

# Anangu Pitjantjatjara Yankunytjatjara

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## Consultation Protocols Anangu Pitjantjatjara Yankunytjatjara Lands

### Introduction

These protocols form part of requirements for development approval under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*. They outline the minimum process required for design consultation with Anangu and their advocates regarding the built environment on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands and a range of existing methods and resources that can be used to facilitate successful consultation.

Other requirements; all ground disturbing work on the APY Lands requires cultural heritage clearance undertaken by an APY nominated Anthropologist. Requirements in relation to Permit applications must be observed.

### Background

Consultation with Indigenous communities is a key principle of the *National Framework for the Design, Construction and Maintenance of Indigenous Housing, Building a Better Future: Indigenous Housing to 2010<sup>1</sup>*, and the local *AP Design Guide<sup>2</sup>*. It is also recommended in the *National Indigenous Housing Guide* "to get the best housing and health outcomes"<sup>3</sup>. These protocols were developed to set a standard of consultation for all development on the APY Lands, to help service providers programme design and provide consistency for Anangu. APY supports cross-cultural consultation that aims for clear communication, understanding of culture, and design initiative that responds to issues discussed and presents real and distinct options.

### Principles

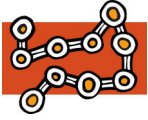
All consultation must be guided by the following principles to ensure:

1. Development is appropriate to the needs of the Anangu people for whom it is intended (*Building a Better Future*);
2. Resources are finally beneficial to Anangu (*AP Design Guide*);
3. Anangu are involved in planning and service delivery (*Building a Better Future*);
4. Funding and service provision is coordinated efficiently and outcomes are reviewed to inform future development;
5. Funding is used to promote positive health outcomes;
6. Ideas and concepts for development are communicated effectively and Anangu are presented with enough information and distinctive options to make informed choices;
7. The members of APY are recognised as the land holders and ultimate user group;
8. Development fits with the provisions of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*; and,
9. Development contributes to sustainable culture, economy and environment on the APY Lands.

<sup>1</sup> Download documents and the NIHG at <http://www.facsia.gov.au/internet/facsinternet.nsf/indigenous/publications.htm>

<sup>2</sup> Download the AP Design guide at <http://www.nganampahealth.com.au/upk.php>

<sup>3</sup> *National Indigenous Housing Guide*, 2<sup>nd</sup> edn, Commonwealth Dept of Family and Community Services, 2003, p.v.



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### Interpretation

- APY Lands:** means all that land for which APY have freehold title as granted by the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 (SA)*
- Development:** as defined by the *South Australian Development Act 1993*
- Indigenous Organisation:** Any organisation operating on the APY Lands whose members are constituted from the Anangu Pitjantjatjara Yankunytjatjara people
- Protocol:** following the customs and laws of the people or community you are working with and communicating in a way that is relevant to them
- Traditional Owner:** an Aboriginal person who has in accordance with Aboriginal tradition, social, economic and spiritual affiliations with and responsibilities for the APY Lands or any part of them

### Who to Consult

Contact APY and the relevant Community Council with a development proposal and consultation plan prior to commencing consultation. Consultation plans should list individuals or groups for consultation. **Traditional Owners (TO's) for the area** affected by any development proposal must be given the opportunity to be involved in consultation as well as the following people for the following matters:

**Essential and Municipal Services:**

Community Council (within or near communities only), APY Development Committee (basic infrastructure out of community bounds)

**Housing:**

Community Council, Community Women's and Men's Groups

**Public Buildings:**

Relevant Anangu Organisation governing committee, Community Council

**Roads:**

Community Council (roads within or near communities only), other areas TO's only

**Staff Housing:**

Relevant Anangu Organisation governing committee

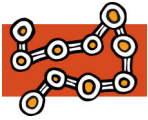
**Stores:**

Mai Wiru governing committee, Community Council

**Strategic and Town Planning:**

Community Council, women's and men's groups, different family groups, APY Development Committee

APY anthropologists can assist with identifying Traditional Owners. Traditional Owners, Community Councils or others may nominate advocates to respond on their behalf, any representative nominated must be contacted for their advice. It is recommended to contact all servicing/maintenance agencies associated with your development.



## APY Endorsement of Consultation

Under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 (SA)* APY cannot authorise any development unless satisfied that traditional owners affected by the proposal –

- a) understand the nature and purpose of the proposal; and
- b) have had the opportunity to express their views to APY; and
- c) Consent to the proposal.

Consultants will be asked to re-consult if the above provisions have not been met. All APYDC development applications must include consultation records demonstrating:

- Inclusion of relevant stakeholders in consultation;
- Discussion of critical development issues including any relevant APY policies;
- Sufficient methods and media used in consultation and documents provided;
- Support for the principles of consultation outlined above;
- Reflection of consultation input in development documentation; and,
- Informed consent of the proposed development by those consulted.

