cycle of violence and crime in communities;
- night patrols offer information and/or referral to people where appropriate and on the basis of need, and develop service level partnerships with other service providers in their communities to support more effective referral;

- service providers operate in a way that ensures community involvement in the management of service delivery;
- service providers collect, use and collate data in such a way that ensures it is accurate, comprehensive and up to date; and
- clients receiving services have the opportunity to provide feedback on their experience and any complaints are managed in a prompt, fair and consistent way.

3.49 The service standards are based on the AGD's Legal Service, Service Standards. The service standards have not yet been released to service providers so it is too early to assess their effectiveness in guiding service delivery.

3.50 The AGD enters into annual SFAs with service providers. The SFAs are standard across service providers and set out the terms and conditions of the funding provided by AGD. The SFAs sets out the overarching, legally binding requirements of service providers. Accordingly, the operational framework and service standards (which also place certain requirements on the service providers) are written into SFAs as supplementary conditions.

3.51 Service providers are required by their SFAs to develop an operational plan as a tool to guide the establishment, implementation, monitoring and evaluation of services in their shires. This includes the guiding principles for the service; a comprehensive plan for delivering services in the region; policies and procedures; activities to deliver core services; links with other services; a risk assessment and risk mitigation strategy; and an approach to monitoring and evaluation. AGD advised it has introduced an operational plan review tool to aid AGD's program managers to assess whether the plans submitted by service providers contain the required information. Feedback is then provided by AGD to the service providers and any issues identified are to be addressed, which may include re-submitting the operational plan.

3.52 Service providers are also required to provide quarterly performance reports and financial reports on night patrol progress in their communities and on expenditure. The quarterly reporting requirement is related to the risk assessments of service providers as part of the annual funding round. Funding releases are then generally tied to the submission of quarterly performance reports.

Management and reporting arrangements

3.53 The effectiveness of night patrols in achieving community safety outcomes is influenced by the conditions that prevail in individual communities. Therefore, AGD needs to manage service providers in a broadly consistent manner while also understanding, and being responsive to, service delivery issues in different communities across the Northern Territory.

3.54 Throughout the development of the night patrols' administrative framework, AGD has sought to retain a level of community ownership, and the key documents emphasise the importance of community involvement. The ANAO observed that service providers' operational plans were not actively used in guiding service delivery at the local level, managing service providers' performance, or reporting to AGD. Rather, service providers' reporting is heavily focused on the details of the operations of night patrols, with the inclusion of information such as number of nights operating, number of patrollers and statistics about clients assisted. There are aspects of the operational plan on which service providers do not report such as risk management, stakeholder engagement and strategies around specific activities. As discussed in Chapter 5, while the information collected quarterly from service providers is important, it currently does not provide the department with insights into the broader influence that night patrols may have in communities or the challenges and factors that may be affecting overall outcomes.

3.55 Despite the application of a standard funding formula (discussed further in Chapter 4), the ANAO observed significant differences in resources across service providers and communities. Examples of differences included: patrollers salaries ranging from \$16 per hour up to \$21 per hour, with a variety of additional payments (such as shift penalties or overtime rates); different vehicles; variance in training opportunities and participation for patrollers; communication equipment such as radios and phones; and different standards of office space and equipment. This had varying impacts on the operation of patrols and included ceasing operations (in the case of vehicle and communication issues), difficulty completing and sending off paperwork in the case of office equipment, and difficulty attracting staff in the lower wage areas. While service providers are required to submit asset registers as part of SFAs, this has not been followed up by AGD.

3.56 Performance reporting is an opportunity for both service providers and the department to engage on the status, standard and outcomes of service

delivery. Service providers reported limited dialogue or feedback from AGD following the submission of performance reports unless there was a problem. Service providers were interested in whether their report met AGD's expectations, how their area was performing compared to others (especially if there were opportunities for learning or sharing better practice), and the department's perspective on any issues raised in the report. Greater engagement by the department following submission of reports is likely to benefit both parties.

3.57 It is important that the monitoring and reporting arrangements of service providers, established by AGD, achieve a balance between accountability and administrative load. That is, on the one hand, AGD needs sufficient information to make a judgement about the delivery of services and performance of the provider. On the other hand, AGD needs to be mindful of the administrative load that reporting can place on the service provider. Given the use of current reporting information is limited, and there are some gaps in information reported, there is scope for AGD to assess the current reporting arrangements so that it has assurance about service delivery in communities without creating unnecessary work for service providers that distracts from other responsibilities.

Management and support provided to patrollers

3.58 One of the early risks that AGD identified and regularly reported in the NTER monitoring reports was the ongoing difficulty of recruiting and retaining local Indigenous people to night patrol positions. There were many reasons for this including location, availability of skilled people and cultural commitments affecting the availability of staff.

3.59 The 2010–11 funding allocation for night patrols includes funding for one night patrol manager, zone coordinators (which depends on the number of patrols the service provider manages), one night patrol team leader, and three patrollers per community. Night patrol managers and assistant managers are generally located in the service providers' head office, all of which are located in urban environments in the Northern Territory. The operational framework also includes a requirement that all patrollers participate in formal training, which includes modules on personal security, occupational health and safety, first aid, dealing with conflict situations and reporting, as well as any other modules that meet the needs of individual night patrol teams.

3.60 Interviews with service providers indicated that there is a wide variety of experience and formal qualifications across the night patrol workforce. Some patrollers had completed requirements for a Certificate II in Community Patrols from Charles Darwin University; however, other patrollers had not received any formal training. There are a range of factors that need to be taken into consideration when organising training such as the location of patrollers (most are in remote and very remote areas), the number of people needing training, the availability of suitable trainers, and different literacy and numeracy levels of patrollers. Service providers also identified that staff turnover presented logistical difficulties in terms of maintaining the qualifications of patrollers, as well as having a negative impact on service providers' budgets given the repeated need for training.

3.61 AGD advised that it is working toward a standard training suite for delivery in 2010–2011. This was developed following feedback from service providers through various mechanisms. This will be offered as a standard base model to be accessed as appropriate by service providers, and AGD has withheld three quarters of the service providers' allocated training budget for 2010–11 to cover anticipated future training. AGD advised that service providers will continue to operate within their training budget allocations (unless there are exceptional circumstances). However, it is envisaged that the service providers will be able to arrange for delivery of the training to patrollers as appropriate, for example, to small groups in communities (although this will use more of their allocation than a set of block release training in a central location).

3.62 One of the most effective training and support mechanisms identified by stakeholders during fieldwork was one-on-one mentoring provided to individual patrollers or teams of patrollers. This involved working with the patrollers on a regular basis to guide and assist them through aspects of the position that they found challenging, such as reporting. Service providers reported that when they were able to devote this attention to patrollers, significant results were achieved. Given the large number of communities that managers and assistant managers have to supervise (ranging from two to twelve communities spread over varying distances), it is difficult for staff to provide adequate support to patrollers on the ground. Interviewees and service providers identified that it would be beneficial if more intensive mentoring and support could be provided to patrollers. This would be particularly useful in instances when both patrollers and team leaders were being formally employed for the first time.

3.63 AGD advised that, in 2010–11, following the ANAO’s fieldwork, and in response to issues raised by providers, the zone coordinator role was introduced to provide additional support to patrollers working in communities and also to support the night patrol manager in areas such as training and mentoring, data collection and administration, including rosters and time sheets. AGD advised that the department recognised that the one night patrol manager located in head office had limited capacity and time to develop additional skills in team leaders and provide on the job training.

3.64 A number of service providers also raised the idea of the establishment of a peak body to represent patrollers and service providers and provide input into the management of the program. This is intended to address many service providers’ concerns about the lack of a specific award or employment conditions for night patrols given the specialised and sometimes dangerous nature of their work. It would also allow for ongoing communication and coordination between the night patrol service and the Australian Government. This may be a useful opportunity for patrollers to talk with AGD about service delivery issues and, ideally, the development of solutions. The ANAO understands that AGD is giving consideration to this idea.

3.65 The ANAO recognises the efforts of AGD since the audit fieldwork was undertaken, and encourages AGD to maintain an ongoing focus on the adequacy of support provided to patrollers on the ground, by providing appropriate training, ongoing mentoring, consistent resourcing, and adequate employment provisions to ensure that night patrollers are well equipped to deliver night patrol services. To maximise the potential for local solutions to service delivery issues, AGD should continue their focus on innovative solutions to allow for greater communication between communities, patrollers, service providers and the department.

Conclusion

3.66 During the night patrol program’s initial implementation under the NTER, AGD established administration arrangements based on existing practices that supported the program during its initial years of operation. The management of the program has developed as the program has expanded. However, the arrangements continue to be primarily focused on the operational relationship between AGD and service providers, rather than promoting effective relationships between communities and patrollers.

3.67 Current administrative arrangements, such as the use of a competitive annual funding round and annual funding agreements with quarterly reporting, were based on the existing arrangements prior to the expansion of the program under the NTER. These arrangements allow for program operation on a year-to-year basis, and give the department a way to manage risks associated with the use of new service providers. In recognition of the long-term nature of night patrols' objectives, the use of a competitive grants process, coupled with an annual funding and reporting cycle, creates administrative loads for both service providers and AGD. There would be benefit in AGD reviewing these funding arrangements and considering alternative options to reduce the difficulties associated with the annual funding cycle.

