

YOLŪU REGION LOCAL DECISION MAKING PARTNERSHIP COMMITMENT

Made by the Northern Territory Government (NTG), the Australian Government Department of the Prime Minister and Cabinet, the East Arnhem Regional Council, the Arnhem Land Progress Aboriginal Corporation, Miwatj Health Aboriginal Corporation, Laynhapuy Homelands Aboriginal Corporation, and ARDS Aboriginal Corporation who collectively, and non-exclusively, form the parties to this partnership.

1. PARTIES, CONTEXT AND ACKNOWLEDGEMENTS

- a) The Parties to this Partnership Commitment acknowledge that Yolŋu people of East Arnhem Land for over 60,000 years have successfully maintained their language, customs and laws, land and sea ownership and custodianship, culture, song lines and societies and these systems exist today.
- b) The Yolŋu leaders who participated in the Local Decision Making workshops which led to this this Partnership had a united view that the last 10-15 years has seen significant changes and disempowerment of Yolŋu clans, leaders and communities through a range of government policy changes.
- c) Over these years, a complex arrangement of governance groups and committees have been established (with good intention) by all tiers of Government and regional organisations which are not owned by Yolŋu leaders, with agendas and priorities largely set by Government agencies or the leading organisation.
- d) The Parties to this Partnership consider there is an opportunity to simplify local and regional governance and to ensure systems of decision making are Yolŋu led and owned and which enables Yolŋu cultural leadership and people to be at the heart of decisions for the benefit of their people.
- e) The Northern Territory Local Decision Making (LDM) policy is a 10-year plan that seeks to return local decision making to Aboriginal communities by empowering Aboriginal people to determine service approaches that work best for their community and region and take back control.
- i. The NT Government will work with Aboriginal communities over time to determine transition priorities in areas such as, but not limited to, local healthcare, education, justice systems, local governance, housing and community services as set out in the LDM Policy.

LEGISLATIVE ASSEMBLY OF THE NT
TABLED DOCUMENTS

Committee: *Estimator*

Paper No: *3-2* Date: *12/6/19*

Tabled By: *Cugre*

Signed: *[Signature]*



- ii. In his speech at the Barunga Festival in June 2018, the Chief Minister of the Northern Territory, the Hon. Michael Gunner MLA said:
 - iii. "The old way is finished. At the pace communities are comfortable, the Government is ceding decision-making power back to where it belongs, the communities."
 - iv. The NT Government has committed to the implementation of LDM to align with the principles launched by Aboriginal Peak Organisations Northern Territory in October 2013 and the NTG LDM Policy which can be summarised as self-determination, flexible place-based approaches, co-design and community control.
- f) The Department of the Prime Minister and Cabinet (PM&C) recognises that the involvement of Yolŋu is central to the effective design and delivery of local and regional programs and services. PM&C acknowledges that Yolŋu input, ideas and solutions will contribute to the overall success and sustainability of any measures pursued through this Partnership Commitment. To this end, PM&C is committed to working with the parties to this Partnership Commitment to facilitate local level community engagement, co-design, and collaborative decision making as part of a broader commitment to helping Yolŋu communities realise their social and economic development aspirations.
- g) East Arnhem Regional Council (EARC) is committed to providing core Local Government Services to the remote communities of Arnhem Land. EARC are committed to working with communities to develop critical pathways for employment and building capacity, knowledge and strength assisting to empower people through the acquisition of skills and personal development.
- h) The Northern Land Council (NLC) is an independent statutory authority of the Commonwealth. It is responsible for assisting Aboriginal peoples in the Top End of the Northern Territory to acquire and manage their traditional lands and seas. The most important responsibility of the NLC is to consult with traditional landowners and other Aboriginal peoples with an interest in affected land. Landowners must give informed consent before any action is taken to affect their lands and seas. Achieving informed consent also ensures affected Aboriginal communities and groups have the chance to express their views.
- i) The Arnhem Land Progress Aboriginal Corporation (ALPA) is committed to supporting Yolŋu people in achieving their aspirations as identified through meaningful consultation with representative regional and community leadership structures. ALPA works collaboratively to support community led initiatives and will provide services in a way that enables and empowers local people.

