

GROOTE ARCHIPELAGO

LOCAL DECISION MAKING AGREEMENT

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



Anindilyakwa
Land
Council



NORTHERN
TERRITORY
GOVERNMENT



1 Context	2
2 Vision	3
3 Objectives	3
4 Commitments	5
5 Stakeholder Engagement	6
6 Process	6
7 Maintaining the Partnership	7
8 Implementation Framework	8
9 Status of the Agreement	8
10 Signing	9
Schedule 1	11
Schedule 2	17

Images supplied by the Anindilyakwa Land Council.

1 | Context

- (a) The Chairman and Chief Executive Officer of the Anindilyakwa Land Council (ALC) wrote to the Chief Minister of the Northern Territory (NT) on 14 May 2018 advising that the ALC wished to enter into a binding agreement with the NT Government to implement its Local Decision Making Policy in the Groote Archipelago and outlined the Anindilyakwa people's priorities for local control to be included in that agreement.
- (b) The Chief Minister subsequently visited Groote Eylandt on 17-18 May 2018 to meet with communities and organisations. He commended the ALC Board for the work that it had done on the Local Decision Making process and acknowledged the ALC's priorities for local delivery and decision making in the areas of housing, education, health, local governance and economic development.
- (c) On 8 June 2018, when announcing that the NT Government had signed a Memorandum of Understanding with the four NT Land Councils to advance a Treaty for the NT, the Chief Minister made a speech at the Barunga Festival in which he said:
 - i. *"This is our historic Local Decision Making agenda, which we've already begun, and which I can believe can serve as a kind of seed from which treaties can grow and flower";*
 - ii. *"Ultimately, this means the NT Government giving up decision making power to communities in areas like housing, education, justice, local government, health and looking after kids";*
 - iii. *"I'm also agreeing with communities that with control comes responsibility"; and*
 - iv. *"So I'm saying to the Departments, this is non-negotiable. 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".*
- (d) On 25 June 2018, the Chief Minister responded to the ALC that he had asked his Department to work with relevant agencies to develop an agreement "which recognises the long established and strong systems of Anindilyakwa governance and leadership, and sets out how the parties will work together to transition decision making and service delivery for the Groote Eylandt communities".
- (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) Local Decision Making is strengthened by the principle of self-determination for Aboriginal communities and seeks to transition services and programs to community control where appropriate and desired.

2 | Vision

- (a) In signing this agreement, it is the aspiration of the NT Government and ALC that over the next nine or more years, it can provide a platform, potentially strengthened by any treaty entered into during this time, for the Anindilyakwa people to:
- i. transition to community control agreed service delivery areas that are the responsibility of the NT Government;
 - ii. develop and prosper according to their views and needs for the future of their children and grandchildren; and
 - iii. have enhanced relations with the NT Government which are harmonious and co-operative.

3 | Objectives

- (a) The objectives of this agreement are to:
- i. show respect for the long established and strong systems of Anindilyakwa governance and leadership in the Groote Archipelago;
 - ii. document the commitment by the NT Government and the ALC to work together to implement Local Decision Making in the Groote Archipelago;
 - iii. identify the services and priorities which the Anindilyakwa people wish to have control over and to take responsibility for;
 - iv. commit 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; and
 - v. set out the process and timeframes for the negotiation and agreement of Implementation Plans for identified priority service delivery areas according to the Schedules to this Agreement.





“The NT Government is committed to partnering with the ALC in a meaningful way.”

4 GROOTE ARCHIPELAGO LOCAL DECISION MAKING AGREEMENT

4 | Commitments

- (a) In signing this agreement, the Chief Minister warrants that all NT Government Agencies have been consulted in the development of this agreement. The Chief Minister also warrants that relevant Agencies have endorsed the agreement and that the Cabinet of the NT Government has agreed the terms and conditions of this Agreement and its Schedules.
- (b) In signing this agreement, the Chairman of the ALC warrants that the ALC Board, which is representative of all clans and communities across the Groote Archipelago, has endorsed this agreement and consented to the ALC entering into it.
- (c) The NT Government is committed to partnering with the ALC in a meaningful way to determine the necessary steps and processes to achieve local service delivery and control in priority service delivery areas contained in Schedule 2.
- (d) In the Groote Archipelago, the ALC agrees to lead and guide Local Decision Making and use its best endeavours to involve all relevant organisations in the implementation of this Local Decision Making Agreement, including by consulting with Anindilyakwa organisations during the development of the related Future Groote Strategy and Future Groote Accord.
- (e) The NT Government and the ALC will work together on the basis of the overarching Local Decision Making guiding principles, which are:
 - i. self-determination;
 - ii. flexible place based approaches;
 - iii. co-design; and
 - iv. community control.
- (f) The NT Government and the ALC also agree that they will adhere to the following specific principles when undertaking any work in accordance with this agreement:
 - i. Anindilyakwa empowerment and decision-making will better provide solutions and a better way forward;
 - ii. the voice of Anindilyakwa women must be heard loud and clear;
 - iii. building, supporting and investing in strong governance is necessary to ensure local Anindilyakwa people drive local solutions;
 - iv. both parties will always consult, work with and seek the agreement of Traditional Owners;
 - v. the pace of Local Decision Making will be led by the ALC and agreed by the NT Government and in accordance with the agreed timelines to establish Implementation Plans and take the agreed steps within those Implementation Plans; and
 - vi. the relationship between the ALC and the NT Government will be one of mutual trust and respect.
- (g) The NT Government will work collaboratively with the ALC, the Commonwealth and local government in achieving local priorities within each other's respective jurisdictional control.
- (h) The NT Government and the ALC acknowledge that Commonwealth payments to the NT Government and Territory wide allocations for services may vary from time to time. Having regard to these variations and available funding, the NT Government will continue to provide proportionate allocations to the Groote Archipelago, consistent with allocations made to other remote communities in the Northern Territory, so as to ensure the Anindilyakwa people are not disadvantaged as a consequence of this agreement.
- (i) In undertaking its strategic planning and policy development, the NT Government will always have regard to the ALC's 15 Year Strategic Plan (as amended from time to time) which represents the culmination of the thoughts, vision and articulation of the Anindilyakwa people.