3.68 Recruiting and retaining local Indigenous people in night patrol positions is an ongoing difficulty. There are many reasons for this, including location, availability of skilled people, and cultural commitments affecting the availability of staff. Interviews with service providers indicated that there is a wide variety of experience and formal qualifications across the night patrol workforce and this, in conjunction with other factors, suggests that the training and support needs of patrollers vary across locations. In 2010–11, AGD has implemented additional support mechanisms and is also working towards delivering a standard training suite. The ANAO encourages AGD to maintain an ongoing focus on the adequacy of support provided to patrollers, including appropriate training, ongoing mentoring, consistent resourcing, and adequate employment provisions.

3.69 The night patrols program has now been operating for three years. It would be helpful, for service providers and communities, if AGD considered how the existing administrative arrangements may be further developed to support the ongoing management of the program, incorporating greater consideration of how communities can be involved in service delivery to ensure night patrols are responsive to community needs.

4. Night patrols in communities

This chapter examines the operations of night patrols in communities. It covers the contexts in which night patrols operate and the extent to which the program's administration arrangements provide for flexibility at the community level, including the relationship between night patrols and other community support services.

Introduction

4.1 The whole-of-government response to improving law and order in the Northern Territory includes initiatives in the areas of alcohol and drugs, policing, night patrols, and provision of specialised Aboriginal and Torres Strait Islander legal assistance and interpreters. These areas of focus reflect the multi-faceted nature of community safety issues prevalent in Indigenous communities, and taken together are intended to contribute to the social stability and cohesiveness of a community.

4.2 In turn, the social stability of a community can influence the effectiveness of night patrols. Each community is different, and the ANAO's visits to a number of communities identified a variety of factors that influence the effectiveness of night patrols. These included:

- the presence of drugs and/or alcohol in a community, or easy access to drugs and alcohol outside the community;
- appropriate resourcing to enable service providers and patrollers to deliver culturally-appropriate services to communities;
- whether the community has a permanent police presence and other, related services; and
- the level of social cohesiveness of a community, influenced by different personalities, and the numbers of different family and skin groups.³⁶

³⁶ Indigenous kinship systems are complex and diverse, and continue to inform social interactions at all levels for Indigenous people. Kinship systems provide guidance on suitable marriage partners, and allow people who are meeting for the first time to know the appropriate way to relate to one another. Individuals in some Indigenous societies can be divided into a series of categories (moieties), based on descent, or their parents' classification into a particular category. There are further sections and subsections to this complex classification system, one of which is the breakdown into different 'skin' groupings, from B Arthur and F Morphy, *Macquarie Atlas of Indigenous Australia*, 1st edn, Macquarie Library Pty Ltd, 2005, p. 91.

4.3 In examining the operation of night patrols in communities, the ANAO considered the extent to which:

- community circumstances are taken into account when developing service delivery arrangements;
- community ownership and involvement in night patrols is fostered through service delivery arrangements; and
- night patrol services are coordinated with other community and law enforcement services, including any provisions for follow-up with night patrol clients, such as referrals to other services.

Overview of service delivery context

4.4 Night patrols operate within a complex service delivery environment that is characterised by differences in remoteness, population, the size of the client base, social and economic pressures, availability of services, proximity to alcohol outlets, and community safety issues. The complexity of community safety issues means that night patrols are one part of a broader service provision picture which includes a number of other services addressing different aspects of community safety and related issues. Other related services include the police, ambulance, hospitals and health clinics, sobering-up shelters, safe houses, alcohol and other substance abuse support services, youth and after school services, legal aid, and community justice services.

4.5 An ongoing theme in Indigenous policy has been the need to adopt a flexible approach to program delivery that can be tailored to the needs and priorities of communities as well as the development of effective partnerships between government and communities.³⁷ The nature of community safety issues means that desired outcomes are likely to vary by community as the safety issues change. The effectiveness of night patrols in achieving outcomes at a community level will be affected by the extent to which night patrols can respond to safety issues within a community. In turn, the flexibility of night patrols to respond at a community level is determined by the parameters established by AGD for the operation of a night patrol service.

³⁷ Council of Australian Governments, *Council of Australian Governments - Reconciliation Framework: Report on Progress in 2001*, op. cit.; Council of Australian Governments, *Council of Australian Governments' Meeting 25 June 2004*, op. cit.; and, Brough, M (Minister for Families, Community Services and Indigenous Affairs) 2006, *Blueprint for Action in Indigenous Affairs*, op. cit.

4.6 The majority of night patrol services in the Northern Territory operate in remote communities (although the level of remoteness varies). Delivering services in a remote environment means that service providers have further to travel to visit patrollers, there is a smaller number of suitable and available staff, the availability of related services varies, and family and cultural influences are strong.

4.7 The three night patrols that operate in urban areas under this program face a significantly different service delivery environment to patrols in remote communities. These differences include a larger patrol area, more clients and, generally, a greater number of related services (which also experience greater demand and accordingly are not always available), and a large number of languages spoken by clients. Service providers in urban areas also reported other challenges, such as transient populations resulting in high-demand periods which are difficult to cope with, and family conflicts as different groups come into contact with each other.

4.8 Table 4.1 provides a comparison between two communities to illustrate the different conditions that provide a backdrop for the specific service delivery issues faced by night patrols. In addition to the factors outlined in the table, some community stakeholders described Community A as 'dysfunctional' as the community was experiencing severe levels of social disruption. In contrast, Community B was described as quiet and relatively trouble free.

Table 4.1**Comparison of two communities with operational night patrols**

Characteristic	Community A	Community B
Population (approximately)	900	45
Languages spoken ³⁸	4	1
Proximity to urban centre	170km	220km
Police station	Yes	No
Safe House	Yes (Women's)	No
Health Clinic	Yes	Yes
Night patrol staff	4	4
Number of vehicles	1	1

Source: ANAO analysis and fieldwork

4.9 In both of these communities, night patrol resources were relatively static with four patrollers and one patrol vehicle. A reason given for the perceived dysfunction in Community A (as it pertained to night patrols) was the availability of takeaway alcohol near the community. While the community itself was dry (free from alcohol), community members could easily access alcohol and return to the community when intoxicated. It was noted that the period from Thursday to Saturday following payday was particularly characterised by violence in the community. Further, there were many different family and skin groups in the community with a history of conflict. This issue also became problematic when only one family or skin group was employed by night patrols, or when one family or skin group dominated night patrols. In contrast, Community B had one primary family or skin group, and was 70km from takeaway alcohol.

4.10 Not only does the service delivery environment vary, but the incidents that night patrollers respond to vary significantly as well. While there was usually a mix of incidents on a given night, interviews conducted by the ANAO indicated that there was often a predominant issue in a community to which night patrollers responded. For example, in some communities, drinking was the biggest problem, in other communities it was drug use, and in other communities it was fighting. This also varied depending on the day of

³⁸ Note that this is broadly reflective of the number of historical family or skin groups in the community.

the week and other events, such as football carnivals in town. Based on the ANAO's interviews with service providers and night patrollers, a sample of the incidents to which night patrols responded across the Northern Territory included:

- people being intoxicated and falling asleep in public areas;
- fights between men, women, and/or family groups;
- suicide attempts;
- domestic violence;
- people drinking in dry areas; and
- taking youths home who are out on the street after dark.

4.11 Cultural factors such as skin groupings can have an impact on night patrols' service delivery. In some communities, such as Community A, the different skin groups can be a source of volatility and fighting in the community. Interviews with various stakeholders emphasised the importance of ensuring adequate representation of a community's different skin groups in night patrol staff. It can be challenging for both patrollers and a community when there is an uneven distribution of staff; patrollers can be prohibited from dealing with other skin groups (especially in a confrontational manner), and other community members may be prohibited from dealing with patrollers (which may preclude them from the services offered by night patrols). Similarly, it can be challenging for service providers to manage staffing arrangements for night patrols if there are different skin groups employed. The ANAO observed that some patrollers were prohibited from dealing with other patrollers due to differences in kinship relationships, which lead to logistical difficulties when patrollers were required to travel together in the same vehicle.

Community circumstances and service delivery arrangements

4.12 The inherent complexities of the service delivery environment mean that it is not feasible to identify all possible service delivery scenarios and provide answers to service providers on how to deal with this within program documentation. Because of the nature of the operating environment, service providers require some autonomy to respond to circumstances as they occur. This necessitates program guidance that achieves a balance between being prescriptive, and providing flexible, but helpful, guiding principles.

4.13 Throughout the development of the program, AGD sought to retain a level of community ownership, and the key documents emphasise the importance of community involvement. However, there are a number of elements that influenced the ability of service providers to deliver flexible services in line with community circumstances.

Resources in communities

4.14 AGD uses a standard funding formula as a basis for determining funding for night patrols across the twelve different service providers. At a regional administration level, the funding covers a night patrol manager and an assistant manager (this position has changed to a zone coordinator position in 2010–11). At the community level, the funding provides for three full-time equivalent patrol staff, one team leader to manage patrollers, and one vehicle. Service providers are also allocated funding for vehicle maintenance, other consumables (such as uniforms and torches), training requirements and an administrative fee (generally ten per cent), for the service provider to administer the program. In addition, some service providers were given one-off payments for construction of a night patrol office or base, or for dedicated training needs. The annual costs per community (at the time of implementation in 2007) are set out in Table 4.2.