## Critical Development Issues

Consultation must occur at a minimum before the inception of a project, in a sketch phase and prior to tender. Consultation must cover the critical development issues relevant to the development type.

- Where is the development going and how will it be serviced?
- How will the development be designed to suit Anangu?
- What benefits the development will bring for Anangu and how does it respond to needs?
- How much will the development cost to build and to run, who is responsible?
- What maintenance will be required and who is available to provide maintenance?
- How does the development promote the nine Healthy Living Practices?
- What environmentally sustainable design principles are in the development?
- Who carries the lease and who is managing the development long term?
- When will the development be finished?
- What employment opportunities are there for Anangu?

## Rights and Responsibilities

### Anangu rights and responsibilities

Anangu involved in consultation can expect to:

- Use their own language and request an interpreter
- Be given sufficient time for consideration and request more time if needed
- At any time withdraw from the Anangu Client group<sup>4</sup>
- Choose representatives and refer to own experts or advocates
- Specify the method and techniques, time and location for consultation
- Have their consultation input responded to in the design proposals
- Be supplied with sufficient and accurate information to make informed decisions

Anangu involved in consultation will:

- Identify where information requested may be restricted

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<sup>4</sup> Additional members should be found to replace those withdrawing to the minimum requirements. The reason for a withdrawal may impact on consultation and should be sought by the Consultant where appropriate



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- Indicate when something is not clear or understood
- Inform the consultant of any conflict of interest
- Inform the consultant if they cannot make a scheduled meeting
- Formally approve agreed outcomes

### Consultant's rights and responsibilities

The consultant can expect:

- Engagement from the client group
- To rely on consultation processes and approved outcomes
- A timely response to requested information

The consultant will:

- Recognise that Anangu have the right to communicate in their own language and fund an interpreter when requested
- Be professionally skilled in the type of development under consultation
- Provide sufficient and accurate information on the development in an accessible format
- Provide copies of development documents for Anangu involved in consultation
- Communicate consequences of design requests and decisions
- Provide consultation methods and approaches appropriate to the development type
- Allow sufficient time for consideration of development documents
- Inform the Anangu Client group if they cannot make a scheduled meeting

### APY rights and responsibilities

APY can expect:

- As Land Holding Body to ask for any reasonable changes to proposed designs
- Non-sensitive information collected by consultants to be made available to APY

APY will:

- Function under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*
- Help consultants become aware of local cultural conditions
- Help the consultant negotiate cultural concerns and contact the right people
- Provide information on needs and associated development
- Coordinate development with other service provision

### Guidelines for Cross-Cultural Consultation

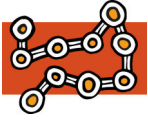
The following recommendations have been brought together from research and tried techniques. For further information a comprehensive guide is Walsh and Mitchell's *Planning for Country*<sup>5</sup>.

#### Talking –

- Learning by observation and sharing personal experience are preferred ways of communicating rather than direct questioning. Seemingly unconnected conversations may hold important information for the development proposal.
- Be aware that family relationships may influence the information gathered.
- Ask open questions and avoid questions with yes and no answers.
- Presenting several distinct options can help to ascertain values.
- Allow people to communicate both verbally and visually.
- Take the time to ask and look at what has been done before, successes and failures.
- Use the Chairperson of the community, local and regional service providers and staff as a good information resource.

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<sup>5</sup> F Walsh & P Mitchell, (eds), *Planning for Country: Cross Cultural Approaches to Decision Making on Aboriginal Lands*, Jukurrpa Books, IAD Press, Alice Springs, 2002.



## **Anangu Pitjantjatjara Yankunytjatjara Consultation Protocols**

### **Graphics –**

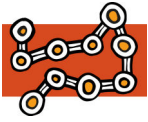
- Graphic formats such as pictures, plans, elevations, diagrams, ground maps, photos of similar examples are easier to quickly understand proposal rather than written documents.
- For bigger meetings graphics should be large to allow groups to stand around and discuss.
- Models, including working models that can be moved around and changed, can be useful for talking about relationships and providing a clearer understanding of the development.
- Site visits to similar developments or talking about real life examples can help people picture development proposals and think about possible changes or different solutions.

### **Meetings –**

- Give a lot of notice for meetings and telephone or fax repeated reminders.
- Put up notices for meetings. Do not just rely on telling one person to spread the word.
- Mass communication channels include Radio 5NPY, Waru.org Website, Magazines put out by NPY WC and others, leaflets and posters.
- Smaller groups are easier for detailed discussion.
- Larger meetings are better for important decisions such as siting or developments with community wide implications.
- Where budgets allow providing food and transport to meetings is recommended.
- There are certain times of the year when it is unreasonable to expect meetings to occur, particularly in December, January and February. Ask if there are other commitments close to the meeting date that may conflict.
- Be flexible, often the same community members are involved in several committees and consultations as well as having job and family commitments.