5 | Stakeholder Engagement

- (a) The NT Government and the ALC acknowledge the importance of constructive engagement with key stakeholders impacted by this Agreement.
- (b) Key stakeholders include:
 - i. Commonwealth Government (including the Department of the Prime Minister and Cabinet and other relevant agencies);
 - ii. East Arnhem Regional Council (which provides local government services on the Groote Archipelago);
 - iii. GEMCO (which operates the Groote Eylandt manganese mine and township of Alyangula and is a key stakeholder in the economic future of the Groote Archipelago); and
 - iv. All Anindilyakwa-owned organisations that are actively involved in the social and economic development of the Anindilyakwa people.
- (c) By agreement, the ALC and the NT Government will invite these stakeholders to participate in the development of relevant Implementation Plans.

6 | Process

- (a) The Department of the Chief Minister's Regional Executive Director for East Arnhem, assisted by the NT Government East Arnhem Regional Coordination Committee and more senior agency representation as required, will coordinate the advancement of this agreement including formal meetings with the ALC.
- (b) The ALC and NT Government agree to fully adhere to the processes in Schedule 1 which include monitoring and reviewing arrangements and key dates.
- (c) NT Government agencies with responsibility for the priority service delivery areas in Schedule 2 will nominate informed representatives with appropriate decision making authority, who will attend and actively participate in meetings with the ALC.
- (d) The ALC will nominate authorised and informed representatives who will attend and actively participate in meetings, provide a meeting space and will ensure processes are in place to regularly report to, and receive feedback from, interested families and clans and the broader community.
- (e) The ALC nominates an agreed primary contact or contacts in Schedule 1 for the purpose of NT Government communication.
- (f) The ALC will report back to the NT Government with honest and direct feedback about progress and issues raised by Anindilyakwa people and their organisations.
- (g) The ALC has identified service delivery priority areas for transition to local control, the outcomes sought, proposed service delivery model and ALC commitments to assist the achievement of the outcomes in Schedule 2.
- (h) The NT Government has agreed the priority service areas, outcomes sought and the proposed service delivery model as detailed in Schedule 2 and agrees to meet its stated commitments to support the advancement of each priority area set out in Schedule 2.
- (i) The NT Government and the ALC agree to negotiate Implementation Plans for each service priority and use their best endeavours to agree to the detailed Implementation Plan by the 'Timeframe for Agreement of Implementation Plan' stated for each priority area in Schedule 2. These timeframes may be adjusted by mutual agreement of the ALC and the NT Government.

-
- (j) Once the NT Government and the ALC have agreed a detailed Implementation Plan for each of the service delivery areas, it will be included as a new Schedule and form part of this Agreement.
 - (k) Should new priorities emerge or existing priorities be completed, Schedule 2 may be updated with the consent of the NT Government and the ALC.
 - (l) The NT Government and the ALC will share information and data, including financial information, in a timely manner to fully achieve the objectives of this agreement, subject to any legal restrictions.
 - (m) The NT Government and the ALC will meet all of their own costs for implementing this agreement and these should not require any additional subvention to either party for that purpose.

7 | Maintaining the Partnership

- (a) As detailed in Schedule 1, the ALC and NT Government will have regular Agreement level meetings to monitor the progress of this Agreement.
- (b) To ensure currency of the relationship between the NT Government and the ALC, this agreement will be periodically reviewed as specified in Schedule 1.
- (c) Prior to the expiry of this agreement, the ALC and the NT Government may agree to extend the term of this agreement by a further three years.
- (d) The ALC and the NT Government may vary this agreement at any time by agreement in writing.
- (e) If there are service delivery areas that have not been sufficiently considered or new service areas of interest before the end of this agreement, a new LDM agreement may be negotiated at a minimum of three months prior to this Agreement's end date.
- (f) The ALC and the NT Government will collaborate and negotiate respectfully, openly, honestly and in good faith in the spirit of building trust and a strong and lasting partnership.
- (g) If issues arise, the following dispute resolution process should take place:
 - i. the NT Government Regional Executive Director and, where necessary, senior officials of nominated Agencies, will promptly meet with ALC representatives to resolve the identified issues;
 - ii. if it is not possible to achieve a satisfactory outcome, the issue can be escalated, with the agreement of the ALC, to relevant Agency Chief Executives or to the NT Government Chief Executives Coordination Committee;
 - iii. if the issues are still unable to be resolved, the ALC may write to the Chief Minister and the Chief Executive Officer of the Department of the Chief Minister who will lead a dispute resolution process with relevant Agencies; and
 - iv. if all reasonable attempts in this dispute resolution process fail in three (3) months the ALC may opt to withdraw from the agreement.

