

APY LANDS REGIONAL PARTNERSHIP AGREEMENT

between the

Anangu Pitjantjatjara Yankunytjatjara Executive

the

Commonwealth of Australia

and the

Government of South Australia

2013



Australian Government



**Government
of South Australia**

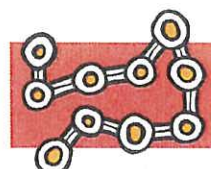


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Overview

The Anangu Pitjantjatjara Yankunytjatjara Lands (APY Lands) cover an area of approximately 103,000 square kilometres of the Western Desert of South Australia.

In 2011, the Australian Bureau of Statistics identified that the APY Lands had approximately 2,440 residents, 50.9 per cent of whom were female. The APY Lands communities have a significantly higher proportion of younger people than the overall Australian population. There are several larger communities with surrounding homelands. The traditional owners of the APY Lands – Anangu – frequently travel across the borders of Central Australia.

There are two main language groups on the APY Lands - Pitjantjatjara, whose traditional lands are mainly in the centre and the west; and Yankunytjatjara, whose country is traditionally in the central and eastern areas. Anangu maintain close traditional connections to the land through ceremonies, visiting country, telling stories and dancing the Dreaming.

In 1981, Anangu received the title to the Lands under the *Pitjantjatjara Land Rights Act*. Anangu Pitjantjatjara Yankunytjatjara holds the freehold title to the lands under what is now the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* (the APY Act 1981).

Regional Partnership Agreement (RPA)

Through the Indigenous Reform Agenda, the Commonwealth and South Australian Governments have committed to working with Aboriginal Australians on initiatives that will close the gap of social and economic disadvantage.

A particular focus for progress is the APY Lands, where there are a number of positive initiatives underway to support people living there, such as:

- Children and Family and Early Childhood Centres provide children and their families with a range of early childhood development and recreational programs.
- In collaboration with NPY Women's Council and Nganampa Health Council, Family Centres in several communities provide an informal environment for families to share meals and to participate in nutrition education programs.
- Family Wellbeing Centres have been designed to improve the coordination and integration of child, family wellbeing and other support programs.
- A range of recreational activities, including Youth Sheds, are provided for young people. Activities are delivered after school, over weekends and NPY Women's Council partner with government to provide a variety of school holiday programs.
- SA Police have supported the development of Night Patrol programs in Amata and Mimili which involve community volunteers keeping a presence in their community at night and assisting wandering children to return home.

- The Mintabie Township Lease Agreement introduced changes to OPAL fuel sales, alcohol consumption, the sale of motor vehicles and residential and commercial site licenses in order to provide Anangu with improved consumer and other protections. The APY Lands Stores Policy was also adopted to provide improved consumer protection in stores across the APY Lands.
- In terms of economic participation, community training, pre-employment, construction and maintenance skills and a number of land management, natural resource management and Caring for Country programs provide opportunities for training and employment. A new purpose-built Trade Training Centre has been opened in Umuwa and will provide vocational training to Certificate 3 level in areas such as, automotive, metal fabrication, construction, agriculture and horticulture, commercial cookery, allied health care, office administration, land management, hospitality and information technology. Artists and art centres also continue to be supported, largely through the funding of Anangu Arts and Culture Aboriginal Corporation. The Commonwealth Government has announced \$85 million of road funding for the APY Lands, which has been complemented by the South Australian Government's announcement of \$21.6 million for road upgrades. The State is also providing \$3.6 million to cap, close and replace landfill sites. These infrastructure upgrades will provide further opportunities for training and employment of Anangu, as well as providing a platform for future economic development.

Addressing the issues of social and economic disadvantage for people in the region presents significant challenges, with a mix of complex factors needing to be considered, including:

- the remoteness of the APY Lands
- a history of fragmented service delivery and allocation of resources and
- the development of a more regionally focused form of governance for the APY Lands that has the capacity to build a broader funding base that can better support the interests of Anangu.

Although there has been significant progress made in a number of key areas, there is still more work to be done.

The APY Lands Regional Partnership Agreement (the Agreement) builds on the foundation of respect and unity provided by the 2008 National Apology to Aboriginal and Torres Strait Islander Peoples.

The Agreement acknowledges that achieving improved opportunities for Indigenous Australians requires intensive, sustained and strategic effort from all levels of government, as well as from the private and not-for-profit sectors, communities and individuals. Importantly, the Agreement provides an opportunity for clarification of the relationships between the parties with respect to the provision and coordination of services for Anangu.