Table 4.2**Annual costs of night patrols per community at the time of implementation (without night patrol manager costs in total)**

Item	Number of units	Cost per unit (\$)	Total (\$)
Vehicle	1	60 000	60 000
Laptop	1	5000	5000
Training	4	6000	24 000
MV fuel	1	7000	7000
MV repairs and maintenance	1	3200	3200
MV registration and insurance	1	1800	1800
Office equipment	1	3000	3000
Uniforms	4	500	2000
Salaries – 1 Team Leader and 3 Patrollers	1	130 000	130 000
Salary – Oncosts			13 000
Administration			24 600
Total annual			270 660

Source: AGD documentation

4.15 AGD advised that the costs have since changed with the salary component increasing to \$170 000 in 2009–10. Salary oncosts were also increased in 2009–10 to 17 per cent, and in 2010–11 to 20 per cent. In 2010–11, administration costs are 12 per cent.

4.16 On a practical level, using the example of the two communities in Table 4.1, both communities had access to four patrol staff and one patrol vehicle, despite their differences in size and the relative complexity of community safety issues. While these two communities illustrate some of the extent of possible contrast, it remains the case that there are significant differences in size of communities, underlying safety issues, and the existence of services.

4.17 As discussed earlier, the standard funding formula facilitated the rapid rollout of night patrols in the initial phase of the NTER. However, the formula does not take into consideration the significant variances in community circumstances and safety issues. As such, there is a risk that some resources are not fully used while other communities are under-resourced. The AGD

advised the ANAO that it is working towards greater recognition of community circumstances in 2010–11 through increasing the number of patrols in larger communities.

Minimum operational requirements

4.18 The core services outlined by AGD and the standard funding formula established minimum operational requirements for each community night patrol. These requirements include the number of night patrollers per community and the days and times the night patrol service operates. Service providers had differing interpretations of the flexibility within these arrangements, with some service providers advising the ANAO that they considered the guidance fairly prescriptive.

4.19 Within these requirements, some service providers found it difficult to tailor their services to the particular requirements of their community. Some interviewees flagged examples of the difficulties experienced by patrollers when trying to assist community people who had travelled outside the community to drink. Patrollers were not permitted to travel outside the community, however expressed concerns about non-drinkers (sometimes children) who accompanied drinkers. Similarly, patrollers expressed concerns about community members driving while intoxicated from drinking places outside a community. AGD advised the ANAO that patrol areas are to be set by the service provider in partnership with the community. However, having said this, the patrol must operate within their allocation budget by, for example, travelling to the drinking camp once per night.

4.20 For some communities, these provisions could have been adapted to provide a more suitable service for the community needs, such as operating at different times. In other cases, related service providers found that the night patrols were not able to be flexible in their operation, which influenced community safety outcomes (for example, night patrols not operating on the day of a major event, and when incidents were more likely, because it was not their usual day of operation). In some larger communities, the standard operations did not cover the demand for the service.

4.21 AGD advised that it provides guidance on the minimum standards for night patrols, including that the patrols are to operate a minimum of five days per week and with a minimum of two patrollers each night, with preferably one being the team leader. Service providers are required to determine the days and times of operation in consultation with communities. AGD further

advised that the department is also working with providers to allow more flexibility around the number of patrollers within communities. For instance, one community may only need two patrollers while another community may require six.

4.22 In line with AGD's advice, the guidance sets the minimum standards, there is only a limited amount of flexibility to adapt to individual community needs within the minimum standards and funding amount. The model of operation has tended to be set at a regional level with varying degrees of flexibility at the community level across service providers. In delivering night patrol services to individual communities, the preparation of tailored approaches to each community would allow for greater responsiveness to community circumstances and safety issues.

Community ownership and involvement in night patrols

4.23 Community involvement and support for a night patrol service is critical to its success. There are particular difficulties in establishing a consistent understanding across 73 different and discrete communities, as well as urban areas, of what the night patrol service is able to provide. This is also influenced by the historical development of night patrols as community-generated and driven responses. Against this background, variations are emerging between AGD, service providers, and communities, about the role of night patrols in communities.

4.24 Perceptions about the role of night patrols inform communities' expectations of the type of services that night patrols can deliver. Some community stakeholders viewed night patrols as a quasi-security service, and expected that patrollers could be called on to intervene in criminal matters. Others viewed patrollers in a 'guardian' light, and expected that patrollers would simply keep an eye on the community. In most cases, the perceptions about the role of night patrols were related to the community safety issues (or lack of) present in the community at the time.

4.25 Balancing community expectations with what can be undertaken as a night patrol presents a key challenge for night patrol staff. However, greater community involvement and ownership of the service is likely to assist in managing these expectations. Equally, it is important that the night patrol service remain focused on its principal role and not be diverted by other priorities expressed by the community, as this has the potential to reduce the effectiveness of the service. Interviews by the ANAO with a variety of

community members in the communities visited, revealed variances in the perceptions of night patrols. It will be important for the department to maintain an active focus on managing community expectations in a way that achieves sufficient community support for the operation of night patrols.

4.26 AGD's objectives for the program are based on non-coercive intervention, however, in some instances, the perception of night patrols as a quasi-security service is influenced by the physical appearance of night patrols. The majority of night patrol services sampled during fieldwork use caged vehicles to enable them to safely transport people in the back. These vehicles have a similar appearance to police vehicles, often equipped with radios and lockable cages. Based on interviews with stakeholders, some communities were comfortable with the caged vehicle, while others felt it was not appropriate for the non-coercive approach. Similarly, some patrollers and service providers indicated that they wanted to undertake 'security' training as they consider this would enable them to feel more confident when on patrol, while others considered this would not be fitting with the role of night patrols.

4.27 Transport is an example of where a different understanding within a community of night patrols' role affects satisfaction with the night patrol service. Patrollers provide transport for clients as part of their diversionary role. Interviews with patrollers indicated that patrollers transport people to a health service, to their home or that of a family member (especially in the case of young people), or to other diversionary locations such as a safe place or sobering-up shelter. This is consistent with the diversionary intent of the program. But a more general 'taxi' service, even where it may benefit the community, is a matter which is outside the scope of a patrollers' activities as set out in the operational framework. For example, in one community, transporting people to and from the health clinic was seen as a taxi service and outside the role of night patrols by the service provider. Stakeholders within the community identified several benefits for community safety of night patrols assisting with this (such as sick or injured people getting home safely). In another area, night patrols were regularly called to transport people home from the health service.

4.28 Community expectations of night patrols are high, particularly when there is no police presence. The ANAO was advised that patrollers have been blamed when there are serious issues such as a death from drinking or fighting, or an attempt at suicide. This dilemma can generate personal conflict for patrollers who are, first and foremost, community members. While conflict may occur outside a community, and therefore beyond the mandate of night

patrols, patrollers noted that their community would question the effectiveness of night patrols if there were instances of violence, road fatalities or other issues.

4.29 In these cases, community involvement in determining the role of night patrols, within the program's objectives, is likely to foster greater community ownership of the service. Accordingly, there is scope for AGD to encourage greater consultation with community stakeholders about the role of night patrols in individual communities with the aim of broader community consensus and understanding about the role of night patrols within a community.

Recommendation No.2

4.30 To improve the effectiveness of night patrols in adapting to community circumstances, the ANAO recommends that AGD works with service providers to promote the use of more flexible program arrangements to tailor service delivery to community needs and priorities.

AGD's response

4.31 *AGD agreed with this recommendation.*

4.32 The Department initially rolled out the Northern Territory night patrol program through a standard funding framework and service delivery model. This approach provided a base starting point for the services to be implemented quickly across the 80 diverse communities within the Northern Territory.

4.33 The Department is committed to implementing continuous improvement in program delivery. This has included increased flexibility to enable particular community needs and priorities to be met, involving the way in which patrols operate and the distribution of resources between communities. For example, some communities may require two patrols (separate women's and men's patrols) rather than the single four patroller mixed-gender model. Further, some smaller communities require less patrolling at certain times, while other more dysfunctional communities require the service to operate with more patrollers and for longer hours.

4.34 The Department will continue to engage service providers to identify issues and seek collaborative solutions to cater for individual community circumstances, through:

- facilitation of an annual Northern Territory Community Night Patrol Conference, at which these issues are discussed;
- staff undertaking regular field visits to meet with service providers and visit communities to witness the activities first hand; and
- actively participating in the many cross government and community working groups to ensure current trends are monitored and addressed.

4.35 More recently the Department has focused on working closely with service providers to support their understanding of the flexibility of the program and to provide continuous advice as the program evolves and the operational framework is modified.

Engagement and interaction with related community services

4.36 A range of different services operate within communities. Those that relate to community safety can include police, ambulance, hospitals and health clinics, sobering-up shelters, safe houses, alcohol and other substance abuse support services, schools, youth and after school services, legal aid, and community justice services.

4.37 The mix of these services varies between communities and some have a greater influence on the effectiveness of night patrols. For example, as at December 2009, there were 20 permanent police stations and 18 THEMIS³⁹ stations in prescribed communities and 22 safe places in the Northern Territory that were fully operational. This means that more than half the prescribed communities are without police and/or a safe place.

