

GROOTE ARCHIPELAGO

LOCAL DECISION MAKING AGREEMENT



SCHEDULE 3.3 – Law, Justice and Rehabilitation Implementation Plan




Anindilyakwa
Land
Council



NORTHERN
TERRITORY
GOVERNMENT

Made by the NORTHERN TERRITORY GOVERNMENT
and the ANINDILYAKWA LAND COUNCIL.





1 Preliminaries	2
2 Parties to the Implementation Plan	3
3 Terms of this Implementation Plan	3
4 Overview of Law, Justice and Rehabilitation in the Groote Archipelago	4
5 Outcome sought for Law, Justice and Rehabilitation in the Groote Archipelago Local Decision Making Agreement	4
6 Strategy and associated actions to achieve the outcome	5
7 Policies and Reforms that may impact the Implementation Plan	6
8 Risk Management	6
9 Signing	7

Images supplied by the Anindilyakwa Land Council.

1 | Preliminaries

- (a) This Implementation Plan is a Schedule to the Groote Archipelago Local Decision Making Agreement (the Agreement) signed by the Northern Territory (NT) Chief Minister on behalf of the NT Government and the Chairman and Chief Executive Officer (CEO) of the Anindilyakwa Land Council (ALC) on 14 November 2018 and should be read in conjunction with that Agreement and its Schedules.
- (b) The objectives of the Agreement include:
 - i. identifying the services and priorities which the Anindilyakwa people wish to have control over and to take responsibility for; and
 - ii. committing NT Government agencies and, where agreed in Implementation Plans, NT Government owned corporations, to collaborating with the ALC including sharing information, to agree on how this control will be achieved.
- (c) To achieve its objectives, Section 8 of the Agreement contains an Implementation Framework which acknowledges that any transfer of responsibility to the Anindilyakwa people (through agreed entities) for a priority service delivery area:
 - i. will recognise and meet regulatory, legislative and Commonwealth requirements;
 - ii. may need to take a staged approach in order to ensure a successful transition over a period of time;
 - iii. will be supported by an agreed NT Government financial commitment in accordance with Clause 4.(h) of the Agreement;
 - iv. will be captured in agreed Implementation Plans and, where appropriate, legally binding agreements between the ALC and the NT Government; and
 - v. will be monitored and evaluated for progress and performance using a transparent, consultative and participatory approach that promotes the resolution of emerging issues as they arise.
- (d) In accordance with Section 5 of the Agreement, constructive engagement with stakeholders is an important feature of the Agreement and the key stakeholders identified include all Anindilyakwa-owned organisations that are involved in the social and economic development of the Anindilyakwa people. By agreement, the ALC and the NT Government may invite these stakeholders to participate in the development of relevant Implementation Plans.
- (e) Local Decision Making is the NT Government's ten year plan that seeks to return local decision making to Aboriginal communities by empowering Aboriginal people to determine service delivery models that work best for their community and region.
- (f) Schedule 2 to the Agreement also provides that each Implementation Plan to deliver the outcomes for each of the priority Service Delivery Areas is to include a Work Plan that has key performance indicators and milestones which are linked to the transfer of responsibility and funding arrangements.
- (g) The priority Service Delivery Area which is the subject of this Implementation Plan is Law, Justice and Rehabilitation and it was decided in the Agreement that it would be agreed by 30 June 2019.
- (h) The purpose of this Implementation Plan is to demonstrate how the parties to the Agreement intend to work together to achieve the outcome for Law, Justice and Rehabilitation as set out in the Agreement and its Schedules.

2 | Parties to the Implementation Plan

- (a) The Parties to this Implementation Plan are the parties to the Agreement, being the NT Government and the ALC.
- (b) While not a Party to the Agreement, the Department of the Prime Minister and Cabinet (PM&C) has been consulted about this Implementation Plan, and supports it in-principle.

