

# NOTICE OF MEETING



## ARAKWAL MEMORANDUM OF UNDERSTANDING ADVISORY COMMITTEE MEETING

An Arakwal Memorandum of Understanding Advisory Committee Meeting  
of Byron Shire Council will be held as follows:

Venue	<b>Arakwal Room, Byron Bay Library</b>
Date	<b>Wednesday, 25 February 2015</b>
Time	<b>2.30pm</b>

Ken Gainger  
General Manager

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## CONFLICT OF INTERESTS

**What is a “Conflict of Interests”** - A conflict of interests can be of two types:

**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

**Remoteness** – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

**Relatives, Partners** - a person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

**No Interest in the Matter** - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

### Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

**Non-pecuniary Interests** - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

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## RECORDING OF VOTING ON PLANNING MATTERS

### Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

# BYRON SHIRE COUNCIL

## ARAKWAL MEMORANDUM OF UNDERSTANDING ADVISORY COMMITTEE MEETING

### **BUSINESS OF MEETING**

#### **1. APOLOGIES**

#### **2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

#### **3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

- 3.1 Arakwal Memorandum of Understanding Advisory Committee Meeting held on  
6 November 2014

#### **4. BUSINESS ARISING FROM PREVIOUS MINUTES**

#### **5. STAFF REPORTS**

##### **Corporate and Community Services**

5.1	Aboriginal Education Kit .....	1
5.2	Aboriginal Cultural Heritage Planning Study Application.....	12
5.3	Reconciliation Action Plan .....	32
5.4	Arakwal MoU Implementation Plan 2013/14 Review .....	55

#### **6. OTHER BUSINESS**

- 6.1 Feedback on Poster  
6.2 New Welcome to Byron sign (Donna Johnston)  
6.3 West Byron Development Update (Chris Larkin)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 5.1**

**Aboriginal Education Kit**

**Directorate:**

Corporate and Community Services

**Report Author:**

Belle Arnold, Aboriginal Projects Officer

**File No:**

I2015/59

**Theme:**

Society and Culture

Community Services – Community Development

**Summary:**

This report provides an update on the progression of resolution 14-478 on Aboriginal Education in the Byron Shire including a review of the existing initiatives and the development of an Aboriginal and Torres Strait Islander (ATSI) Education Tool Kit

**RECOMMENDATION:**

1. That the Arakwal MoU Advisory Committee note the progress of the development of the Indigenous Education in the Byron Shire Review and the ATSI Education Toolkit (E2015/9016).
2. That the Arakwal MoU Advisory Committee provide feedback on the development of the ATSI Education Tool Kit.

**Attachments:**

- 1 ATSI Education Kit, E2015/9016 , page 4



### Report

At the 9 October 2014 meeting Council resolved (14-478) that:

- 5 *In relation to Report 4.4 Aboriginal Education in the Byron Shire, Council adopt Committee Recommendation AMoU 4.4*
  1. *That Council staff prepare a report on current Indigenous Education initiatives in the Byron Shire to assist with advocating at a state and federal level for increased funding for Indigenous Education in partnership with local schools.*
  - 10 2. *That Council continue to support and advocate for improved Indigenous education services in the Byron Shire.*
  - 15 3. *That Council staff develop an Indigenous Educational Tool Kit to assist local schools with knowledge about Aboriginal stakeholders and National and Cultural Days of significance.*

20 In October 2014 the Aboriginal Projects Officer made contact with the Principals of all the primary and secondary schools in the Byron Shire to seek information about Indigenous programs in their schools. No response was received. In January 2015 the Aboriginal Projects Officer attended meetings at Mullumbimby High School and Ocean Shores Primary School to begin collating this information. Further meetings will be initiated to collate this information.

25 At the time of this report Council staff are aware of the following programs:

- 25 1. Reconciliation Week/ NAIDOC Week  
Local State schools hold annual activities for Reconciliation Week and NAIDOC Week including in class activities and whole of school assemblies. In class activities are ad hoc and vary depending on individual teachers.
- 30 2. Dolphin Dreaming Program  
Schools are accessing the Bundjalung of Byron Bay Arakwal people's cultural education program called Dolphin Dreaming. This is done in an ad hoc way.
- 35 3. Deadly Dancing Program  
The schools in the Brunswick Valley (lighthouse program) offer a 4 week cultural dance program each year during Reconciliation week and NAIDOC Week for Indigenous students. This program is taught by Dhinawan Baker with support from Scott Sentence and other community members. In 2014 there were 60 students participating in this program.
- 40 4. Aboriginal Education Groups  
At the time of this report Council staff are aware of two Aboriginal Education Groups operating in the Byron Shire, at Brunswick Heads Public School and Byron Bay Public School.
- 45 5. Aboriginal Education Officers  
At the time of this report Council staff are aware of no Aboriginal Education Officers in the Byron Shire. This role is performed by people in teachers aid or teacher positions that are Aboriginal.
- 50 6. Wollumbin Dreaming Youth Leadership Program  
Mullumbimby High School are part of the annual Wollumbin Dreaming Youth Leadership Program. This program is supported by Tweed Shire Council.

**Indigenous(ATSI) Educational Tool Kit**

Attached is a draft of the ATSI Education Tool Kit. This document is still being developed to allow for extensive consultation with the Bundjalung of Byron Bay, the Local Area Land Councils, as well as local principals and Indigenous educators. The discussion about the resource has been well received and the tool kit has been identified as a much needed resource for the local community. This draft has been discussed with a local Aboriginal primary school teacher who provided the following feedback:

Local histories section with recounts of first contact

Teachers notes containing extensions to engage teachers

Present the tool kit to schools with a power point presentation to engage the interest of teachers.

**Financial Implications**

Nil from this report

**Statutory and Policy Compliance Implications**

Arakwal Memorandum of Understanding 2013

**BYRON SHIRE COUNCIL**

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

5.1 - ATTACHMENT 1

Aboriginal and Torres Strait Islander Educational Tool Kit

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## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

### 5.1 - ATTACHMENT 1

#### Inside Cover – National Indigenous Days

26 January	Survival Day/ Invasion Day	<a href="http://www.creativespirits.info/aboriginalculture/history/australia-day-invasion-day">http://www.creativespirits.info/aboriginalculture/history/australia-day-invasion-day</a>
13 February	Anniversary of the National Apology to Australian Indigenous People	<a href="http://www.nsdcc.org.au/events-info/the-apology-to-australias-indigenous-peoples">http://www.nsdcc.org.au/events-info/the-apology-to-australias-indigenous-peoples</a>
11 - 15 March	Spirit Festival	<a href="http://www.thespiritfestival.com">http://www.thespiritfestival.com</a>
19 March	Closing the Gap Day	<a href="https://www.oxfam.org.au/act/events/national-close-the-gap-day">https://www.oxfam.org.au/act/events/national-close-the-gap-day</a>
21 March	Harmony Day	<a href="http://www.harmony.gov.au">http://www.harmony.gov.au</a>
26 May	National Sorry Day	<a href="http://www.nsdcc.org.au/events-info/national-sorry-day/national-sorry-day">http://www.nsdcc.org.au/events-info/national-sorry-day/national-sorry-day</a>
27 May	Anniversary of 1967 Referendum	<a href="http://www.naa.gov.au/collection/fact-sheets/fs150.aspx">http://www.naa.gov.au/collection/fact-sheets/fs150.aspx</a>
27th May- 3rd June	Reconciliation Week	<a href="http://www.reconciliationsa.org.au">http://www.reconciliationsa.org.au</a>
3rd June	Mabo Day	<a href="http://www.reconciliation.org.au/wp-content/uploads/2014/03/NRW2014_3-June-Mabo_FactS.pdf">http://www.reconciliation.org.au/wp-content/uploads/2014/03/NRW2014_3-June-Mabo_FactS.pdf</a>
5th- 11th July (NAIDOC Week is	NAIDOC Family Fun Day	<a href="http://www.naidocsa.com/2015-events.html">http://www.naidocsa.com/2015-events.html</a>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

## 5.1 - ATTACHMENT 1

always the first full week in July)		
4th August	National Aboriginal and Torres Strait Islander Children's Day	<a href="http://aboriginalchildrensday.com.au">http://aboriginalchildrensday.com.au</a>
9th August	International Day of the World's Indigenous Peoples	- <a href="http://www.un.org/en/events/indigenousday/">http://www.un.org/en/events/indigenousday/</a>
3rd Septemb er	Indigenous Literacy Day	- <a href="http://www.indigenousliteracyfoundation.org">http://www.indigenousliteracyfoundation.org</a>

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5 **Introduction & Acknowledgements**

Byron Shire Council  
Arakwal MoU  
TBLALC

10

**Bundjalung Country**

Maps, Whos who and were, acknowledgement and Welcome to Country  
Arakwal Colour In  
Local Contacts for traditional Owners and Land Council

15

**National Sorry Day**

About Sorry – Why the apology - background  
Copy of the Apology

20

Find a Word  
Comprehension – Extension – Questions and reflective writing  
Colour In

25

National Sorry Day is an annual day of commemoration and remembrance of all those who have been impacted by the government policies of forcible removal that have resulted in the Stolen Generations.

30

Sorry Day has been held annually on 26 May each year since 1998, and was born out of a key recommendation made by the National Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their families in the Bringing them home Report that was tabled in Federal Parliament on 26 May 1997:

*7a. That the Aboriginal and Torres Strait Islander Commission, in consultation with the Council for Aboriginal Reconciliation, arrange for a national 'Sorry Day' to be celebrated each year to commemorate the history of forcible removals and its effects.*

35

The release of the findings of the National Inquiry in the *Bringing them home* Report in 1997 had a profound effect on the Australian public. The Report detailed unquestionable evidence about the forcible removal of thousands of Aboriginal and some Torres Strait Islander children from their families and communities. When the knowledge of these policies became public, the National Sorry Day Committee

40

formed soon after, and embarked on an awareness raising campaign with the aim of uniting the Australian public in the annual commemoration and remembrance of the Stolen Generations.

45

The first Sorry Day was held in Sydney on 26 May 1998, and has been commemorated nationally on 26 May each year since then, with thousands of Australians from all walks of life participating in memorial services, commemorative meetings, survival celebrations and community gatherings, in honour of the Stolen Generations.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

### 5.1 - ATTACHMENT 1

The annual Sorry Day commemorations have helped to remind and raise awareness among politicians, policy makers, and the wider public about the significance of the forcible removal policies and the impact that they have had not just on the children that were taken, but also on their families and communities. The intergenerational impact of the forcible removal policies on young Aboriginal and Torres Strait Islander citizens in the 21st Century have been profound, and the commemoration of National Sorry Day each year helps contribute towards a broader ongoing effort toward healing and social and emotional wellbeing for individuals, families and communities across the country.

- 5
- 10 The NSDC works to support and encourage schools and community groups across the country each year to plan and hold their own Sorry Day events, whilst holding events itself normally in Canberra and Sydney.

- 15 We encourage teachers from across Australia to engage their students and local community members in events that mark both the Anniversary of the Apology and National Sorry Day, in order that they can learn about the experiences of the Stolen Generations, their families and their communities. For Australia's Aboriginal and Torres Strait Islander Peoples, these dates hold deep meaning - marking these days respectfully and with sensitivity is vital to building real connections between schools and their local Aboriginal and Torres Strait Islander (as well as non-Indigenous) communities.
- 20

At the request of the National Sorry Day Committee, the Australian Parliament passed a motion in 2010 recognising May 26th as National Sorry Day, and as a day to be commemorated annually, as a way of achieving greater healing for the Stolen Generations.

- 25 Our hope is that one day soon, dates of significance with regard to the Stolen Generations - National Sorry Day and the Anniversary of the Apology specifically - will be held in as high esteem as other national days of remembrance such as ANZAC Day. This will ultimately help to achieve a broader level of recognition across Australian society of the suffering and trauma experienced by the Stolen Generations and by Aboriginal and Torres Strait Islander families and communities across the country.
- 30

[www.nsdcc.org.au](http://www.nsdcc.org.au)

#### 35 **National Reconciliation Week**

- 40 National Reconciliation Week (NRW) is celebrated across Australia each year between 27 May and 3 June. The dates commemorate two significant milestones in the reconciliation journey—the anniversaries of the successful 1967 referendum and the High Court Mabo decision.

- 45 The week is a time for all Australians to learn about our shared histories, cultures and achievements and to explore how each of us can join the national reconciliation effort.

## BYRON SHIRE COUNCIL

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### 5.1 - ATTACHMENT 1

**May 27 - Marks the anniversary of Australia's most successful referendum** and a defining event in our nation's history. The 1967 referendum saw over 90 per cent of Australians vote to give the Commonwealth the power to make laws for Aboriginal and Torres Strait Islander peoples and recognise them in the national census.

- 5    **3 June, 1992 - The High Court of Australia delivered its landmark Mabo decision** which legally recognised that Aboriginal and Torres Strait Islander peoples have a special relationship to the land—that existed prior to colonisation and still exists today. This recognition paved the way for land rights called Native Title.

10

NAIDOC Week

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NAIDOC stands for National Aborigines and Islanders Day Observance Committee. Its origins can be traced to the emergence of Aboriginal groups in the 1920's which sought to increase awareness in the wider community of the status and treatment of Indigenous Australians.

20

NAIDOC Week is held in the first full week of July. It is a time to celebrate Aboriginal and Torres Strait Islander history, culture and achievements and is an opportunity to recognise the contributions that Indigenous Australians make to our country and our society.

NAIDOC Week Timeline

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1920 – 1930

Before the 1920s, Aboriginal rights groups boycotted Australia Day (26 January) in protest against the status and treatment of Indigenous Australians. By the 1920s, they were increasingly aware that the broader Australian public were largely ignorant of the boycotts. If the movement were to make progress, it would need to be active.

30

Several organisations emerged to fill this role, particularly the Australian Aborigines Progressive Association (AAPA) in 1924 and the Australian Aborigines League (AAL) in 1932. Their efforts were largely overlooked, and due to police harassment, the AAPA abandoned their work in 1927.

35

In 1935, William Cooper, founder of the AAL, drafted a petition to send to King George V, asking for special Aboriginal electorates in Federal Parliament. The Australian Government believed that the petition fell outside its constitutional responsibilities.

40

1938

On Australia Day, 1938, protestors marched through the streets of Sydney, followed by a congress attended by over a thousand people. One of the first major civil rights gatherings in the world, it was known as the Day of Mourning.

45

Following the congress, a deputation led by William Cooper presented Prime Minister Joseph Lyons with a proposed national policy for Aboriginal people. This was again rejected because the Government did not hold constitutional powers in relation to Aboriginal people.

After the Day of Mourning, there was a growing feeling that it should be a regular event. In 1939 William Cooper wrote to the National Missionary Council of Australia to seek their assistance in supporting and promoting an annual event.

50

1940 – 1955



## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

### 5.1 - ATTACHMENT 1

From 1940 until 1955, the Day of Mourning was held annually on the Sunday before Australia Day and was known as Aborigines Day. In 1955 Aborigines Day was shifted to the first Sunday in July after it was decided the day should become not simply a protest day but also a celebration of Aboriginal culture.

5

1956 – 1990

Major Aboriginal organisations, state and federal governments, and a number of church groups all supported the formation of, the National Aborigines Day Observance Committee (NADOC). At the same time, the second Sunday in July became a day of remembrance for Aboriginal people and their heritage.

10

In 1972, the Department of Aboriginal Affairs was formed, as a major outcome of the 1967 referendum.

In 1974, the NADOC committee was composed entirely of Aboriginal members for the first time. The following year, it was decided that the event should cover a week, from the first to second Sunday in July.

15

In 1984, NADOC asked that National Aborigines Day be made a national public holiday, to help celebrate and recognise the rich cultural history that makes Australia unique. While this has not happened, other groups have echoed the call.

20

1991 – Present

With a growing awareness of the distinct cultural histories of Aboriginal and Torres Strait Islander peoples, NADOC was expanded to recognise Torres Strait Islander people and culture. The committee then became known as the National Aborigines and Islanders Day Observance Committee (NAIDOC). This new name has become the title for the whole week, not just the day. Each year, a theme is chosen to reflect the important issues and events for NAIDOC Week.