4.38 In general, it is reasonable to expect that the effectiveness of patrols is related to the relationship between night patrols and these services. Interaction with other related services in communities was largely personality driven, and occurred on an ad-hoc basis with limited strategic facilitation. In some communities, night patrols had established good relationships with police, safe places, sobering-up shelters, clinics, schools and other related services. In other communities, night patrols had little in the way of established relationships with those services.

³⁹ Operation THEMIS is the Australian Federal Police Service's contribution to the NTER. As part of Operation THEMIS, 18 temporary police stations were established across the Northern Territory and these are known as THEMIS stations.

Service level agreements

4.39 AGD's operational framework recognises the importance of stakeholder relationships and emphasises the importance of engagement and consultation with other related services as well as the community. In addition, the operational framework contains requirements for service providers when engaging with related services and the community more broadly. Specifically, patrollers must:

develop service level partnership arrangements with providers in the community, and provide information, support and referral.⁴⁰

4.40 While there are currently few service-level arrangements in place with providers in communities, one exception is the Northern Territory Police Service (NTPS) which, at the time of the audit, was finalising the negotiation of a Memorandum of Understanding (MOU) between the NTPS, service providers, and night patrols. The first MOU between NTPS and MacDonnell Shire Council was signed on 20 August 2010 and the second between NTPS and Barkly Shire Council was signed on 16 December 2010. The remaining MOUs will be progressively rolled out.

4.41 Strong relationships between night patrollers and police are particularly important. Where patrollers felt supported by police, and police were able to use patrollers in a culturally-appropriate way to assist in policing, community members and other stakeholders generally considered that the patrol service was more effective.

4.42 AGD has been involved in facilitating the development and implementation of MOUs between the NTPS and all service providers. The MOU has two components. The first component is an overarching agreement to establish cooperative arrangements between the service provider and police, and includes both guiding principles and operational protocols between the two parties. The second component is a working level agreement designed to be formalised and signed at the community level between individual night patrol services and local police based in communities. It includes guiding principles and also details roles, responsibilities and expectations for both parties with respect to protocols, the Police Cell Visitor Scheme, safe places, conflict resolution, training, and identifying and treating community issues.

⁴⁰ Attorney-General's Department, *Night Patrol Services in the Northern Territory Operational Framework*, AGD, Canberra, January 2010, p. 8.

4.43 Negotiating a program-wide MOU is resource intensive, and it is appropriate for AGD to take a lead role to ensure consistency, and in recognition that it would have been beyond the resources of individual service providers to undertake these negotiations. There would be benefit, after there has been an opportunity to observe whether the MOU is working effectively, for AGD to consider how it could facilitate other similar arrangements with relevant providers of related services.

Building relationships with other services

4.44 AGD's operational framework outlines roles and responsibilities for patrollers, night patrol managers and assistant managers (where applicable). Building relationships with other regional services is the responsibility of service providers. In practice, this responsibility relies on staff being able to spend significant amounts of time in the community to develop relationships with staff from related services. Alternatively, service provider staff would need to spend significant time with Northern Territory or Australian Government staff to initiate service-level agreements at the strategic level. While important, this would limit their time in communities.

4.45 Most managers or assistant managers interviewed during fieldwork were based within the head office of the relevant service provider (primarily in urban areas). While regular travel to communities formed part of their role, it was difficult to ensure adequate coverage between communities given the geographical distances in the Northern Territory. In one example, one service provider was responsible for night patrols in 14 different communities. This service provider had one night patrol manager and one project officer funded by AGD allocated to service delivery in these communities. This makes it difficult for managers to spend the necessary time in communities to build relationships with other services (in addition to their other responsibilities).

Referrals to other services

4.46 Interviews with various stakeholders indicated that it was logistically difficult for patrollers to provide anything more than information about other related services to clients. Interviews with patrollers, service providers, and other stakeholders suggested that the current operating environment for patrols made it extremely difficult for patrollers to provide support or referral to related services, even in instances where they were available in the community.

4.47 Even in circumstances where patrollers and/or team leaders were strong leaders within their community, there are barriers to establishing

relationships with other related services necessary to support effective referral arrangements. Patrollers generally work at night, between the hours of 18:00 to 03:00. In contrast, most services are open during daytime working hours, with an emergency contact for after-hours assistance only.

4.48 Many interviewees noted that it would be useful to have the scope to provide some form of 'day patrols' within the community to alleviate some of the logistical difficulties associated with shiftwork. Service providers identified that a potential day patrol could have two functions:

- handling administrative reporting issues such as inputting data from the previous nights' patrol, or faxing incident reports to night patrol managers; and
- providing a 'follow-up' service for clients assisted by patrollers, such as referrals and liaison with other related services.

4.49 This concept was also explored and supported at AGD's Service Mapping workshops held during May 2009. Service providers had discussions about managing referrals from night patrols, and funding for a 'day patrol' was canvassed as a potential solution to the challenges associated with managing referrals.

Recommendation No.3

4.50 In recognition of night patrols' contribution to broader community safety and socioeconomic outcomes, and to assist in achieving connected service delivery, the ANAO recommends that AGD identifies opportunities for, and leads the development of, stronger connections with related community support services.

AGD's response

4.51 *AGD agreed with this recommendation.*

4.52 The Department acknowledges the importance of achieving connected service delivery and continues to work closely with other Australian Government agencies and relevant Northern Territory departments to achieve and improve the broader community safety and socioeconomic outcomes.

4.53 This commitment to work cooperatively is evidenced through the joint participation of the Department, service providers, and individual community night patrol services in cross government initiatives such as:

- alcohol management plans;

- safe drinking areas — problem solving; and
- community safety planning.

4.54 Further, the recently introduced Memorandums of Understanding between night patrol services and Northern Territory Police Service have been expanded to include safe houses, where they exist.

4.55 Further, the recently introduced Memorandums of Understanding between night patrol services and Northern Territory Police Service have been expanded to include safe houses, where they exist.

Conclusion

4.56 The importance of adequately engaging with Indigenous people and communities, and of coordinating programs to support effective service delivery, is recognised in the COAG Service Delivery Principles. Night patrols operate in communities that are characterised by significant variations in safety issues. Service providers require flexibility to enable patrol services to respond to these issues. However, against these considerations, the department has had to consider issues of administrative efficiency and has opted for a standard funding formula across all communities. The need to rapidly roll out an expanded night patrol service as part of the NTER led to circumstances where a standard formula approach was the only practical option. However, as the program has now entered its third year, it would be appropriate for AGD to continue to focus on reviewing and adjusting the 'one size fits all' approach, providing resources that better match local needs, and promoting a more flexible approach required to address particular community priorities.

4.57 AGD has developed and agreed an MOU between NTPS and service providers to foster consistent relationships between patrollers and the police. There is potential to replicate this with other relevant service providers in the Northern Territory. AGD has a good model for strategic engagement as they have driven development of a MOU (in the NTPS MOU), that encourages engagement between service providers, night patrol staff and communities.

4.58 Currently, there are significant challenges for patrollers and service providers to forge relationships with other related services in the community safety sphere. The social stability and cohesion of a community impacts on the night patrols, and the program's overall effectiveness. Similarly, the importance of developing effective relationships between all levels of government is particularly important as night patrols form one part of the

comprehensive community safety picture. Given current resourcing, it is difficult for both patrollers and service providers to develop effective relationships, due to a variety of logistical issues.

5. Performance measurement and reporting

This chapter covers the performance measurement and reporting arrangements that AGD has established to measure the program's progress towards achievement of the objectives.

Introduction

5.1 Performance measurement and reporting is an integral part of sound program management. However, it is not sufficient to just measure and report on performance. Agencies must also analyse and use information to monitor and improve performance and to better inform decision making.⁴¹

5.2 As stated in Chapter 1, night patrols are community-based intervention initiatives which seek to improve personal and community safety in Aboriginal communities across the Northern Territory. The objectives of night patrols are to:

- reduce the number of Indigenous Australians coming into adverse contact with the criminal justice system;
- prevent crime and victimisation in Aboriginal communities; and
- ensure services are coordinated with other community support and law enforcement services.

5.3 The Attorney-General's Department (AGD) has been responsible for administering night patrols since 2004, which included expansion of the program to operate in all 73 prescribed communities under the Northern Territory Emergency Response (NTER) in 2007, and later, to urban areas. During this time, AGD developed performance information collection and reporting mechanisms as a basis for measuring the effectiveness of night patrol services. Because the night patrols program is part of the broader Indigenous Justice Program (IJP) and was a specific element of the NTER, prior to 2009 the reporting framework has been shaped by both of these programs. Furthermore, as the program now falls under the Closing the Gap in the

⁴¹ Queensland Audit Office, *Report to Parliament No. 5 for 2010, Performance Reviews – Using performance information to improve service delivery*, p. 1.

Northern Territory National Partnership Agreement, the program ideally needs to provide reflection against broader Council of Australian Government (COAG) targets in relation to Closing the Gap in Indigenous disadvantage, as established in the National Indigenous Reform Agreement (NIRA).