3 | Terms of this Implementation Plan

- (a) This Implementation Plan has been approved by the NT Government and the Board of the ALC who have authorised the Chief Minister, the Minister for Aboriginal Affairs, the CEO Department of the Attorney-General and Justice (AGD) and the Chairman and CEO of the ALC respectively to sign on their behalf.
- (b) The financial contribution of the Groote Eylandt Aboriginal Trust Inc. (GEAT) has been authorised by their Management Committee.
- (c) The ALC, in approving this Implementation Plan, warrants that it has undertaken the necessary consultations with Anindilyakwa Traditional Owners to obtain their consent to enter into the Implementation Plan, and engaged with other Anindilyakwa organisations and groups to take account of their views.
- (d) The Implementation Plan will commence on signing by all Parties and will cease when the Agreement concludes unless otherwise agreed by the Parties.
- (e) This Implementation Plan may be varied by written agreement between the Parties.
- (f) The Implementation Plan, particularly Section 6 - Strategy and Associated Actions to achieve the Outcome, will be updated annually by the Parties before the commencement of the next financial year.



4 | Overview of Law, Justice and Rehabilitation in the Groote Archipelago

- (a) The Groote Eylandt Archipelago is home to one of the oldest unbroken, continuing cultures in the world.
- (b) Anindilyakwa culture, language and lore is still very strong. However, despite best intentions of all levels of government, it has experienced pressure from, but not limited to, the following:
 - i. European contact and colonisation;
 - ii. the establishment of GEMCO manganese mining operations;
 - iii. the amalgamation of Community Government Councils;
 - iv. the Northern Territory Emergency Response; and
 - v. differences between Anindilyakwa culture and the systems and structures of broader Australia.
- (c) These challenges, among others, have contributed to serious social problems, including an over-representation of Anindilyakwa people in the justice system.
- (d) Despite these challenges, Traditional Owners for the Groote Archipelago are committed to a successful long term future for their people, particularly for their young people to successfully stand in both worlds.
- (e) Traditional Owners are currently involved in several projects and programs in Law, Justice and Rehabilitation, including, but not limited to, the following:
 - i. the delivery of diversionary services by the Groote Eylandt and Milyakburra Youth Development Unit on behalf of Territory Families;
 - ii. the Commonwealth funded Peacemakers program;
 - iii. participation in Community Safety Committees and Community Safety Action Plans; and
 - iv. working with NT Police staff to resolve disputes.
- (f) The NT Government, through its LDM policy, is also committed to implementing strategies to allow Anindilyakwa people to better participate in the justice system.

5 | Outcome sought for Law, Justice and Rehabilitation in the Groote Archipelago Local Decision Making Agreement

- (a) The agreed outcome for Law, Justice and Rehabilitation, as stated in the Agreement, is to increase the involvement and leadership of the Anindilyakwa people in the justice system, including access to rehabilitative services.
- (b) For the Parties, this means working together to ensure that Anindilyakwa culture is respected in the Justice system and working constructively with all stakeholders to reduce the number of Anindilyakwa people in the justice system.

6 | Strategy and associated actions to achieve the outcome

- (a) The broad strategy to achieve the agreed outcome is set out below. The Parties may also develop Project Management Plans for those actions where more detail is needed to make informed decisions.

Cultural Rehabilitation Centre

- (b) The Parties will work together to construct and operate a Cultural Rehabilitation Centre (the Centre) on Groote Eylandt that will be owned and operated by agreed non-government entities.
- (c) The Centre will be funded for a trial period of three years.
- (d) The Centre will be a community operated residential facility based on Anindilyakwa cultural values and leadership. The organisation to operate the Centre will be selected by the Parties.
- (e) The proposed location for the Centre is at Marble Point, on the northern part of Groote Eylandt.
- (f) The Centre will provide the courts and community with options for eligible Anindilyakwa male youth, aged 17-25 years, with an alternative to a term of imprisonment for eligible offenders, or persons identified as at-risk of offending or re-offending.
- (g) Clients at the Centre will have access to tailored rehabilitation services that target the risk factors that contribute to criminal behaviours.
- (h) Funding contributions for the Centre will be captured in legally binding contracts between the Parties and are expected to be as follows:
- i. the ALC and GEAT will each contribute \$2.2 million towards the capital build of the Centre;
 - ii. the NT Government will provide in-kind project management and facilitation for the construction of the Centre;
 - iii. the NT Government will contribute \$2.75 million (GST inclusive) for operating costs over three years; and
 - iv. other costs, including access road infrastructure, will be negotiated between the ALC and GEAT.
- (i) AGD will convene a working group with the ALC, GEAT, NT Police, the Department of the Chief Minister (DCM) and other organisations as agreed by the Parties to finalise arrangements for the Centre.