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j) Miwatj Health Aboriginal Corporation (MHAC) was established to improve the health and wellbeing of residents of the communities of East Arnhem Land through the delivery of appropriate and comprehensive primary health care and to promote the control by Aboriginal communities of primary health care resources. Miwatj is committed to meaningful engagement with Yolŋu leaders to ensure services are community led and delivered in a way which enables and empowers local people. Miwatj Health believe that the only solution to good health, social and emotional wellbeing, children committing to education etc. is to return control back to Yolŋu. Miwatj is also committed to building the capabilities of Miwatj mala so they can take control of their lives, and direct their own futures.

k) ARDS Aboriginal Corporation champions the importance of language and culture in developing self-empowerment for Aboriginal people and provides a range of platforms for Aboriginal voices to be heard. ARDS also supports Aboriginal communities to become informed about, and engage on their own terms with mainstream services and systems. ARDS' approach is founded upon genuine and in-depth learning between Aboriginal and non-Aboriginal worldviews and incorporates a contemporary understanding of culturally competent practice and local languages.

l) The Laynhapuy Homelands Aboriginal Corporation (LHAC) Board's vision is to determine their own future, to manage their own own affairs, to become self-sufficient so that the homeland mala (clans) can continue to live in peace and harmony. The Yolŋu leaders gave Laynhapuy Homelands Aboriginal Corporation the responsibility for implementing this vision in 30 homelands across North East Arnhem.

2. BACKGROUND

- (a) Three workshops were conducted in East Arnhem in 2017 and 2018 to help define the best approach to the NT Government's LDM policy and other placed based engagement and development and implementations in the Yolŋu Region. The reports from these workshops are available at <https://ldm.nt.gov.au/about-ldm/east-arnhem>.
- (b) The consensus at the workshops was that all tiers of Government, the Land Council and major service providers should partner to develop and implement a consistent and agreed approach to Yolŋu community development, engagement and decision making.
- (c) The parties subsequently agreed at the East Arnhem Strategic Coordination Committee to formalise this approach by developing this Partnership Commitment.



3. PURPOSE

(a) The purpose of this Partnership Commitment is to:

- v. document the commitment of the Parties to working together to guide the consistent implementation of the NT Government LDM policy and other place based regional and community development initiatives in the Yolŋu Matha speaking region (Yolŋu region)
- vi. establish the Yolŋu Region LDM Partnership Working Group (Working Group) as the key forum to collectively progress the development of a Yolŋu Region LDM Partnership Agreement and any associated Implementation Plans
- vii. establish an agreed approach to better understand and acknowledge the traditional Yolŋu decision making structures and how this long-held system of governance can support simpler and strengthened governance and local decision making at the regional, sub-regional, community and homeland levels
- viii. commit all parties to sharing information with the Working Group to inform the LDM and other placed based approaches and potential opportunities and address challenges and risks
- ix. establish the joint approach to the identification of the regional and local service priorities which Yolŋu want to have more control over and involvement in
- x. set out a process and broad timeframes to establish the Yolŋu Region LDM Partnership Agreement and any associated Implementation Plans.

4. COMMITMENT

(a) The parties to this Partnership Commitment agree to work collaboratively through the Working Group to:

- i. explore existing Yolŋu and Balanda governance and decision making systems across the Yolŋu Matha speaking region of East Arnhem and assess their strengths and weaknesses
- ii. collectively engage with Yolŋu leaders across the region's communities and homelands about the effectiveness of current governance and decision making arrangements



- iii. explore opportunities and the necessary changes to simplify and strengthen decision making (governance) and engagement across the Yolŋu Region
- iv. identify a consistent and common approach across the signatories to regional, sub-regional and local engagement to support Yolŋu led decision making which in turn supports local control of regional and local services
- v. develop a multi-agency Yolŋu Region LDM Partnership Agreement to document and confirm the agreed approach to governance, engagement and decision making across the region, including communities and homelands.

(b) In the East Arnhem Region, the development of the Yolŋu Region LDM Partnership Agreement will be supported by the Working Group, guided and led by Yolŋu leaders and Directors and Councillors of the regional organisations represented on the Working Group.

(c) The Parties to this agreement recognise that Yolŋu peoples and their identified leaders have the authority (or agency) to engage with and represent their communities, clans and homelands and that their input, direction and guidance in developing the Yolŋu Region LDM Partnership Agreement and any associated Implementation Plans is a priority and critical to the successful implementation of LDM and place based approaches across this region.

(d) The Parties to this Partnership Commitment and Working Group will work at a pace that is comfortable for the Yolŋu communities and homelands who engage in the process.

5. YOLŊU REGION LOCAL DECISION MAKING WORKING GROUP

(a) Upon signing this Partnership Commitment, the parties agree to establish the Working Group as a forum that brings together senior officials and Yolŋu leaders from Government, Non-Government and Service Providers with regional service delivery responsibilities to progress the implementation of LDM, PM&C Place Based Practice Framework and other place-based approaches in the Yolŋu Region.