In 2007 the Commonwealth and South Australian Governments commissioned a review that identified a need for regional delivery of services and community management, in addition to facilitating a move towards establishing stronger regional governance. From 1 July 2009, the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) introduced a regional service model for all municipal service delivery on the APY Lands, delivered through a single service provider.

This Agreement acknowledges that outcome and will place Anangu at the centre of engagement about decisions and programs which impact on their wellbeing. The parties to the Agreement acknowledge that the empowerment of Anangu is a key objective of the Agreement, alongside improved efficiencies in the delivery of services.

In the course of regular dialogue with governments and in more formal consultations, Anangu have indicated interest in developing a regional partnership agreement.

The Agreement aligns the efforts of community, regional Anangu organisations and governments towards meeting agreed priorities. It also establishes a Regional Partnership Authority to provide high-level oversight of the commitments entered into under the Agreement. Participants in the Agreement will work together to:

- **Develop a Regional Plan** that examines the current levels of social and economic disadvantage faced by Anangu, assesses the effectiveness of current investment policies, sets out regional priorities which are agreed with Anangu and provides a method to monitor the collaborative actions identified to address social and economic disadvantage in the APY Lands. The Regional Plan will formalise working and accountability relationships and provide a 'whole of community and government' response to priority issues, including the harnessing of opportunities for social and economic development.
- **Improve the participation of Anangu** in service delivery and policy decisions, through shared responsibility and involvement in policy planning and coordination. The Regional Plan will be developed and agreed with Anangu.
- **Enhance regional governance** through improvements in the transparency of administration and decision-making to ensure that decision-makers are held accountable to Anangu and their policy and funding partners. This will include establishing governance structures that enable planning at a regional level. Anangu and other participants under the Agreement need to be confident that decisions have been taken with informed consent.

1. The Agreement

- 1.1. The Agreement is between Anangu Pitjantjatjara Yankunytjatjara, the Commonwealth of Australia and the Government of South Australia.
- 1.2 The Agreement is underpinned by recognition of the need for:
 - respect for Anangu culture
 - 'whole-of-region' perspective and collaboration
 - investments which are based on need or that will improve the economic participation of Anangu
 - responsibility, accountability and transparency and
 - effective and equitable governance models and practices.
- 1.3 The Agreement commits the parties to developing a Regional Plan by the end of the first quarter of 2014.
- 1.4 The Agreement is made in the spirit of partnership to:
 - 1.4.1 Strengthen local management, administration and improve community participation in decision-making by:
 - Strengthening the role of Community Councils comprising elected representatives from Anangu communities to: build community capacity, promote leadership and represent Anangu in the decision-making processes about the provision of services that support their wellbeing.
 - Developing strong partnerships between Community Councils, governments and regional Anangu organisations to improve the coordination, collaboration and accountability of service delivery across agencies and organisations at the community level.
 - Supporting community administration functions and supporting Anangu to play a greater role in developing community management systems, to handle issues, enquiries and general community business.
 - Assisting RPA Working Groups, comprising representatives from APY communities, State and Commonwealth Government agencies, regional Anangu organisations and the APY Executive to coordinate the planning, delivery and evaluation of programs.
 - Bringing more closely together a field operations team that includes Anangu, Government Business Managers, Service Coordinators, Anangu Engagement Officers, Community Administration Officers, a Community Administration Support Manager and a Governance Support Officer.

1.4.2 Strengthen regional governance by:

- establishing a Regional Partnership Authority which operates within a context of high-level commitment, transparency and accountability
- supporting Anangu to articulate a clear set of long term goals and to take steps to develop an effective model for regional governance and
- employing a Governance Officer to support the participation of Anangu at the community level in furthering the goals of the Agreement.

1.5 The Agreement will be underpinned by an evaluation framework agreed by the parties. All parties will provide data that enables the monitoring and measurement of outcomes that have been agreed by the parties.

