

# CAPE YORK REGIONAL PARTNERSHIPS AUTHORITY

## Position Paper

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PAMA FUTURES

A First Nations Voice for Cape York

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# Executive summary

## Structural reforms to empower our voices and Close the Gap.....4

Constitutionally recognising and guaranteeing First Nations voices is essential, and it also requires legislation to give effect to the constitutional guarantee. Pama Futures is a reform agenda proposed by Cape York people, aimed at empowering Indigenous communities and closing the gap over three generations. The agenda proposes a combination of structural reforms and the agency of Aboriginal and Torres Strait Islanders as individuals, families and communities. This would create a First Nations voice for Cape York – one part of the regional footprint of a First Nations voice to Parliament, as proposed by the Uluru Statement from the Heart. Together, these constitutional and legislative reforms will build capabilities to close the gap over time.

## First Nations Empowerment and Closing the Gap Act.....7

In addition to a constitutional amendment to guarantee First Nations voices are heard, the necessary structural reforms include Commonwealth legislation in the form of a *First Nations Empowerment and Closing the Gap Act*. This legislation would create an interface between regional Indigenous communities such as Cape York, and Commonwealth, State and local governments, to work in partnership to develop and negotiate reform agendas to build capabilities and close the gap. The legislation would have national application but the organisational arrangements would differ across regions, subject to partnership agreements between the Commonwealth and the relevant region. New regions would be promulgated via regulation.

## Regional Partnerships Authority.....9

The legislation would establish a Regional Partnerships Authority as the interface between the Indigenous community, and Commonwealth, State and local governments. The Authority will be constituted by the partners coming together and negotiating agreements, including agreed reform policies for the region, development plans, investment plans and budget agreements. The Authority would not be a standalone organisation, but will establish and give authority to the coming together of the Indigenous and governmental partners. A Regional Authority Board will be made up Indigenous representatives from the region and government representatives.

## Regional Forum.....10

Cape York is a regional Indigenous community made up of 12 subregional communities based around the existing communities. The subregional communities will come together via a Regional Futures Forum which will have representation from the 12 subregions and regional organisations.

## Community Partnerships Table.....11

On the basis of the place-based plans developed through inclusive participatory processes, Community Partnership Tables provide the primary vehicle for community and government partners to come together in each sub-regional community to share responsibility for decision making, co-purchasing of services and accountability for success. The focus is Closing the Gap, Empowerment and Investment.

Clan Campfires.....12

Pama Futures has devised and will promote a model of “Campfire Governance” to provide the ultimate strong foundations for decisions by landowners at the family and the clan level about land use and management, and social, economic and cultural development. Family and clan groups are to have regular, voluntary and self-organising meetings, at which land aspirations and plans for the future are discussed and developed.

Delivery Unit.....12

In Cape York a Regional Partnership Delivery Unit will be established under regulation, and will be reviewed every five years. The Delivery Unit is a partnership team established to drive implementation and delivery performance for Pama Futures.

## Structural reforms to enable Pama to Close the Gap

### Decision-making and leadership system to be devised within each region

For government to form an empowering partnership with Indigenous people, new systems must clarify how government can directly partner with Indigenous people of a place. This requires both constitutional and legislative reform. It requires constitutional reform to ensure a permanent, paradigm changing shift in this relationship. This is why the Uluru Statement from the Heart asks for a constitutionally enshrined First Nations Voice. It also requires legislative reform to ensure First Nations voices are heard, and to bring empowerment into action. Legislative reform on its own is not enough, however.