8 | Implementation Framework

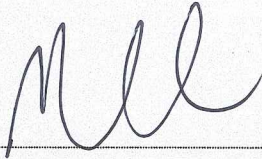
- (a) The NT Government and the ALC acknowledge that any transfer of responsibility to the Anindilyakwa people for a service delivery area:
 - i. will recognise and meet regulatory, legislative and Commonwealth requirements;
 - ii. may need to take a staged approach in order to ensure a successful transition over a period of time;
 - iii. will be supported by an agreed dedicated NT Government financial commitment in accordance with Clause 4.(h) and may include other agency support such as training, assets, in-kind assistance and other resources;
 - 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.

9 | Status of the Agreement

- (a) The ALC and the NT Government 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 agreement in a transparent, consultative and accountable manner.
- (b) The NT Government acknowledges that an appropriate legal framework, with legally binding contracts, will be critical to achieving the ALC's priorities for local delivery and decision making.
- (c) It is the intention of the ALC and the NT Government to capture the transfer of responsibility and control of agreed services and programs in formal contractual arrangements that detail and give legal effect to the parties' decisions.
- (d) The NT Government and ALC agree that upon signing, this agreement (including all schedules) will be published on the websites of the parties and remain there until the agreement comes to an end.
- (e) It is also agreed that the NT Government will arrange for a Ministerial Statement regarding the agreement to be made in the Legislative Assembly and, if appropriate, table the agreement and its schedules as soon as practicable following its execution.

10 | Signing

Signed by



Date: 14 / 11 / 2018

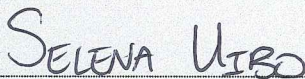
The Hon Michael Gunner MLA

Chief Minister of the Northern Territory,
on behalf of the Northern Territory Government

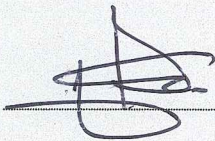


Date: 14 / 11 / 2018

Witnessed by



, on behalf of the Northern Territory Government



Date: 14 / 11 / 2018

Tony Wurramarrba AO

Chairman
Anindilyakwa Land Council



Date: 14 / 11 / 2018

Mark Hewitt

Chief Executive Officer
Anindilyakwa Land Council



SCHEDULE 1

Groote Archipelago – Community Information, Key Contacts, Key Dates and Agreement Processes

Region and Towns

The Groote Archipelago is situated off the eastern coast of Arnhem Land in the Gulf of Carpentaria, approximately 650 km from Darwin. It includes Groote Eylandt and numerous small named and unnamed islands scattered around it.

It is all Aboriginal land granted to its Anindilyakwa traditional owners under the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA).

Anindilyakwa is the local language spoken by the 14 clans of the archipelago.

GEMCO started mining high grade manganese ore on Groote Eylandt in 1964.

The communities included in the scope of this agreement are:

- Angurugu;
- Umbakumba;
- Milyakburra;
- Anindilyakwa satellite communities (considered Homelands by the NT Government for funding contribution purposes); and
- Alyangula (subject to agreement by GEMCO where appropriate).

Regional Representative Group

Anindilyakwa Land Council (ALC)

The ALC is an independent statutory authority established under the ALRA to represent and provide services to the Aboriginal traditional owners in the Groote Archipelago.

Regional Representatives

Mr Tony Wurramarrba AO, Chairman Anindilyakwa Land Council

Mr Mark Hewitt CEO, Anindilyakwa Land Council

Regional Representatives' Contact Details

Email: TWurramarrba@alcnt.com.au
Office: (08) 8987 4005
Mobile: 0455 717 365

Email: MHewitt@alcnt.com.au
Office: (08) 8987 4005
Mobile: 0427 165 097

Regional Area

Department of the Chief Minister, East Arnhem Region

NT Government Representative

Regional Executive Director – East Arnhem, Department of the Chief Minister

NT Government Representative Contact Details

Email: jim.rogers@nt.gov.au
Office: (08) 8987 0543
Mobile: 0428 058 668

Service Delivery Areas (Scope)

Short Term

- Housing
- Economic Development
- Law, Justice and Rehabilitation
- Education
- Health Services

Medium Term

- Local Government
- Sustainable Long Term Power Solution

Long Term

- Regional Control of Other Services
- Future of Alyangula

Responsible NT Government Agency

Housing

Deputy Chief Executive Officer
Department of Housing and Community Development

Economic Development

Economic Development Officer – East Arnhem
Department of Trade, Business and Innovation

Program Leader – Aboriginal Policy and Engagement
Department of Primary Industries and Resources

Regional Director – East Arnhem
Department of Infrastructure, Planning and Logistics

General Manager – Industry Development
Department of Tourism and Culture

Law, Justice and Rehabilitation

Director – Aboriginal Justice Unit
Department of the Attorney General and Justice

Commander – Northern Command
Police, Fire and Emergency Services

Team Leader East Arnhem – Youth Outreach and Reengagement
Territory Families

Senior Director – Mental Health and Alcohol and Other Drugs
Department of Health

Education

General Manager Engagement and Partnerships
Department of Education

Health Services

Transition Coordinator
Department of Health

General Manager – East Arnhem
Top End Health Services

Local Government

Deputy Chief Executive
Department of Housing and Community Development

Sustainable Long Term Power Solution

Regional Coordinator – East Arnhem
Department of the Chief Minister

Deputy Chief Executive Officer
Department of Housing and Community Development

Assistant Under Treasurer
Department of Treasury and Finance

Regional Control of Other Services

Regional Executive Director – East Arnhem
Department of Chief Minister

Agreement review dates and end date

The parties will review this agreement every three years from the date of commencement.