2. Key principles and commitments

- 2.1 The APY Act 1981 enunciates a clear expectation that Anangu should be central to decision-making about their interests. The parties to the Agreement acknowledge this and undertake to incorporate Anangu knowledge, insights, values and involvement in initiatives designed to improve outcomes for Anangu.
- 2.2 APY, through its statutory functions and legislative requirement is obligated to ascertain, give expression to and protect the wishes and opinions of all Traditional Owners. It is therefore committed to representing the interests of Anangu through the Agreement and APY will ensure genuine engagement with Traditional Owners, Community Councils and regional Anangu organisations, in fulfilling its role as a party to the Agreement on behalf of the whole APY Lands communities.
- 2.3 While the Agreement ascribes a co-ordinating role to APY, the regional Anangu organisations will retain primary responsibility for representing their respective fields, including in negotiations associated with the regional plan. For example, Nganampa Health Council, NPY Women's Council, Regional Anangu Services, Mai Wiru, Ananguku Arts and other local Aboriginal controlled organisations are directly engaged and funded for their respective professional service delivery functions.
- 2.4 This Agreement is a long term commitment to work together towards an agreed Regional Plan for the APY Lands. Schedules will be developed by RPA Working Groups in line with priorities which will be confirmed by Anangu and the Regional Partnership Authority.
- 2.5 The Agreement is based on the following principles:
- Shared vision and outcomes—having a shared vision and shared outcomes.

- Mutual respect—including acknowledging the views of all participants under the Agreement and valuing their experience.
- Shared responsibility—forging relationships in a context of cooperation and obligation.
- Improved coordination—delivering services in a more coordinated and integrated way.
- Inclusiveness—pursuing whole-of-community perspectives, including seeking the participation of groups or individuals whose views may have become marginalised.
- Accountability—ensuring that parties to the Agreement account for their commitments and disclose the results of their work in a transparent manner.
- Increasing economic participation—ensuring economic participation is used as a lynchpin to achieve better outcomes for Anangu in other aspects of their lives, especially by increasing opportunities for Anangu to participate in work and business.

3. Objectives and Outcomes

3.1 The parties will work together to address social and economic challenges, including but not limited to:

Lore and Culture

- strengthening Anangu culture
- healthy country

Safe Communities

- providing safe communities, particularly for families
- road safety
- reducing family and domestic violence.
- unscrupulous credit practices
- tri-State initiatives, particularly for community safety, emergency management and policing

Health/Early Childhood

- family wellbeing issues concerning mental health, substance abuse, gambling, and financial management
- the availability and affordability of healthy food and drink

Healthy Homes

- appropriately designed, constructed and maintained community and service delivery housing

Schooling

- low educational attainment and inadequate career pathways
- the attainment of post school qualifications and skills

Economic Participation

- increasing the economic participation of Anangu, especially the creation of sustainable jobs for Anangu and the building of an economic base for the region
- improving labour market participation through skills development
- creating greater employment opportunities
- physical infrastructure, especially the quality, reliability and affordability of essential services, the maintenance and upgrade of roads and airstrips
- planning and land tenure

Leadership and Governance

- the development of governance structures which provide services, represent the interests of all Anangu, allow for the development of local policies and empower partners to ensure compliance
- access to and the up-take of youth sports, recreation and leadership activities

4. Parties to the Agreement

4.1 The parties to this Agreement are:

- Anangu Pitjantjatjara Yankunytjatjara
- the Commonwealth of Australia and
- the Government of South Australia.

4.2 The Agreement:

- 4.2.1 recognises and respects each of the parties' roles, responsibilities and obligations.

- 4.2.2 provides a basis for cooperation and partnership in service delivery coordination between community and governments.
- 4.2.3 supports ongoing negotiation between the parties to enhance the management, provision and delivery of services.
- 4.2.4 acknowledges the need to identify regional and community priorities and to build government and regional Anangu organisation support around them.

4.3 Roles of the Parties to the Agreement

4.3.1 Anangu Pitjantjatjara Yankunytjatjara

Anangu Pitjantjatjara Yankunytjatjara is a statutory corporation established under the APY Act 1981, which provides for Anangu ownership of the APY Lands. The APY Act 1981 establishes Anangu Pitjantjatjara Yankunytjatjara Executive as a body corporate. The formally elected governing body is responsible for decisions relating to the development, use and management of the APY Lands.

Issues related to the delivery of services to Anangu inevitably interact with the land management responsibilities of the APY Executive. Under the APY Act 1981 the APY Executive is required to act in the interests of traditional owners in relation to the management, use and protection of the Land.

APY will coordinate the involvement of regional Anangu organisations and Community Councils into the planning and operations of the Agreement. The partnerships which are developed under the Agreement will complement measures taken to enhance APY's capacity to provide a strategic regional perspective for Anangu.

4.3.2 The Commonwealth Government

The Commonwealth Government acknowledges that the views of Anangu are pivotal in deciding how government programs are planned, implemented and evaluated.

The Australian Government, through FaHCSIA will coordinate the input of the various Commonwealth departments into the negotiation, development and implementation of the agreed schedules. FaHCSIA will also provide support and direction to improve community management and leadership, as well as participate in the monitoring and evaluation of the effectiveness of programs under the Agreement.