Indigenous people in each region will need to build and authorise, from the ground-up, clearer and cohesive decision-making and leadership structures to empower the grassroots. Applying a “cookie cutter” approach across regions will not work—there is no “best practice” model that can be successfully transplanted from elsewhere across Australia’s regions. Indigenous people must devise the right context-specific approach for their own places that provides a legitimate means for acting collectively and dealing with government on urgent problems. There are three key points to be understood:

- First, systems that rely on the usual (Western) conventions of representative government, open and competitive elections, and majority rule are unlikely to be successful. Such systems have been imported and imposed on Indigenous contexts in the past and have proven to be inadequate for engendering the broad participation and collective action needed for solving key social and economic problems.
- Second, new systems must meet the need for broad-based participation in decision-making from the grassroots upwards, so that legitimate collective problem-solving and action drives an improvement in development outcomes—from crime to school failure, environmental sustainability to economic development, the health crisis and more. Such systems must provide the capacity for acting on problems in a way that allows learning, adapting and operates to generate visible results.
- Third, new systems must provide an appropriate degree of “cultural match” by ensuring the rights and responsibilities of traditional owners in relation to decision-making about rights and interest in land, for example, are fully respected. “Cultural match” will vary from place to place, and it is likely to be a stronger influence in areas such as North East Arnhem Land, for example, than in more highly urbanised areas.

### Systems must meet basic criteria

It should be up to Indigenous people within each region themselves to devise the arrangements and modes of representation that suits them, providing certain basic criteria are met. The key basic criteria include:

1. The key focus must be on enabling grassroots empowerment.

2. The approach must be inclusive to improve development outcomes—there are universal rights and responsibilities that come with being a resident of a place, and there must be avenues for participation available to all Indigenous residents of a place.
3. The rights and responsibilities of Indigenous traditional owners must be respected.

Indigenous organisations must continue to play a key role in increasing “community control”, however, the new partnership approach must move beyond government partnering with “gatekeeper” representative and Indigenous organisations—at either the local or the regional level. New systems must empower the grassroots and provide a clear basis for authorization of actions to be taken at the regional level—enabling grassroots empowerment is a key responsibility of all Indigenous organisations.

Indigenous people across Australia must be afforded the opportunity to provide greater clarity about how government can partner with the people in their region, to prepare for the devolution of decision-making about priorities, programs and funding decisions. The systems put in place must provide both government and Indigenous people assurance that such decisions will percolate upward from empowerment of the grassroots. Decisions must be made in a manner that is legitimate, inclusive and culturally appropriate, as required.

### **New partnership arrangements to be formally agreed and recognised**

In addition to the appropriate constitutional guarantee of First Nations voices, as proposed by the Uluru Statement, a legislated framework is needed to give effect to the new partnership arrangements between government and Indigenous people. Where a region devises a system of decision-making and leadership that meets the basic criteria, the system should be formally recognised by government so that it can provide a stable and long-term partnership with Indigenous people of a region.

For example, under appropriate enabling legislation, such as an *Empowerment and Closing the Gap Act*, the Minister may formally recognise the regionally devised arrangements. These arrangements would be agreed under a Regional Partnership Agreement with government. The government would accordingly recognise the arrangements as constituting the “Regional Partnership Authority” within a region for a period of 5 years, with a cyclical review, evaluation and revision for the next 5 years.

The legislative framework would establish consistent arrangements for government and Indigenous partnerships across the country, while also recognising each region’s own system devised for its own context to close the gap. For example, when it comes to the Cape York Regional Partnership Authority model, the legislative framework could recognise that Community Partnership Tables and a Regional Partnership Board are to be key parts of the overall new partnership governance, and set out the membership and broad functions of these structures/mechanisms (see below for more details).

Commonwealth legislation and possibly complementary state/territory legislation are needed to provide the framework for formally recognising regional partnership systems as the key mechanisms for collaborative and coordinated partnering between government and Indigenous people.

### Institutional Reform within Government – the need for change

Government also has to change itself. In addition to constitutional and legislative change, government needs to change how it organises its internal administrative structures and how it presents its policy position publicly. A clear policy framework should be established and government must own that framework. If it doesn't clearly own the policy, then its public service, charged with delivery, won't either.

Government decision-making authority must shift to reside closer to the ground, where its key partners reside. Capability building in government ranks, particularly at the regional level, is essential and urgent to strengthen capacity to make decisions with Indigenous people – and to be able to support Indigenous people in that process. The government role in the partnership should be an enabling role. This should be an equal partnership where local joint decision-making, co-design planning and co-purchasing of services becomes the norm.