5.4 The ANAO examined the approach taken by AGD to program performance measurement and reporting, with a particular focus on:

- program performance indicators;
- data collection mechanisms;
- performance reporting arrangements, at a whole-of-government and program level; and
- whether the current performance framework and reporting arrangements allow AGD to determine whether night patrols are achieving desired outcomes.

Program performance indicators

5.5 A program's performance framework should include performance indicators that are closely aligned with its objectives in order to support a meaningful assessment of its progress, as well as a range of activity-based indicators to assess the quantity and quality of services provided. The IJP Program Guidelines emphasise that project performance will be measured using service delivery standards and performance indicators to assess what has been done, how well it has been done and whether the project has achieved what was intended.⁴² At the working level, the *Night Patrol Services in the Northern Territory Operational Framework* (the operational framework) details the quantitative and qualitative performance indicators and reporting requirements of service providers.

5.6 The quantitative performance indicators that service providers are required to report against on a quarterly basis include:

- number of night patrols per week;
- number of people assisted;
- number of people by gender; and

⁴² Attorney-General's Department, *Indigenous Justice Program, Program Guidelines 2010–11*, op. cit., p. 2.

- number of people by age (0–12, 13–17, 18–25, 26–44, 45+ and unknown).

5.7 The performance indicators identified by AGD as qualitative that service providers are required to report against on a quarterly basis include:

- how you have worked with other government and/or non-government organisations in the community to provide the night patrol service;
- linkages to other service providers in your community or region, including referrals to appropriate services such as drug and alcohol services and police;
- the nature of incidents (for example, argument, possibly substance abuse, injury, or children unsupervised/out late);
- the frequency of the incidents (for example the same target group and place it has occurred);
- assistance types for the number of people assisted (for example, conflict management/police required, first aid, transport to hospital, transport to safe house, or provision of referral information); and
- reasons why the night patrol service is or is not working in each community, including plans and suggestions for improving the service.⁴³

5.8 Prior to the operational framework developed in 2010, two additional performance indicators were the number of complaints received and resolved. These indicators were removed from the latest version of the operational framework.

5.9 AGD's quantitative and qualitative performance indicators (see above at 5.6 and 5.7) are focused at the operational, service delivery level. This is useful information and important for monitoring demand and use of the night patrol service and the level of assistance provided, as well providing an indication of potential diversions from the justice system. The qualitative information collected by AGD provides information about night patrols' levels of interaction with other services, and also has the potential to highlight opportunities for greater coordination. However, there is scope for AGD to undertake further analysis of this information, supplemented by other relevant

⁴³ Attorney-General's Department, *Night Patrol Services in the Northern Territory Operational Framework*, AGD, Canberra, January 2010, p. 29.

community safety and justice data. This would support assessment of the program's progress towards achieving its objectives, that is, whether night patrols are contributing to safer communities and diversion from the justice system.

Data collection mechanisms

5.10 In order for performance indicators to be useful in assessing program performance, data needs to be collected that is relevant, adequate and reliable. To obtain information to support its reporting framework, AGD requires service providers to collect and submit data. This involves night patrollers collecting quantitative and qualitative data at the community level which is collated by night patrol managers and sent to AGD.

5.11 Responsibility for the initial collection of quantitative data resides with patrollers and team leaders based in communities. Patrollers populate an 'incident report' for every incident responded to which includes the details of clients, the nature of the incident (for example, alcohol related), the place of the incident, and the assistance provided (for example, taken to a safe house). Incident reports are populated either at the time of the incident, at the end of the shift or at the end of the week. The individual incident reports are then sent to the night patrol manager. Service providers are required to have policies and procedures in place for safeguarding client confidentiality, as outlined in the operational framework.

5.12 Night patrol managers collate quantitative information received from night patrol services within their service delivery area. The information is collated on a numerical basis: individual client numbers, their attributes, and the type of patroller interventions are tallied, and then compiled in a report. This statistical information forms the basis of quarterly performance reporting to AGD. AGD receives figures about the number of people assisted by night patrols but does not receive specific details about each client who is assisted. Service providers are also required to supplement the quantitative reporting with qualitative reporting on the engagement with, and referrals provided to other services, and any obstacles that have affected the functionality of the services as outlined in the indicators above.

Current data collection and reporting issues in communities

5.13 Interviews with night patrol stakeholders at various levels identified reporting compliance as a significant issue for night patrols. Reporting was an area that was challenging for some patrollers and where additional support

was required. At the community level, concerns about data integrity were identified by service providers.

5.14 The incident reports to be filled in by patrollers are detailed and patrollers are required to fill in a report for every incident attended. In some of the communities visited during the audit, the ANAO was advised that patrollers and/or team leaders often had difficulty filling in the reports. Some of the barriers to effective data collection identified included:

- low levels of numeracy and literacy of patrollers;
- the responsibilities of family, and cultural obligations (not to adversely report against family), coupled with the fear of 'payback' if reporting on an individual's activities;
- reporting template was difficult to populate;
- nil action to report on (therefore the assumption that no report was required);
- high levels of staff turnover (and the continuous need for retraining and reiteration of the importance of data collection);
- lack of time/motivation to complete forms; and
- lack of understanding of the reasoning for data collection.

5.15 To address this, many service providers developed alternatives (such as pictorial forms) to the traditional incident report. Night patrol managers and other shire staff assisted patrollers with reporting where possible, but advised they often found it difficult to spend sufficient and sustained time necessary in communities with patrollers, particularly in some of the larger shires. Where support was needed but was not ongoing, this generally led to irregular data collection with one service provider noting that reporting would be good for a period, but then they would have to remind patrollers again about the necessity for reporting. Often, this also meant that data collection did not occur at the time of incidents which increases the risk of unreliable data.

Current reporting issues for service providers

5.16 While obtaining relevant performance information is critical for agencies to meet their accountability obligations, it is important that consideration is given to the potential administrative costs of data collection and reporting. This is particularly the case when service delivery is dispersed and agencies need to rely on service provider organisations to generate

reporting. This is even more the case when service providers are operating in remote or very remote communities.

5.17 Collation of reports was described as onerous by many service providers. Given the infrequent reporting received from communities, service providers spend significant amounts of time following up this information. Once the information has been received, service providers noted that it is often a matter of entering large volumes of data into a central repository, such as a spreadsheet. In practice, this often equated to 'piles of paperwork'.

5.18 The ANAO observed that there was a lack of standardisation with respect to reporting. Currently, each service provider has established their own data collation mechanisms and presents the results accordingly. It may be helpful for both service providers and AGD to develop a common tool, such as a database, that would assist with data recording to allow for easier data entry and standardised reporting.

5.19 Some possible resolutions to issues with data collection and reporting were canvassed at the night patrols conference in May 2010. AGD ran a workshop on the barriers to effective reporting and invited participants to identify suitable bridges to resolve these issues. Some practical feedback from participants included:

- easier to populate reporting templates, for example pictograms (to support information collection);
- feedback and mentoring (as required) on quality of reporting submitted by service providers, with a view to improving compliance;
- a dedicated administration officer to input data into a standardised database; and
- better communication of the reasons for data collection, including highlighting benefits to patrollers and service providers.

5.20 There are inherent difficulties associated with effectively measuring levels of diversion from the criminal justice system. Other research that has been undertaken on Aboriginal Community Patrols (more specifically, patrols in New South Wales and Western Australia), notes that there is anecdotal evidence to suggest that levels of night patrols' intervention are higher than recorded statistics. The report noted that patrollers did not always report all

encounters with clients, and that sometimes only the more serious interventions (where police or ambulance were called) were recorded.⁴⁴ Underreporting of night patrols' interventions are reflective of the challenges associated with measuring the impact of a diversionary program. The difficulties associated with accurately recording data (both quantitative and qualitative), can impact the analysis of night patrols' performance information, in addition to distorting the impact of night patrols' contributions to broader community safety objectives.

Performance reporting

5.21 At a whole-of-government level, progress towards reducing Indigenous disadvantage is measured against key indicators and targets that were endorsed by COAG in November 2008 and detailed in the NIRA. Specific areas for action relating to safe and supportive communities include: alcohol consumption and harm; drug and other substance use and harm; juvenile diversions; and repeat offending. The NIRA sets out the performance indicators and targets for measuring progress towards desired outcomes for Closing the Gap on Indigenous disadvantage.

5.22 Following the initial phase of the NTER, the Closing the Gap in the Northern Territory National Partnership Agreement was created to provide for the continuation of a number of measures commenced in 2007 under the NTER legislation. The Closing the Gap in the Northern Territory National Partnership Agreement is part of the NIRA, and accordingly, is to be read in conjunction with the NIRA's overarching objectives and reform directions for Closing the Gap on Indigenous disadvantage. Night patrols now fall under this national partnership and the primary whole-of-government reporting mechanism is under the Closing the Gap in the Northern Territory Monitoring Reports (formerly the NTER Monitoring Reports). However, AGD is additionally required to report on night patrols at a number of levels as outlined in Table 5.1.

⁴⁴ H Blagg and G Valuri, 'Aboriginal community patrols in Australia: self-policing, self-determination and security', *Policing and Society*, 14(4), 2004, pp. 313-328.