4.3.3 The Government of South Australia

The South Australian Government acknowledges that the views of Anangu are pivotal in deciding how government programs are planned, implemented and evaluated.

The Government of South Australia is committed to working through partnerships to improve outcomes for Anangu. The Department of the Premier and Cabinet - Aboriginal Affairs and Reconciliation Division (DPC-AARD) will coordinate the involvement of State Government agencies in planning, implementing and evaluating agreed actions. DPC-AARD will also work closely with Anangu, the APY Executive and the Commonwealth Government to strengthen regional governance for the APY Lands.

5. Regional Partnership Authority

- 5.1 A Regional Partnership Authority will be established comprising the Chairperson and General Manager of the APY Executive, the Secretary of FaHCSIA and the Chief Executive of the Department of the Premier and Cabinet (South Australia). The Authority will be supported by a Secretariat, initially provided for from FaHCSIA staff.
- 5.2 The Regional Partnership Authority will:
 - 5.2.1 Sustain the commitment of the parties to the Agreement.
 - 5.2.2 Provide strategic leadership to ensure a cohesive approach between parties, stakeholders, service delivery bodies and Anangu living in the APY Lands.
 - 5.2.3 Ensure appropriate consultation with Anangu has occurred and confirm priorities for joint action in the APY Lands.
 - 5.2.4 Monitor the progress of work being undertaken by RPA Working Groups.
 - 5.2.5 Identify and address obstacles to the timely progression of schedules of work.
 - 5.2.6 Identify resource and partnering opportunities.
 - 5.2.7 Be accountable to the parties to the Agreement for progressing agreed outcomes.
- 5.3 The Regional Partnership Authority will hold its first meeting within one month of signing this Agreement.

6. Performance measurement and evaluation

- 6.1 The parties to this Agreement will support the collation of appropriate baseline data to inform negotiations for priority projects and to ensure that progress can be measured.
- 6.2 The Regional Partnership Authority will report to the Minister for Families, Community Services and Indigenous Affairs and the Minister for Aboriginal Affairs and Reconciliation and the APY Executive on an annual basis.

- 6.3 The Regional Partnership Authority will be represented at meetings of the APY Lands Steering Committee.
- 6.4 In the third year of the Agreement, the effectiveness of the Agreement will be independently reviewed. The Terms of Reference for the review must be agreed by the Regional Partnership Authority.

7. Addressing concerns

- 7.1 Concerns may be recorded with the Regional Partnership Authority on behalf of any participant under the Agreement. The Regional Partnership Authority is responsible for addressing such concerns.
- 7.2 The procedures for dealing with a concern are as follows:
 - 7.2.1 The Regional Partnership Authority will receive a concern through the secretariat, with the details able to be lodged verbally or in writing.
 - 7.2.2 The concern will be addressed as a priority and any responses or actions will be completed in a timely, thorough and fair manner, as appropriate having regard to the nature of the concern.
 - 7.2.3 Sufficient information and data will be gathered to enable a thorough investigation and a timely response to ensure that appropriate actions are recorded and carried out.
 - 7.2.4 Where a concern cannot be satisfactorily resolved, an independent and appropriately qualified person may be appointed to review the issue and advise on the most appropriate course of action.

8. Duration and amendment of the Agreement

- 8.1 This Agreement commences on the date of signing by all parties and will continue for three years from that date, or until all of the parties agree to terminate the Agreement, extend or prepare another document that replaces this Agreement.
- 8.2 Over the life of the Agreement, the partnership may grow to include new Agreement partners, subject to the consent of existing parties.
- 8.3 The members of the Regional Partnership Authority, on behalf of the parties may amend this Agreement or its Schedules in writing signed by all the members.

9. Signatories

Signed on behalf of the Government of South Australia by:




IAN HUNTER MLC

Minister for Aboriginal Affairs and Reconciliation

7/8/2013

Signed on behalf of the APY by:



MR BERNARD SINGER

APY Executive Chair

7/8 / 2013

Signed on behalf of the Australian Government by:



THE HON JENNY MACKLIN MP

Minister for Families, Community Service and Indigenous Affairs

22/7/2013

10. Schedules

- 10.1 Schedules to this Agreement will be developed by RPA Working Groups in line with priorities identified by Anangu and the Regional Partnership Authority.
- 10.2 Schedules will be formally created under this Agreement by approval of the Regional Partnership Authority.