A strong focus is needed on cross government collaboration. This is fundamental to the success of a place based framework. The Commonwealth should establish, within the Department of Prime Minister and Cabinet, a high performing unit with responsibility for leading cross Commonwealth participation in and support for the regional model. This unit should also have the power to connect with similar teams in First Ministers departments at the state and territory level and with Regional Partnership Delivery Units (joint government and Indigenous partnerships) at each regional level. At all levels, these units/teams would drive delivery and ensure all involved in the partnership meet their responsibilities.

Responsibilities might include:

- Ensuring unintentional policy and/or program clashes can be worked through without adverse impact on the ground.
- Establishing regional budgets in each region once a region becomes part of the new arrangements (ie. by regulation).
- Ensuring funding agreements/contracts can be tailored to the place in which they will operate.
- Ensuring government data is transparent and accessible by the Indigenous partners in a region when needed.
- Overseeing a national Monitoring, Evaluation and Adaption Framework for closing the gap on Indigenous disparity into which each region plugs its own closing the gap framework, recognised and monitored jointly by the partners in the region.

### Necessary structural reforms to support new regional arrangements

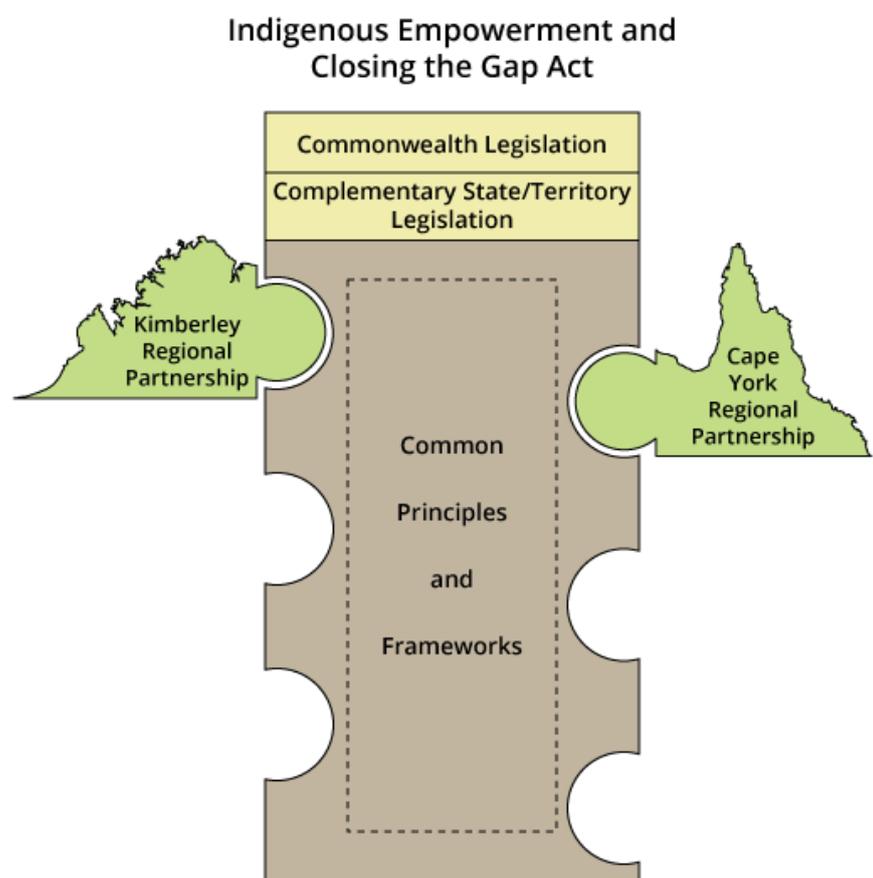
In summary, the structural reforms required to enable Indigenous individuals, families and communities to build capabilities to close the gap over time, include:

1. A referendum for a constitutional amendment to guarantee First Nations voices, as called for in the Uluru Statement from the Heart.
2. Establishment of a legislative framework, a *First Nations Empowerment and Closing the Gap Act*, to create the interface between regional Indigenous communities and the Commonwealth, state and local levels of government.
3. Establishment of a Regional Partnership Authority in each region to work with Aboriginal and Torres Strait people in that region to close the gap on Indigenous disparity in three generations.
4. A formal partnerships agreement in each region between Indigenous, Commonwealth, State and, where relevant, local government representatives agreeing to the particular form, responsibilities and outcomes of a regional partnership interface for that region.
5. Commitment by all partners to jointly design, develop and implement regional empowerment plans based on the priorities identified by the Indigenous people of a region.
6. Institutional change within governments to reflect the new partnership arrangements and position appropriate decision-making authority within government at the right level to support a place based approach to Indigenous Affairs.

