

Contractors Guide to Maximising Local Indigenous Participation

APY Lands – SA



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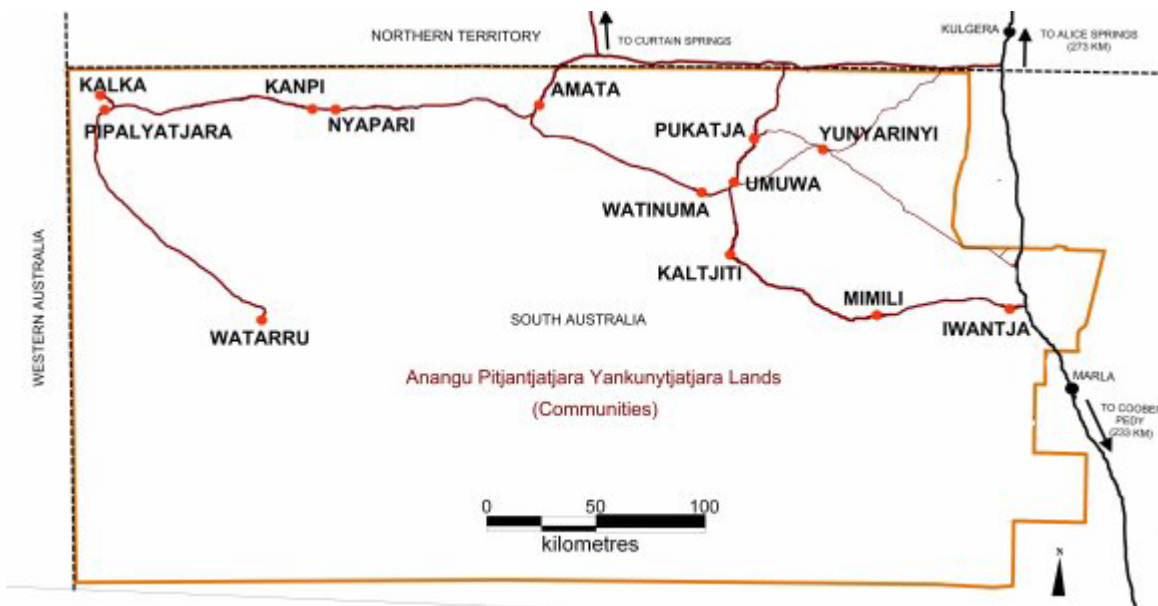
Contractors Guide to Maximising Local Indigenous Participation¹

- APY Lands, SA

1. ABOUT APY LANDS¹

²Anangu Pitjantjatjara Yankunytjatjara (APY) is an Aboriginal local government area in the remote north-west corner of South Australia. Anangu people are the traditional owners of the APY Lands.

Covering more than 103,000 km², the APY lands are home to around 2,500 residents, mostly Anangu people from the Pitjantjatjara, Yankunytjatjara and Ngaanyatjarra language groups. Anangu mainly speak Pitjantjatjara language (pronounced as pit-jan-jat-jarra), with Yankunytjatjara and Ngaanyatjarra being the other main languages for the region.



APY Lands, South Australia

The Anangu Pitjantjatjara Yankunytjatjara Land Rights Act granted certain land and other rights to the APY people. It began as the Pitjantjatjara Land Rights Act when it was introduced on October 2nd 1981.

The Act introduced new concepts of land holding and control for the benefit of Aboriginal people. This was an important milestone for land rights, not just for Anangu people, but all Indigenous communities.

¹ The information in this Guide is provided as a general guide only and Contractors are responsible for ensuring that their work practices comply with all relevant legal obligations relating to their works on the APY Lands.

² (information sourced from  <https://www.anangu.com.au/en/>)

Aṅangu Pitjantjatjara Yankunytjatjara (APY) is incorporated by the 1981 Aṅangu Pitjantjatjara Yankunytjatjara Land Rights Act. All Pitjantjatjara, Yankunytjatjara and Ngaanyatjarra people who are traditional owners of any part of the Lands are members of Aṅangu Pitjantjatjara Yankunytjatjara.