25

During the mid-1990s, the Aboriginal and Torres Strait Islander Commission (ATSIC) took over the management of NAIDOC until ATSIC was disbanded in 2004-05.

There were interim arrangements in 2005. Since then a National NAIDOC Committee, until recently chaired by former Senator Aden Ridgeway, has made key decisions on national celebrations each year. The National NAIDOC Committee has representatives from most Australian states and territories.

30

Since 2008, Anne Martin and Ben Mitchell have been serving as co-chairs of the National NAIDOC Committee.

35

#### **Local NAIDOC Activities**

Many organisations, community groups and individuals get involved in NAIDOC Week Activities in the Byron Shire. Currently NAIDOC Week activities include NAIDOC Week Awards, Flag Raising Ceremonies, Cultural Dancers, Family fun days and community cultural days, Indigenous Film Nights, Art Exhibitions and more. Information can be found on Council's website or by contacting the local Aboriginal organisations listed in the front of this booklet.

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#### **About the Aboriginal and Torres Strait Islander Flags**

##### **The Aboriginal Flag**

The Australian Aboriginal Flag is a flag that represents Aboriginal Australians. It is one of the official "Flags of Australia", and holds special legal and political status, but it is not the "Australian National Flag". It is often flown together with the national flag and with the Torres Strait Islander Flag, which is also an official flag of Australia.

50

The Australian Aboriginal Flag was designed in 1971 by Aboriginal artist Harold Thomas, who is descended from the Luritja people of Central Australia and holds intellectual property rights to the flag's design. The flag was originally designed for

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES 5.1 - ATTACHMENT 1

the land rights movement, and it became a symbol of the Aboriginal people of Australia.

The symbolic meaning of the flag colours (as stated by Mr Harold Thomas) are:

- 5 Black: Represents the Aboriginal people of Australia
- Red: Represents the red earth, the red ochre and a spiritual relation to the land
- Yellow: Represents the Sun, the giver of life and protector

Timeline of the Aboriginal Flag

- 10 In the early 1970s Gary Foley took the flag to the East Coast where it was promoted and eventually recognised as the official flag of the Australian Aboriginal people. The flag was first flown at Victoria Square in Adelaide on National Aborigines Day, 12 July 1971.

- 15 The flag was chosen as the official flag for the Aboriginal Tent Embassy and was first flown there in 1972.

In 1995, the Australian Government proclaimed the flag as an official 'Flag of Australia' under section 5 of the Flags Act 1953.

In 1997, Harold Thomas was recognised as the author of the artistic work under the Copyright Act 1968.

20

#### **The Torres Strait Islander Flag**

- 25 The Torres Strait Islander Flag was created as a symbol of unity and identity for Torres Strait Islander peoples, designed by the late Bernard Namok from Thursday Island.

It was the winning entry from a design competition held as part of a Cultural Revival Workshop, organised by The Islands Co-ordinating Council in January 1992. The flag was recognised by the Aboriginal and Torres Strait Islander Commission in June 1992 and given equal prominence with the Aboriginal flag.

- 30 In July 1995, it was recognised by the Australian Government as an official 'Flag of Australia' under the Flags Act 1953.

Symbolic Meaning

Each part of the flag is designed to represent something about Torres Strait Island culture.

- 35 Green: Represents the land
- Blue: Represents the sea
- White: Represents peace
- Black: Represents the Indigenous peoples

- 40 The dhari (headdress) represents Torres Strait Island people and the five pointed star represents the 5 major Island groups. The star also represents navigation, as a symbol of the seafaring culture of the Torres Strait.

The Island Co-ordinating Council also chose the design as its simplicity would allow each Torres Strait community to incorporate their own emblem into the design for local identification.

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<http://www.aiatsis.gov.au/fastfacts/AboriginalFlag.html>

<http://www.aiatsis.gov.au/fastfacts/tsiFlag.html>

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**Report No. 5.2                    Aboriginal Cultural Heritage Planning Study Application**

**Directorate:** Corporate and Community Services

**Report Author:** Belle Arnold, Aboriginal Projects Officer

**File No:** I2015/65

5    **Theme:** Society and Culture  
Community Services – Community Development

**Summary:**

10    This report has been prepared to advise the Arakwal Memorandum of Understanding Advisory  
Committee of an application to the NSW Department of Environment and Heritage for \$50,000 for  
a Shire Wide Aboriginal Cultural Heritage Planning Study consistent with resolution 14-322 part 2a.  
15    This study will enable Aboriginal sites to be identified and protected under the Local Environment  
Plan.

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**RECOMMENDATION:**

**That the Arakwal MoU Advisory Committee note the application for funding to the NSW  
Department of Environment and Heritage for a Shire Wide Aboriginal Cultural Heritage  
Planning Study and the notification timeframes.**

**Attachments:**

20    1        Aboriginal Cultural Heritage Planning Study Scope of Works, E2015/1820 , page 14

**Background**

On 7 August 2014 Council resolved (14-322) in relation to Report 4.1 'Consultation and engagement for Development Applications' and other matters in regards to public land Council that:

1. *The existing consultation processes for development applications and other matters in regards to public lands be noted.*
2. *That the proposals contained in this report be considered and that a framework for consultation with the Bundjalung of Byron Bay, Arakwal people and other Aboriginal stakeholders be developed and that Council in the development of the framework:*
  - a) *Identify potential external funding sources for a Shire Wide Aboriginal Heritage Survey*
  - b) *Include reference to internal Council map titled "Aboriginal heritage conservation areas from draft Shire-wide LEP 2008" prior to notifying Bundjalung of Byron Bay, Arakwal of development applications*
  - c) *Amend Council's document Guide to lodging a Development to include advice to the proponent on their due diligence responsibilities under the National Parks and Wildlife Act 1974 (NPW Act)*
  - d) *Develop an Aboriginal cultural heritage checklist which could be included with all DA information kits for proponents*
  - e) *Establish a formal agreement with the LALCs to guide ongoing engagement and consultation processes in regards to DAs, Aboriginal heritage protection and management*
  - f) *Formalise the process of engagement as a policy or procedure document, or integrate the process into Council's internal Integrated Planning Documents*
  - g) *Encourage Council staff to continue to refer discussion and consultation on the development and amendment of Council policies to the Arakwal MoU Advisory Committee*
3. *That Council, when reviewing existing Plans of Management (PoM) or developing new PoMs, undertake consultation with Aboriginal Stakeholders to identify areas within the plan that may be recognised by Council as an area of cultural significance under section 36H of the Local Government Act 1993*

**Report**

In relation to part 2a of resolution 14-322 above, on 16 January 2015 Council lodged a funding application with the NSW Department of Environment and Heritage for \$50,000 to conduct a shire wide Aboriginal Heritage Planning Study. This study will enable Aboriginal sites to be identified and protected under the Local Environment Plan.

Attached is the scope of works document lodged with the application.

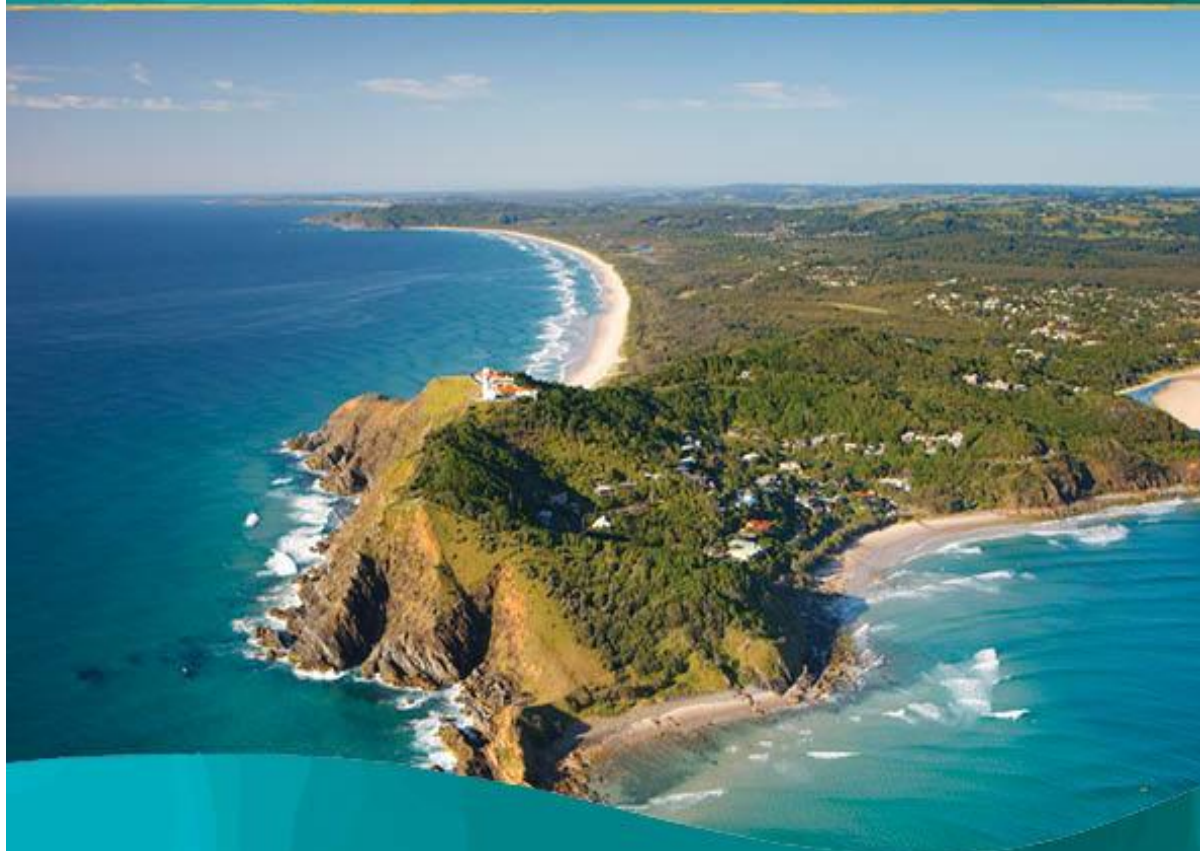
Further notification about his grant in anticipated in July 2015. Further action is reliant on notification about this funding.

**Financial Implications**

Nil from this report

**Statutory and Policy Compliance Implications**

Arakwal MoU 2013  
Local Government Act 1993



## Byron Shire Council

Aboriginal Heritage Planning Study  
Scope of Works 2015

## Byron Shire Council Aboriginal Heritage Planning Study

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**Byron Shire Council Aboriginal Heritage Planning Study****Scope of Work 2015****Project: Aboriginal Heritage Planning Study of the Byron Shire**

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Acknowledgments: This document was prepared by Byron Shire Council's Aboriginal Projects Officer with assistance from the Bundjalung of Byron Bay, Arakwal People and Tweed Byron Local Area Land Council with the inclusion of maps produced by the Native Title Tribunal, New South Wales Aboriginal Land Council and reference the *Ask First: A guide to respecting Indigenous heritage places and values* published by the Australian Heritage Commission (2002: 6); *Aboriginal Cultural Heritage Regional Studies: an illustrative approach* published by the New South Wales Government Office of Environment and Heritage; *Community based heritage studies: A Guide*; published by the New South Wales Government Office of Environment and Heritage.

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**Glossary**

AHIMS – Aboriginal Heritage Information Management System

AHS – Aboriginal Heritage Survey

AHPS – Aboriginal Heritage Planning Study

Arakwal – Bundjalung of Byron Bay Arakwal People

20 BSC – Byron Shire Council

DIA - Department of Aboriginal Affairs

ILUA – Indigenous Land Use Agreement

LEP – Local Environment Plan

MoU – Memorandum of Understanding

25 TBLALC – Tweed Byron Local Aboriginal Land Council

**Background****Native Title**

30

Lorna Kelly, Linda Vidler and Yvonne Graham on behalf of the Arakwal people (the Applicants) lodged a Native Title determination application in the National Native Title Tribunal by which application they claim Native Title in and over land in and around Byron Shire.

5 The Applicants asserted their desire to live and work in the Byron Shire community in a way that promotes mutual respect between Aboriginal and non-Aboriginal people and harmonious community relations among those who live and work in the Byron Shire community.

10 The Aboriginal Heads of Agreement signed in 1998 between the Bundjalung of Byron Bay Arakwal People and Byron Shire Council, sets out a framework for ongoing consultation. The development of the Aboriginal Heads of Agreement ensured the Bundjalung of Byron Bay Arakwal People were involved in the management and protection of culturally significant places within the Byron Shire. This agreement is the first of its type between a local council and native title applicants in New South Wales.

15 The Bundjalung of Byron Bay Arakwal People's Indigenous Land Use Agreements 1, 2 and 3 provided for the protection and management of Aboriginal cultural and heritage areas by the Bundjalung of Byron Bay, eg Arakwal National Park. Indigenous Land Use Agreements are instruments of the Native Title Act. The Arakwal people, as traditional owners conduct cultural, eco-tourism and educational programs thus providing an important cross-cultural exchange between Aboriginal people and non-Aboriginal people.

20 In 1995, the Bundjalung of Byron Bay Arakwal people lodged a Native Title Claim over areas of Crown land, beaches and coastal waters between Belongil Creek at Byron Bay and Jews Point on the north coast of NSW. The Arakwal people lodged a further claim in 1997 over additional land in the Byron Shire. In August 2001, an Indigenous Land Use Agreement (ILUA) between the Federal Government and the Bundjalung People of Byron Bay Arakwal was developed to implement part of the first and second Native Title Claims.

30 In 2001, a third Native Title Claim was lodged when it became apparent that evidence provided during the negotiations over the first two claims was applicable to additional areas outside the existing claims. This included lands up to Brunswick Heads to the north, Broken Head to the south, Mullumbimby and Bangalow to the west and approximately three nautical miles east of the mean high water mark. Negotiations over the third claim and outstanding portions of the first claim led to the development of two further ILUAs (Byron Bay ILUA 2 and Ti Tree Lake ILUA 3) which were signed in December 2006.

35 The Byron Shire Council Cultural Plan 2008 – 2013 explores the Shire's Aboriginal and European heritage, defines its demographics and identifies its cultural assets, resources and activities. The Cultural Plan is a five year strategic document that prioritises a set of strategic actions for implementation by many stakeholders. It promotes the diversity of the Byron Shire through a shared vision for the community as a result of community consultation. The  
40 Byron Shire Council Cultural Plan 2008 – 2013 identified the need for Council to develop an aboriginal cultural heritage study.

45 In 2013 Bundjalung of Byron Bay Arakwal people signed an MoU with Council to define the partnership between the two organisations and ensure that the traditional owners could participate in governance in the Byron Shire. Through this process Council committed to work in partnership with the Bundjalung of Byron Bay Arakwal people to ensure



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preservation of cultural practices, traditional sites, significant places and expressions of cultural identity.

