

COMMITMENT AGREEMENT FOR LOCAL DECISION MAKING

Made by the NORTHERN TERRITORY GOVERNMENT (NTG) represented by the DEPARTMENT OF THE CHIEF MINISTER (DCM) and the DJALKIRIPUYŊU¹ CLANS AND LEADERS.

1. CONTEXT AND ACKNOWLEDGEMENTS

- (a) In his speech at the Barunga Festival in June 2018, the Chief Minister of the Northern Territory, the Hon. Michael Gunner MLA said:
 - a. *'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...this is our historic Local Decision Making agenda.'*
- (b) Local Decision Making (LDM) is a ten year plan that seeks to return local decision making and service delivery to Aboriginal communities by empowering Aboriginal people to determine service delivery approaches that work best for their community and region.
- (c) LDM is underpinned by the principle of self-determination for Aboriginal people and seeks to transition services and important local decisions to community control.
- (d) The NTG has developed and is implementing the LDM Framework to deliver and support LDM, which consists of the LDM Policy, Operational Guidelines and Tools and Templates.
- (e) The Yolŋu people of East Arnhem Land for over 50,000 years have successfully maintained their language, customs and laws, land and sea ownership and custodianship, culture, song lines and societies.
- (f) The Djalkiripuyŋu have long maintained self-determination on their traditional lands and seas in recent times – from leading the homelands movement in the 1970s, to winning the 2008 Australian High Court Blue Mud Bay decision to establish 'Sea Rights' across the Northern Territory.
- (g) The Bäniyala people (one of the several homelands of the Djalkiripuyŋu) are currently pioneering a landmark LDM approach under the *Aboriginal Land Rights (Northern Territory) Act 1976* to use delegated Land Council powers to locally plan and authorise land uses on the *Arnhem Land Aboriginal Land Trust* to deliver improved housing and business development in their homeland area.
- (h) The Bäniyala people established the Bäniyala Nimbarrki Land Authority Aboriginal Corporation and the Bäniyala Garrangali Aboriginal Corporation to support LDM in the Blue Mud Bay region.
- (i) The Djalkiripuyŋu, with the support of the Bäniyala people and corporations, will work with the NTG to progress LDM priorities in the Blue Mud Bay region.

2. PURPOSE

The purpose of this Commitment Agreement is to:

¹ The Djalkiripuyŋu (footprint people) are Yolŋu from the Mangalili, Gumana Dhaŋwaŋu, Wunungmurra (Gurumuru) Dhaŋwaŋu, Dhupuditj Dhaŋwaŋu, Munyuku, Yithuwa Maḏarrpa, Nyungudupuy Maḏarrpa, Gupa-Djapu, Dhudi-Djapu, Marrangu, Marrakulu, and Nurrurawu Dha-puyŋu (Dhurili/Durila) clans which live together around Blue Mud Bay at the Bäniyala, Wandawuy, Gaṇ Gaṇ, Dhuruputjpi, Bäḷma, Rurraŋala, Barraratjpi, Djarrakpi, Baygurtjpi and Gurkawuy homelands.

- (a) document the commitment by the NTG and the Djalkiripuyngu to work together to guide the implementation of LDM in the Blue Mud Bay region;
- (b) identify the services and priorities which the Djalkiripuyngu wish to have more control over and involvement in;
- (c) have relevant NTG agencies commit to sharing information with the Djalkiripuyngu to decide how this control might be achieved; and
- (d) Set out a process and broad timeframes to establish a Blue Mud Bay Local Decision Making Agreement.

3. VISION AND OBJECTIVES

- (a) The Djalkiripuyngu are dedicated to self-determination through LDM, as enshrined in the *United Nations Declaration on the Rights of Indigenous Peoples*, to:
 - a. continue our sacred and intrinsic responsibility to manage our lands and seas, preserve our traditions, and provide for the evolving needs of our people;
 - b. live with dignity according to the laws of our homelands;
 - c. encourage the sustainable development of our lands and seas to support local businesses, local jobs and improved economic and social conditions;
 - d. share the high living standards and prosperity enjoyed by Australians; and
 - e. provide strong governance for all our homelands to develop and prosper according to the views and needs of their traditional Aboriginal owners and residents for the future of our children and grandchildren.