(b) The Working Group will work together to provide input, advice and guidance across relevant areas including, but not limited to:

- i. defining the "region", covered by the Yolŋu Region LDM Partnership Commitment and resulting Agreement, including communities, homelands and neighbouring areas with links to the Yolŋu region



- ii. developing the approach for engaging local communities across the region in LDM and place-based discussions, including consideration of common LDM and placed based language and terminologies to maximise understanding and effectiveness of engagement outcomes
 - iii. gathering information to understand existing decision-making structures, their purpose and their community representation (who and how representation is determined), including active Yolŋu traditional decision-making systems
 - iv. identifying opportunities to further enhance capacity building within government, community organisations, service providers and the broader community to support and enhance LDM outcomes for the region
 - v. developing the multi-agency Yolŋu Region LDM Partnership Agreement to describe how the consistent implementation of LDM, PM&C Place Based Practice Framework and other place based strategies across parties to this Partnership Commitment and ongoing community engagement will work across the Yolŋu Region.
- (c) A key requirement of this work is to ensure Yolŋu leaders provide direct input into the development of the Yolŋu Region LDM Partnership Agreement, the approach for implementation and ongoing engagement. The Parties will endeavour to ensure a strong Yolŋu voice through the partnership's implementation.

6. PROCESS

- (a) The Regional Executive Director from the Department of the Chief Minister (DCM) will support and coordinate the progression of this agreement and chair meetings if agreed by the Yolŋu Region Working Group. DCM may also nominate a senior Yolŋu staff member to attend.
- (b) The Northern Territory will also nominate one representative from Department of Local Government, Housing and Community Development and one representative from Department of Education for the Working Group. NT Government representatives will have appropriate decision-making authority, who will attend and actively participate in Working Group meetings.
- (c) PM&C Arnhem Land & Groote Eylandt Regional Manager will attend Working Group meetings. PM&C may also nominate a Yolŋu staff member to attend.
- (d) The regional organisations represented on the Working Group including EARC, LHAC,



ARDS, ALPA, MHAC and the NLC will nominate two appropriately authorised and informed representatives each, including at least 1 Yolŋu Director/Councillor and senior staff member, who will attend and actively participate in meetings, and will ensure processes are in place to regularly report to, and receive feedback from other Directors, interested families and clans and the broader membership.

- (e) DCM will provide secretariat services to the Working Group including providing video and teleconferencing, meeting facilities and minutes and actions and drafting services to the Working Group.
- (f) From time to time, the Working Group may invite (or accept approaches) from other organisational representatives to attend meetings to progress discussions on specific areas or initiatives.
- (g) The Working Group is not exclusive and will consider additional regional Yolŋu organisations which may wish to participate in the group from time to time or on an ongoing basis.
- (h) Each Party's Working Group representatives will communicate regularly to their organisations and Boards, discuss the relevant issues and report back to the Working Group and give honest and direct feedback to the Working Group.
- (i) To ensure currency of the relationship between the Parties to the Partnership Commitment and the Working Group, this agreement ends when the Yolŋu Region LDM Partnership Agreement is entered into, or two years from date of signing.
- (j) Schedule 1 provides further detail about the Working Group including indicative timeframes for key elements in Item 5b.
- (k) Parties may collectively agree to extend this Partnership Commitment if deemed necessary.



7. MAINTAINING THE PARTNERSHIP

- (a) The parties to this Partnership Commitment and Working Group will collaborate and negotiate respectfully, openly, honestly and in good faith in the spirit of building trust and a strong and lasting partnerships.
- (b) If issues arise, the senior representatives of the Parties to this agreement will work constructively to resolve the issue and, if no satisfactory outcome is achieved, will refer the issue to Regional Strategic Coordination Committee for resolution.
- (c) The Working Group will meet monthly, or at an otherwise agreed schedule, in Nhulunbuy. Meetings may also be held in regional communities to promote local engagement and awareness of the group's work.
- (d) All parties will bear their own costs in relation to this Partnership Commitment and the Working Group. Where necessary, participants may approach governments for support if circumstances suggest assistance is necessary to support participation. Governments will consider any justified requests for assistance.

8. STATUS OF THE AGREEMENT

- (a) The signatories to this Partnership Commitment acknowledge that the provisions of this agreement are not legally enforceable. However, that does not lessen the commitment of the Parties to fully implementing this Partnership Commitment in a transparent, consultative and accountable manner.
- (b) The signatories to this Partnership Commitment agree that upon signing, this agreement will be published on the websites of the parties and remain there until the Partnership Commitment comes to an end.