# BYRON SHIRE COUNCIL

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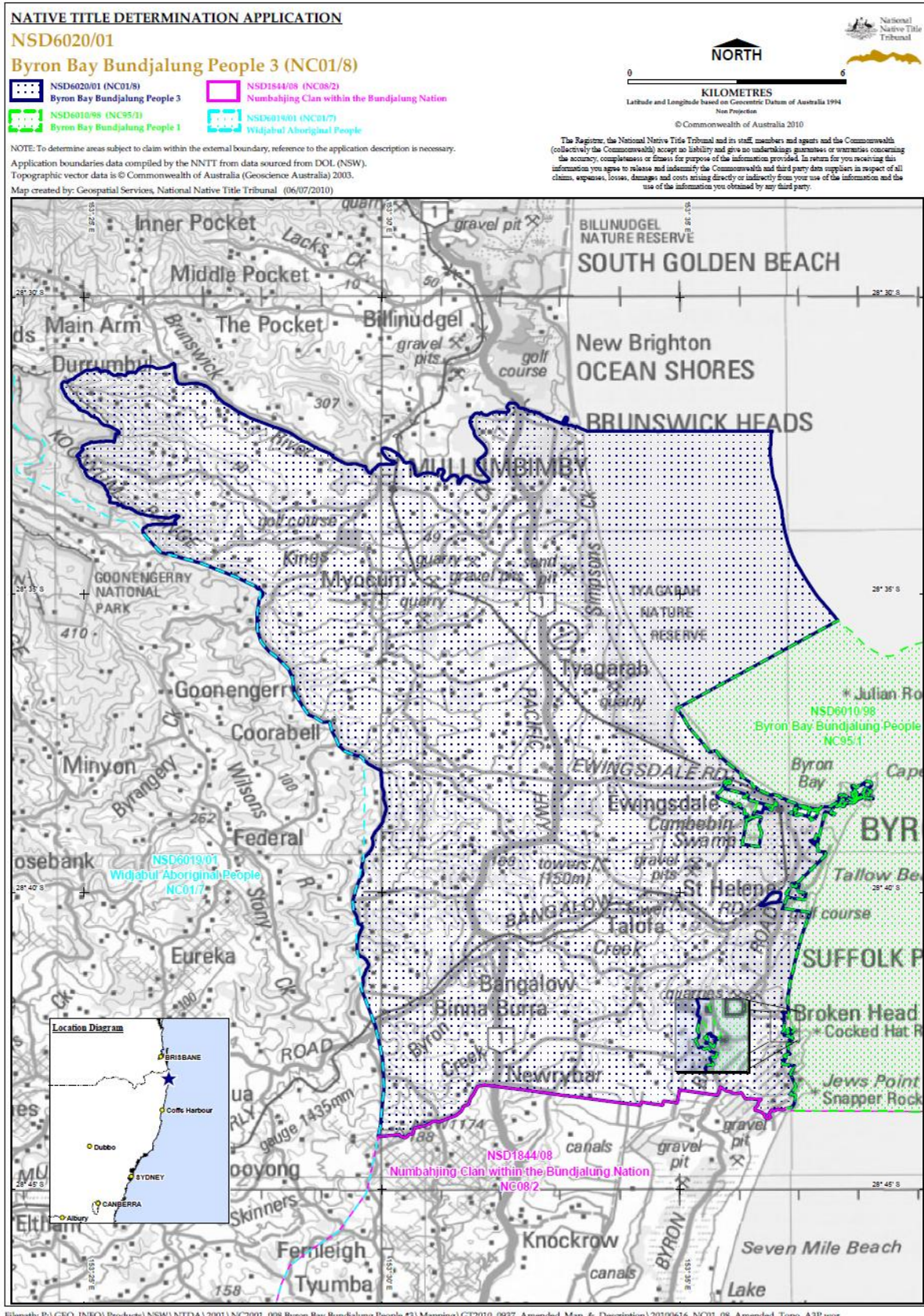


Fig 1: Byron Shire Native Title claimant's boundaries

## 5 Local Area Land Councils

Local Aboriginal Land Councils (LALCs) have a degree of governance and interface with Local Councils, State and Federal Government bodies. There are three Local Aboriginal Land Councils whose boundaries overlap with the Byron Shire, being the Tweed Byron LALC situated in Tweed Heads, Jali LALC situated in Ballina, and Ngulingah LALC situated in Lismore. Local Aboriginal Land Councils have a right to be informed in the planning, protection and preservation of cultural sites and areas under the NSW Aboriginal Land Rights Act on land within their boundaries. The objectives of each Local Aboriginal Land Council are to improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council. Services include housing, legal affairs, employment, training and property acquisition and management.

- Tweed Byron Local Aboriginal Land Council
- Jali Local Aboriginal Land Council
- Ngulingah Local Aboriginal Land Council



Fig 2: Excerpt from Local Area Land Council Boundary Map 2006

<http://www.alc.org.au/media/84166/lalc%20boundary%20map%202009.pdf>

--- Red line Local Area Land Council Boundary

--- Blue Line Local Government Area Boundary

**Local Environment Plan**

The provisions in Byron Local Environmental Plan (LEP) 2014 that allow places with Aboriginal heritage significance to be listed in the LEP (and therefore have specific development controls apply to them) is based on the definition of 'Aboriginal place of heritage significance' in the LEP (reproduced below). For an Aboriginal heritage place to meet the definition and consequently be eligible for listing in the LEP then the place needs to be identified in an Aboriginal Heritage Study that has been publicly exhibited and adopted by Council.

***Aboriginal place of heritage significance*** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Note.** The term may include (but is not limited to) places that are declared under section 84 of the National Parks and Wildlife Act 1974 to be Aboriginal places for the purposes of that Act.

If a place of Aboriginal heritage significance is listed in the LEP then clause 5.10 would apply to any development application on that land. This is also the case if an Aboriginal heritage object is located on the land. This means that development consent would be required to disturb, excavate, subdivide, erect a building etc (unless it is minor works or for maintenance) on such land and that Aboriginal communities have to be notified of the application and given 28 days to comment. Depending on the works proposed site specific investigations of significance would also have to be undertaken as part of any development application.



## Objectives

Principle objectives of this Aboriginal Heritage Planning Study will be to research and identify Aboriginal cultural heritage sites occurring within the Byron Shire Local Government Area for inclusion in the Byron Shire Local Environment Plan.

- 5 The project would take on a collaborative approach working closely with the Bundjalung of Byron Bay, Arakwal people, Tweed Byron Local Aboriginal Land Council, Jali Land Council, the Bundjalung Council of Elders and other Aboriginal Stakeholders.

In addition this study aims to:

- Formalise existing cultural knowledge to utilise statutory mechanisms to register sites for protection and preservation,
- 10 • Develop predictive tools to identify other potential sites,
- Educate the broader community on the Aboriginal history and occupation of the Byron Shire,
- Enhance relationships between Byron Shire Council and the Community in order to appropriately manage the Aboriginal Cultural heritage resources of the area.
- 15 • Promote the preservation of Aboriginal Cultural Heritage within Council and the broader community,
- Work collaboratively with Aboriginal Stakeholders to enable multi stakeholder management initiatives for the protection of Aboriginal sites and places,
- Directly involve the Aboriginal community in planning processes on country.

20

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### Total Area of the Survey

Byron Shire is located on the Far North Coast of NSW and shares its boundaries with the Tweed, Lismore and Ballina Local Government Areas (LGAs). Brisbane is approximately 200 kilometres north and Sydney approximately 800 kilometres to the south. The Shire is 556 square kilometres in size and is famed for its rural beauty and beaches. The local resident population of Byron Shire at the date of the 2011 Census was 29,209.



### Guiding Principles

Aboriginal cultural heritage protection and preservation aims to enable and enhance relationships between Aboriginal people and their heritage places.

This study will adopt the principles contained in the ***Ask First: A guide to respecting Indigenous heritage places and values*** published by the Australian Heritage Commission (2002: 6) . It states;

*In recognising the rights and interests of Indigenous peoples in their heritage, all parties concerned with identifying, conserving and managing this heritage should acknowledge, accept and act on the principles that Indigenous people:*

- *are the primary source of information on the value of their heritage and how this is best conserved;*
- *must have an active role in any Indigenous heritage planning process;*

• *must have input into primary decision-making in relation to Indigenous heritage so they can continue to fulfill their obligations towards this heritage; and*

- 5 • *must control intellectual property and other information relating specifically to their heritage, as this may be an integral aspect of its heritage value.*

*In identifying and managing this heritage:*

- 10 • *uncertainty about Indigenous heritage values at a place should not be used to justify activities that might damage or desecrate this heritage;*

• *all parties having relevant interests should be consulted on Indigenous heritage matters; and*

- 15 • *the process and outcomes of Indigenous heritage planning must abide by customary law, relevant Commonwealth and State/Territory laws, relevant International treaties and covenants and any other legally binding agreements.*

- 20 *Adhering to cultural restrictions on information about an Indigenous heritage place is essential to maintaining its heritage value.*

25 Byron Shire Council recognise that Aboriginal people are the experts on Aboriginal Cultural Heritage. For this Aboriginal Heritage Planning Study BSC would establish a steering committee of representatives from the Arakwal people, Tweed Byron Local Aboriginal Land Council, Jali Land Council and Ngulingah Land Council and other stakeholders to participate in the direction and decision making on the project including:

- 30
- tendering process
  - appointing consultants
  - priority areas
  - intellectual property
  - culturally appropriate information sharing
  - and other matters as they arise.

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	<b>Project Scope</b>
Project Manager:	Belle Arnold, Aboriginal Projects Officer
Key Staff:	Director Corporate and Community Services Manager Community Services Manager Development Assessment and Certification Manager Land and Natural Environment Aboriginal Projects Officer
Project partners:	Bundjalung of Byron Bay Arakwal People Tweed Byron Local Aboriginal Land Council
Stakeholders:	Bundjalung of Byron Bay Arakwal People Tweed Byron Local Aboriginal Land Council Jali Land Council Ngulingah Local Aboriginal Land Council Bundjalung Elders Council Minjungbal Museum
Resources:	Bundjalung of Byron Bay Arakwal People Tweed Byron Local Aboriginal Land Council Jali Land Council Ngulingah Local Aboriginal Land Council Bundjalung Elders Council Minjungbal Museum Richmond Tweed Regional Library Brunswick Valley Historical Society AHIMS Australian Institute of Aboriginal and Torres Strait Islander Studies National Library



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	<p>State Library of NSW</p> <p>NSW Department of Environment and Heritage</p> <p>National Parks and Wildlife Service</p> <p>Southern Cross University</p> <p>Cavanbah Reconciliation Group</p> <p>Bundjalung Cultural mapping Project</p>
Variables:	<p>Change in Key Staff within Council</p> <p>Change in Key Staff at partner or stakeholder organisations</p> <p>Weather Incidents during Site Survey period</p>
Definitions:	<p>For the purpose of this Study Aboriginal Cultural Heritage Places and Values are categorised as follows</p> <ul style="list-style-type: none"><li>- Precontact (pre- 1788) places</li><li>- Historical Places (post 1788)</li><li>- Social and Spiritual places</li><li>- Wild resource use places</li></ul>
Tasks:	<p><b>Literature Review – Byron Shire Council Project</b></p> <p>Extensive research of existing archival documentation, a review of statutory and non statutory registers and listings, and a consideration of local histories (including oral history sources) and available pictorial sources concerning the use of the local landscape by Aboriginal people in the distant and more recent past.</p> <ul style="list-style-type: none"><li>• Prepare a report containing a summary of the key findings</li></ul> <p><b>Oral Histories and consultation – Byron Shire Council Project</b></p> <p>Work closely with project partners and key stakeholders to undertake research into comprehensive oral history.</p> <p><b>Sites Survey - Consultants</b></p> <p>Ethnographic/anthropological and archaeological survey identifying and documenting sites by undertaking ground surveys, preparing maps showing the location of the sites and make recommendations regarding the management of the sites. Photographs of sites to be included.</p> <p><b>Predictive research to identify potential unknown sites - Consultants</b></p> <p>Relocate previously recorded Aboriginal Cultural Heritage Sites and investigate possible sites and areas of potential Aboriginal cultural heritage sensitivity. Predictive Aboriginal Cultural Heritage management</p>

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	<p>involves a thorough understanding of the environmental, historical and archaeological context of the area as this information is key to understanding the nature of the Aboriginal use of the area and the likelihood that physical traces.</p> <p>This considers aspects such as: The distribution and availability of resources (including drinking water, plant and animal foods, raw materials of stone used for artefact manufacture, and wood and vegetable fibres used for other tool production and maintenance needs) are all influenced by the nature of soils, the composition of vegetation cover, and other climactic characteristics including temperature and rainfall.</p> <p>The location of different site-types (such as middens, axe grinding grooves and engravings etc) are also influenced by the above factors, along with a range of other associated features which are specific to different land-systems and bedrock geologies (e.g. rock engravings and rock shelters only occur where there are suitable sandstone outcrops).</p> <p><b>Sites Registration</b></p> <p>Coordination and documentation of registrations to be lodged under the Aboriginal Heritage Act 1972 (AHA) and NSW Department of Environment and Heritage. Collating all information required for the purpose of reporting any unregistered sites to the Department of Environment and Heritage for the AHIMS register</p> <p><b>Aboriginal Cultural Heritage Management System - Consultants</b></p> <p>Recommendations to Council on how to manage Aboriginal Cultural Heritage in the Byron Shire.</p> <p>Provide a detailed Aboriginal Cultural Heritage Planning Report to Council containing detailed findings on all tasks.</p>
Deliverables:	<p>Detailed Aboriginal Cultural Heritage Planning Report including maps of charted sites and photographs, outlining findings, methodology and consultation.</p> <p>Registration of unknown sites where applicable.</p> <p>Aboriginal Cultural Heritage Management System report.</p>
Administration:	<p>Develop Expression of Interest</p> <p>Coordinate tender process</p> <p>Manage Consultants</p> <p>Coordinate Aboriginal Reference Group as Steering committee meetings</p>

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	<p>and communications,</p> <p>Reporting – consultants, steering groups, to Council, community and NSW Environment and Heritage</p> <p>Relevant permits</p>
Inclusions:	Literature Review, photo archive review, Search sites registers, consideration of local histories (including oral history sources), Ethnographic/anthropological and archaeological survey, Predictive research to identify potential unknown sites, Coordinate detailed Aboriginal heritage field surveys, Cultural Heritage Management System, Progress reporting and final report, legitimate stakeholders.
Exclusions:	<p>Culturally inappropriate information handling and sharing</p> <p>Non Aboriginal Cultural Heritage (unless relevant).</p>
Key Risks:	<p>Conflict between stakeholders</p> <p>A lack of willingness to share cultural knowledge around sacred sites</p> <p>Lack of historical documents</p> <p>Death or illness of significant culture holders.</p>
Assumptions:	<p>Consultant to be engaged through tender process to conduct the Aboriginal heritage planning study on behalf of Council.</p> <p>Sites identified to be exhibited for inclusion in the Council's LEP.</p> <p>Intellectual Property on cultural information to be respected.</p> <p>The findings of this study will be used to protect and preserve Aboriginal Cultural Heritage sites.</p> <p>Stakeholders rights under the Native Title Act and Land Rights Act to be respected</p>
Constraints:	<p>Budget</p> <p>Relationships with local Aboriginal Community</p> <p>Historical Records</p> <p>Confidential information</p> <p>Cultural protocols on information sharing</p> <p>Access to sites of private property</p> <p>Management of expectations</p>
Intellectual	Develop a Memorandum of Understanding between project partners and

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Property:	key stakeholders clarifying ownership of intellectual property.

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Estimated Project Milestones and Key Dates	Date
Grant Application Due	16 January 2015
Announcements	01 July 2015
Project Initiation <ul style="list-style-type: none"> <li>Form Aboriginal Steering Committee</li> <li>Commence Literature Review</li> </ul>	26 July 2015
Steering Committee Meeting - <ul style="list-style-type: none"> <li>EOI for Consultants</li> <li>MoU Intellectual Property</li> <li>Literature Review</li> <li>Local Oral Histories Project</li> </ul>	10 August 2015
Advertise for EOI for Consultants	Mid September 2015
Oral Histories Project	September – 8 weeks 2015
Steering Committee to select Consultant	Mid October 2015
Appoint Consultant	End October 2015
Steering Committee Meeting <ul style="list-style-type: none"> <li>Introduce Consultants to Stakeholders</li> <li>Oral Histories Project Update Report and Review</li> </ul>	Mid November 2015
Steering Committee Meeting <ul style="list-style-type: none"> <li>Sites Surveys Review</li> <li>Predictive Sites</li> <li>Oral Histories Project Update Report and Review</li> </ul>	3 Feb 2016
Steering Committee Meeting <ul style="list-style-type: none"> <li>Sites Surveys Review</li> <li>Predictive Sites</li> </ul>	April 2016

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<ul style="list-style-type: none"><li>Aboriginal Heritage Management Strategy</li></ul>	
Sites Registered with NSW Environment and Heritage	May 2016
Final Report from Consultant	June 2016
Acquittal Report	30 June 2016
Report to Council and Project Partners	August 2016
Public Exhibition of Sites Indicative Areas	August 2016
Inclusion of Aboriginal Sites in the LEP	November 2016

Budget		
Details	Amount	Funding Source
Project Coordination	10 000	BSC
Administration	5 000	BSC
Steering Committee Management	8 000	BSC
Literature Review	8 000	BSC
Oral Histories Project	10 000	BSC
Consultants Fees <ul style="list-style-type: none"><li>Sites Survey</li><li>Predictive Sites Research</li><li>Aboriginal Heritage Management Strategy</li><li>Sites Registration</li><li>Final Report</li></ul>	50 000	Department of NSW Environment and Heritage
Integration of Aboriginal Heritage Planning Study into LEP	5000	BSC
<b>Total</b>	<b>96 000</b>	

**Report No. 5.3****Directorate:****Report Author:****File No:****Theme:****Reconciliation Action Plan**

Corporate and Community Services

Belle Arnold, Aboriginal Projects Officer

I2015/66

Society and Culture

Community Services – Community Development

**Summary:**

This report initiates discussion with the Arakwal MoU Advisory Committee on the role they will take in the development of the Byron Shire Reconciliation Action Plan (RAP) and the development of consultation tools to assist in this process.