This agreement expires nine years after the date of commencement unless extended by the parties pursuant to this agreement.

Meeting protocols

LDM Agreement Meetings

LDM Agreement Meetings will be held at least quarterly, in accordance with an annual timetable agreed to beforehand by the NT Government and ALC, to monitor the progress of objectives under this Agreement.

These meetings will canvas any agreement-level matters that arise from time to time, including the relationship between the parties, major issues, three-yearly reviews of the agreement, and reporting on the progress of agreement objectives to NT Government Cabinet and ALC board.

Meetings will be conducted in Anindilyakwa and English with an interpreter available should they be required.

The NT Government and ALC representatives will attend every meeting and the Chairman of the ALC will be responsible for chairing meetings.

The NT Government and ALC will each invite a minimum of two additional representatives to attend meetings.

The senior Commonwealth officer responsible for Indigenous Affairs in the region that includes the Groote Archipelago will also be invited to attend meetings.

Local Decision Making Agreement Meetings will work towards consensus decisions.

Minutes will be taken at all meetings in English and circulated to all participants and apologies.

Each meeting will have specified goals. At the end of each meeting feedback from all members will provide indication of whether specified goals were achieved. Action items from the meeting will establish agenda items for next meeting.

Commencement of the next meeting will provide feedback on whether action items were completed and, if not, what further action is required.

Any changes in Timeframe for Agreement of Implementation Plans are agreed and minuted.

The parties acknowledge that the Groote Eylandt Executive Steering Committee is an important reference group for LDM. The parties may choose to align the scheduling of certain LDM Agreement Meetings with certain Groote Eylandt Executive Steering Committee meetings.

Implementation Plan Meetings

The parties will hold Implementation Plan Meetings for each Schedule 2 priority at the time and as often as is required to adequately manage the development and carrying out of the Implementation Plans under this agreement.

The Northern Territory Government representative will be responsible for organising Implementation Plan Meetings with the responsible NT Government Agencies and the ALC and other agreed nominated organisations (such as the Commonwealth Government).

Meetings will be conducted in Anindilyakwa and English with an interpreter available should they be required.

The nominated NT Government and ALC representatives will attend every meeting.

The senior Commonwealth officer responsible for Indigenous Affairs in the region that includes the Groote Archipelago will also be invited to attend meetings where required.

Implementation meetings will work towards consensus decisions.

Minutes will be taken at all meetings in English and circulated to all participants and apologies.

Each meeting will have specified goals. At the end of each meeting feedback from all members will provide indication of whether specified goals were achieved. Action items from the meeting will establish agenda items for next meeting.

Commencement of the next meeting will provide feedback on whether action items were completed and, if not, what further action is required.

Milestones and Performance

Each Implementation Plan to deliver the outcomes for each of the priority service delivery areas in Schedule 2 will include a work plan that has key performance indicators and milestones which are linked to the transfer of responsibility and funding arrangements.

As set out in Schedule 2, the Timeframe for Agreement of Implementation Plan for each LDM priority is:

Short Term

- Housing: by 30 June 2019
- Economic Development: by 30 June 2019
- Law, Justice and Rehabilitation: by 30 June 2019
- Education: by 31 December 2019
- Health Services: by 30 June 2020

Medium Term

- Local Government: by 30 September 2020
- Sustainable Long Term Power Solution: by 31 December 2020 (subject to agreement with GEMCO)

Long Term

- Regional Control of Other Services: by 31 December 2024
- Future of Alyangula: by 31 December 2026 (subject to agreement with GEMCO).

Monitoring and Evaluation

NT Government and the ALC agree that a concise monitoring report will be referenced in the annual reports and included on the websites of the Department of the Chief Minister and the ALC which are tabled in the NT Legislative Assembly and Federal Parliament respectively. The monitoring report will

- be prepared and agreed jointly; and
- include information on the progress against the Implementation Plan and milestones therein.

An evaluation of the extent to which the vision, objectives and outcomes of this agreement including the schedules have been achieved will form the basis of the review proposed at the 3 year point.

The evaluation will:

- be conducted by independent experts following a competitive tender process;
 - funded on a 50/50 basis by the NT Government and ALC;
 - have a strong focus on obtaining and evaluating the views of the Anindilyakwa people and their organisations; and
 - be published.
-



SCHEDULE 2

Agreed Local Decision Making Priorities

Schedule 2 lists the priority service delivery areas that are agreed by the NT Government and ALC for control and responsibility to be transferred to the Anindilyakwa people in the next nine (9) years. For each priority it contains:

- background (if applicable);
- the outcome sought;
- the service delivery model proposed to facilitate control by the Anindilyakwa people;
- the NT Government's commitments;
- the ALC's commitments; and
- Timeframe for Agreement of Implementation Plan.

Comprehensive Implementation Plans in relation to each of the Local Decision Making priorities will be negotiated to support achieving the agreed outcomes and added to this agreement as additional schedules.

SHORT TERM

Housing

Outcome sought

A single, sustainable, diverse and culturally appropriate community housing system across all towns and satellite communities (considered Homelands by the NT Government) in the Groote Archipelago that the Anindilyakwa people control and take responsibility for.

Background and Context

The Remote Community Housing (RCH) in Angurugu, Umbakumba and Milyakburra, around 260 public housing properties, is currently managed under the NT Government's remote public housing framework.

The RCH is on sub-leases to the Township Lease currently held by the Commonwealth Executive Director of Township Leasing. The ALC are currently negotiating to transition to a community held township lease. The NT Government is not a party to these negotiations however its sub-leases will transition to any new model.