## First Nations Empowerment and Closing the Gap Act

As noted, a legislated framework is needed to enshrine new partnership arrangements. A *First Nations Empowerment and Closing the Gap Act* would create an interface between regional Indigenous communities like Cape York, and Commonwealth, State and local governments.

The legislation would have national application but the organisational arrangements for each region would be unique to each region, subject to a partnership agreement. There would be common principles and frameworks across the country, set up under the legislation, but each region would have autonomy, subject to agreement with government, as to how it organises and represents itself to engage with the partnership framework.



The key principles that would be set out in the legislation to support the partnership framework, include:

1. Regional Indigenous leaders to establish governance structures as the key engagement interface with all levels of government (the Partnership Interface) consistent with the basic criteria set out at page 4 of this paper, ie:
  - a. The key focus must be on enabling grassroots empowerment.
  - b. The approach must be inclusive to improve development outcomes—there are universal rights and responsibilities that come with being a resident of a place, and there must be avenues for participation available to all Indigenous residents of a place.
  - c. The rights and responsibilities of Indigenous traditional owners must be respected.
2. Place-directed investment to support regional empowerment plans, and associated investment plans of 5-10 years duration for social, economic and cultural development, to close the gap on Indigenous disparity.
3. Governments to enable Indigenous people to share responsibility and accountability, to support community aspirations and Indigenous-led development.
4. Regional partnerships to be underpinned by local decision making arrangements, enabling co-design planning, co-purchasing of services, joint monitoring and quick adaptation if needed based on learning as you go.
5. Indigenous people to have transparent access to government data and funding and service performance information for their region.
6. Governments to provide ongoing support for regional leaders and governance structures to facilitate Indigenous-led work.
7. Regions and sub-regional communities with lower levels of readiness to be supported by governments to build their governance and leadership capacity; in turn strong organisations and leaders can support and build individual and family capability.

#### *New partnership arrangements to be formally agreed and recognised*

Where a region devises a system of decision-making and leadership that meets the basic criteria, the system should be formally recognised by government so that it can provide a stable and long-term partnership with Indigenous people of a region. Under appropriate enabling legislation, the Minister may formally recognise the arrangements that have been regionally devised, and then agreed via a Regional Partnership Authority Agreement with government, as constituting the “Regional Partnership Authority” within a region for a period of 5-10 years.

The legislative framework would establish consistent arrangements for government and Indigenous partnerships across the country, while also recognising each region’s own system devised for its own context to close the gap. For example, when it comes to the Cape York Regional Partnership Authority model, the legislative framework could recognise that Community Partnership Tables and a Regional Partnership Board are to be a key part of the

overall new partnership governance, and set out the membership and broad functions of these structures/mechanisms (see below for more details).

## Regional Partnership Authority

The Regional Partnership Authority is a key mechanism in the legislation for achieving the shift to empowerment and closing the gap on Indigenous disparity.

The framework for establishing a Regional Partnership Authority in each region will be set out in the legislation and subject to a partnership agreement between the Commonwealth, relevant state and the relevant region. The partnership agreement will describe the unique governance and leadership arrangements for a particular region. Those arrangements will be decided by the regional Indigenous partners to the agreement and included in the legislation by regulation when ready.

The Regional Partnership Authority will be constituted by the regional and government partners coming together and negotiating agreements, including agreed reform policies for the region, development plans, investment plans and budget agreements. The Authority would not be a standalone organisation but rather will establish and give authority to the coming together of the indigenous and governmental partners.