**RECOMMENDATION:**

1. That the Arakwal MoU Advisory Committee discuss and provide feedback on its role in the development of the Byron Shire Reconciliation Action Plan.
2. That the Arakwal MoU Advisory Committee provide its recommendations on the consultation tools and processes to be used in the development of the Reconciliation Action Plan.

**Attachments:**

- 1 RAP Toolkit, E2015/9059 , page 34
- 2 RAP Information, E2015/9058 , page 50

**Report**

At the 11 December 2014 meeting Council resolved (14-619) to develop a Reconciliation Action Plan for Byron Shire's Indigenous Community.

Attached is the Reconciliation Action Plan Tool Kit created by Reconciliation Australia and further information from Reconciliation Australia on the development of Reconciliation Action Plan.

The Byron Shire Reconciliation Action Plan (RAP) would govern Council's relationships and responsibilities with the local Indigenous Community including Traditional Owners, Local Area Land Councils and the wider Indigenous community.

The RAP will assist Council with the delivery of key projects to the Indigenous community and define Council's roles and responsibilities in the implementation of these projects.

This report seeks feedback from the Arakwal MoU Advisory Committee on the role that it should take in the development of the RAP. This report also seeks advice from the Arakwal MoU Advisory Committee on the consultation tools and processes that should be used and employed in the development of the Reconciliation Action Plan.

**Financial Implications**

Nil from this report

**Statutory and Policy Compliance Implications**

Arakwal MoU 2013  
Local Government Act 1993





# Reconciliation Action Plan Toolkit



Melinda Ciento, Co-Chair of Reconciliation Australia, and Aunty Joy Murphy at the official celebration of the University of Melbourne's Reconciliation Action Plan which took place during this year's Welcome to Indigenous students.  
Photo by Casamento Photography.

## Reconciliation Action Plans

Since the launch of the Reconciliation Action Plan (RAP) program in 2006, over 300 Australian corporate, government, and community organisations have joined the RAP community by developing their own unique RAP. The rapid growth of the program is an indicator of its success and a measure of the importance Australians place on improving the opportunities of Aboriginal and Torres Strait Islander peoples for the benefit of us all. The first annual RAP Impact Measurement Report, released in 2012, demonstrated that the RAP program is contributing to a significant and lasting difference in the name of reconciliation.

Relationships  
Respect  
opportunities

## Reconciliation Australia

Reconciliation Australia is the national not for profit organisation promoting reconciliation between Aboriginal and Torres Strait Islander peoples and the broader Australian community. Reconciliation Australia believes we can build a more inclusive Australia that better understands and values the history, cultures, rights, and contribution of Aboriginal and Torres Strait Islander peoples and where strong relationships become the foundation for success for our national wellbeing.

## What is a RAP?

Reconciliation Action Plans (RAPs) turn good intentions into actions. They're about creating respectful relationships between Aboriginal and Torres Strait Islander peoples and other Australians. We've found that by focusing on respect and relationships, sustainable opportunities can be created—that's the simple formula that makes our RAP program so successful.

A RAP formalises your contribution by identifying actions, timelines, responsibilities and targets in three areas—relationships, respect and opportunities. While each organisation shapes its own RAP, every RAP must include:

- a RAP working group with Aboriginal and Torres Strait Islander membership and collaboration
- use of the RAP template
- your organisation's unique 'vision for reconciliation'
- minimum actions for relationships, respect and opportunities, focusing on mutual benefits
- timelines, responsibility, and targets for each action
- a commitment to annual progress reporting.

Developing a good RAP takes time. It is a long-term commitment with annual requirements that include reporting and reflecting on your progress, and developing new RAPs in the future based on learnings, input from Aboriginal and Torres Strait Islander staff and stakeholders, and organisational changes. Reconciliation Australia recommends that your first RAP cover a one year period, and aim to be straightforward and achievable. This is important as you will build many relationships and learn a lot in the first year, which will assist in creating an action-focussed plan in subsequent years.

This toolkit is a step by step guide on how to develop a RAP. Contact the Programs and Projects team after you have finished reading this toolkit to be put in contact with your dedicated project officer and receive RAP templates and resources.

## The benefits of developing a RAP

While your organisation can contribute to improving outcomes for Aboriginal and Torres Strait Islander peoples without having a RAP, being part of the program offers distinct advantages, including:

- a tried and tested framework based on evidence of what works
- expert advice and assistance as required
- access to support from the RAP community, including Aboriginal and Torres Strait Islander organisations and other RAP organisations, through regular group workshops and forums
- reporting on the individual and collective impact of RAPs through the annual RAP Impact Measurement report
- greater potential to contribute to nation building for the benefit of all Australians.

By successfully implementing a RAP your organisation not only helps create a fairer society, it also generates economic and social benefits, such as:

- attracting and keeping loyal staff and customers who value your contribution to reconciliation
- a larger labour market resulting from increasing numbers of educated and skilled Aboriginal and Torres Strait Islander Australians being 'job ready'—60 per cent of Indigenous people are under 25 years old
- new projects, industries, services, products and ways of doing business emerging from joint ventures with Aboriginal and Torres Strait Islander organisations
- new two-way learning opportunities created by working with Aboriginal and Torres Strait Islander peoples, organisations and communities and participating in cultural learning activities
- improved market access by developing new markets and better penetration of existing markets by meeting the needs of Aboriginal and Torres Strait Islander peoples—who comprise the fastest growing part of the Australian population
- workforce efficiency by attracting, motivating and developing talented local staff who are connected to local communities
- a greater ability for Australians to work together and build a shared pride in Aboriginal and Torres Strait Islander cultures and histories.



With the support of Woodside, 50 remote schools have participated in or completed the Scitech Aboriginal Education Program. Photo courtesy of Woodside.

## Working with Reconciliation Australia

Having developed the RAP program and supported the hundreds of organisations that are now part of it, Reconciliation Australia looks forward to supporting your organisation turn good intentions towards reconciliation into action by:

- working closely with you as you develop your RAP and providing feedback on your draft plan
- putting you in touch with other members of the RAP community, including Aboriginal and Torres Strait Islander organisations
- guiding the development of your actions, timelines and targets
- ensuring your RAP meets the minimum elements of the program and can carry our logo before being publicly registered on our website
- helping you to report accurately on your RAP and to develop new RAPs when your current plan expires
- promoting your contribution through our extensive networks and the media
- measuring the positive impact your organisation and the RAP community is having on an annual basis.

### The RAP quality assurance and endorsement process

The project officer who looks after your industry group will work with you to ensure your draft RAP contains the minimum elements necessary for all RAPs. They will also provide feedback on other aspects of the document, such as appropriate language and setting achievable targets. Once you have addressed this feedback, your project officer will check your final draft prior to submitting it to Reconciliation Australia management for endorsement.

**We recommend seeking feedback from Reconciliation Australia at an early stage of drafting to ensure your internal approval process is streamlined and efficient. To avoid double handling, please ensure you address all feedback before sending a final draft.**

On endorsement, you will be provided with the official RAP logo for inclusion on the front cover of your RAP. When you have finalised the design, we will register it on our website and you are able to launch your plan.

### Notes on the Reconciliation Action Plan trademark and logo

A "Reconciliation Action Plan" or "RAP" is a valued trademark of Reconciliation Australia. We are proud to share the RAP logo with organisations that work with us through our feedback and quality assurance process to develop a RAP that meets the minimum elements. Where organisations choose not to be a part of the RAP program they are not able to use the words "Reconciliation Action Plan" or "RAP" publicly on websites or documents, or use the RAP logo.

### Programs and Projects team contact details

[raps@reconciliation.org.au](mailto:raps@reconciliation.org.au)

Phone: 02 6273 9200

[www.reconciliation.org.au](http://www.reconciliation.org.au)



## The RAP journey



1

**Familiarise yourself with the RAP program and get in touch with the Programs and Projects team**

Read the RAP Toolkit and review existing RAPs on our website: [www.reconciliation.org.au](http://www.reconciliation.org.au). The RAP toolkit gives you the basics to develop a great RAP. Reading other RAPs can provide inspiration and an understanding of the diversity of RAP actions. Next, call the Programs and Projects team to be put in touch with your RAP project officer. They will provide you with the templates and resources you will need to develop your RAP. They can also answer questions on the RAP development process, including RAP working groups, the endorsement process, and upcoming RAP workshops taking place in your State or Territory.

2

**Appoint a high-level person to be your RAP 'champion' and formally commit to develop a RAP**

Your champion's main role is to focus attention and push forward RAP development and implementation at critical times. They should not be the person doing the day to day work, rather a senior person who can help remove 'roadblocks'. Having your CEO or Chair sign off on a statement of commitment to develop a RAP is a great opportunity to garner interest and support internally and in the community. Send a scanned copy of the signed statement of commitment to your RAP project officer, who will register it on our website alongside other RAPs in development.

3

**Establish a RAP working group**

Your RAP working group should have Aboriginal and Torres Strait Islander staff and other employees from across the organisation. This is essential to the RAP program as it provides genuine opportunities for relationship-building, supports Aboriginal and Torres Strait Islander-led solutions, and models the process of reconciliation at an organisational level. External clients, stakeholders, customers, and community members may also be invited to join where appropriate. Making contact with your State reconciliation council, or local reconciliation group, is a great way to begin building relationships. Once your RAP working group is formed, a good starting point is to decide on your unique 'vision for reconciliation'. Everyone should be encouraged to contribute their thoughts about what a reconciled Australia might look like for your organisation. Your vision will be a useful guide in the development of your RAP actions.

4

**Develop your draft RAP and submit to your RAP project officer for confidential feedback**

Use the RAP template provided to develop your first draft. Your first RAP should aim to establish the right foundations for sustainable change, and should therefore be ambitious but achievable. Send your draft to your RAP project officer via email for their feedback and advice, and to ensure it has the minimum elements of a RAP.

5

### Address feedback—this may take a couple of drafts

This is a positive and shared learning process between you and your RAP project officer. You should allow up to one week to receive feedback on your RAP each time you send in your draft, as our project officers are working with many organisations concurrently.

6

### Endorsement and launch of your RAP

After ensuring all the minimum elements are met, your project officer will forward your RAP to Reconciliation Australia management for endorsement. On endorsement, you will be sent the official RAP logo to include in your final design. Send your approved, print-ready RAP back to your RAP project officer to register on our website. Ensure you have included the RAP logo, acknowledged all artwork and photos, and include RAP contact details in the RAP. The next step is to launch, implement and celebrate your RAP. Publicly celebrating the launch of your RAP is a great way to involve your staff and stakeholders in reconciliation. Reconciliation Australia can support your celebration/s in a variety of ways—be in touch with your project officer to discuss support. Consider using social media to publicise your RAP, and remember to take high quality photos of the event for use in your future RAPs.

7

### Annual reporting

Annual reporting is a key requirement of the RAP program, and ensures your organisation can track and evaluate its progress against commitments. When it is time to report against your RAP, contact your RAP project officer to obtain a RAP impact measurement questionnaire template. The questions asked are straightforward, and can be forwarded on to the relevant branch/es within your organisation if necessary. When you have filled in the questionnaire, please return to your RAP project officer so we can include your progress in the RAP Impact Measurement Reports.

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### Recommit to the RAP program

In the process of developing your new RAP, your working group should take the time to draw learnings from the previous plan and its implementation. Your new RAP should take into consideration those learnings; organisational changes in strategy, policy, and leadership; and the input of the Aboriginal and Torres Strait Islander peoples, organisations, and communities you have built relationships with. It should seek to deepen actions by extending targets, and refocus actions where appropriate. The quality assurance and endorsement process will remain the same as for your original plan.

## RAP minimum actions

All RAPs include actions, timelines and targets under three headings—relationships, respect and opportunities. The table below shows the minimum actions which are essential for your first RAP to be endorsed.

Each time you recommit to the program by developing a new RAP the actions in your RAP should be extended and developed. In general, your first RAP should focus on building the right foundation for sustainable change within your organisation. Your second RAP

should focus on encouraging staff engagement in reconciliation. Your third RAP and beyond should seek to embed RAP actions into your core business and ensure their value is understood by all staff. Your RAP project officer will provide you with a guide to the RAP minimum actions, which sets out the actions below, as well as more advanced actions and suggested targets.

	MINIMUM ACTION	WHY IS THIS A MINIMUM ACTION?
Relationships	Establish a RAP working group made up of Aboriginal and Torres Strait Islander peoples and other staff working together.	By having Aboriginal and Torres Strait Islander people and other Australians working together on your RAP you are: <ul style="list-style-type: none"> <li>• building relationships and driving reconciliation within your workforce;</li> <li>• ensuring Aboriginal and Torres Strait Islander perspectives, influences and voices are included in your RAP; and</li> <li>• ensuring more sustainable outcomes because of the relationships, knowledge and insights that Aboriginal and Torres Strait Islander peoples bring to your RAP development and implementation.</li> </ul>
	Build relationships with Aboriginal and Torres Strait Islander peoples, organisations or communities in your organisation, local area and business niche through participating in National Reconciliation Week.	Providing opportunities for our employees to get to know each other is essential to achieving reconciliation. In the 2010 Australian Reconciliation Barometer: <ul style="list-style-type: none"> <li>• 87% of respondents said that good relationships are important to Australia.</li> <li>• Only 9% of respondents said that they had frequent contact with an Aboriginal or Torres Strait Islander Australian.</li> <li>• 61% said that they would like to have contact with Aboriginal and Torres Strait Islander peoples.</li> <li>• Only 9% of respondents said that there was trust between the two groups.</li> </ul>



	MINIMUM ACTION	WHY IS THIS A MINIMUM ACTION?
Respect	Aboriginal and Torres Strait Islander cultural awareness and development training for staff.	<p>There is a broad interest amongst our population to know more about Aboriginal and Torres Strait Islander history and culture. In the 2010 Australian Reconciliation Barometer:</p> <ul style="list-style-type: none"> <li>• 39% of respondents said that they had a high level of knowledge about the history of Aboriginal and Torres Strait Islander peoples in Australia and 28% said they had a high level knowledge of the culture of Australia's first peoples;</li> <li>• 84% of respondents said that they believed it was important to know about the history and 80% said it was important to know about the culture.</li> </ul>
	Establish protocols for 'Acknowledgement of Country' and 'Welcome to Country'.	<p>For millennia, when Indigenous people visited the country of others, there would be rituals of 'welcoming to country'. Today, these rituals have a legacy in 'Welcomes to Country' and 'Acknowledgment of Country'. Including these in RAPs:</p> <ul style="list-style-type: none"> <li>• Continues the protocols in today's society;</li> <li>• Shows that your organisation respects the ancient protocols of Australia's first peoples;</li> <li>• Allows you to recognise the contributions of Aboriginal and Torres Strait Islander Elders to our nation.</li> </ul>
	Support Aboriginal and Torres Strait Islander staff to participate in NAIDOC Week celebrations (if applicable).	NAIDOC Week is an important time for Aboriginal and Torres Strait Islander peoples to connect with community and culture and to share their unique culture with other Australians.
Opportunities	Investigate employment and / or professional development opportunities for Aboriginal and Torres Strait Islander peoples.	Reconciliation is equal parts symbolic and substance. Providing meaningful opportunities is essential if we are to achieve equality in Australia. Employment opportunities are a key determinant for achieving equality and an area that all RAP partners can contribute towards. It's not about numbers—it's about providing real and sustainable employment opportunities and career progression.
	Build partnerships and/or projects with Aboriginal and Torres Strait Islander professionals, organisations or communities that are mutually beneficial.	Supporting Aboriginal and Torres Strait Islander businesses is a great way for organisations to support indirect Aboriginal and Torres Strait Islander employment. By including supplier diversity in all RAPs, you are able to extend our commitment to Aboriginal and Torres Strait Islander employment into many different sectors and support choice and opportunity.
Reporting	Report achievements, challenges and learnings to Reconciliation Australia for inclusion in the annual RAP Impact Measurement Report.	It is a key requirement of the RAP program that RAP partners report on their achievements and challenges annually. This helps us to know what works in reconciliation and to share good practice with the broader RAP community.