In the satellite communities (Homelands) of Bartalumba Bay, Little Paradise, Malkala and 4 Mile, there are around 22 houses which are currently serviced by GEBIE Aboriginal Corporation, however the housing is not on leases and is under the ownership of the Aboriginal Land Trust and Traditional Owners. There are also around 17 new houses that, under funding by Anindilyakwa Royalties Aboriginal Corporation (ARAC), have either been completed or are under construction and are due to be completed. The ownership of those houses will transition to Anindilyakwa Housing Aboriginal Corporation (AHAC). The NT Government currently provides limited financial support for housing and municipal and essential services via its Homelands services programs.

As part of the Township Leasing negotiations to transition to a community held model, the ALC is also seeking to extend the township lease to include satellite communities (considered Homelands by the NT Government). The ALC considers these new leasing arrangements, coupled with the establishment of a registered community housing provider for the Groote Archipelago, present an opportunity to bring the RCH and satellite community (Homelands) housing under a single and consistent management system.

Proposed Service Delivery model

The ALC has established AHAC and aims to achieve registered Community Housing provider status to put in place a single and equitable management system for all Anindilyakwa RCH and satellite community housing.

The service delivery model proposed is that AHAC achieve registration under the national community housing provider requirements and progressively take community housing management responsibility for:

- 1) all ALC and, by agreement, other social housing (both new and existing) funded by Anindilyakwa corporations and the Anindilyakwa Mining Trust, situated on the Township Leases and other areas including satellite communities;
- 2) NT Government controlled and managed Remote Community Housing (RCH) in Angurugu, Umbakumba and Milyakburra situated on the Township Leases; and
- 3) Housing in the satellite communities (Homelands) which are situated on Aboriginal Land and are the ownership of the Land Trust.

Additionally, the procurement processes for the construction of housing will be conducted by AHAC under terms and conditions agreed with the NT Government.

As part of the staged service transition model and Implementation Plan, the NT Department of Housing and Community Development will work with the ALC to transition tenancy management and repairs and maintenance services for the Angurugu, Umbakumba and Milyakburra RCH houses and the satellite community houses under the NT Government Homelands programs.

The single housing model proposed, combined with additional investment by the ALC and tenure under the proposed amendment to the Township Lease, presents an opportunity for the satellite community houses to be managed under AHAC in a consistent manner to the community housing in the main Anindilyakwa towns of Angurugu, Umbakumba and Milyakburra.

NT Government Commitments

The NT Government commits to the joint development of an agreed Implementation Plan to achieve the outcome sought and proposed service delivery model between DHCD, the ALC and AHAC that recognises the Groote Archipelago Housing Master Plan and the NT Government's approach to addressing overcrowding and improvement of existing assets.

The NT Government will aim to progressively transfer responsibility for its social housing services with the eventual aim of transferring its remote community housing assets to the Anindilyakwa people, particularly to the Anindilyakwa Housing Aboriginal Corporation, in accordance with milestones and conditions agreed to in the Implementation Plan. Therefore, in accordance with the Housing Implementation Plan, the NT Government commits to working with the ALC, AHAC and EDTL to cease or transition the current sublease arrangements in favour of AHAC in the towns of:

- Angurugu;
- Umbakumba; and
- Milyakburra.

The NT Government acknowledges the importance of the satellite communities (Homelands) to the Anindilyakwa people and the aspirations of the ALC to support them to receive a level of service consistent with the existing townships.

For funding purposes, the NT Government considers satellite communities to be Homelands, which defines the level of financial support the NT Government can provide to them, including in relation to housing and municipal and essential services. Whilst the NT Government supports the inclusion of the satellite communities in the LDM agreement and the ALC's aspirations to bring all the social housing under a single management model, the NT Government notes that it is not in a position to change the way it funds the satellite communities (Homelands) at the time of signing of this Agreement. The NT Government acknowledges that the inclusion of the satellite communities (Homelands) in the single housing model for the Groote Archipelago will be a relevant factor for consideration regarding the way the NT Government funds the satellite communities (Homelands) in the future. The NT Government also notes that the Traditional Owners must decide if the satellite communities should come under the management of AHAC and the NT Government has no direct role in this decision.

Subject to Clause 4.(h) and Clause 8.(a)iii. of this Agreement, the NT Government will provide NT Government funding for housing and associated infrastructure on Groote Eylandt over the life of this Agreement that it would normally provide under its existing policies for remote community housing and Homelands which are subject to change from time to time. This will be irrespective of the potential for additional contributions from Traditional Owners to meet any further deficit in housing needs (beyond that which the NT Government programs can address) and whether or not the housing has fully transitioned to AHAC.

The NT Government will meet existing planned housing commitments for the Groote Archipelago, including under its HomeBuild NT, Room to Breathe, Government Employee Housing and Homelands funding initiatives noting their overarching priority of reducing overcrowding across remote Aboriginal communities in the Northern Territory. The NT Government will engage with the ALC and AHAC and other stakeholders about the future program of works, including under any Commonwealth funding it may receive from time to time.

Funding provided by the Australian Government as it relates to remote Aboriginal Housing will be a factor as will the role of the Executive Director of Township Leasing over the leases held across the Groote Archipelago.



ALC Commitments

The ALC has established AHAC to facilitate decision making by Anindilyakwa people about the ownership, location, type and occupation of community housing across the Groote Archipelago and take responsibility for tenancy management and repairs and maintenance and capital upgrades over time.