A Regional Authority Board will be made up of equal numbers of people nominated from the region and from the government partners (Commonwealth, state and local, if relevant). There should be opportunity for the regional Indigenous representatives to comprise a mix of leadership (organisational, cultural, natural and include grassroots representation). The members will be appointed by the relevant Minister for five-year terms. The Board will also include two funding delegates, one from the Commonwealth and one from the relevant state government, with authority, established in the Act, to make/recommend decisions about flexible funding across programs and agencies in support of regional and sub-regional empowerment plans.

The broad roles and functions of a Regional Partnership Authority, as carried out by its Board, on behalf of the Indigenous people of a region, will be set out in the legislation. They might include:

1. Provide policy and implementation advice to government on matters impacting on the region.
2. Monitor progress towards empowerment and closing the gap in the region and assist with the resolution of issues, blockages as required.
3. Support a smooth transition to regional and/or sub-regional community budgets, including maintaining transparency around those budgets as they become operational.
4. Have a line of sight to new policies, programs and funding impacting on the region ensuring that available resources are used in a way that helps and not hinders empowerment of regional Indigenous people and their ability to close the gap on disparity in their region.

5. Provide a forum to negotiate regional strategies and outcomes where there are economies of scale or other opportunities from putting in place a region wide approach.
6. Support regional and sub-regional community priorities and plans.
7. As necessary, support Partnership Table processes in sub-regions to ensure capability for success.
8. Provide an annual report on progress towards closing the gap on Indigenous disparity in the region, available to all.

### The Cape York model

In Cape York, we have been building on the Empowered Communities model, to develop a proposal that better articulates decision-making at the local and regional level so that Indigenous people across Cape York can far more effectively partner with government to improve development outcomes. This is just the Cape York approach—other regions must devise a different model that better suits them.

The Cape York Pama Futures model incorporates multiple mechanisms for grassroots empowerment, commits to ensuring that traditional owners have the full say in appropriate matters (such as in relation to decisions over land), and provides mechanisms for efficient interfacing and agreement-making with government. The approach includes:

- Place-based plans, developed through inclusive participation, in which the people of a place set out their needs and priorities.
- A new interface/structure—Partnership Tables—to be established for negotiations and agreement-making between governments and the people of a place. The place-based plans form the basis of negotiations and agreement-making at the Partnership Table. Agreement-making sets out how investment is to be used and sets expectations about what will be achieved.
- Funding reforms so budgets are controlled closer to those affected, including:
  - Governments to provide place-based transparency of funding flows
  - Place-based pooled funding arrangements
  - Indigenous people acting as decision-makers about funding grants to services (through panels appointed as purchasers, or co-purchasers of services)
  - Increasing Indigenous organisations' participation in service delivery and reducing the dominance of external NGOs
- Monitoring and evaluation that facilitates adaptive practice, and accountability

Indigenous organisations are to play an enabling role, focused on empowering the grassroots. CYP will support grassroots empowerment and will help local level reform leaders facilitate place-based plans based through inclusive participatory processes.

### Regional Forum – the Cape York Futures Forum

At the regional level, there would be a *Cape York Futures Forum*, which is the primary Indigenous leadership structure for Pama Futures across Cape York. The forum will provide a key avenue for knowledge sharing across the sub-regional communities, will receive reports

from the Regional Partnership Authority Board and the Community Partnerships Tables, will set regional priorities and outcome targets, and track progress across the region. This is the First Nations voice for Cape York.

Members will be representatives of 12 Cape York sub-regional communities selected by the grassroots through the inclusive and participatory planning process.

The *Cape York Futures Forum* convenes the *Annual Cape York Futures Forum Summit*.

### Cape York Regional Partnerships Authority

The Cape York Regional Partnership Authority will be established as a virtual authority that will be an interface, supported by a Board comprised of people nominated from the Cape York region and nominated from the Commonwealth and Queensland Governments:

- Members will be appointed by the relevant Minister for five year terms.
- The Queensland and Commonwealth Government members will be the most senior bureaucrats responsible for Indigenous Affairs in those governments.
- The Board will also include funding delegates, one from the Commonwealth and one from the Queensland Government, who have authority, established in the Act, to make/recommend decisions about flexible funding across programs and agencies.
- The Cape York Board will work closely with and report on progress and performance to the Cape York Futures Forum established as the primary Indigenous leadership structure for *Pama Futures*, and will join for part of the meetings of that group twice a year.
- The Board will be supported by the *Pama Futures* Regional Partnership Delivery Unit.