Community Justice Group

- (j) As per the Agreement, the Parties will work together to establish a Community Justice Group for the Archipelago.
- (k) The Community Justice Group will be a trial site under the soon to be finalised NT Aboriginal Justice Agreement. The Terms of Reference for the Community Justice Group will be completed and agreed between the Parties when the NT Aboriginal Justice Agreement is finalised. However the Community Justice Group will broadly undertake the following functions:
- i. advise on the development and operations of the Centre, to ensure it is guided by Anindilyakwa cultural values and leadership;
 - ii. work with NT Police to educate and positively engage members of the community in ways that aim to reduce the rate of offending on Groote Eylandt; and
 - iii. work with AGD to establish Community Courts.

Staffing Commitments

- (l) In order to progress the establishment of the Centre, the Community Justice Group and other initiatives under this Implementation Plan, AGD commits to employing a Project Officer within its Aboriginal Justice Unit. The Project Officer will be assisted by the Regional Director Groote Eylandt within DCM.
- (m) The Project Officer will also work to continue to enable the Local Court to order, where appropriate, that individuals pay restitution from the individual's royalty money by redirection of ALC individual royalty distributions.

7 | Policies and Reforms that may impact the Implementation Plan

- (a) The NT Government is about to finalise the NT Aboriginal Justice Agreement, which will interact with, and enable elements of, this Implementation Plan.
- (b) The NT Government has appointed a Treaty Commissioner and has signed a Memorandum of Understanding with the four NT Land Councils to progress discussions on the possible development of a Treaty or Treaties. This ongoing discussion may interact with this Implementation Plan.
- (c) Other national and NT Law, Justice and Rehabilitation reforms may be developed and implemented during the period of the Agreement and this Implementation Plan. The Parties agree to work cooperatively to ensure any new NT and Commonwealth government policies and programs are effectively integrated into the Implementation Plan. Conversely, the NT Government commits to considering the LDM Agreement and this Implementation Plan in the development of new Law, Justice and Rehabilitation policy and programs to ensure that they complement and support the objectives and strategy set in this Implementation Plan.

8 | Risk Management

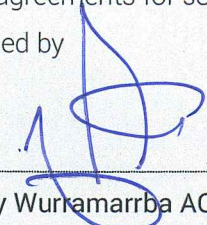
- (a) The Parties will adopt a risk management approach which identifies and mitigates undue risk to achieving the agreed outcomes and strategies.



9 | Signing

- (a) Consistent with the Agreement, the Parties to this Implementation Plan acknowledge that its provisions are not legally enforceable. However, that does not lessen the commitment of the Parties to achieve the Implementation Plan Outcomes and deliver on the Strategy.
- (b) The Parties agree that any transfer of Law, Justice and Rehabilitation responsibilities and control will be supported by legally binding processes (e.g. transfer of legal title, contracts and/or funding agreements for services, or other legal agreements).


Signed by


Tony Wurrumarrba AO
Chairman
Anindilyakwa Land Council

Date: _____ / _____ / 2019


Mark Hewitt
Chief Executive Officer
Anindilyakwa Land Council

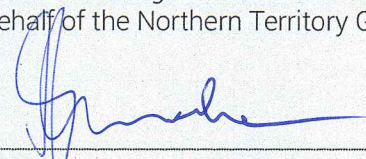
Date: 19 / 06 / 2019


The Hon Michael Gunner MLA
Chief Minister of the Northern Territory,
on behalf of the Northern Territory Government

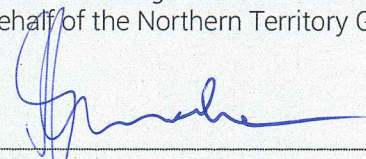
Date: 19 / 06 / 2019


The Hon Selena Uiibo MLA
Minister for Aboriginal Affairs and Member for Arnhem,
on behalf of the Northern Territory Government

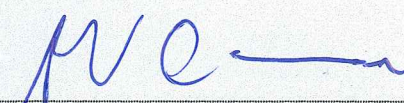
Date: 19 / 06 / 2019


The Hon Greg Shanahan
Chief Executive Officer
Department of the Attorney-General and Justice

Date: 19 / 06 / 2019


Greg Shanahan
Chief Executive Officer
Department of the Attorney-General and Justice

Witnessed by


Andrew Cowan
Deputy Chief Executive Officer
Department of the Chief Minister

Date: 19 / 06 / 2019