## Examples of other RAP actions

The table underneath shows other actions you could include in your RAP, depending on your organisation's sphere of influence, your size and locality, and your business objectives.

<b>Relationships</b>	<ul style="list-style-type: none"> <li>Establish an Aboriginal and Torres Strait Islander contacts database for use in ways relevant to your business.</li> <li>Meet Aboriginal or Torres Strait Islander traditional owners and community members and learn about the country, cultures and histories on which your office/s are located.</li> <li>Host a community event and invite local Aboriginal and Torres Strait Islander peoples, organisations and communities to attend.</li> <li>Identify innovative Aboriginal and Torres Strait Islander programs or organisations and explore ways to learn from them and collaborate.</li> <li>Initiate volunteering arrangements with Aboriginal and Torres Strait Islander organisations.</li> </ul>
<b>Respect</b>	<ul style="list-style-type: none"> <li>Develop individual cultural development plans tailored for staff at different stages of their cultural competency training.</li> <li>Name buildings/rooms in honour of Aboriginal and Torres Strait Islander peoples.</li> <li>Display and fully acknowledge Aboriginal and Torres Strait Islander flags, art and imagery.</li> <li>Establish protocols for respectful engagement and/or consultation, between your organisation and Aboriginal and Torres Strait Islander peoples, organisations and communities.</li> <li>Develop an inclusion strategy that ensures Aboriginal and Torres Strait Islander perspectives are integrated in areas such as policies, program, service delivery and programming.</li> <li>Develop marketing tools and materials that respond to the diversity of Aboriginal and Torres Strait Islander peoples, communities, and organisations.</li> </ul>
<b>Opportunities</b>	<ul style="list-style-type: none"> <li>Establish professional pathways for Aboriginal and Torres Strait Islander peoples by setting targets for induction, middle/high management and executive positions.</li> <li>Partner with Aboriginal and Torres Strait Islander recruitment, employment and training services.</li> <li>Advertise vacancies in Aboriginal and Torres Strait Islander focussed media.</li> <li>Link with Aboriginal and Torres Strait Islander traineeship and cadetship programs.</li> <li>Establish an Aboriginal and Torres Strait Islander employee's network.</li> <li>Fund a secondment to an Aboriginal and Torres Strait Islander organisation or second an Aboriginal and Torres Strait Islander employee or researcher in your organisation.</li> </ul>

**Remember**—a good RAP is about quality not quantity. No matter how small or large, every organisation has something special to offer. Look at your unique strengths and be inspired to develop ambitious and unique actions. At the same time, keep your plan simple, realistic,

and achievable. Use plain language and make sure your targets are genuinely measurable. A first RAP can take time to develop, however a quality RAP will make reporting and recommitting straightforward.

## RAP reporting

Reporting on your RAP is an annual requirement of the program, and is intended to be a positive, not punitive, process. It is an opportunity to reflect on your RAP and learn from it.

By reporting on your RAP, your organisation also contributes to Reconciliation Australia's commitment to measure and report on the collective impact of RAPs through the annual RAP Impact Measurement Report. The RAP impact measurement questionnaire has been designed to closely align to the Report and provide a simple, transparent, and time effective way for RAP partners to report. Keep in mind that the data your organisation provides in this form will remain private, only being used in aggregate in the annual RAP Impact Measurement Report. Through the questionnaire we collect both quantitative and qualitative data relating to the three RAP categories—relationships, respect, and opportunities. Within these categories, we ask questions related to key indicators, for example: partnerships with Aboriginal and Torres Strait Islander organisations, the implementation of cultural awareness training, and Aboriginal and Torres Strait Islander employment.

Aside from compiling the progress of the RAP community as a whole, Reconciliation Australia is committed to producing individual 'best practice' case studies. The selection of RAP case studies for inclusion in the Impact Measurement Report will be based on outstanding progress, enabling our community of practice to learn collaboratively in relation to what works in reconciliation and improving opportunities for Aboriginal and Torres Strait Islander peoples.

Your project officer will provide you with the questionnaire template in Word format on request. Work with them when you are completing the RAP impact measurement questionnaire, particularly the first time you use it. Remember, reporting is your chance to be open and honest and help others in the RAP community to learn from your experiences.



Mark Leibler AC, the Hon Jenny Macklin MP and Henry Atkinson at the Arnold Bloch Leibler RAP launch. Photo by Carla Gottgens, courtesy of Arnold Bloch Leibler.



Coles First Step participants at World Square, Sydney. Photo courtesy of Coles.

## Reconciliation Action Plan template

### Our vision for reconciliation:

What is your unique vision for reconciliation? Think about how this relates to your business niche and organisational priorities. Once you have developed your vision for reconciliation, this can guide the development of your actions and targets.

### Our business:

Briefly describe your business—including your core business, key partnerships, how many staff you have (including Aboriginal and Torres Strait Islander staff), and the locations of your offices.

### Our RAP:

Tell us how and why you developed your RAP, including who was involved in your RAP working group. If this is a second/subsequent RAP please reflect on the key learnings and most significant changes from your previous RAP here. This could include the most significant changes seen across your organisation since the development of your RAP, or your key learnings from the implementation process.

### Relationships

Tell us why relationships between Aboriginal and Torres Strait Islander peoples and other Australians are important to your organisation. Think about how this is linked to your vision for reconciliation and will mutually benefit both Aboriginal and Torres Strait Islander peoples and your organisation.

#### Focus area (optional)

Action	Responsibility	Timeline	Target
What does your organisation want to achieve or implement? Number your actions so they are easy to refer to.	Please allocate responsibility for actions to actual job titles e.g. 'Manager, Human Resources'.	Use month/year format rather than 'ongoing' or 'annually'. If the action will be ongoing, just use your first reporting date i.e. 12 months from the registration of your RAP.	As with all business plans, you must include the target by which you will judge this action achieved or completed. A good test is to ask, "how will we know that this action has been achieved". Include actual numbers wherever possible, e.g. "25 staff to complete cultural awareness training" rather than "All staff attend training" or "50% of staff attend training".

You will receive this template in Word format from your project officer when you first contact Reconciliation Australia, as well as other resources to assist you to develop mutually beneficial actions.

## Respect

Tell us why respect between Aboriginal and Torres Strait Islander peoples and other Australians is important to your organisation. Think about how increasing cultural awareness and competency within your organisation will ensure sustainability and lead to greater returns on social investment.

### Focus area (optional)

Action	Responsibility	Timeline	Target
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## Opportunities

Tell us why working together to provide opportunities for Aboriginal and Torres Strait Islander Australians is important to your organisation. Consider how your actions under relationships and respect will provide the foundations for meaningful opportunities.

### Focus area (optional)

Action	Responsibility	Timeline	Target
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## Tracking progress and reporting

### Focus area (optional)

Action	Responsibility	Timeline	Target
How will your organisation monitor your RAP in addition to submitting the RAP impact measurement questionnaire annually? For example, a regular agenda item at Board meetings, or a section in your annual report.			

## Contact details

Include contact details (job title, phone and email) for public enquires about your RAP.



## Recommitting to the RAP program

By developing a new RAP when your current plan expires your organisation is recommitting to the program, and ensuring the contributions you are making are still relevant and meaningful.

Assessing your progress by reporting on your RAP helps you to extend or modify actions that have been achieved, or develop new actions, timelines and targets in your new RAP. It also helps you reflect on your key learnings and describe the most significant changes that have taken place as a result of your RAP, some of which may not have been intended.

Start back at step five of the RAP journey and, by reflecting on the progress made over the past RAP period, develop your new RAP in the following ways:

- consider your key learnings from the implementation of your previous RAP
- review and/or update your RAP vision and goals (are they still relevant to your organisation?)
- tell us about the recommitment process in the 'Our RAP' section of your new RAP—including past actions you have chosen to discontinue, extend, or modify, and new actions which have been added based on the learnings from your past RAP.

Don't forget to seek advice, support and feedback from your project officer, as well as reading other RAPs on our website.



Preston Campbell visits the Reconciliation Journey Wall in the Department of Education, Employment and Workplace Relations Brisbane office. Photo courtesy of DEEWR.



Black Olive Catering at the launch of the 2012-13 Qantas RAP. Photo by Wayne Guillian.

## The RAP community

The RAP community is made up of RAP organisations and Aboriginal and Torres Strait Islander organisations interested in engaging with the RAP program. Our partners include:

- Large corporations, small and medium sized businesses
- Local, State, Territory and Federal government agencies
- Aboriginal and Torres Strait Islander organisations and enterprises
- Community organisations and not for profits
- Schools, universities and training organisations
- Hospitals and health organisations
- Peak bodies, industry associations and unions
- Festivals, bands, sporting and creative arts organisations and faith groups.

The RAP community enables organisations to share ideas, swap experiences, and celebrate success. Being part of the RAP community also gives you access to exclusive RAP tools and information—including RAP guides, the RAP Flash e-newsletter, RAP Impact Measurement Reports, and invitations to RAP events and workshops.

### Programs and Projects team contact details

[raps@reconciliation.org.au](mailto:raps@reconciliation.org.au)

Phone: 02 6273 9200

[www.reconciliation.org.au](http://www.reconciliation.org.au)



Tour guide Greg Nannup speaks to members of the Woodside Reconciliation Interest Group during a Heritage Tour of Kings Park. Photo courtesy of Woodside.

To find out more about Reconciliation  
Action Plans visit our website  
[www.reconciliation.org.au](http://www.reconciliation.org.au) or contact  
us at [raps@reconciliation.org.au](mailto:raps@reconciliation.org.au)

Reconciliation Australia acknowledges the traditional owners  
of country throughout Australia and recognise their continuing  
connection to land, waters and community. We pay our respect to  
them and their cultures, and to the elders both past and present.



Old Parliament House, King George Terrace, Parkes ACT  
[www.reconciliation.org.au](http://www.reconciliation.org.au)



What is a Reconciliation Action Plan (RAP)?

Through the Reconciliation Action Plan (RAP) program, organisations develop business plans that document what they will do within their sphere of influence to contribute to reconciliation in Australia. These Reconciliation Action Plans (RAPs) outline practical actions the organisation will take to build strong relationships and enhanced respect between Aboriginal and Torres Strait Islander peoples and other Australians. A RAP also sets out the organisation's aspirational plans to drive greater equality by pursuing sustainable opportunities.

### **Determining the right type of RAP for your organisation**

All organisations seeking endorsement of a Reconciliation Action Plan are asked to commit to one of four types of RAPs that best suit their organisation.

- [Reflect RAP](#)
- [Innovate RAP](#)
- [Stretch RAP](#)
- [Elevate RAP](#)

### **Reflect RAP**

The Reflect RAP allows organisations to take time to build relationships externally and internally to inform and guide future RAP commitments. During this time organisations focus on raising awareness within their organisation about its commitment to reconciliation and why the organisation has decided to join the program; as well as building relationships with their Aboriginal and Torres Strait Islander employees and community.

Developing a Reflect RAP is appropriate for your organisation if you are new to reconciliation and Aboriginal and Torres Strait Islander affairs, but believe that your organisation has the goodwill required to make a contribution. A Reflect RAP will allow you time and provide you with greater direction to really understand what this contribution should be. In committing to a Reflect RAP, your organisation will work towards achieving a pre-determined set of generic actions rather than actions which are specific to your organisation.

### **Innovate RAP**

The Innovate RAP involves organisations working with their Aboriginal and Torres Strait Islander stakeholders to test and trial approaches that build relationships, show respect and improve opportunities. As the name suggests organisations are encouraged to develop innovative actions, rather than focusing on meeting aspirational or stretch targets. This enables your organisation to continue to build the right foundations for long-term outcomes.

**This plan is for:**

- Smaller organisations, especially community organisations, which generally have greater touch points with the community. This allows them to understand community needs and aspirations. An Innovate RAP allows these organisations to focus on trying new approaches for the benefit of the RAP community.
- 5      • Larger organisations that are still developing their understanding of where they should invest their resources to attain the best possible return on their investment. These organisations will look to develop a Stretch RAP in the future.

10      Developing an Innovate RAP is appropriate for your organisation if the foundations have been laid for your organisation to achieve its RAP commitments: i.e. everyone within the organisation is aware of the commitment made to reconciliation; the relevant departments are engaged; the organisation can draw on internal and external relationships to develop appropriate actions and you are able to commit to having a working group that includes Aboriginal and Torres Strait Islander representation.

15      **Stretch RAP**

This type of RAP involves organisations setting measurable outcome targets for their activities e.g. recruitment, retention and promotion targets within employment strategies. This type of RAP is all about investing in expanding and embedding actions that have been tested and proven.

20      **This plan is for:**

- Organisations that want to focus their attention on some key areas that they know they can make an impact in. By setting public targets, this shows the organisation has a strong commitment to reconciliation and are working towards embedding initiatives into business strategies to become 'business as usual'.

25      Developing a Stretch RAP is appropriate for your organisation if you have tested and proven strategies, programs and initiatives that you want to continue to invest in and are willing set clear and measureable outcome targets to expand the impact and reach.

**Elevate RAP**

30      This type of RAP is for organisations that have a Stretch RAP in place and are considered leaders in taking action towards reconciliation. These organisations have accumulated knowledge and experience that can assist Reconciliation Australia and other organisations to further the objectives of reconciliation. This plan will expect organisations to have proven results.

35      These organisations, in addition to the actions in their Stretch RAP, will work with Reconciliation Australia to also include actions that will help achieve reconciliation on a national level. This may include committing to:

- Engaging employees throughout their organisation.

- Supporting the RAP community through the sharing of learning, experience and resources by presenting at Reconciliation Australia facilitated events (e.g. Learning Circles, RAP Development Training Workshops).
- 5      • Contributing to a tri-sector reconciliation leadership network on specific national issues.
- Conducting Reconciliation Australia's reconciliation barometer amongst their staff to compare the attitudes of their employees to reconciliation with the general Australian population .
- 10      • Supporting Reconciliation Australia with achieving its broader societal change outcomes through assistance where appropriate.

Organisations committing to this type of RAP will need to show their proven results through:

- Limited Assurance assessments of their RAP actions by an independent organisation, or
- 15      • Research or studies on the impact and outcomes of their RAP.

### **Tips to developing an effective RAP**

#### **Don't be vague**

- 20      A RAP is a strategic plan that allows your organisation to improve relationships, show respect and increase opportunities. As with any business plan, it should include defined timelines and targets, and each action should be assigned to the person or position responsible for the outcomes. Your organisation's RAP will have the best chance of success if each action, timeline, responsibility and deliverable is as specific as possible.

#### **Don't over promise**

- 25      It is vitally important to keep the RAP achievable and realistic—especially in the initial stages. This is important so that your organisation can spend the time to do things right rather than rushing through a large number of actions that may turn out to be more difficult to achieve than originally envisaged. It is also important to build
- 30      positive momentum by celebrating milestones in your RAP—such as launching the RAP, participating in National Reconciliation Week and completing an annual RAP report. It is hard to maintain that momentum if the RAP is long and complicated, or if your organisation fails to achieve many of the actions set.