Table 5.1**AGD's whole-of-government reporting requirements for night patrols**

Timing	Report	Information publically reported
Monthly	NTER situation reports	Nil
	Remote Service Delivery situation reports	Nil
Bi-monthly	Executive Coordination Forum on Indigenous Affairs	Nil
Six monthly	NTER Monitoring Reports (now Closing the Gap in the Northern Territory Monitoring Reports)	<ul style="list-style-type: none"> • Number of active night patrols • Total number of people (men, women and children) transported by a night patrol service
Annually	Closing the Gap – Prime Minister's Report	<ul style="list-style-type: none"> • Number of active night patrols

Source: Information provided by AGD

5.23 Under the NTER, the initial whole-of-government indicators to measure the progress of achieving the Government's objectives in relation to night patrols were:

- number of communities with an Australian Government funded night patrol service;
- number of people (men and women) transported to a recognised safe house by the Australian Government funded night patrol service (applicable where a community has a recognised safe house);
- number of people (men and women) transported (i.e. not to a recognised 'safe house'), and including referrals to other services, by the Australian Government funded night patrol service (applicable where a community has a recognised safe house); and
- number of people (men and women) transported, including referrals to other services, by the Australian Government funded night patrol service (applicable where a community does not have a recognised safe house).

5.24 The initial target for the number of active night patrol services was 73 and the baseline for the other indicators was 'pre-NTER'. Table 5.2 includes information that has been reported to date.

Table 5.2**Performance information reported against the NTER and Closing the Gap**

Period	Active night patrols	Number of people transported
August 2007 – June 2008	31	N/A
July 2008 – December 2008	63	36 220
January 2009 – June 2009 ⁴⁵	80	39 000
July 2009 – December 2009	80	30 267
January 2010 – June 2010	80	45 741

Source: NTER Monitoring Reports and Closing the Gap in the Northern Territory Monitoring Reports

5.25 Reporting in the AGD Annual Report was at the level of the IJP and limited information is presented about the operation of night patrols. In 2007–08 reporting focused on service providers' compliance with the reporting requirements and timeframes set out in the funding agreements. In 2008–09 AGD reporting focused on the number of communities with operational night patrols.

5.26 In addition to the reporting outlined above, AGD reports on an as required basis to forums and groups such as the Secretaries Committee on Social Policy, the Social Policy Committee, the Secretaries Group on Indigenous Affairs (now known as the Executive Coordination Forum for Indigenous Affairs), and various Parliamentary inquiries and committees. AGD also reports on the progress of Local Implementation Plans under the National Partnership Agreement on Remote Service Delivery, and on progress under the overarching bilateral implementation plan.

5.27 Performance reporting is critical to ongoing program management in order to assess the effectiveness of a program. As is the case for the program's current suite of performance indicators, greater emphasis needs to be placed on reporting the program's overall effectiveness in contributing to broader community safety outcomes.

⁴⁵ This figure only represents 1 January to 31 March 2009.

Implications of performance framework and current reporting arrangements

5.28 Performance reporting information provides a number of important insights into a program. It is critical to ongoing program management that performance information is used not only to assess performance, but also to inform other aspects of program management such as planning, governance, risk management and service delivery at a community level. In the case of night patrols, performance information could provide insights into the program at a community level, service providers' performance, and at an overall program level.

5.29 Currently, qualitative performance indicators provide some scope for AGD to assess achievement of the program objectives. However, there are some concerns with the integrity of the data collected and the activity-focus of the performance information makes it difficult to assess the impact of the program over time. Additionally, there has been limited use and analysis of the data by AGD. Without analysis of collated data it is difficult to develop an overarching picture of night patrols' impact and the outcomes that patrols are contributing to. A further benefit from undertaking this analysis would be to identify trends, and promote 'best practice' in night patrols, which would assist service providers to identify ways to improve their operations.

5.30 There is scope for performance information to be used more effectively in understanding the barriers to the success of night patrols in communities and then tailoring the program to local needs and priorities. For example, to improve their operational performance and service delivery, the Queensland Police Service use an Operational Performance Review system (OPR). The OPR system is a multi-level (district, corporate, and whole-of-agency) review mechanism where data is analysed and discussed by members, with a view to informing future strategies. A report from the Queensland Audit Office noted that the introduction of the OPR process was a significant factor in reducing crime rates.⁴⁶

5.31 There would be benefit in AGD considering other data that may be available about related community safety issues that would provide relevant contextual information to supplement performance information provided by service providers. Potentially, this may also enable service providers to tailor

⁴⁶ Queensland Audit Office, op. cit., p. 14.

night patrols to particular issues in communities and work more effectively with other services to focus on the preventative aspect of patrols. For example, if domestic violence is the most common cause of contact with police in a particular community, night patrols may be able to work with the police, counselling services, and women's or men's shelter on a preventative campaign.

5.32 While it is reasonable to expect that improving the performance of providers would contribute to improved community safety outcomes, the current performance framework is not able to generate information that measures actual changes in community safety. This is not a problem unique to the night patrols program, and using performance indicators to measure the counterfactual ('what would have happened in the absence of the intervention?') is a difficult task, although it can be a useful tool to assess program performance.⁴⁷ Examining the counterfactual is especially useful in the case of programs with the objectives of reducing or increasing the numbers of people involved; for example reducing the numbers of Indigenous people coming into contact with the criminal justice system.⁴⁸

5.33 Solely relying on formally reported data can also be problematic in terms of understanding a program's performance as the data is often collected and reported by the organisations that are delivering the service. Given the widely dispersed nature of night patrol locations, it is not feasible for AGD themselves to independently monitor performance within all communities. However, night patrols are a community-based and owned initiative and there may be an opportunity to involve communities in collecting performance data and providing a perspective on performance and impact. To help in determining the outcomes that night patrols have achieved this would potentially have additional benefits of strengthening community ownership of the program.

5.34 An example of where community involvement in performance assessment has previously been trialled is the 'People's Survey' as part of the Regional Assistance Mission to the Solomon Islands (RAMSI). This voluntary survey began in 2006 as a pilot program (which provided benchmarks), and

⁴⁷ R Cummings, 'What if: the counterfactual in program evaluation', *Evaluation Journal of Australasia*, Vol. 6 (new series), No. 2, 2006, <[http://www.aes.asn.au/publications/Vol6No2/What if the counterfactual in program evaluation.pdf](http://www.aes.asn.au/publications/Vol6No2/What%20if%20the%20counterfactual%20in%20program%20evaluation.pdf)>, [accessed 29 November 2010], p. 6.

⁴⁸ *ibid.*, p. 8.

was aimed at providing indicators for measuring the achievement of country-level and program-level achievements. This survey has been conducted annually since 2006. A key feature of the People's Survey was the inclusion of focus group discussions across four geographic areas, and community involvement in the measurement of program outcomes. While the sample was not representative due to time limitations, it provided some insight into community perceptions of RAMSI initiatives, including in the areas of security peace and order, and community confidence, and assisted to measure progress of RAMSI objectives. Importantly, the results from the survey are used in conjunction with formal program reporting.

5.35 Such an approach would be consistent with some of the underlying principles in evaluation strategy currently being developed for the Closing the Gap in the Northern Territory National Partnership Agreement. This strategy was developed by FaHCSIA to assist the evaluation of the NTER. While it remains a draft, the strategy describes its approach as 'person-centred', where individuals affected by the NTER are put at the centre of the policy issue, rather than being addressed only as users of government services, with the objectives of:

- establishing whether governments have been effective in developing and delivering a coordinated and integrated suite of services and initiatives, and in undertaking effective engagement with Indigenous communities;
- examining if individual measures are effective and appropriate, and if there are any gaps in the suite of services and initiatives;
- establishing if this approach has led to an improvement in the safety, health and education outcomes of children and vulnerable people in the affected Northern Territory communities;
- assessing if this approach has contributed to:
 - more sustainable communities, and
 - progress in achieving the Closing the Gap targets; and
- informing future policy development and decision making about where and how improvements could be made to achieve the objectives of the National Partnership Agreement.

5.36 AGD has recognised the gaps in its current performance framework. To improve its performance framework, and support the continued monitoring and operation of the night patrol program, AGD has engaged the Australian

Institute of Criminology to develop and support the implementation of a revised performance framework. This work is currently underway and AGD is expecting to have an evidence-based performance framework, based on a program logic, in place by the end of 2010 to allow for improved data collection and reporting from the beginning of 2011.

Recommendation No. 4

5.37 In order to maintain community ownership and active involvement in night patrol service delivery, and to assist in developing a community-centred approach to reporting and performance measurement, the ANAO recommends that AGD investigates options for engaging with and seeking community input into measuring night patrols' contributions to community safety outcomes, and diversion from the criminal justice system.

AGD's response

5.38 *AGD agreed with this recommendation.*

5.39 The Department is working towards an improved performance and reporting framework for night patrols, and to ensure all community safety initiatives are delivered with a solid evidence base in mind.

5.40 In implementing this, the Department will focus on key performance indicators that measure a suite of safer community outcomes with indicators being adapted to support a community-centred approach. The framework will be designed to include community involvement in the assessment process, providing valuable local experience to support targeted outcomes. This enhanced monitoring and reporting framework will draw on existing government mechanisms for evaluating Indigenous programs, such as community safety surveys, avoiding excessive consultation.