The main communities on the Lands include: Iwantja (Indulkana), Mimili, Kaltjiti (Fregon), Pukatja (Ernabella), Amata, Pipalyatjara and Watarru. There are a number of other smaller communities and homelands as well, the larger ones being Kalka, Kanpi, Nyapari, Murputja and Yunyarinyi (Kenmore Park). The APY administration centre of the Lands is located at Umuwa. The APY Council oversees the activities of the various constituent groups serving the needs of the people on the Lands. It also helps shape policies regarding economic and social development on the APY Lands.

The APY council was established in 1990 to assist Aṅangu people to realise their aspirations to protect the natural and cultural values of their land.

APY members are elected for a 3 year term - one male and one female from each of the 7 APY electorates is elected.

Aṅangu remain strong in culture, tradition and language.

Certain cultural customs and practices are performed by Men and Women, referred to as Men's and Women's Business. Men's Business usually takes place during summer and Women's Business during winter. The separation of roles does not make one gender superior to the other. Rather the division allows both to respect the power, wisdom and role of each other. The two genders working harmoniously is central to Aṅangu culture.

Cultural Business is sensitive or Aboriginal specific and it is common for non-Aboriginal people to be excluded from cultural ceremonies and business. You must respect the direction of Aṅangu people from the community about these cultural ceremonies and business. During cultural business some roads may be closed for travel by contractors for short periods while cultural groups move between communities. If you are in doubt about matters relating to ceremonies and cultural business ask locals and accept direction from local Aṅangu people.

Sorry Business is an English expression used to refer to a period of cultural practices and protocols associated with death and funerals. This period is an important part of mourning which involves obligations to attend funerals and participate in Sorry Business cultural events or ceremonies.

On the APY Lands Aṅangu generally host Sorry Camps on the outskirts of communities where Aṅangu families camp together to mourn and prepare for the funeral.

During cultural business, and Sorry business, Aṅangu may be required to leave their communities for extended periods to travel to other communities where the cultural business or funerals are held.

APY Permits³

Contractors are required to obtain a Permit to enter and work on the APY Lands prior to traveling.

You must apply for your permit 30 days before your intended visit to the APY Lands.

³ (Information sourced from APY website <https://ananqu.com.au/apy-programs/permits>)

General – permits for all individuals who are coming to visit as friends or family – permits issued on each occasion you enter the lands

Organisation/Contractor – permits for individuals coming to work on the lands contracted by organisations permits may be issued annually. Employment – permits for individuals coming to work on the lands

Media – permits for individuals who are coming to film or record on the APY lands – permits issued on each occasion you enter the lands

Research – permits for individuals coming to conduct any kind of research on the lands – permits issued on each occasion you enter the lands

Notification – if you are a current permit holder the Notification form can be completed to advise Permits of your intended travel on each occasion – permits issued on each occasion you enter the Lands.

All permits expire at the end of each financial year, unless otherwise stated to expire earlier on the issued Permit.

Permit Renewals MUST be submitted for consideration by May 30 of each year.

Permit requests for Entry to the APY are processed from Monday to Friday. Please note that permit requests will not be processed outside of these times nor on a public holiday and may take up to 10 - 14 days to process.

For details on the general conditions of issue of a permit and more information about APY and permits go to <https://anangu.com.au/apy-programs/permits>.

2. ABOUT RASAC

RASAC was established in 2010, previously trading as Anangu Pitjantjatjara Services Aboriginal Corporation, established in 1993. RASAC is a not-for-profit Aboriginal corporation which has demonstrated its credibility as a high performing organisation over recent years.

RASAC provides the following services across the APY Lands

- Community Development Programme – Warka Wiru CDP-ku - remote employment and community development services to communities and homelands across the APY Lands.
- Municipal Services (MUNS) – local domestic rubbish collection, rubbish tip maintenance, fire breaks, vehicle removal, community amenity and local street maintenance, sporting facilities
- Community Patrols – RASAC operates local community patrols in the six major APY communities
- Homeland Essential Services – maintaining water (bores), power (generators) and access roads grading at occupied homelands
- Mechanical Workshop – full mechanical workshop services for light vehicles and heavy machinery, including servicing, repairs, tyres, vehicle recovery. Welding/fabrication workshop.
- Aerodromes – regular reporting and maintenance on local airstrip condition
- Building Repairs and Maintenance – ability to provide a range of building repairs and maintenance services
- Civil Plant Hire – RASAC has a fleet of heavy machinery available for wet or dry hire
- Civil Works – RASAC has capability in minor civil works projects
- Fuel Supplies – Diesel fuel at Umuwa depot; Diesel and Opal fuels at Pipalyatjara Garage