4. COMMITMENT

- (b) The NTG is committed to partnering with Aboriginal communities in a meaningful way to determine the shape and control in service delivery areas such as, but not limited to, local healthcare, education, justice systems, governance, housing and the community as set out in the LDM Framework.
- (c) In the Blue Mud Bay region, LDM will be led and guided by the Djalkiripuyngu, supported by the Bäniyala leaders and Bäniyala Garrangali Aboriginal Corporation.
- (d) The implementation of LDM will align with the set of principles launched by Aboriginal Peak Organisations Northern Territory in October 2013.
- (e) The NTG and the Djalkiripuyngu will work together on the basis of the LDM guiding principles, which are self-determination, flexible place-based approaches, co-design and community control.
- (f) Initial priorities for the development of the Djalkiripuyngu Blue Mud Bay LDM Agreement, are those advised by Bäniyala Garrangali Aboriginal Corporation on behalf of Djalkiripuyngu and as set out in Schedule 2.
- (g) The NTG acknowledges the Djalkiripuyngu vision and priorities and commits to work towards achieving the aspirations and intent of the priority areas for LDM.
- (h) It is acknowledged by the parties that these priorities may be amended and/or other priorities agreed to be included in the Blue Mud Bay LDM Agreement through the negotiation process.

5. PROCESS

- (a) The Regional Executive Director from the Department of the Chief Minister, with the NTG Regional Coordination Committee, consisting of regional managers from most NT Government agencies, will coordinate the progression of this agreement.
- (b) NTG agencies relevant to a nominated service delivery area will nominate representatives with appropriate decision making authority, who will attend and actively participate in meetings with the Djalkiripuyngu.
- (c) The Djalkiripuyngu will nominate appropriately 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.
- (d) Djalkiripuyngu representatives will report back to the NTG with honest and direct feedback about progress and issues raised by the broader community.
- (e) The NTG and Djalkiripuyngu, with the support of Baniyala Garrangali Aboriginal Corporation, will develop the Blue Mud Bay LDM Agreement detailing the service areas of interest and required steps, responsibilities and timeframes to achieve the agreed LDM outcomes.
- (f) To ensure currency of the relationship between NTG and the Djalkiripuyngu, this agreement ends when a more detailed LDM agreement (the Blue Mud Bay LDM Agreement) is entered into, or three years from date of signing.
- (g) If there are service delivery or priority areas that have not been sufficiently considered for local control or new service areas of interest, these will be included by variation into the Blue Mud Bay LDM Agreement.
- (h) The parties acknowledge that the Commonwealth Government funds and provides a range of important services to Djalkiripuyngu and are open to the Commonwealth joining this Commitment Agreement and the Blue Mud Bay LDM Agreement.
- (i) The parties also acknowledge that there are other major stakeholders who will be engaged in the LDM Agreement discussions or related agreements including Laynhapuy Homelands Aboriginal Corporation (including Municipal and Housing Services, Health and Rangers), Miwatj Employment and Participation, Gorj-Däl Aboriginal Corporation and the Northern Land Council.

6. MAINTAINING THE PARTNERSHIP

- (a) The Djalkiripuyngu and the NTG will collaborate and negotiate respectfully, openly, honestly and in good faith in the spirit of building trust and a strong and lasting partnership and recognising that the Djalkiripuyngu have the Yolngu authority to engage and represent their clans and homelands.
- (b) If issues arise, the NTG Regional Executive Director will work with Djalkiripuyngu representatives to resolve the issue and, if no satisfactory outcome is achieved, will refer the issue to the Regional Coordination Committee which may escalate the issue to the Chief Executive Coordination Committee. The Chief Executive Coordination Committee may also meet with the Djalkiripuyngu to resolve the issue.

7. LEGAL FRAMEWORK

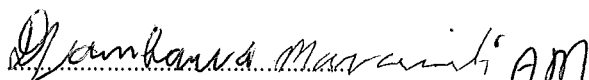
The NTG and the Djalkiripuyngu acknowledge that any transfer of responsibility to the Djalkiripuyngu for a service delivery area:

- (a) will recognise and meet existing regulatory, legislative and Commonwealth requirements;

- (b) may take a staged approach in order to ensure a successful and sustainable transition over a period of time;
- (c) will be supported by an agreed dedicated NTG financial commitment and/or other NTG agency support, which may include training, assets, in-kind support or other resources (noting that a range of investments have already been made);
- (d) will be captured in a formal Blue Mud Bay LDM Agreement with an organisation (or more than one) with authority to act on behalf of the Djalkiripuyngu that has:
 - (i) the legal capacity to enter into the contract;
 - (ii) an appropriate and robust local governance structure, which represents the views of the Djalkiripuyngu homelands and clans; and
 - (iii) the resources, capacity, experience and expertise to deliver the service or the capacity to develop those things; and
- (e) 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.