The ALC will undertake extensive consultations with all Anindilyakwa traditional owners to obtain their consent to the proposed Implementation Plan (between the ALC, NT Government and AHAC) and with communities and organisations to take account of their views.

The ALC will support the establishment and operations of AHAC including funding (sourced from the income of traditional owners) and achieving registration on the National Register of Community Housing Providers.

The ALC will facilitate additional agreed funding investments in housing and infrastructure (sourced from the income of traditional owners) consistent with the Groote Archipelago Housing Master Plan which aims to ensure overcrowding is addressed and existing housing conditions are improved in both the Anindilyakwa towns and satellite communities.

The ALC acknowledge that the inclusion of the satellite communities in the single housing model and any potential new Township Leasing arrangements does not in itself change the status of the satellite communities for the purposes of NT Government Homelands funding. The ALC also acknowledges that any change in NT Government funding for the satellite communities would only occur when broader Homelands funding reviews occur. However, the ALC seeks the NT Government to consider the single housing model and tenure status in any future Homelands policy and/or program reviews.

Timeframe for Agreement of Implementation Plan

By 30 June 2019 (noting Commonwealth funding and commitments are still subject to the agreement of a new National Partnership with the Australian Government which may impact the timing of this Implementation Plan).

Economic Development

Outcome sought

A viable, culturally rich and sustainable two-stream (diversified) economy in the Groote Archipelago, not dependent upon mining royalty income, which is controlled by Anindilyakwa people.

Service Delivery model

The Future Groote Accord will be the principal governance document agreed to between key Groote organisations that will commit the parties to a set of principles and certain responsibilities to drive decision-making and program design for economic development. The Future Groote Accord will come out of the detailed report on the Future Groote Strategy that Social Ventures Australia has prepared for the Groote Archipelago under the engagement of the ALC and GEMCO through the Groote Archipelago Economic Development Committee.

In addition, recognising the importance of Alyangula to the economy of the Groote Archipelago, the parties will agree on a transition plan with GEMCO for Alyangula.

NT Government Commitments

Negotiate a comprehensive Implementation Plan that supports a two-stream economy comprising cultural enterprises and the services ecosystem and that supports the Future Groote Strategy and Future Groote Accord where appropriate.

Apply in the Implementation Plan the high-level objectives of the Northern Territory's proposed Logistics Master Plan including to enhance air, land and sea transport links into the Groote Archipelago and to facilitate an aquaculture industry.

Agree with ALC in the Implementation Plan to jointly engage and fund the services of experts in transport and telecommunication services to investigate and report on options to make them viable, low cost, and allow much better access by Anindilyakwa people.

Support a process in the Implementation Plan to work with Anindilyakwa people to ensure their economic interests in Sea Country are achieved.

Support the ALC's economic development work with stakeholders on the Groote Archipelago in the Implementation Plan, including the Future Groote Strategy developed by Social Ventures Australia.

Within the legislative and regulatory framework, support and advise Traditional Owners to conduct exploration and mining on the Groote Archipelago (including in joint venture with other parties) in accordance with recognised rights of Traditional Owners to utilise their natural resources. Under the Implementation Plan, the NT Government will work with Traditional Owners on:

- the attainment of all relevant approvals, licences and permissions within the remit of the NT Government;
- the negotiation and purchase of relevant mining interests; and
- the establishment by Traditional Owners of joint ventures for exploration and possible mining operations in respect of the relevant mining interests.

ALC Commitments

Negotiate a comprehensive Implementation Plan with the NT Government to achieve the outcome.

Consult with Anindilyakwa organisations to facilitate their support for the Future Groote Strategy and Future Groote Accord, which will provide an effective governance framework for Anindilyakwa people's economic development.

Agree with the NT Government to jointly engage and fund the services of experts in air transport and telecommunication services to investigate and report on options to achieve the outcome.

Work with the NT Government to advance the ALC's mining related interests under the legislative and regulatory framework.

Timeframe for Agreement of Implementation Plan

By 30 June 2019

Law, Justice and Rehabilitation

Outcome sought

Increase the involvement and leadership of Anindilyakwa people in the justice system, including access to rehabilitative services.

Service Delivery Model

Establishing an Anindilyakwa owned and managed low security alternative to prison/custody facility in the Groote Archipelago. The model for such a facility is yet to be determined but will aim to include access for clients to rehabilitation services that assist and address factors causing or likely to cause criminal behaviour. This will be a three (3) year pilot project to determine the feasibility of the project long term.

NT Government Commitments

Resourcing with the ALC joint feasibility studies and negotiating an implementation plan to implement the agreed options.

Commit operating costs for the facility.

Continue to ensure that legislation enables the Local Court to order, where appropriate, that individuals pay restitution from that individual's royalty money by redirection of ALC individual royalty distributions.

Coordinate local police services to establish programs that educate and positively engage members of community in ways that aim to reduce the rate of offending on the Groote Archipelago.

Work to establish and maintain 24-hour police services in Angurugu.

ALC Commitments

Commit to participating and contributing content to the development and implementation of the Northern Territory Aboriginal Justice Agreement.

Facilitate the formation of a local Anindilyakwa Law and Justice Group to progress this priority.

Commit to jointly resourcing feasibility studies from the income of traditional owners and negotiating an Implementation Plan to implement the agreed options.

Facilitate contributions from the income of traditional owners to contribute to the capital costs to build the alternative to custody/prison facility.

Nominate, with set jointly agreed criteria with NT Government, the location for the alternative to custody/prison facility.