- Accommodation (rental) – short term rental accommodation at Umuwa and Kalka

3. COMMUNITY ENGAGEMENT

Contractors are encouraged to complete Aboriginal Cultural Awareness training so that management and workers have some cultural understanding prior to commencing operations. Contractors may source independent programs or request access to the RASAC Cultural Awareness Training presentation.

When you begin operating in Communities, introduce yourself to Anangu people in the community so that they know who you are and why you are present in their community. Seek assistance from other workers/service providers/contractors who are working in the community to introduce you to the Traditional Owners and Elders to let the community know your role.

Before exploring around your community, find out about where you are allowed to visit. There may be sacred areas or Men's, Women's or Sorry Business places where you won't be allowed to go. Always seek advice from locals.

Because English is not the first language of Anangu, be a thoughtful listener and think about how you are communicating with Anangu. (Pinapati – means blocked ears and not hearing). Effective communication will help to build good relationships with local Anangu workers.

4. UNDERSTANDING LOCAL WORKFORCE

In the very remote communities of the APY Lands, many Anangu workers have not completed formal education or training qualifications and may have had limited previous paid employment experience. However, Anangu people are very keen to work and gain jobs in their communities. When approaching recruitment, induction and workforce development consider how you can support local workers in the following areas:

- English literacy – most Anangu are multilingual – English may be their third or fourth spoken language
- Workplace numeracy – new workers may have limited previous experience using workplace numeracy such as volumes, areas, measurements
- Many workers may not have previous experience in the type of work you are offering and may training to develop their skills
- If new workers have not been employed before, they may need time to develop fitness levels for full time work
- Workers may have little prior WHS training
- Workers may require safety boots or other PPE
- Workers may need assistance with transport to and from work

It is important to provide a good worksite induction and on-the job work task familiarisation and training so that your new workers gain confidence and build their skills. If new workers are made to feel embarrassed or shamed by not understanding or being able to complete a work task, they may be hesitant to give jobs a try or may not turn up for work. Building the skills and confidence of your workers will help to improve engagement and grow your local workforce.

Adapt your in-house training so that it is culturally appropriate and takes into account that English may be a second, third or fourth language for your workers. Workers may have limited English reading skills. Consider adapting your workplace documentation and processes to make them easier for Anangu workers to use and complete. (refer Attachment A)

At times, there may be cultural/family reasons that prohibit Anangu people from interacting or working together. This may mean that certain workers cannot be asked to work in the same team or may need to work in different areas to avoid contact. If you have any doubts or uncertainty, seek advice. Good communication will help in managing absences.

Contractors are encouraged to take a workforce development approach with local workers, to build their confidence to attend work, participate in on-the-job training and take on additional tasks as they gain more experience.

5. WORKING WITH COMMUNITY DEVELOPMENT PROGRAM (CDP) – RECRUITMENT, TRAINING AND POST PLACEMENT SUPPORT

RASAC delivers the Community Development Program (CDP) which is a Commonwealth Government initiative funded by the National Indigenous Australians Agency. RASAC's CDP program is **Warka Wiru CDP-ku**, providing CDP services for Region 19, which covers all communities on the APY Lands.

CDP provides remote employment and community development services to communities and homelands across the APY Lands.

WHERE DOES WARKA WIRU CDP-KU OPERATE?

- Iwantja (Indulkana)
- Mimili
- Kaltjiti (Fregon)
- Pukatja (Ernabella)
- Amata
- Kanpi
- Pipalyatjara (including Kalka)

Warka Wiru CDP-ku supports CDP participants in these remote communities to build skills, address barriers and provide opportunities for community development through a range of tailored activities and projects.

Job seekers who are registered with CDP have opportunities to undertake work and work-like activities that benefit their community and assist participants in becoming skilled and work ready.

Warka Wiru CDP-ku is able to assist employers to recruit local Anangu workers for employment opportunities by listing their vacancies, job-matching and referring job seekers to these vacancies and assisting with the recruitment process and completion of pre-employment documentation.