Signed as an authorised representative of the **Department of the Prime Minister and Cabinet**

Signed by the Hon. Michael Gunner, Chief Minister, on behalf of the **Northern Territory Government**

Name: BENJAMIN MOUTON
Title: A/g Regional Manager

The Hon Michael Gunner MLA
Chief Minister of the Northern Territory

Signed as an authorised representative of **East Arnhem Regional Council**

Signed as an authorised representative of **Laynhapuy Homeland Aboriginal Corporation**

Name: KAYE THURLOW
East Arnhem Regional Council
Representative

Name: YANANYMUL MUNUNGCURR
Laynhapuy Homelands
Aboriginal Corporation BARAYUWA
MUNUNGCURR



Signed as an authorised representative of **Miwatj Health Aboriginal Corporation**

Signed as an authorised representative of **ARDS Aboriginal Corporation**

Name: JOHN MORGAN
Miwatj Health Aboriginal Corporation
Representative

Name: CIWURA WANAMBI
ARDS Aboriginal Corporation
Representative

Signed as an authorised representative of the **Arnhem Land Progress Aboriginal Corporation**

Name: DJINYANI CONDARRA
Arnhem Land Progress Aboriginal Corporation
Representative





SCHEDULE 1

Yolngu Region LDM Partnership Working Group

The Yolngu Region LDM Partnership Working Group (Working Group) comprises representatives from the NLC, ALPA, Miwatj Health, ARDS Aboriginal Corporation, LHAC, East Arnhem Regional Council, Northern Territory Government and the Australian Government. Other organisations and parties may be approached or may approach the Working Group to be included from time to time or on an ongoing basis.

NT Government Representatives

Jim Rogers
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Marina Wangurra
Regional Coordinator

Department of Education Representative
Jenni Webber
Arnhem Region
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Department of Housing and Community Development Representative
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PM&C Representatives

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Or Proxy

Yolngu Representative



SCHEDULE 1

EARC Representatives

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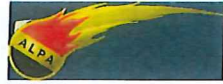
MHAC (Miwatj) representatives

John Morgan
 Chairman – Miwatj Health Aboriginal Corporation
 Or Delegate

 Eddie Mulholland
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ALPA Representatives

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 or Deputy Chair, Mickey Wunungmurra
 Alastair King OAM FAICD
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 or
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SCHEDULE 1

LHAC Representatives	<p>Chairman Barayuwa Mununggurr Director Yananymul Mununggurr C/O Christopher Francis Chief Executive Officer Laynhapuy Homelands Aboriginal Corporation 86 Galpu Road Yirrkala NT 0880 Mail: PO Box 1546 Nhulunbuy NT 0881 P: + 8 89391805 F: + 8 8987 1443 Mob: 0417 481 610 ceo@laynhapuy.com.au</p>
ARDS Representatives	<p>Gawurra Wanambi Senior Cultural Advisor - ARDS Johanna Ward CEO – ARDS Aboriginal Corporation T 08 8984 4174 M 0418 790 948 E 08 8984 4192</p>
Milestones and Milestone Dates	<p>The aim of the Partnership Commitment is to set out the process for the development of the Yolŋu Region LDM Partnership Agreement and any associated Implementation Plans. The parties agree to work towards achieving the following milestones:</p> <p>(a) First meeting of the Working Group to be held within 4 weeks of the signing of this Partnership Commitment monthly thereafter or as otherwise agreed.</p> <p>(b) Exploration of existing Yolŋu and Balanda governance and decision making systems across the Yolŋu Matha speaking region of East Arnhem and assess their capacity, strengths and weaknesses and areas of decision making – 3-4 months from signing.</p> <p>(c) Collectively engage with Yolŋu leaders across the region's communities and homelands about the effectiveness of current governance and decision making arrangements – 4-5 months from signing.</p> <p>(d) Explore opportunities and the necessary changes to simplify and strengthen decision making (governance) and engagement across the Yolŋu Region – 7-8 months from signing;</p> <p>(e) identify a consistent and common approach across the signatories to regional, sub-regional and local engagement to support Yolŋu led decision making to support local control of regional and local services – 12 months from signing.</p>



SCHEDULE 1

	<p>(f) Develop a multi-agency Yolŋu Region LDM Partnership Agreement to document and confirm the agreed approach to governance, engagement and decision making across the region, including communities and homelands – 12 months from first meeting.</p> <p>(g) Finalisation and signing of the Yolŋu Region LDM Partnership Agreement (Timeframe TBC).</p> <p>(h) Finalisation of any associated Implementation Plan (Timeframe to be set out in the Agreement).</p>
<p>Meeting arrangements and resourcing</p>	<p>The majority of Working Group meetings are to be held on the Gove Peninsula as a central location. If necessary, discussions may also be held in other Yolŋu communities and/or homeland locations as deemed appropriate/agreed.</p> <p>The Working Group members will be responsible for ensuring appropriate representation of their organisation and its views at these meetings.</p> <p>The Northern Territory Government (Department of the Chief Minister) will provide secretariat support for the Working Group, including meeting venue and logistics, preparation of meeting agendas, preparation and circulation of meeting minutes/agreed actions.</p> <p>The parties will jointly develop the Yolŋu Region LDM Partnership Agreement however DCM will provide drafting services as requested.</p>