### Community Partnerships Tables

On the basis of the place-based plans developed through inclusive participatory processes, Community Partnership Tables provide the primary vehicle for community and government partners to come together in each sub-regional community to share responsibility for decision making, co-purchasing of services and accountability for success. The focus is Closing the Gap, Empowerment and Investment.

Community Partnership Tables will be established in each of the 12 Cape York sub-regional communities. They will:

- Provide the negotiating forum for investment in the sub-region, that is they provide the Joint Decision-Making Process
- Facilitate access to all government data and funding information
- Publish Sub-Regional Empowerment Plans
- Publish Sub-Regional Investment Plans
- Set Sub-Regional Outcome Targets
- Oversight informal community get togethers to ensure that these key regular family and clan dialogues are occurring to provide strong and broad foundational input.

## Grassroots Campfires and meetings

### *Land*

Under Pama Futures grassroots empowerment is built from the individual and family level upwards. Pama Futures has devised and will promote a model of “Campfire Governance” to provide the ultimate strong foundations for decisions by landowners at the family and the clan level about land use and management. Family and clan groups are to have regular, voluntary and self-organising meetings, at which land aspirations and plans for the future are discussed and developed. These campfires provide the foundations for the families and clans to participate in collective action and planning for the use and management of their land.

### *Other activities*

Outside the specific area of land use and management we are also supporting a similar system of regular family and clan get togethers at the broader community level. This could be done around the barbeque or another informal situation where all the residents of a sub-regional community are welcome to come along and discuss their plans and aspirations as a broader community, receive feedback from Community Partnerships Tables, work out a community volunteering regime and so on.

## Delivery Unit

In Cape York a Regional Partnership Delivery Unit will be established under regulation, and will be reviewed every five years. The Delivery Unit is a partnership team established to drive implementation and delivery performance for Pama Futures—it is jointly staffed by people from the Cape York regional organisations, Cape York sub-regions and the Commonwealth and Queensland Governments.

The Delivery Unit’s primary responsibilities include:

- Co-defining and syndicating targets, trajectories, milestones and responsibilities for agreed priorities.
- Setting up tracking tools and processes.
- Monitoring progress.
- Reporting progress.
- Actively problem solving, resolving bottlenecks and proposing course corrections.
- Facilitating and bridging work across organisational and jurisdictional boundaries.
- Providing early warning of risks and recommended actions.
- Providing performance reports, and other support, to the Cape York Futures Forum and the Board of the Regional Partnerships Authority.

## Conclusion

This position paper has set out how Pama Futures will give voice to the First Nations of Cape York, so Indigenous people in the region can forge a stronger partnership with governments, and build the capabilities required to close the gap.

Such arrangements can be established by national legislation. There would be common structural elements and principles nationally, and regions would differ in how they choose to represent and organise themselves to connect with the new interface structures.

This legislation would complement and give effect to a constitutional amendment to guarantee First Nations voices are heard. This legislation is not, however, a replacement for the appropriate constitutional guarantee, as requested by the Uluru Statement from the Heart.

To transform this relationship we need reform at all levels: constitutional, legislative and policy.

**PAMA FUTURES** is an agenda developed by the First Nations of Cape York Peninsula, and submitted to the Commonwealth Minister for Indigenous Affairs, the Hon. Senator Nigel Scullion, and Queensland Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Policy, Hon. Jacky Trad in March 2018.

**CAPE YORK PARTNERSHIP** is a non-profit organisation committed to the recognition, empowerment and development of the First Nations of Cape York Peninsula.

**CAPE YORK LAND COUNCIL** is the Native Title Representative body for the First Nations land owners of Cape York Peninsula.

For more information, visit [www.capeyorkpartnership.com](http://www.capeyorkpartnership.com) and [www.pamafutures.org.au](http://www.pamafutures.org.au)