Contractors are encouraged to provide copies of their recruitment forms and job descriptions to their local CDP office and take time to work with the CDP staff to identify potential job applicants for their local jobs. CDP staff can assist in identifying suitable applicants for your roles.

Based on the requirements of the job vacancies, CDP may also be able to support pre-employment training such as on-the-job skills development, WHS white card courses and driver's licences as well as assisting with applications for clearances such as the working with children clearance.

The program also provides post-placement support for participants who gain employment. This support can include provision of basic PPE (eg work boots), assistance to explain work rosters and work times (including using an alarm clock and helping new workers to get to work on time), follow up of any attendance or other issues, as well as workplace mentoring and support for the new employee and the employer.

CDP is very keen to explore opportunities to work with contractors on the APY Lands, to create new employment opportunities for local CDP participants. **Please contact CDP well ahead of time,**

before you plan to commence work. If the first time you approach CDP is when you arrive to start work, they will not be able to provide effective assistance.

If you would like to learn more about how the CDP program can assist you with employment of local Anangu workers, please contact the CDP Manager on 08 8950 5400 or email CDPM@rasac.com.au.

6. FLEXIBLE, CULTURALLY APPROPRIATE EMPLOYMENT PRACTICES⁴

Contractors will gain the best employment outcomes for local workers where they adopt flexible, culturally appropriate employment practices.

Think about how you can adapt your employment practices in the following ways:

- a) Your employment agreement should clearly set out the role, the hours of work and pay arrangements. Provide this information to CDP when you commence recruitment so that they can take prospective applicants for your jobs through this and explain the role and conditions of employment before workers commence work. It is important for workers to understand that you are offering real jobs - 'no work – no pay'.
- b) Having a high 'tolerance' for absences is necessary. While the aim is to have a regular local workforce, it is important to also understand that there may be absences sometimes at short notice. Understanding why absences happen is important to having an effective Anangu workforce.

It is likely that some of your workers may not always turn up for work each day or for the full hours. This can happen for family reasons, cultural reasons (eg when cultural or sorry business is on) or because the workers may not yet be ready for full time hours.

Fluctuating patterns of attendance due to cultural and family reasons is common including longer absences during school holidays, particularly during summer when men's business often occurs and families leave the Lands to spend time with family down south.

However, workers should be encouraged to communicate with their supervisor about any times that they are not able to come to work – fostering good communication is the key.

- c) A good way to maximise the number of work hours for local workers is to employ a pool of workers rather than just one or two.

For example, if you aim to have two full time roles (2 x 38 hours per week /76 hours), you may need to employ 4 or 5 workers who each work some hours at various times depending on their availability. Together they may work the full 76 hours. Focus on the total number of hours per week that you are aiming to employ local workers.

Casual employment can be the best way to commence new workers as it gives both the worker and employer more flexibility around hours attended. Consider the casual employment arrangement as a 'standing offer of casual work' which can accommodate absences. Being willing to re-employ/re-engage workers after absences can help maintain employment.

⁴ NOTE: Information about employment practices is general in nature and contractors must seek their own advice in relation to compliance with Fair Work and other industrial relations and Award obligations.

The focus should be on encouraging work engagement and building consistency at work. As workers gain more confidence and become reliable in their attendance they may be ready to move on to full time or part time arrangements.

- d) Consider options to build workers' work fitness by commencing with shorter working days and on a roster to provide a break between work days. As workers gain more confidence and work capacity, their rostered days can be extended and increased.
- e) Have a regular routine for the start of the day including a toolbox meeting to discuss the days work and priorities, complete WHS risk assessments and ensure everyone is fit and ready to work. This will help with team building and engagement and workers will build their understanding of work practices and safety procedures. Consider providing breakfast and lunch for workers.

For more advice on how to support your local workforce, successful contactors are encouraged to contact their local CDP office.