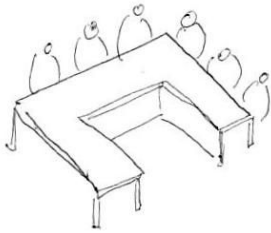
### **Organisation –**

- Come with topics, desired outcomes and a rough list of questions.
- Always make a record of meetings, by taking Minutes, including the names and roles of everyone present.
- Ask before recording conversations or taking photographs.
- At the end of every meeting make agreed outcomes and outline follow-on tasks and responsibilities of each party.
- Link planning to action.
- Evaluate successes and failures of the development after it has been used.

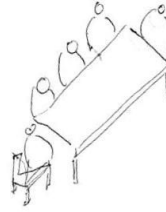


# Anangu Pitjantjatjara Yankunytjatjara Consultation Protocols

## Summary of Key Requirements



**APY Executive Board**  
**Quorum: 6 Members**



**Community Council**  
**Quorum: varies in Constitutions (usually 5 members)**

1. Contact the APY Executive Board and the relevant Community Council with a development proposal and consultation plan. A Development Proposal should include information about the function of the proposed development, funding sources, benefits to APY and the community. A Consultation Plan should include information about who will be involved in the design or ask who should be consulted and the likely timeframe.



- **Essential and Municipal Services:** TO's, Community Council (within or near communities only), APY Development Committee (basic infrastructure out of community bounds)
- **Housing:** TO's, Community Council, Community Women's and Men's Groups
- **Public Buildings:** TO's, relevant Anangu Organisation governing committee, Community Council
- **Roads:** TO's, Community Council (roads within or near communities only), other areas TO's only
- **Staff Housing:** TO's, relevant Anangu Organisation governing committee
- **Stores:** TO's, Mai Wiru governing committee, Community Council
- **Strategic and Town Planning:** TO's, Community Council, women's and men's groups, different family groups, APY Development Committee

2. Ask suggested stakeholders whether they wish to participate in the design consultation and confirm relevant stakeholders list with APY and Community Council. Notify stakeholders and APY at least one week prior to meeting date. Discuss the design including the critical development issues. Record discussion and all names of those present and reasons for those absent (record pro-forma available). Minimum consultation stages should be at inception/sketch design and pre-tender.

**Consultation Record for development on the Anangu Pitjantjatjara Yankunytjatjara Lands**

Please submit this record in conjunction with the corresponding APYDC Development Application. Submission can include photographs or digital images of consulting process.

Forward to: APY Development Committee (PMB 227 Uluwarr, via Alice Springs NT 0872) (Tel: 08 8954 1000, Fax: 08 8954 8115)

Facilitator: [Name] [Date] [Time]

Location: [Address] [Date] [Time]

Consultation Stage: [Initial proposal and brief] [Design and Sketch Design] [Final Design/Sign-off] [Other] [Interpretor Used] [Yes] [No]

Present: [List names]

Absent: [List names] [Reason]

Media Used: [Drawings] [Models] [Photos] [Other]

Issues discussed: [List issues]

Agreements/Comments: [List agreements]

### Consultation Record

**Development Application for the Anangu Pitjantjatjara Yankunytjatjara Lands**

All development on the APY Lands requires approval from the Community Council and the APY Development Committee. Allow minimum 6 weeks to process application.

Documents: [Completion Report] [Site Plan (over 1,000sqm)] [Plans (over 1,000sqm)] [Other Control Documents] [Environmental Assessment] [Other Documents]

Forward to: APY Development Committee (PMB 227 Uluwarr, via Alice Springs NT 0872) (Tel: 08 8954 1000, Fax: 08 8954 8115)

Applicant: [Name] [Date] [Time]

Contact Person: [Name] [Phone] [Email]

Contact Email: [Email] [Date] [Time]

Use of Functionality or Site of Site: [Location of Site] [Homestead?]

Use of Functionality of Development: [Building Class]

Lease Type: [Government] [NSD] [Anangu] [Third Party] [None]

For Office Use: [Yes] [TAC] [APY Land Rights Act 1981 Compliance] [Yes] [No]

Services Available: [Water] [Power] [Sewer] [Stormwater] [Fire] [Other]

Community Approval: [Development Application] [Site Allocation Only]

Community Council Approval: [Date] [Conditions] [Date]

APY Approval: [Date] [Conditions] [Date]

### Development Application

3. Submit all Consultation Records with the APYDC Development Application. Submission can include photographs or digital images of meetings.