Provide local Aboriginal people to work within the alternative to custody/prison facility.

Support the NT Government and local police services to establish programs that educate and positively engage members of community in ways that aim to reduce the rate of offending on the Groote Archipelago.

Timeframe for Agreement of Implementation Plan

By 30 June 2019

Education

Outcome sought

A new, community-controlled, bi-lingual education system in the Groote Archipelago that allows for Anindilyakwa people to control and take responsibility for their own schools, has a curriculum to enable Anindilyakwa people to live in both worlds, and facilitates a single governance model for education in the Groote Archipelago.

Service Delivery Model

Establishing and sustaining a Joint School Council under the NT Education Act that partners with the ALC and Northern Territory Department of Education to achieve this outcome, including:

- building an independent boarding school for students located in the Groote Archipelago that is to be owned and operated by an Anindilyakwa entity;
- establishing an ongoing program of Anindilyakwa education workers to travel 'on country' and engage both pre-school-aged and school-aged children who are not in school, with the support of the Commonwealth Government;
- prioritising Early Childhood development and education for children aged 0 - 5 including supporting Save the Children's Play to Learn program, Families as First Teachers and the establishment of a Child and Family Centre maximising opportunities for Connected Beginnings.

NT Government Commitments

Supporting the Joint School Council that, with the ALC and Anindilyakwa entity that owns and operates the independent boarding school, will together rejuvenate education in the Groote Archipelago including taking all steps needed for Local Decision Making.

Provide resources on a joint basis including for the engagement of consultants to support the rejuvenation of education in the Groote Archipelago.

Contributing to the development of the project plan, funding model and financial sustainability plan for the independent boarding school that ultimately is able to be registered under the *NT Education Act*.

Commit to bilingual education in the Groote Archipelago in combination with the ALC's Language Centre.

Enter into an Implementation Plan with the ALC and the Joint School Council.

ALC Commitments

Developing and resourcing the Anindilyakwa entity to own and operate the independent boarding school, including its incorporation.

Facilitating funding contributions from the income of traditional owners to support the construction and operation of the Anindilyakwa boarding school and the Save the Children program.

Entering into an Implementation Plan with the NT Government and the Joint School Council.

Timeframe for Agreement of Implementation Plan

By 31 December 2019

Health Services

Outcome sought

Transition of control and responsibility for health clinics in the Groote Archipelago from NT Health to an Aboriginal Community Controlled Health Organisation nominated by the Anindilyakwa people.

Service Delivery Model

Transfer of control and responsibility for health clinics to an Aboriginal-controlled Health Service agreed to by Anindilyakwa people.

NT Government commitments

Commit to negotiating an Implementation Plan with the ALC to transition the clinics, to bolster services including on Bickerton Island and for MJD sufferers, and to facilitate community led strategies that promote better health.

Engage the Commonwealth to ensure its support including funding.

ALC commitments

Facilitate consultations with communities to build understanding and support for the transition of health services to an Anindilyakwa controlled Aboriginal Medical Service.

Negotiate an Implementation Plan with the NT Government to achieve the outcome.

Timeframe for Agreement of Implementation Plan

By 30 June 2020



MEDIUM TERM

Local Government

Outcome sought

Anindilyakwa people take responsibility for local government in the Groote Archipelago, by the establishment of an Anindilyakwa Regional Local Government Council.

Service Delivery Model

Under the NT Local Government Act, the Groote Archipelago is taken out of the East Arnhem Regional Council area and a new Regional Council is established for the archipelago that includes (either initially or at a later date) the Alyangula township (by agreement with GEMCO and the NT Government noting it is currently an unincorporated area).

NT Government Commitments

The NT Government agrees in principle the outcome sought and service delivery model. However, it notes the need to undertake a detailed assessment and analysis of important considerations for both the NT Government, the ALC and other stakeholders including:

1. legislative requirements;
2. transition costs;
3. division of available funding sources;
4. future viability of each of the East Arnhem Regional Council and a newly formed Regional Council; and
5. other elements including the impacts to Commonwealth funded services.

The NT Government commits to commence this assessment and analysis report and provide this by the end of 2019 for the Parties to consider and to assist the development of the Implementation Plan. Any costs associated with the development of this report are to be shared equally between the ALC and NT Government.

Pending the outcome of the assessment and analysis report, and agreement by both parties to move forward, the ALC and NT Government will develop an Implementation Plan which includes a transition committee comprising of membership from the ALC, East Arnhem Regional Council and GEMCO (if relevant) and supported by senior officers from DHCD.

It is acknowledged by the Parties to this Agreement, that agreeing in principle to work towards the proposed service delivery model, that this does not represent a commitment of the NT Government to de-amalgamate Regional Councils across the NT. The NT Government decision to support the ALC proposed outcome is based on a common understanding that in the establishment of the Shires during the 2008 local government reforms, a Shire (or Regional Local Government Council) could have been established to match the ALC Groote Archipelago geographic area given the Anindilyakwa cultural boundaries and island (or geographical) nature of the Archipelago.

The parties acknowledge that this does not represent a change in policy of the NT Government as it relates to Local Government and a very important factor in any decision to establish the Groote Archipelago Regional Local Government will be ensuring the financial sustainability of the East Arnhem Regional Council.

ALC Commitments

Consult with communities and traditional owners to obtain their informed consent to the necessary elements of any decision to establish a Groote Archipelago Regional Local Government Council.

Participate in development of the Implementation Plan and the transition committee and provide agreed financial commitments set out in the Implementation Plan.