5.41 It is also anticipated that newly-funded coordinator positions will facilitate community involvement in improved monitoring and reporting on performance. This will include how the patrols are contributing to meeting broader community safety outcomes.

Conclusion

5.42 The collection of robust and meaningful program performance information is important so that assessments can be made about a program's progress towards its objectives and its overall effectiveness. There are particular challenges to measuring performance of prevention and

diversionary programs, such as night patrols, where success is judged by the absence of undesirable events, such as police arrest or incarceration.

5.43 As a diversionary service, there are multiple implications of the work of night patrols. Diverting young people from the police, referring clients to drug and alcohol referral services, and defusing potential instances of community or family violence are all examples of the potential for night patrols to contribute to COAG's headline indicators and strategic action areas, and it is important to understand the contribution made by night patrols in those areas. To do this, information is needed to connect night patrols to broader improvements in the environment. What does not come through current reporting is how night patrols contribute to broader outcomes in reducing Indigenous disadvantage; instead, performance information is largely activity-based, focusing on the level and type of services provided to individuals rather than longer term changes in community safety or other law and order trends.

5.44 While AGD collects a significant amount of data, there are some gaps in data collection, collation and analysis, which affect the ability of the department to make an overall assessment of the program's performance and provide advice to the Government on its effectiveness. The reliability of the data collected is influenced by several barriers to the quality and availability of data collection. The current performance reporting arrangements are also resource intensive for service providers which may distract attention from service delivery matters. There is also scope for AGD to use performance data to better inform decisions about local resourcing arrangements for night patrols.

5.45 The current review, and development of a new performance framework is an opportunity to ensure that data collection better supports assessment of the program's achievements. Additionally, there would be benefit to AGD and service providers if information was collated and used to inform future program decisions and operations at the community level, and that ways of involving community members in program performance reporting are developed. This would further support a flexible approach to service delivery based on the needs and priorities of communities.

Ian McPhee
Auditor-General

Canberra ACT
1 March 2011

Appendices

Appendix 1: Formal Comments on the Proposed Report

The Department welcomes the performance audit of the Northern Territory Night Patrols Program, and largely agrees with the recommendations of the report.

The report presents an accurate view of the unique challenges faced by the Attorney-General's Department in managing the transformation of a small community-driven program administered at a community council level, to a greatly-expanded program delivered at a regional level by the shire councils.

Night patrols are an important element of the Closing the Gap in the Northern Territory initiative focusing on reducing adverse contact with the criminal justice system and increasing community safety. The Department works closely with service providers to support patrols which are responsive to community needs, delivers high quality outcomes and partners with other services to support safer communities.

The findings in this report will assist in the future effective delivery of night patrols in the Northern Territory.

Recommendation No.1

In order to reduce the administrative load and reflect the nature of the service delivery model, the ANAO recommends that AGD considers alternatives to the use of an annual competitive funding cycle to reduce the level of administration associated with the current funding approach.

AGD's response: Agreed.

The Department is committed to reducing the administrative burden in all aspects of the program, both internally and for service providers. In anticipation of streamlining funding arrangements, the Department has set in place the administrative requirements to effect the option of multi-year funding agreements. Currently only four of the 12 service providers have demonstrated the capacity to provide timely and accurate reporting under a multi-year funding agreement. The budget for this program terminates in June 2012, providing limited opportunity to apply this funding approach more broadly at this time.

The Department will continue to work with the remaining eight service providers to build sound financial management and effective service delivery to meet the compliance obligations for future assessment against multi-year agreements. This approach would better align with obligations under the

government's financial framework concerning the efficient, effective and ethical use of public money.

The annual funding cycle has up to now provided a sound basis on which to establish processes to work within the Australian Government's whole-of-government approach to service delivery. The Department agrees that administrative efficiency is of paramount importance, however, we have continued to utilise the annual funding process while the capacity of the new shire councils and risks associated with service delivery are established.

The process of application for the annual common funding round also provides the Department with information vital to negotiating agreements, and apportioning available funds between providers. Given the service provider market will potentially expand in future years with the emergence of a stronger non-government sector in the Northern Territory we think it is appropriate to continue to use a competitive funding cycle.

Recommendation No.2

To improve the effectiveness of night patrols in adapting to community circumstances, the ANAO recommends that AGD works with service providers to promote the use of more flexible program arrangements to tailor service delivery to community needs and priorities.

AGD's response: Agreed.

The Department initially rolled out the Northern Territory night patrol program through a standard funding framework and service delivery model. This approach provided a base starting point for the services to be implemented quickly across the 80 diverse communities within the Northern Territory.

The Department is committed to implementing continuous improvement in program delivery. This has included increased flexibility to enable particular community needs and priorities to be met involving the way in which patrols operate and the distribution of resources between communities. For example, some communities may require two patrols (separate women's and men's patrols) rather than the single four patroller mixed-gender model. Further, some smaller communities require less patrolling at certain times, while other more dysfunctional communities require the service to operate with more patrollers and for longer hours.

The Department will continue to engage service providers to identify issues and seek collaborative solutions to cater for individual community circumstances, through:

- facilitation of an annual Northern Territory Community Night Patrol Conference, at which these issues are discussed;
- staff undertaking regular field visits to meet with service providers and visit communities to witness the activities first hand; and
- actively participating in the many cross government and community working groups to ensure current trends are monitored and addressed.

More recently the Department has focussed on working closely with service providers to support their understanding of the flexibility of the program and to provide continuous advice as the program evolves and the operational framework is modified.

Recommendation No.3

In recognition of night patrols' contribution to broader community safety and socioeconomic outcomes, and to assist in achieving connected service delivery, the ANAO recommends that AGD identifies opportunities for, and leads the development of, stronger connections with related community support services.

AGD's response: Agreed.

The Department acknowledges the importance of achieving connected service delivery and continues to work closely with other Australian government agencies and relevant Northern Territory departments to achieve and improve the broader community safety and socioeconomic outcomes.

This commitment to work cooperatively is evidenced through the joint participation of the Department, service providers and individual community night patrol services in cross government initiatives such as:

- alcohol management plans;
- safe drinking areas – problem solving; and
- community safety planning.

Further, the recently introduced Memorandums of Understanding between night patrol services and Northern Territory Police have been expanded to include safe houses, where they exist.

In 2010–11, the standard staffing model for the night patrols program was expanded to include additional coordinator positions to work closely with patrollers across smaller clusters of communities. It is intended that this model will provide for a greater focus on specific community needs and enable the development of stronger linkages with related community support services.

Recommendation No.4

In order to maintain community ownership and active involvement in night patrol service delivery, and to assist in developing a community-centred approach to reporting and performance measurement, the ANAO recommends that AGD investigates options for engaging with and seeking community input into measuring night patrols' contributions to community safety outcomes, and diversion from the criminal justice system.

AGD's response: Agreed.

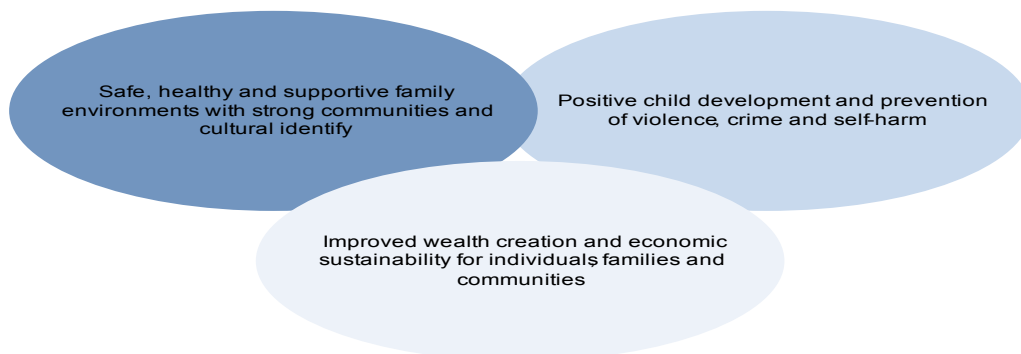
The Department is working towards an improved performance and reporting framework for night patrols, and to ensure all community safety initiatives are delivered with a solid evidence base in mind.

In implementing this, the Department will focus on key performance indicators that measure a suite of safer community outcomes with indicators being adapted to support a community-centred approach. The framework will be designed to include community involvement in the assessment process, providing valuable local experience to support targeted outcomes. This enhanced monitoring and reporting framework will draw on existing government mechanisms for evaluating Indigenous programs, such as community safety surveys, avoiding excessive consultation.

It is also anticipated that newly-funded coordinator positions will facilitate community involvement in improved monitoring and reporting on performance. This will include how the patrols are contributing to meeting broader community safety outcomes.