8. SIGNING

Signed by Djambawa Marawili AM of behalf of the Djalkiripuyngu.



Djambawa Marawili AM

Date: 30 / 7 / 2018

Signed by the Hon. Michael Gunner, Chief Minister, and the Hon. Selena Uibo, Minister for Education, on behalf of the Northern Territory Government.


Hon. Michael Gunner
Chief Minister

Date: 26 / 7 / 2018


Hon. Selena Uibo
Minister for Education

Date: 30 / 07 / 2018

SCHEDULE 1

Commitment Schedule

The Community	The Djalkiripuyngu (footprint people) are Yolngu from the Mangalili, Gumana Dhalwaṇu, Wunungmurra (Gurumuru) Dhalwaṇu, Dhupuditj Dhalwaṇu, Munyuku, Yithuwa Maḍarrpa, Nyungudupuy Maḍarrpa, Gupa-Djapu, Dhudi-Djapu, Marrangu, Marrakulu, and Nurrurawu Dha-puyngu (Dhurili/Durila) clans which live together around Blue Mud Bay at the Bāniyala, Wandawuy, Gaṇ Gaṇ, Dhuruputjpi, Bālma, Rurraṇala, Barraratjpi, Djarrakpi, Baygurr̄tji and Gurkawuy homelands.
Community Representatives	<p>Bāniyala – Djambawa Marawili AM</p> <p>Wandawuy – Waka Munungurr</p> <p>Gaṇ Gaṇ – Yinimala Gumana</p> <p>Dhuruputjpi – Wyal Wirrpanda, Bandarr Wirrpanda</p> <p>Bālma – Wesley Bandibandi Wunungmurra</p> <p>Rurraṇala – Djimbalal Njuruwutthun</p> <p>Barraratjpi – Dhulukku Wunungmurra</p> <p>Djarrakpi – Baluka Maymuru</p> <p>Baygurr̄tji – Michael Yawunydjurr Marawili, Djambawa Marawili AM</p> <p>Gurkawuy – Dennis Waṇambi</p>
NTG Regional Executive Director	<p>Jim Rogers</p> <p>Executive Director – Arnhem</p> <p>Department of the Chief Minister</p> <p>Northern Territory Government of Australia</p> <p>p ... <+61> 8 8987 0543</p> <p>f ... <+61> 8 8923 9547</p> <p>m ... 0428 058 668</p> <p>a ... Northern Australia Development Office, Level 1, 8 Franklyn Street</p> <p>Nhulunbuy, NT</p> <p>e ... jim.rogers@nt.gov.au</p>
Milestones and Milestone Dates	<p>The aim of this agreement is to set out the process for the development of the Djalkiripuyngu Blue Mud Bay LDM Agreement which identifies service and priorities of the Djalkiripuyngu. The parties agree to work towards achieving the following milestones:</p> <ul style="list-style-type: none"> • Blue Mud Bay LDM Agreement settlement including up to three service priority schedules for transition to local control and decision making – to be completed and signed in 3-6 months from this agreement being signed; • Remaining service priority schedules finalised within 9 months of this agreement being signed.
Meeting and negotiation arrangements and resources	<p>The majority meetings and negotiations for the Blue Mud Bay LDM Agreement to be held in Bāniyala or other Djalkiripuyngu homelands. If necessary, discussions may be held in Nhulunbuy where convenient.</p> <p>The parties acknowledge that the NT Government has provided Bāniyala Garrangali Aboriginal Corporation with \$100,000 to support business and community development in the Blue Mud Bay region through the Remote Aboriginal Development and the Remote Aboriginal Economic</p>

	<p>Development Funds. The NTG will explore further areas to support the Djalkiripuyngu clans and homelands to participate in the negotiations and discussions.</p> <p>Bäniyala Garrangali Aboriginal Corporation and the NTG will share the responsibilities of taking minutes, actions and together follow up on progress and issues. The parties will jointly draft the Blue Mud Bay LDM Agreement.</p> <p>Meetings will be held as often as is necessary to progress the negotiations and the NTG will ensure appropriate representatives of agencies are present at these.</p>
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SCHEDULE 2

Bäniyala and Djalkiripuyngu LDM Priorities

Employment, Business and Economic Development

Outcome sought: Local jobs and business and wealth creation to support Djalkiripuyngu people to live successful and sustainably on the Djalkiripuyngu homelands for the generations to come.