#### **Don't go it alone**

- 35      One of the benefits of joining the RAP community is the opportunity to work collaboratively with like-minded organisations, and to learn from the existing body of knowledge about what works in reconciliation. Many great initiatives around the country are helping to build relationships and respect, and to improve opportunities. Occasionally, RAP organisations work together closely on specific programs or

strategies, or to hold special events, and Reconciliation Australia is always pleased to help facilitate these partnerships.

On a practical level, seeking feedback on your RAP at an early stage of drafting ensures that your plan is consistent with the program's requirements, and includes all the minimum actions for endorsement.

### **Engaging your organisation**

[top](#)

Good relationships + mutual respect = sustainable opportunities. This is the basis for the RAP program so regardless of what type of RAP your organisation chooses to develop, it is essential that building relationships is at the core of your plan.

At every stage of your RAP program, consider how your RAP will support you to engage with your Aboriginal and Torres Strait Islander and non-Indigenous stakeholders, including employees, suppliers, community organisations and leaders.

### **Engaging your RAP working group**

A RAP working group is the driving force of every successful RAP. The working group is responsible for setting up your organisation's first RAP, and for ensuring its longevity and employee buy-in by establishing appropriate support and governance systems. An active and engaged working group also means that the responsibility for establishing, implementing and maintaining your RAP doesn't sit on the shoulders of one staff member.

Your RAP working group should comprise a manageable number of representatives from each part of your organisation. It must include Aboriginal and Torres Strait Islander staff members (or external stakeholders where this is not possible) and other employees from across the organisation. This is an essential requirement of the RAP program, as it supports genuine opportunities for relationship-building, enables Aboriginal and Torres Strait Islander-led solutions, and models the process of reconciliation at an organisational level. You may also invite any relevant external clients, stakeholders, customers and community members to join your organisation's RAP working group.

### **At the basic level, a working group must include:**

- Aboriginal and Torres Strait Islander employee/s and other staff representatives.
- A range of staff from the different parts (businesses and/or divisions) of your organisation that will be involved in, and take responsibility for, delivering RAP actions.
- [Executive support in the form of a Chair or RAP Champion.](#)

### **Other highly valuable contributions to your working group could include:**

- Input from external Aboriginal and Torres Strait Islander stakeholders. Some organisations appoint an advisory panel of Aboriginal and Torres Strait

## **BYRON SHIRE COUNCIL**

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

### 5.3 - ATTACHMENT 2

Islander community representatives, and other representatives. This advisory group can operate independently of the working group.

- RAP 'ambassadors' in state or regional offices, or other locations according to your organisation's needs.

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<http://www.reconciliation.org.au/raphub/program/getting-started/#Tipsto-developing-an-effective-RAP>

**Report No. 5.4                      Arakwal MoU Implementation Plan 2013/14 Review**

**Directorate:** Corporate and Community Services

**Report Author:** Belle Arnold, Aboriginal Projects Officer

**File No:** I2015/67

5    **Theme:** Society and Culture  
Community Services – Community Development

**Summary:**

10    This report reviews the Arakwal MoU Implementation Plan 2013/14 and requests the Committee to consider, identify and recommend the priority projects from the Arakwal MoU for 2015/16 for the formation the next Implementation Plan.

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**RECOMMENDATION:**

1.    **That the Arakwal MoU Advisory Committee note the progress on implementing the priority projects from the Arakwal MoU in 2013/14.**
2.    **That the Arakwal MoU Advisory Committee recommend the priority projects for inclusion in the Arakwal MoU Implementation Plan 2015/16.**

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**Attachments:**

- 1      Reporting Document Arakwal MoU Implementation Plan, E2014/17975 , page 57
- 2      Arakwal MoU Implementation Plan 2013/14, E2013/60526 , page 66
- 20    3      Arakwal MoU, E2013/45000 , page 79

**Report**

MoU Implementation Plan 2013/14 and identifies the priority projects from the Arakwal MoU for this period. They include:

- 5           1. Caring for Country definition. Council to hold a workshop with Arakwal and other relevant stakeholders to develop a working definition of Caring for Country applicable to all areas of Council.
- 10          2. Consultation processes for development applications and other matters in regards to land management of public lands. Development of clear processes in regard to Arakwal engagement in development applications and other planning mechanisms on Arakwal lands in the Byron Shire.
- 15          3. Indigenous Employment Strategy. Council to develop and implement an Indigenous Employment Strategy.
- 20          4. Cultural Awareness Training. Council to implement Cultural Awareness induction for all staff and Councillors through Arakwal website and specifically tailored training packages for relevant staff to include Native Title and other relevant Land Management issues.
- 25          5. Native Title. Council to consider the ongoing responsibilities and potential impacts of Native Title processes including, confirming Council as a party to the determination application and Council's role as a party to the Native Title Determination Application NSD6020/01 Byron Bay Bundjalung People 3 (NC01/8).

Attached to this report is the Reporting Document Arakwal MoU Implementation Plan which contains a review of the status of each of the priority projects from the Arakwal MoU for 2013/14.

- 30          Also attached to this report is the Arakwal MoU. This report seeks advice from the Arakwal MoU advisory Committee on the next priority projects from the MoU for implementation.

**Financial Implications**

- 35          Nil from this report

**Statutory and Policy Compliance Implications**

- 40          Arakwal MoU 2013  
Native Title Act 1993



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# **Draft Implementation Plan 2013/14 (Reporting Document)**

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## **Byron Shire Council and Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) Memorandum of Understanding**

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**Introduction**

This document reports on the progress of the Implementation Plan 2013/14 (working copy) for the Memorandum of Understanding (MoU) between Byron Shire Council and the Bundjalung of Byron Bay Arakwal People.







This document should be read alongside the Implementation Plan 2013/14 (Working Copy) [TRIM doc #E2013/60526].

The Memorandum of Understanding was developed by the Arakwal Memorandum of Understanding Advisory Committee between 2012 and 2013 and was signed on 8 July 2013 by representatives of the Byron Shire Council and the Bundjalung of Byron Bay Arakwal Corporation. The Implementation Plan was developed to ensure the delivery of 5 priority projects from the Memorandum of Understanding for the year 2013/14.

The Bundjalung of Byron Bay Arakwal People are recognised as traditional owners within the Byron Shire boundaries and are an important stakeholder group. The Arakwal have land management rights and must be consulted on developments within their lands. This includes the right to be consulted in Council's decision making processes on matters affecting their community. Council's effective partnership with the Bundjalung of Byron Bay Arakwal People has many potential benefits for both the Indigenous and non Indigenous communities. The Memorandum of Understanding presents a systematic approach to meeting any obligations under the Native Title Act including land management rights.







**Implementation Plan – Caring for Country Working Definition**

## 1.0 Caring for Country working definition

Priority Action	Strategic Actions	Not commenced	Underway	Complete	Ongoing
<b>1.1 The development of a working definition of Caring for Country for application over all divisions of Council (4.2.1 in the MoU).</b>	i. Convene workshop to discuss the working definition for Caring for Country. Invite Arakwal, NPWS staff, Manager Sustainable Communities, Executive Manager Environment and Planning, Councillors).				
	ii. IPO to document outcomes of workshop and compile report. Present report to AMoUAC including request to finalise definition.				
	iii. Present report to Council for adoption of definition.				
<b>1.2 Council to use available policy frameworks and regulatory mechanisms to support Arakwal to protect and Care for Country (4.2.1 in the MoU).</b>	i. IPO to identify relevant policies that present opportunities for the integration of Caring for Country in future policy review, paying particular attention to environmental policies. Prepare report for ET.				
	ii. IPO to notify division Managers with responsibility for the review of these policies.				
	iii. Present report to AMoUAC and then Council.				







**Implementation Plan – Consultation Processes for Development Applications on Public Lands**

## 2.0 Consultation processes for development applications and other matters in regards to land management of public lands

Priority Action	Strategic Actions	Not commenced	Underway	Complete	Ongoing
<b>2.1 Development of clear processes in regard to consultation and engagement with Arakwal on development applications and other planning mechanisms in lands within the Byron Shire. Development of frameworks for ongoing consultation process (2.2.2 in the MoU).</b>	i. IPO to document existing internal processes based on discussions with Manager Sustainable Communities, Executive Manager Environment and Planning, Manager Development Assessment and Certification, General Manager Arakwal Corporation.				
	ii. IPO to prepare document outlining current processes and procedures.				
	iii. IPO to prepare report to ET regarding the need for a Cultural Heritage Study.				
	iv. Convene workshop with Arakwal, Manager Sustainable Communities, Executive Manager Environment and Planning, Manager Development Assessment and Certification to discuss a framework for consultations and engagement with Arakwal.				
	v. IPO to document outcomes of the workshop and prepare reports for consideration by AMoUAC and Executive Team.				
	i. Present report to AMoUAC, Executive Team and then Council.				








## Implementation Plan – Indigenous Employment Strategies

### 3.0 Indigenous Employment Strategies

Priority Action	Strategic Actions	Not commenced	Underway	Complete	Ongoing
<b>3.1 Develop an Employment Strategy (3.2.1 in the MoU).</b>	i. Convene workshop with Arakwal, Manager Sustainable Communities, Executive Manager Organisational Support.  ii. IPO to document outcomes of the workshop Purpose: to establish shared framework and targets for the strategy and to share expertise on the issue.				
	iii. Engage OS Manager to advise on an Employment Strategy framework and costing.				
	iv. IPO to prepare reports for ET and AMoUAC				
<b>3.2 Implement an Indigenous Employment Strategy (3.2.1 in the MoU).</b>	i. Present Indigenous Employment Strategy to Executive Team then Council				
	ii. Support HR staff, primarily Executive Manager Organisational Support, to implement strategy				
	iii. Integrate Indigenous Employment Strategy into Workforce plan (on first review)				

**Implementation Plan – Cultural Awareness Training**





## 4.0 Cultural Awareness Training

Priority Action	Strategic Actions	Not commenced	Underway	Complete	Ongoing
<b>4.1 Implement cultural awareness induction for all staff and Councillors through Arakwal's website, with specifically tailored training packages for relevant staff to include Native Title and other relevant land management issues (4.2.4 in the MoU).</b>	i. Identify relevant material on the Arakwal website for consideration to include in induction programs.				
	ii. IPO in collaboration with Executive Manager Organisational Support (or delegate) and Arakwal to develop induction material and training packages for relevant staff regarding Cultural Awareness that includes information on native title.				
	iii. IPO to prepare report for Consultative Committee.				
	iv. HR to adjust checklist for managers to implement Cultural Awareness induction sheet.				
	v. IPO to prepare and schedule information sessions for all managers and supervisors regarding implementation of Cultural Awareness induction sheets.				
	vi. IPO to liaise with HR staff regarding the retrospective role-out of Cultural Awareness induction to existing staff				
	vii. IPO to liaise with Managers of outdoor staff and organize a series of Cultural Awareness information sessions to capture all outdoor staff.				
	viii. Arakwal to advise on whether a Dolphin Dreaming (or similar) Cultural Awareness package can be delivered to Council staff and Councillors				

# BYRON SHIRE COUNCIL





STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

5.4 - ATTACHMENT 1

Priority Action	Strategic Actions	Not commenced	Underway	Complete	Ongoing
	annually or bi-annually.				
	ix. Ensure funding is available to allow annual or bi-annual Cultural Awareness training (Dolphin Dreaming or such) attendance by staff.				
	x. Insert link to Arakwal website on Council website.				
	xi. Engage Arakwal in providing info for staff newsletter.				

**Implementation Plan – Native Title**

## 5.0 Native Title

Priority Action	Strategic Actions	Not commenced	Underway	Complete	Ongoing
<b>5.1 Council consider the ongoing responsibilities and potential impacts of ongoing Native Title processes.</b>	i. Confirm Council as party to the Byron Bay Bundjalung People 3 Native Title Determination Application (NSD6020/01).				
	ii. IPO to research the Council's roles and responsibilities as party to the Byron Bay Bundjalung People 3 Native Title Determination Application (NSD6020/01)				
	iii. That a presentation be held, as part of a Strategic Planning Workshop in 2013, with Councillors, Council staff, a member from the Arakwal MoU Advisory Committee and Native Title Services Corporation (NTSCorp) staff to raise awareness on Native Title in Byron Shire.				
	iv. Integrate information on native title into Cultural Awareness package at 4.1.				





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# **Implementation Plan 2013/14 (Working Copy)**

10

## **Byron Shire Council and Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) Memorandum of Understanding**

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## 1.0 Introduction

This Implementation Plan augments the Memorandum of Understanding (MoU) between Byron Shire Council and the Bundjalung of Byron Bay Arakwal People. The Memorandum of Understanding was developed by the Arakwal Memorandum of Understanding Advisory Committee between 2012 and 2013 and was signed on 8 July 2013 by representatives of the Byron Shire Council and the Bundjalung of Byron Bay Arakwal Corporation. The Implementation Plan has been developed to ensure the delivery of 5 priority projects from the Memorandum of Understanding for the year 2013/14.

The Bundjalung of Byron Bay Arakwal People are recognised as traditional owners within the Byron Shire boundaries and are an important stakeholder group. The Arakwal have land management rights and must be consulted on developments within their lands. This includes the right to be consulted in Council's decision making processes on matters affecting their community. Council's effective partnership with the Bundjalung of Byron Bay Arakwal People has many potential benefits for both the Indigenous and non Indigenous communities. The Memorandum of Understanding presents a systematic approach to meeting any obligations under the Native Title Act including land management rights.

## 2.0 Background – A Recent History

This section presents the context for the Implementation Plan by outlining the development of the Memorandum of Understanding including the identification of priority areas to be actioned in 2013/14.

### 2.1 Aboriginal Heads of Agreement 1998

The Aboriginal Heads of Agreement (HoA) signed in 1998 between the Bundjalung of Byron Bay Arakwal People and Byron Shire Council, set out a framework for ongoing consultation. The development of the Aboriginal Heads of Agreement ensured the Bundjalung of Byron Bay, Arakwal People were involved in the management and protection of culturally significant places within the Shire. This agreement was the first of its type between a local council and native title applicants in New South Wales.

### 2.2 Review of the Aboriginal Heads of Agreement 1998

The 1998 Aboriginal Heads of Agreement contained priority projects identified by the Bundjalung of Byron Bay Arakwal People and Council. This agreement was based on the Bundjalung of Byron Bay Arakwal People's first Native Title Claim and Indigenous Land Use Agreement 1 (ILUA). In 2011 / 12 a review process was undertaken to finalise the outcomes from the Heads of Agreement and to make way for the development of a Memorandum of Understanding which would contain any of the still relevant actions from the HoA. The review identified that many of the projects were not actioned and could roll over. The review process also illustrated that the Heads of Agreement was not updated to reflect the subsequent ILUAs 2 and 3 and as a result Council's response was not a coordinated and corporate process.

### 2.3 Statement of Commitment

In May 2012, Byron Shire Council's Mayor and General Manager signed the 'Aboriginal Statement of Commitment to the Bundjalung of Byron Bay – Arakwal People'. This document established the principles of the partnership between Byron Shire Council and the Bundjalung of Byron Bay Arakwal People. It states:

*Byron Shire Council supports and advocates the cultural and economic advancement of the Bundjalung of Byron Bay Aboriginal - Arakwal People and will cooperate to ensure the preservation of cultural practices, traditional sites and significant places. Council supports expressions of cultural identity.*

*Byron Shire Council and the Bundjalung of Byron Bay Aboriginal - Arakwal People believe in a future characterised by social justice and community. Together, we seek to build a society free of racism and prejudice where Aboriginal people feel a strong sense of belonging and are able to participate fully in the life of the community.*

*Byron Shire Council recognises the significant commitment by the Bundjalung of Byron Bay Aboriginal - Arakwal People to caring for country and maintains a partnership to consult and cooperate in achieving ecologically sustainable conservation.*

*Byron Shire Council will engage in an active partnership with the Bundjalung of Byron Bay Aboriginal - Arakwal People to develop programs and services which meet the needs of our community.*

## 2.4 Formation of Arakwal Memorandum of Understanding Advisory Committee

The Aboriginal Heads of Agreement Project Reference Group (PRG) was responsible for monitoring the 1998 Heads of Agreement. The PRG's objectives were to review the 1998 Agreement and on to develop terms for a proposed Memorandum of Understanding.