7. THE ROLE OF SUPERVISORS

Your on-site supervisors will play a significant role in your success in employment of local workers. High levels of cultural understanding are required to build trust and respect between workers and the supervisor. It is recommended that all contractors who are engaged in any work on-site complete Cultural Awareness Training.⁵

8. SUBCONTRACTING WORK TO LOCAL INDIGENOUS ORGANISATIONS

In addition to direct employment of local workers, consider what opportunities there may be to sub-contract small packets of work to local Indigenous organisations who employ local workers. This can assist in meeting your local Indigenous participation requirements.

9. EMPOWERED COMMUNITIES

The APY Lands is part of the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Empowered Communities (NPY EC) which promotes a set of transformational national reforms for an Indigenous Empowerment agenda. NPY EC is a growing alliance of Aboriginal partner organisations who, with the guidance and advice of their Anangu Directors, provide oversight of a small secretariat, currently auspiced by NPY Women's Council.

NPY EC work is led by Anangu, and is grounded in Tjukurpa (culture), Walytja (family), Manta (country), and Wangka (language). This approach, together with strong collaboration between communities, regional Anangu organisations, service providers and government, is focussed on supporting and enabling the leadership and agency of Anangu to create transformational change and to drive the long-term development of the NPY region.

Anangu have confirmed six regional priorities:

- Work, meaningful engagement and financial security
- Education, culture and youth support
- Anangu led decision making and community empowerment
- Caring for the vulnerable
- Housing and infrastructure

⁵ Register of Cultural Awareness Training Providers, SA. <https://www.agd.sa.gov.au/aboriginal-affairs-and-reconciliation/resources-and-publications/register-of-cultural-awareness-training-providers>

- Keeping safe

Based on these priorities, NPY EC's first priority initiatives are:

- Emerging Leaders Program
- School to Work Transition
- Intensive Support for New Workers
- Kulintja Kutju Regional Funding and Procurement Review Group

"Empowered Communities is about all Anangu ideas and intentions and how we'd like things to be for our children. As well it is about the kinds of things that are important to us. Empowered Communities is like us holding the power to be our own government, instead of us always asking and asking. Instead we are doing it for ourselves". -Margaret Smith, Director, NPY Women's Council

For more information go to: <https://Empoweredcommunities.Org.Au/Our-Regions/Npy-Lands/>

10. OTHER USEFUL INFORMATION



Anangu Pitjantjatjara Yankunytjatjara

<https://www.anangu.com.au/en/>

A guide for Visitors to Indigenous Communities: <https://anangu.com.au/apy-information/general-information/655-a-guide-for-visitors-to-indigenous-communities/file>

Anangu Pitjantjatjara Yankunytjatjara Field Work Emergency Manual <https://anangu.com.au/apy-information/general-information/657-apy-manual-of-field-work-emergency/file>

Ask First: A guide to respecting Indigenous heritage places and values

<https://www.anangu.com.au/en/apy-information/general-information/661-ask-first/file>

Attachment A: Example of Risk Assessment Form adapted for ESL workers.

Every Day

Risk Assessment

Every Activity

Community:



MUNS Work Activity:

- Rubbish bin collection Litter Potholes Street Sweeping Firebreaks Sports Ovals
 Tip Maintenance Airstrip Maintenance Landscaping Housekeeping _____

Potential Hazards or Risks	Problem / Danger	✓ OK to work ✗ Danger	✗ What to do
Are workers fit for work ?uniform palya? 			- Get uniforms
New starters trained and palya?	?? 		- induct new workers
Vehicles & machines checked? 			- Do inspection sheet
Tools, equipment palya? 			- Check equipment and tools
Is everyone palya for carrying, bending, lifting, pushing, pulling 			- Use aids eg. lifter, paper picker, trolley, two-people
Are there moving vehicles – working near traffic? (eg traffic, rubbish truck)			- Use signs or bollards
Are there dangers from machinery – crush, pinching			Stand clear, keep hands clear
Emergency plan, first aid kit, fire extinguisher in place?			Check for first aid kit, fire extinguisher
Is there danger slip or trip hazards eg holes, rough surfaces, low tree branches, or other things 			look for obstacles Work boots
Working at rubbish tip – fall in?			Use a spotter to direct truck
Dirty rubbish or sharp things?			
Is there loud noise? (eg whipper snipper, blower, mowers, machinery) 			use ear muffs or ear plugs
Can I be affected due to dust, fumes or exhaust 			wear dust mask keep shed door open when trucks idling