What we are seeking from the NTG: Local posting of service delivery positions across the services and increase capacity building and training to support local Yolngu to hold these positions in the future; supporting funding and planning for increasing tourism and fishing business potential; development of sub-regional economic development plan and industry development strategy; support construction of new retail centre.

What we propose to do: BNLA to undertake functions for land for development in the Baniyala homelands area, with scope to support other Djalkiripuyngu homelands achieve a delegation. BGAC will continue to support the growth of business in the Blue Mud Bay region and employ local people. The BGAC will support development of other Djalkiripuyngu businesses through supporting regional plans and prospectus and initiating partnerships with investors and operators.

Education and Training

Outcome sought: Children and youth grow up with a strong Yolngu and Balanda education and Raypirri, and progressively take up local and regional employment opportunities etc.

What we are seeking from the NTG: Strengthened and formal local governance of the Bäniyala school and other schools in the Djalkiripuyngu homelands including education facilities, teacher and Principal recruitment, academic approaches and outcomes for both Yolngu and Balanda systems with a long term aim for a community controlled school; achieving early childhood education improvements and increasing high school education capacity at the Bäniyala school; improving school graduate employment outcomes.

What we propose to do: teaching culture on country, contributing to learning on country, supporting teachers living in our communities, encouraging children to attend school, supporting programs for increasing workforce training for high school leavers and their first jobs

Community Safety

Outcome Sought: Safe and thriving Djalkiripuyngu homelands which provide for the wellbeing of women, children, youth and men and elders.

What we are seeking from the NTG: Recognition of role of traditional leaders in maintaining law and order; stronger police presence including the potential of employing an Aboriginal Liaison Officer for Djalkiripuyngu and the establishment of Police Post in the Djalkiripuyngu homelands; firm arrangements for ongoing community engagement with police; local reporting of incidents; local compliance with laws (i.e. driving licences, gun ownership); emergency services support (fire, flood, cyclone).

What we propose to do: working closely with police to meet Australian law requirements, such as driver licences, shooting licences, access to country. Sharing Rom with police and finding ways that traditional laws support Australian laws.

Health

Outcome sought: Improved Djalkiripuyngu homelands access to primary, allied and tertiary health care and services which improves the health and wellbeing of the Djalkiripuyngu people.

What we are seeking from the NTG: Support early preventative treatment to fix serious problems and not only treat with medication; employ a nurse to live to provide medical care; provide dialysis services in the region; improve local capacity to provide emergency medical treatment (first aid, AEDs); support medical attendance at large events; and provide a regional solution for emergency air transport.

What we propose to do: encourage healthy living in homelands, regularly attend medical examinations, compliance with medicine, use Rom to discourage drug and alcohol use, encourage healthy eating through making local shop supply fresh food, sugar free soft drinks and encouraging nutritional training.

Infrastructure and housing

Outcome Sought: Djalkiripuyngu living with dignity in their own homes in homelands, with well-designed houses (both public and private ownership), achieving Australian standards in public facilities (power, water, sanitation), and safe and reliable transport corridors connecting homelands and larger town centres.

What we are seeking from the NTG: Local governance and delivery of municipal and essential services budget; improved telecommunications access in Djalkiripuyngu homelands; improved power and water reliability and sustainability (solar and water system renewal); upgrade airstrips where necessary; improve waste management; improve and expand 'community housing' to hand over to private / community ownership; construction of new office, improve road network and connectivity between Djalkiripuyngu homelands to support services access. Ensure Djalkiripuyngu involvement in the upgrade of regional roads and opportunities which ensue.

What we propose to do: establish design rules for homelands housing, develop a method for homeland residents to contribute to the cost of service delivery, support regional planning for improving road and air transport.

Culture

Outcome Sought: Improving awareness of Djalkiripuyngu culture on the Gove Peninsula, Northern Territory and Australia and strengthening local participation in ceremony and customs.

What we are seeking from the NTG: Recognition of the important work that the Djalkiripuyngu do to preserve our culture on our land and sea. Recognise local names for key local sites (such as our names for Woodah Island, Grindall Bay, etc.); support our people to preserve our sacred artefacts at local 'museum' with art work and history; support local cultural festivals.

What we propose to do: continue our hard work to educate our people about the long history they are a part of and find ways to keep our young people strong in their culture and language. Share our culture to achieve correct location naming, and open our ceremonies to enrich tourism visitation, support local events with our dances and songs.