On 3 November 2011 Council resolved (11-891):

*to conduct the ongoing relationship with the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) as a Committee, not a Project Reference Group (PRG), with terms of reference to oversee the implementation of a new Memorandum of Understanding (MoU).*

## 2.5 Memorandum of Understanding

Council staff and Arakwal representatives, through the Arakwal Memorandum of Understanding Advisory Committee, finalised the development of Memorandum of Understanding in April 2013. Council resolved (13-230) at the Ordinary Meeting on 9 May 2013 that Council adopt:

### Committee Recommendation AMoU 4.1.1

1. *That the Arakwal Memorandum of Understanding Advisory Committee recommend to Council the adoption of the revised Memorandum of Understanding (#E2013/25031).*
2. *That the Arakwal Memorandum of Understanding Advisory Committee recommend to Council that the Memorandum of Understanding be formally signed off by Council during NAIDOC Week 2013.*
3. *That the Arakwal Memorandum of Understanding Advisory Committee nominates the priority projects to be delivered from the Memorandum of Understanding and commences work on the Implementation Plan for these projects for the next twelve month period. These priority projects include:*

- 5 3.1 *That Council hold a workshop with Arakwal and other relevant stakeholders to develop a working definition of Caring for Country applicable to all areas of Council.*
- 10 3.2 *Participation in Governance - 2.2.2 Consultation processes for development applications and other matters in regards to land management of public lands. Development of clear processes in regard to Arakwal engagement in development applications and other planning mechanisms on Arakwal lands in the Byron Shire.*
- 15 3.3 *Cultural and Economic Development – 3.2.1 Indigenous Employment Strategies. Council to develop and implement an Indigenous Employment Strategy.*
- 20 3.4 *Caring for Country – 4.2.4 Cultural Awareness Training. Cultural Awareness Training. Cultural Awareness induction for all staff and Councillors through Arakwal website and specifically tailored training packages for relevant staff to include Native Title and other relevant land management issues.*
- 25 3.5 *Native Title. That Council consider the ongoing responsibilities and potential impacts of Native Title processes including, confirming Council as a party to the determination application and Council's role as a party to the Native Title Determination Application NSD6020/01 Byron Bay Bundjalung People 3 (NC01/8).*

The Memorandum of Understanding was signed by the Byron Shire Council Mayor and General Manager and the Bundjalung of Byron Bay Corporation (Arakwal) CEO and Vice Chairperson during NAIDOC Week on 8 July 2013.

## 3.0 Implementation of Priority Projects

### 3.1 Intent / Purpose

Discussions during the development of the Arakwal MoU have considered Council's business, Bundjalung of Byron Bay Arakwal business and how we do business together. Through this process we aim to identify the best way for the two organisations to work together for mutual benefit and the benefit of the wider community.

The purpose of this Implementation Plan is to establish a clear process and timetable for the delivery of priority projects. It outlines a process with which to ensure the projects are planned in a timely and relevant manner to ensure that outcomes are achieved.

### 3.2 Key Priorities

Council staff and Arakwal representatives, through the Arakwal Memorandum of Understanding Advisory Committee, identified five key priorities to structure the Memorandum of Understanding. Within this framework, each one of the core priorities has guiding principles and specific projects to be implemented. The key priorities are:

1. Culture and Heritage
2. Participation in Governance
3. Cultural and Economic Development
4. Caring for Country

**5. Social Justice and Community Development**

**3.3 Priority Projects**

5 The priority projects are:

1. Caring for Country definition. Council to hold a workshop with Arakwal and other relevant stakeholders to develop a working definition of Caring for Country applicable to all areas of Council.
2. Consultation processes for development applications and other matters in regards to land management of public lands. Development of clear processes in regard to Arakwal engagement in development applications and other planning mechanisms on Arakwal lands in the Byron Shire.
3. Indigenous Employment Strategy. Council to develop and implement an Indigenous Employment Strategy.
4. Cultural Awareness Training. Council to implement Cultural Awareness induction for all staff and Councillors through Arakwal website and specifically tailored training packages for relevant staff to include Native Title and other relevant Land Management issues.
5. Native Title. Council to consider the ongoing responsibilities and potential impacts of Native Title processes including, confirming Council as a party to the determination application and Council's role as a party to the Native Title Determination Application NSD6020/01 Byron Bay Bundjalung People 3 (NC01/8).

**3.4 Implementation**

**3.4.1 Participation in Governance**

The MoU framework prioritises participation in governance, specifically Council decision making, by Bundjalung of Byron Bay Arakwal People. This participation is to be guided by the principles of: representation and self determination, consultation, responsiveness and inclusion. A project for implementation in 2013/14 is the development of clear consultation processes (and frameworks) for development applications and other matters in regards to public lands (2.2.2 in the MoU).

**3.4.2 Cultural and Economic Development**

The MoU framework prioritises cultural and economic development for the Bundjalung of Byron Bay Arakwal People supported by the Byron Shire Council. A project for actioning in 2013/14 is the development and implementation of an Indigenous Employment Strategy at the Council (3.2.1 in the MoU).

**3.4.3 Caring for Country**

The notion of Caring for Country is integral to the lives of the Bundjalung of Byron Bay Arakwal People. Understanding this will assist Byron Shire Council staff in developing a successful partnership with the traditional owners of the land, the Bundjalung of Byron Bay, Arakwal People. Caring for Country has been recognised as a foundational principle supporting the partnership between the National Parks Service of NSW and Bundjalung of Byron Bay,

Arakwal People in the co-management of Arakwal National Park. This model can be applied and adapted to the relationship between the Bundjalung of Byron Bay Arakwal People and the Byron Shire Council.

- 5 The MoU has identified projects that include all divisions of Council, it is essential for Council staff to understand the importance and the meaning of Caring for Country. A working definition of Caring for Country must be developed so that it can become a reference point for Council staff in their work with any Arakwal people, projects or country.
- 10 Caring for Country forms one of the 5 key priorities that structure the MoU. Two projects within this priority area have been identified for implementation in 2013/14:
- The development of a working definition of Caring for Country (4.2.1 in the MoU)
  - Cultural awareness training (4.2.4 in the MoU).

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#### 3.4.4 Native Title

- 20 The MoU recognises the status of the Bundjalung of Byron Bay Arakwal people as traditional owners as established through the Native Act and processes. The MoU includes a map of the Bundjalung of Byron Bay, Arakwal People's Native Title Claims and a description of the boundary area. This provides a clear reference for the area of land affected by the Native Title Claim. Native Title is not listed as one of the 5 key priority areas in the MoU. However Native Title provides the legal framework for the relationship between the Arakwal and the Council
- 25 and underpins the entire MoU. A project for actioning in 2013/14 is the consideration by Council of its ongoing responsibilities and the potential impacts in regards to Native Title processes.



**Implementation Plan – Caring for Country Working Definition**

## 1.0 Caring for Country working definition

Priority Action	Strategic Actions	Responsible Party	Measurable Outcomes	Priority/ Timeframe
<b>1.1 The development of a working definition of Caring for Country for application over all divisions of Council (4.2.1 in the MoU).</b>	i. Convene workshop to discuss the working definition for Caring for Country. Invite Arakwal, NPWS staff, Manager Sustainable Communities, Executive Manager Environment and Planning, Councillors).	Society and Culture (IPO) Arakwal Corporation Environment and Planning	Workshop complete	September 2014
	ii. IPO to document outcomes of workshop and compile report. Present report to AMoUAC including request to finalise definition.	Society and Culture (IPO)	Report to AMoUAC	September 2014
	iii. Present report to Council for adoption of definition.	Society and Culture (IPO)	Report to AMoUAC	September 2014
<b>1.2 Council to use available policy frameworks and regulatory mechanisms to support Arakwal to protect and Care for Country (4.2.1 in the MoU).</b>	i. IPO to identify relevant policies that present opportunities for the integration of Caring for Country in future policy review, paying particular attention to environmental policies. Prepare report for ET seeking advice.	Society and Culture (IPO)	Report to Executive Team	September 2014
	ii. IPO to notify division Managers with responsibility for the review of these policies.	Society and Culture (IPO)	Emails to relevant Managers	September 2014
	iii. Present report to AMoUAC and then Council.	Society and Culture (IPO)	Reports to AMoUAC and Council	September 2014



## Implementation Plan – Consultation Processes for Development Applications on Public Lands

### 2.0 Consultation processes for development applications and other matters in regards to land management of public lands

Priority Action	Strategic Actions	Responsible Party	Measurable Outcomes	Priority/ Timeframe
<b>2.1 Development of clear processes in regard to consultation and engagement with Arakwal on development applications and other planning mechanisms in lands within the Byron Shire. Development of frameworks for ongoing consultation process (2.2.2 in the MoU).</b>	i. IPO to document existing internal processes based on discussions with Manager Sustainable Communities, Executive Manager Environment and Planning, Manager Development Assessment and Certification, General Manager Arakwal Corporation.	Society and Culture (IPO)	Notes	September 2014
	ii. IPO to prepare document outlining current processes and procedures.	Society and Culture (IPO)	Document	September 2014
	iii. IPO to prepare report to ET regarding the need for a Cultural Heritage Study.	Society and Culture (IPO)	Report to Executive Team	September 2014
	iv. Convene workshop with Arakwal, Manager Sustainable Communities, Executive Manager Environment and Planning, Manager Development Assessment and Certification to discuss a framework for consultations and engagement with Arakwal.	Society and Culture (IPO) Environment and Planning Arakwal Corporation	Minutes/report from workshop	September 2014
	v. IPO to document outcomes of the workshop and prepare report for consideration by AMoUAC and Executive Team.	Society and Culture (IPO)	Report for AMoUAC and ET	September 2014
	i. Present report to AMoUAC, Executive Team and then Council.	Society and Culture (IPO)	Reports to AMoUAC, Executive Team, Council	September 2014

## Implementation Plan – Indigenous Employment Strategies

### 3.0 Indigenous Employment Strategies

Priority Action	Strategic Actions	Responsible Party	Measurable Outcomes	Priority/ Timeframe
<b>3.1 Develop an Employment Strategy (3.2.1 in the MoU).</b>	i. Convene workshop with Arakwal, Manager Sustainable Communities, Executive Manager Organisational Support.	Society and Culture (IPO) Arakwal Corporation	Minutes/report from workshop	Nov-Dec 2013 further meetings if necessary.
	ii. IPO to document outcomes of the workshop Purpose: to establish shared framework and targets for the strategy and to share expertise on the issue.	Organisational Support (HR)		
	iii. Engage OS Manager to advise on an Employment Strategy framework and costing.	Society and Culture (IPO) Organisational Support (HR)		Draft July 2014
	iv. IPO to prepare reports for ET and AMoUAC	Society and Culture (IPO) / Organisational Support (HR)	Report to ET and AMoUAC	September 2014
<b>3.2 Implement an Indigenous Employment Strategy (3.2.1 in the MoU).</b>	i. Present Indigenous Employment Strategy to Executive Team then Council	Society and Culture (IPO)	Reports ET, Council	October 2014
	ii. Support HR staff, primarily Executive Manager Organisational Support, to implement strategy.	Organisational Support (HR)	Report to AMoUAC	September 2014 onwards
	iii. Integrate Indigenous Employment Strategy into Workforce plan (on first review)	Organisational Support (HR)		October 2014

**Implementation Plan – Cultural Awareness Training**

## 4.0 Cultural Awareness Training

Priority Action	Strategic Actions	Responsible Party	Measurable Outcomes	Priority/ Timeframe
<b>4.1 Implement cultural awareness induction for all staff and Councillors through Arakwal's website, with specifically tailored training packages for relevant staff to include Native Title and other relevant land management issues (4.2.4 in the MoU).</b>	i. Identify relevant material on the Arakwal website for consideration to include in induction programs.	Society and Culture (IPO) Organisational Support (HR)	Report to AMoUAC	November 2013
	ii. IPO in collaboration with Executive Manager Organisational Support (or delegate) and Arakwal to develop induction material and training packages for relevant staff regarding Cultural Awareness that includes information on native title.	Society and Culture (IPO) Organisational Support (HR) Arakwal Corporation	Report to AMoUAC	December 2013 with view to introduction in March 2014
	iii. IPO to prepare report for Consultative Committee.	Society and Culture (IPO)	Report to CC	December 2013
	iv. HR to adjust checklist for managers to implement Cultural Awareness induction sheet.	Organisational Support (HR)	Report to AMoUAC	September 2014
	v. IPO to prepare and schedule information sessions for all managers and supervisors regarding implementation of Cultural Awareness induction for new staff.	Society and Culture (IPO)	Information sessions completed	Jan/Feb 2014
	vi. IPO to liaise with HR staff regarding the retrospective role-out of Cultural Awareness induction to existing staff	Society and Culture (IPO), Organisational Support (HR)		September 2014
	vii. IPO to liaise with Managers of outdoor staff and organize a series of Cultural Awareness information sessions to capture all outdoor staff.	Society and Culture (IPO)		September 2014

# BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

5.4 - ATTACHMENT 2

Priority Action	Strategic Actions	Responsible Party	Measurable Outcomes	Priority/ Timeframe
	viii. Arakwal to advise on whether a Dolphin Dreaming (or similar) Cultural Awareness package can be delivered to Council staff and Councillors annually or bi-annually.	Arakwal Corporation	Report of AMoUAC	September 2014
	ix. Ensure funding is available to allow annual or bi-annual Cultural Awareness training (Dolphin Dreaming or such) attendance by staff.	Executive Team		September 2014
	x. Insert link to Arakwal website on Council website.	IPO and IT	Link inserted	December 2013
	xi. Engage Arakwal in providing info for staff newsletter.	IPO and Arakwal	Emails sent to G.Brown	Ongoing

**Implementation Plan – Native Title**

## 5.0 Native Title

Priority Action	Strategic Actions	Responsible Party	Measurable Outcomes	Priority/ Timeframe
<b>5.1 Council consider the ongoing responsibilities and potential impacts of ongoing Native Title processes.</b>	i. Confirm Council as party to the Byron Bay Bundjalung People 3 Native Title Determination Application (NSD6020/01).	Society and Culture (IPO)	Report to AMoUAC	September 2014
	ii. IPO to research the Council's roles and responsibilities as party to the Byron Bay Bundjalung People 3 Native Title Determination Application (NSD6020/01)	Society and Culture (IPO)	Report to AMoUAC	September 2014
	iii. That a presentation be held, as part of a Strategic Planning Workshop in 2013, with Councillors, Council staff, a member from the Arakwal MoU Advisory Committee and Native Title Services Corporation (NTSCorp) staff to raise awareness on Native Title in Byron Shire.	Society and Culture (IPO)	Workshop complete	September 2014
	iv. Integrate information on native title into Cultural Awareness package at 4.1.	Society and Culture (IPO)	Report to Consultative Committee	September 2014



BYRON SHIRE COUNCIL



**Byron Shire Council and  
Bundjalung of Byron Bay  
Aboriginal Corporation (Arakwal)**

**Memorandum of Understanding**



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## BINING

### *Background and Development of the Totem*

Bining is a Bundjalung word for turtle. The bining (turtle) is an important totem to the Bundjalung people as it is connected to both land and sea.

This bining was designed by Sean Kay of the Bundjalung of Byron Bay, Arakwal people in 2011. Sean Kay was commissioned by Byron Shire Council to create a logo that could represent the historic partnership between his people, the Arakwal people and the Byron Shire Council.

The first official document this bining appeared on was the 'Aboriginal Statement of Commitment to Bundjalung of Byron Bay - Arakwal People' signed by Byron Shire Council's Mayor Jan Barham and General Manager Graeme Faulkner during Reconciliation Week 2012.