Timeframe for Agreement of Implementation Plan

Analysis and assessment report completed and provided to the NT Government by 31 December 2019.

Implementation Plans discussions commence following and be completed by 30 September 2020, followed by establishment of transition committee. New council to commence after necessary legislative changes are enacted and in accordance with the agreed Implementation Plan.

Sustainable Long Term Power Solution

Background

Currently, the major generator of power on the Groote Archipelago is GEMCO/South32 who supply power to Alyangula and, through Power Water Corporation, to Angurugu and the satellite communities on the grid. Power Water Corporation provide diesel generation in Umbakumba and hybrid diesel/solar generation in Milyakburra. Satellite Communities (Homelands) and areas between systems are supported through the NT Government Homelands Municipal and Essential Services program.

As part of securing a sustainable economic future for the Groote Archipelago post-mining, the ALC would like to seek a sustainable long term power solution, with a focus on renewable energy. It is important that any discussions on a long term power solution includes GEMCO/South32.

Outcome sought

Transition to a long term power generation solution that provides low cost, reliable, safe and clean energy for all communities in the Groote Archipelago. Consistent with the NT Government's commitment to adopt a 50% renewable energy target by 2030, the long term solution should focus on renewables.

NT Government commitments

Work with GEMCO and the ALC to fund a feasibility study further to the 28 May 2018 T&O Energy Consultants Renewable Energy Systems Assessment to determine preferred options for a transition to a long term, sustainable energy system on the Groote Archipelago.

Engage with GEMCO as the current primary electricity generator so seek their agreement and support to transition to a long term solution as part of the Alyangula Futures Reference Group.

If a solution is agreed between parties, provide to the new renewable energy system operator an equivalent subsidy in the electricity price that the NT Government provides to Power and Water Corporation and GEMCO for electricity, so that the ongoing cost to the remote communities on the Groote Archipelago are kept at the same level that applies to the 73 remote communities in the NT.

Negotiate an Implementation Plan with the ALC.

ALC commitments

Contribute funding with the NT Government and GEMCO for the feasibility study further to the 28 May 2018 T&O Energy Consultants Renewable Energy Systems Assessment that is required to determine preferred options for a transition to a long term, sustainable energy system on the Groote Archipelago.

Facilitate funding investments (including from the income of traditional owners) for the capital and operating costs of the new system.

Suggest a community-owned organisation to partner with the NT Government and operate the new system, noting the NT Government has established a market based approach to electricity supply to ensure best value for the NT.

Timeframe for Agreement of Implementation Plan

By 31 December 2020

LONG TERM

Regional Control of Other Services

Outcome sought

Anindilyakwa people have control and responsibility for key services presently delivered by the NT Government.

Service Delivery Model

NT Government transition of control to Anindilyakwa people of these types of services, within the ambit of the NT Government. The ALC and the NT Government to explore opportunities with the Commonwealth for transition of services that are the responsibility of the Commonwealth Government.

NT Government Commitments

Consider this priority in greater detail at the first three-year review of this agreement.

ALC Commitments

Consider this priority in greater detail at the first three-year review of this agreement.

Timeframe for Agreement of Implementation Plan

By 31 December 2024

Future of Alyangula

Background

GEMCO operates the manganese mine on Groote Eylandt. At the time of this agreement, the expected mine life is approximately 10 years.

GEMCO currently operates and maintains the Alyangula township, including municipal and essential services and community infrastructure. Alyangula is located on a Special Purposes Lease (SPL) held by GEMCO and is Aboriginal Land held in escrow under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth). On expiry or termination of the SPL, title of the land will vest in the Land Trust.

Between the present and the closure of the mine, the composition of the mining workforce in Alyangula may change. This transition needs to be carefully managed to ensure the impact on business, government services and broader Groote Archipelago community is minimised and the transition supports the agreed transition plan for the community.

Outcome sought

Controlled management of GEMCO transition impacts on Alyangula and the Groote Archipelago, and support for the Anindilyakwa people through the transition to utilise Alyangula in establishing a successful, local, diversified economy that provides jobs and opportunities for the Groote Archipelago.

Service Delivery Model

The Alyangula Futures Reference Group (comprised of the ALC, GEMCO, the Commonwealth Government and the NT Government) (AFRG) will continue its role as the primary group guiding decisions on management of the transition impacts and assessing opportunities for all stakeholders to contribute to, and improve, socio-economic development outcomes for Alyangula and the Groote Archipelago (including in education, health, community safety and children and families).

NT Government Commitments

Identify all ways that the NT Government is able to assist in the AFRG meeting its objectives, and in the work of the parties to achieve the outcome sought under this agreement, and offer that assistance to the relevant stakeholders on the Groote Archipelago.

ALC Commitments

Represent the interests of the Anindilyakwa people, and assist where appropriate, in the work of the AFRG to meet its objectives and in the work of the parties to achieve the outcome sought under this agreement.

Timeframe for Agreement of Implementation Plan

By 31 December 2026

-
- i ALC 15 Year Strategic Plan (2012-2017) – 2012 <https://www.anindilyakwa.com.au/uploads/images/ALC-15-YEAR-STRATEGIC-PLAN-FINAL.pdf>
 - ii Groote Archipelago Housing Master Plan – 2016 and as revised – Cox Architecture
 - iii Social Ventures Australia – Future Groote Strategy – 2018
 - iv T&O Energy Consultants – Renewable Energy Systems Assessment – 28 May 2018
-