Appendix 2: Overcoming Indigenous Disadvantage Strategic Framework

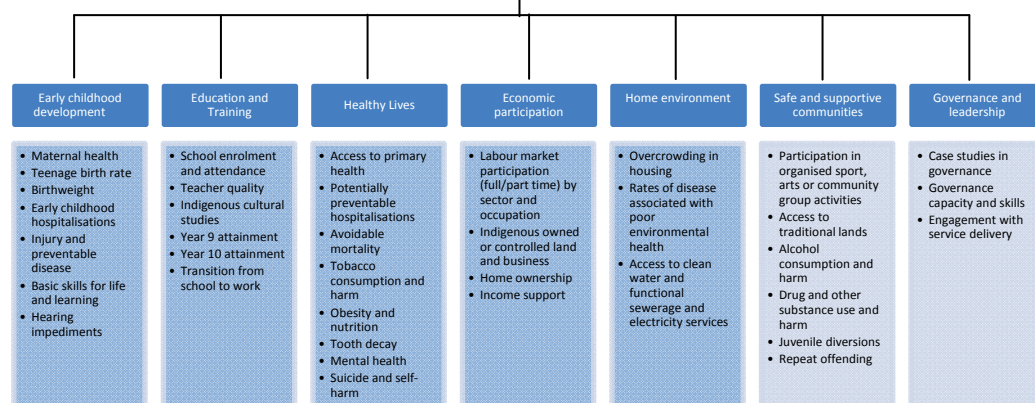
1. Priority Outcomes



2. COAG targets and headline indicators

COAG targets <ul style="list-style-type: none"> • Life expectancy • Young child mortality • Early childhood education • Reading, writing and numeracy • Year 12 attainment • Employment 	Headline indicators <ul style="list-style-type: none"> • Post secondary education– participation and attainment • Disability and chronic disease • Household and individual income • Substantiated child abuse and neglect • Family and community violence • Imprisonment and juvenile detention
--	---

3. Strategic areas for action



Index

A

Ampe Akelyernemane Mele Mekarle (Little Children are Sacred), 8, 34, 41, 47

C

Closing the Gap in Indigenous disadvantage, 8, 13, 15, 22, 27, 31, 33, 36, 43–45, 59, 61, 74, 100, 106–108, 111, 117

COAG Building Blocks, 32–33

Common Funding Round for Indigenous Programs, 40, 68–72, 75, 118

Council of Australian Governments, 8, 13, 27, 29, 30–33, 36, 84, 98, 101, 106, 113, 121

N

National Indigenous Reform Agreement, 33, 36, 101, 106

Night Patrollers, 17–20, 45, 54–55, 57–58, 61, 68, 74, 78–99, 103–105, 118, 120

Northern Territory Emergency Response, 8, 14–20, 31, 33–36, 41–56, 58, 61, 65, 67, 70, 74, 79, 81, 89, 94, 98, 100, 106–108, 111

Northern Territory Government local government reform, 16, 36–37, 41, 49, 51–52

Northern Territory Police, 9, 13–14, 21, 27, 29, 35, 37, 56–57, 83–84, 92, 94–95, 98, 102, 106, 110, 113

Northern Territory Shire Councils, 15, 19, 22, 37, 41, 48, 51–53, 60–61, 64, 67, 70–71, 73, 75, 117, 118

NTER Measure 2

Law and Order, 14–15, 17, 28, 31, 34–35, 42, 48–49, 58, 83, 113

P

Prescribed areas under the *Northern Territory National Emergency Response Act 2007*, 34

S

Safe House/Place, 9, 14, 21, 27, 32, 55, 57, 84, 86, 92, 94, 96, 98, 102–103, 107, 120

Safer Communities Building Block, 22, 28, 103, 117

sobering-up shelter, 9, 14, 21, 27, 57, 84, 92, 94

Standard Funding Agreement, 7, 61, 71–74, 76–78

Series Titles

ANAO Audit Report No.1 2010–11

Implementation of the Family Relationship Centres Initiative

Attorney-General's Department

Department of Families, Housing, Community Services and Indigenous Affairs

ANAO Audit Report No.2 2010–11

Conduct by Infrastructure Australia of the First National Infrastructure Audit and Development of the Infrastructure Priority List

Infrastructure Australia

ANAO Audit Report No.3 2010–11

The Establishment, Implementation and Administration of the Strategic Projects Component of the Regional and Local Community Infrastructure Program

Department of Infrastructure, Transport, Regional Development and Local Government

ANAO Audit Report No.4 2010–11

National Security Hotline

Australian Security Intelligence Organisation

Attorney-General's Department

Australian Federal Police

ANAO Audit Report No.5 2010–11

Practice Incentives Program

Department of Health and Ageing

Medicare Australia

ANAO Audit Report No.6 2010–11

The Tax Office's implementation of the Client Contact - Work Management - Case Management System

Australian Taxation Office

ANAO Audit Report No.7 2010–11

Confidentiality in Government Contracts: Senate Order for Departmental and Agency Contracts (Calendar Year 2009 Compliance)

ANAO Audit Report No.8 2010–11

Multifunctional Aboriginal Children's Services (MACS) and Crèches

Department of Education, Employment and Workplace Relations

ANAO Audit Report No.9 2010–11

Green Loans Program

Department of the Environment, Water, Heritage and the Arts
Department of Climate Change and Energy Efficiency

ANAO Audit Report No.10 2010–11

Centrelink Fraud Investigations

ANAO Audit Report No.11 2010–11

Direct Source Procurement

ANAO Audit Report No.12 2010–11

Home Insulation Program

Department of the Environment, Water, Heritage and the Arts
Department of Climate Change and Energy Efficiency
Medicare Australia

ANAO Audit Report No.13 2010–11

*Implementation and Administration of the Civil Aviation Safety Authority's
Safety Management System Approach for Aircraft Operators*

ANAO Audit Report No.14 2010–11

Capitalisation of Software

Australian Bureau of Statistics
Civil Aviation Safety Authority
IP Australia

ANAO Audit Report No.15 2010–11

Food Standards Australia New Zealand

ANAO Audit Report No.16 2010–11

*Centrelink's Role in the Process of Appeal to the Social Security Appeals Tribunal and to the
Administrative Appeals Tribunal*

Centrelink

Department of Education, Employment and Workplace Relations
Department of Families, Housing, Community Services and Indigenous Affairs

ANAO Audit Report No.17 2010–11

2009–10 Major Projects Report

Defence Materiel Organisation

ANAO Audit Report No.32 2010–11
Northern Territory Night Patrols

ANAO Audit Report No.18 2010–11

*Government Business Managers in Aboriginal Communities under the Northern Territory
Emergency Response*

Department of Families, Housing, Community Services and Indigenous Affairs

ANAO Audit Report No.19 2010–11

Army Aboriginal Community Assistance Program

Department of Families, Housing, Community Services and Indigenous Affairs

ANAO Audit Report No.20 2010–11

Administration of the Wine Equalisation Tax

Australian Taxation Office

ANAO Audit Report No.21 2010–11

Indigenous Housing Initiatives: the Fixing Houses for Better Health program

Department of Families, Housing, Community Services and Indigenous Affairs

ANAO Audit Report No.22 2010–11

*Audits of the Financial Statements of Australian Government Entities for the Period Ended
30 June 2010*

ANAO Audit Report No.23 2010–11

Home Ownership of Indigenous Land Program

Department of Families, Housing, Community Services and Indigenous Affairs
Indigenous Business Australia

ANAO Audit Report No.24 2010–11

The Design and Administration of the Better Regions Program

Department of Regional Australia, Regional Development and Local Government

ANAO Audit Report No.25 2010–11

Administration of the Trade Training Centres in Schools Program

Department of Education, Employment and Workplace Relations

ANAO Audit Report No.26 2010–11

Management of the Tender Process for a Replacement BasicsCard

Department of Human Services

ANAO Audit Report No.27 2010–11

Restoring the Balance in the Murray-Darling Basin

Department of Sustainability, Environment, Water, Population and Communities

ANAO Audit Report No.28 2010–11

Management of the Australian Broadband Guarantee Program

Department of Broadband, Communications and the Digital Economy

ANAO Audit Report No.29 2010–11

Management of the Implementation of New Policy Initiatives

Australian Federal Police

ANAO Audit Report No.30 2010–11

Digital Education Revolution Program—National Secondary Schools Computer Fund

Department of Education, Employment and Workplace Relations

ANAO Audit Report No.31 2010–11

Administration of the Superannuation Lost Members Register

Australian Taxation Office

Current Better Practice Guides

The following Better Practice Guides are available on the Australian National Audit Office website.

Strategic and Operational Management of Assets by Public Sector Entities – Delivering agreed outcomes through an efficient and optimal asset base	Sep 2010
Implementing Better Practice Grants Administration	June 2010
Planning and Approving Projects an Executive Perspective	June 2010
Innovation in the Public Sector Enabling Better Performance, Driving New Directions	Dec 2009
SAP ECC 6.0 Security and Control	June 2009
Preparation of Financial Statements by Public Sector Entities	June 2009
Business Continuity Management Building resilience in public sector entities	June 2009
Developing and Managing Internal Budgets	June 2008
Agency Management of Parliamentary Workflow	May 2008
Public Sector Internal Audit An Investment in Assurance and Business Improvement	Sep 2007
Fairness and Transparency in Purchasing Decisions Probity in Australian Government Procurement	Aug 2007
Administering Regulation	Mar 2007
Developing and Managing Contracts Getting the Right Outcome, Paying the Right Price	Feb 2007
Implementation of Programme and Policy Initiatives: Making implementation matter	Oct 2006
Legal Services Arrangements in Australian Government Agencies	Aug 2006
Administration of Fringe Benefits Tax	Feb 2006

User-Friendly Forms
Key Principles and Practices to Effectively Design
and Communicate Australian Government Forms

Jan 2006