The Statement of Commitment states "Byron Shire Council recognises the Bundjalung of Byron Bay Aboriginal - Arakwal People as traditional owners and custodians within this local government area. Byron Shire Council and the Aboriginal community are committed to working together in the process of reconciliation".

The commitment for partnership is the inspiration for the commissioning of this beautiful artwork.





Byron Shire Council and  
the Bundjalung of Byron Bay Arakwal People

## MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding (MoU) records a voluntary, co-operative agreement entered into on 8 July 2013 between Byron Shire Council (Council) and Bundjalung of Byron Bay Arakwal People (Arakwal). This MOU follows from the 1998 Heads of Agreement between Byron Shire Council and the Arakwal People.

### BACKGROUND

History - 1998 Aboriginal Heads of Agreement and Indigenous Land Use Agreements 1, 2 and 3  
Lorna Kelly, Linda Vidler and Yvonne Graham on behalf of the Arakwal people (the Applicants) lodged a Native Title determination application in the National Native Title Tribunal by which application they claim Native Title in and over land in and around Byron Shire.

The Applicants asserted their desire to live and work in the Byron Shire community in a way that promotes mutual respect between Aboriginal and non-Aboriginal people and harmonious community relations among those who live and work in the Byron Shire community.

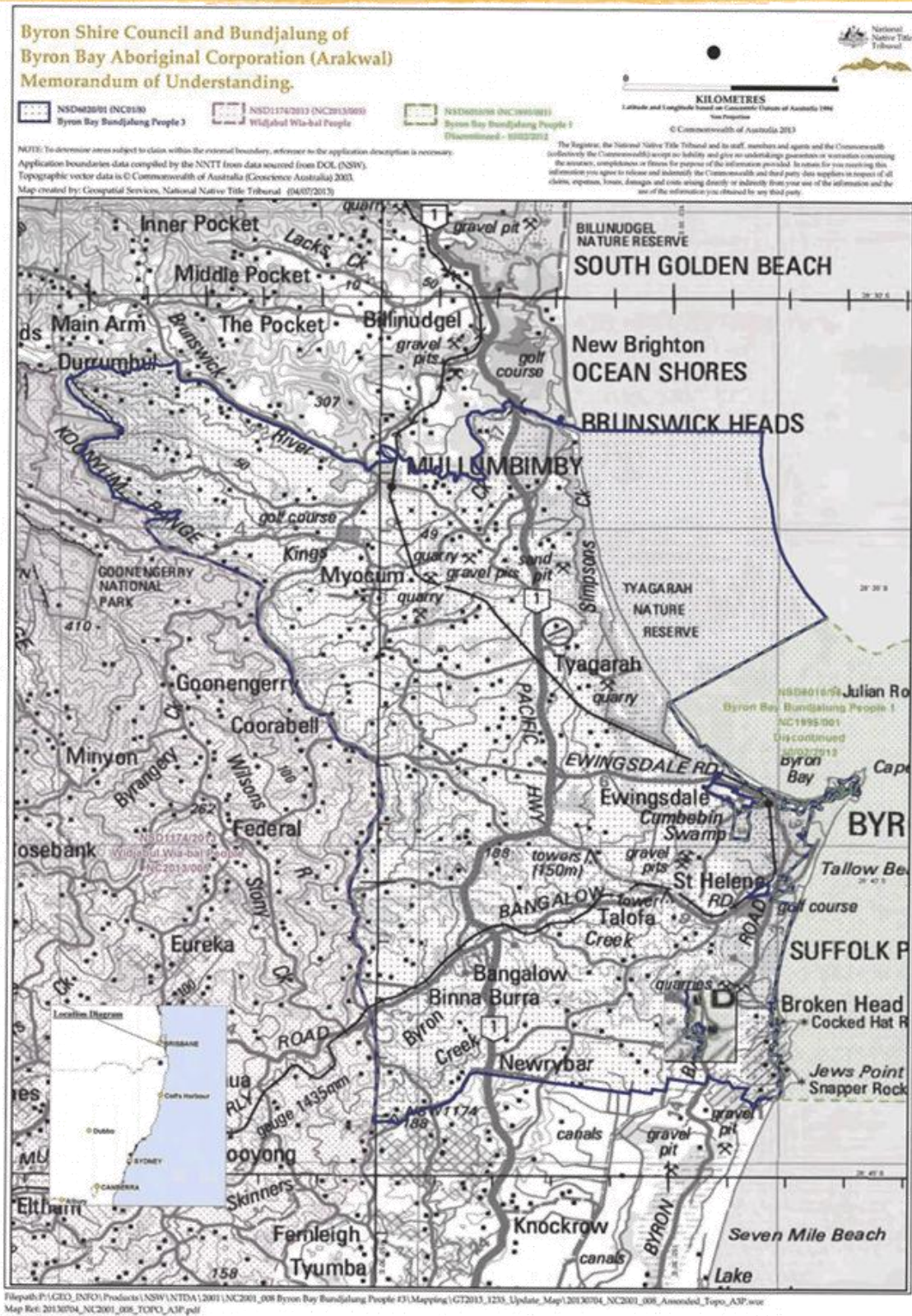
The Aboriginal Heads of Agreement signed in 1998 between the Bundjalung of Byron Bay Arakwal People and Byron Shire Council sets out a framework for ongoing consultation. The development of the Aboriginal Heads of Agreement ensured the Bundjalung of Byron Bay Arakwal People were involved in the management and protection of culturally significant places within the Byron Shire. This agreement is the first of its type between a local council and native title applicants in New South Wales.

The Bundjalung of Byron Bay Arakwal People's Indigenous Land Use Agreements 1, 2 and 3 provided for the protection and management of Aboriginal cultural and heritage areas by the Bundjalung of Byron Bay, eg Arakwal National Park. Indigenous Land Use Agreements are instruments of the Native Title Act. The Arakwal people, as traditional owners conduct cultural, eco-tourism and educational programs thus providing an important cross-cultural exchange between Aboriginal people and non-Aboriginal people.

### NATIVE TITLE

In 1995 the Bundjalung of Byron Bay Arakwal People lodged a Native Title Claim over areas of Crown land, beaches and coastal waters between Belongil Creek at Byron Bay and Jews Point on the north coast of NSW. The Arakwal people lodged a further claim in 1997 over additional land in the Byron Shire. In August 2001 an Indigenous Land Use Agreement (ILUA) between the Federal Government and the Bundjalung of Byron Bay Arakwal People was developed to implement part of the first and second Native Title Claims.

In 2001 a third Native Title Claim was lodged when it became apparent that evidence provided during the negotiations over the first two claims was applicable to additional areas outside the existing claims. This included lands up to Brunswick Heads to the north, Broken Head to the south, Mullumbimby and Bangalow to the west and approximately three nautical miles east of the mean high water mark. Negotiations over the third claim and outstanding portions of the first claim led to the development of two further ILUAs (Byron Bay ILUA 2 and Ti Tree Lake ILUA 3) which were signed in December 2006.





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## STATEMENT OF COMMITMENT

In May 2012 Byron Shire Council's then Mayor and General Manager signed the 'Aboriginal Statement of Commitment to the Bundjalung of Byron Bay – Arakwal People'. This document establishes the principles of the partnership between Byron Shire Council and the Bundjalung of Byron Bay Arakwal People. It states:

"Byron Shire Council supports and advocates the cultural and economic advancement of the Bundjalung of Byron Bay Aboriginal - Arakwal People and will cooperate to ensure the preservation of cultural practices, traditional sites and significant places. Council supports expressions of cultural identity.

Byron Shire Council and the Bundjalung of Byron Bay Aboriginal - Arakwal People believe in a future characterised by social justice and community. Together, we seek to build a society free of racism and prejudice where Aboriginal people feel a strong sense of belonging and are able to participate fully in the life of the community.

Byron Shire Council recognises the significant commitment by the Bundjalung of Byron Bay Aboriginal - Arakwal People to caring for country and maintains a partnership to consult and cooperate in achieving ecologically sustainable conservation.

Byron Shire Council will engage in an active partnership with the Bundjalung of Byron Bay Aboriginal - Arakwal People to develop programs and services which meet the needs of our community."

On 3 November 2011 Byron Shire Council resolved (11-891) to conduct the ongoing relationship with the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) as an Advisory Committee, not a Project Reference Group (PRG), with terms of reference to oversee the implementation of a new Memorandum of Understanding (MoU).

## PARTIES

"Council" refers to Byron Shire Council.

"Arakwal" refers to the Bundjalung of Byron Bay Arakwal People.

"The Corporation" has the same meaning as "Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)".

"The Parties" means the Corporation and the Council.

"Traditional owners" means the Applicants, members of the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and others recognised as belonging to the Arakwal People.

"The Committee" means Arakwal Memorandum of Understanding Advisory Committee.

## INTENT / PURPOSE

This MOU recognises the status of the Bundjalung of Byron Bay Arakwal people as traditional owners as established through the Native Title Act and processes. The purpose of this agreement is to establish a clear process and timetable for the delivery of priority projects identified in this MOU.

The discussions during the development of the Arakwal MOU have considered Council's business, Bundjalung of Byron Bay Arakwal People business, and how we do business together. Through this process we aim to identify the best way for the two organisations to work together for mutual benefit and the benefit of the wider community.

The intention of this MOU is to ensure a successful strategic partnership between the Byron Shire Council and the Bundjalung of Byron Bay Arakwal People.

## INTELLECTUAL PROPERTY

At all times any culturally sensitive or significant information will remain the intellectual property of the Bundjalung of Byron Bay Arakwal People.

Any language, imagery or cultural material can only be used for the purposes agreed by the parties and will not become the property of Council to utilise on other Council projects, without the additional consent of the Bundjalung of Byron Bay Arakwal People.

Intellectual property issues will be negotiated and agreed upon for each project to address specific intellectual property issues.

## MEETINGS AND REPORTING

Council will provide the administrative resource and support to facilitate the Arakwal Memorandum of Understanding Advisory Committee.

The Arakwal Memorandum of Understanding Advisory Committee will continue to meet bi monthly or four times per year.

The Arakwal Memorandum of Understanding Advisory Committee will provide an annual progress report on the achievements of the Memorandum of Understanding and the associated Action Plan.

The Arakwal Memorandum of Understanding Advisory Committee will provide a review of the Memorandum of Understanding to the parties five years from the signing of the agreement.

## IMPLEMENTATION PLAN (measurable outcomes with timeframe)

The Arakwal Memorandum of Understanding Advisory Committee will develop an Implementation Plan to deliver the priority projects from the Memorandum of Understanding. This process will ensure that the projects are planned in a timely, relevant method and ensure outcomes are achieved.

## DISPUTE RESOLUTION / MEDIATION

The parties agree that they will use their best endeavours to resolve any dispute arising out of, or in relation to, this agreement amicably and in good faith, in the best interests of the parties and as quickly as possible:

- (a) firstly by discussion at the committee;
- (b) if not resolved, by appropriate levels of management;
- (c) if not resolved, seek an external mediator to resolve the matter;
- (d) not proceed to arbitration or litigation to resolve any dispute until the procedures set out in this clause are exhausted.

## TERMINATION

Either party may, by giving six months notice in writing to the other, terminate this agreement and the Committee shall thereupon be disbanded.

## **CARING FOR COUNTRY**

The notion of Caring for Country is integral to lives of the Bundjalung of Byron Bay Arakwal people. Understanding this will assist Byron Shire Council staff in developing a successful partnership with the traditional owners of the land, the Bundjalung of Byron Bay Arakwal People.

The relationship between the National Parks Service of NSW and Bundjalung of Byron Bay Arakwal People in the co-management of Arakwal National Park is a model of how understanding of the fundamental notion of Caring for Country is an essential foundation to a successful partnership. The Arakwal National Park Plan of Management developed a specific definition of Caring for Country and applied this definition to all areas of management of the park.

As the initial development of this MoU has identified projects that include all divisions of Council, it is essential for Council staff to understand the importance and the meaning of Caring for Country. It is essential for this agreement that the Arakwal Memorandum of Understanding Advisory Committee develop a working definition of Caring for Country for Council staff to have as a reference point in their work with any Arakwal people, projects or country.



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## **KEY PRIORITIES OF THE MEMORANDUM OF UNDERSTANDING**

The Arakwal Memorandum of Understanding will be based around five key priorities.

1. Culture and Heritage
2. Participation in Governance
3. Cultural and Economic Development
4. Caring for Country
5. Social Justice and Community Development

Within this framework, each of the core priorities will have guiding principles and specific projects to be implemented.



## 1. CULTURE AND HERITAGE

*Council will work in partnership with the Bundjalung of Byron Bay Arakwal People to ensure preservation of cultural practices, traditional sites, significant places and expressions of cultural identity.*

### 1.1 Culture and Heritage: Guiding Principles

- 1.1.1 Cultural Protection and Revitalisation
- 1.1.2 Access to land
- 1.1.3 Sharing Information
- 1.1.4 Environmental Protection and Education

### 1.2 Culture and Heritage: Guiding Principles

#### 1.2.1 Arakwal Language Revitalisation

Council to advocate for, and support the development of, an Arakwal language revitalisation program under the direction of the Arakwal.

#### 1.2.2 Ti Tree Lake (Taylors Lake)

This area is one of the most significant sites to the Arakwal people. It is their objective to have this area protected as an Aboriginal site. Arakwal would like to protect this area from all forms of tourism and development. Arakwal have requested that, as a matter of priority, any developments regarding zoning, consultation with other community groups, proposed developments, tourism operators and Council, consider the cultural significance of this area. Further, that Council provide transparent information to Arakwal on any matters relating to the Ti Tree Lake areas, especially in regard to proposed developments on or around the area.

#### 1.2.3 Access to monitor important Aboriginal sites on private land

The development of a process that allows the Arakwal some level of access to monitor important sites on private land. Arakwal have identified some legislative changes which make it an offence to knowingly damage or destroy Aboriginal sites.

#### 1.2.4 Ongoing Cultural Heritage Management and Land Management Rights

The development and implementation of a process to ensure ongoing recognition/consultation with Arakwal once Native Title Claims are granted and resolved that ensure ongoing Cultural Heritage Management and Land Management Rights.

#### 1.2.5 Council support of important cultural events

Council to support important Indigenous cultural events including NAIDOC Week, Reconciliation Week and Survival Day. This support is to include provision of events, funding and the waiving of Council related fees.

#### 1.2.6 Tourism

Arakwal to be consulted with on the licensing/tendering for tourism operators and screening in relation to cultural heritage.



## 2. PARTICIPATION IN GOVERNANCE

*Council to involve representatives of the Bundjalung of Byron Bay Arakwal People in Council decision making process on matters concerning Arakwal Country, People and business.*

### 2.1 Participation in Governance: Guiding Principles

- 2.1.1 Representation and Self Determination
- 2.1.2 Consultation
- 2.1.3 Responsiveness
- 2.1.4 Inclusion

### 2.2 Participation in Governance: Specific Projects

#### 2.2.1 Participation in Committees

Council to ensure representation on Council Advisory Committees, Project Reference Groups and Steering Committees with dedicated Arakwal positions on relevant forums.

#### 2.2.2 Consultation processes for development applications and other matters in regards to public lands

- Development of clear processes in regard to consultation and engagement with Arakwal on development applications and other planning mechanisms in lands within the Byron Shire.
- Development of frameworks for ongoing consultation processes.

## 3. CULTURAL AND ECONOMIC DEVELOPMENT

*Council advocates and supports the opportunities for cultural and economic development for the Bundjalung of Byron Bay Arakwal People.*

### 3.1 Cultural and Economic Development: Guiding Principles

- 3.1.1 Indigenous Employment Strategies
- 3.1.2 Housing
- 3.1.3 Public Art
- 3.1.4 Cultural Centre
- 3.1.5 Cultural Tourism

### 3.2 Cultural and Economic Development: Specific Projects

#### 3.2.1 Indigenous Employment Strategies

Council to develop and implement an Indigenous Employment Strategy. Council are a key employment provider in the local community and the strategic employment of indigenous staff has huge benefits to the local community.

#### 3.2.2 Arakwal Cultural Centre

Council to continue to support the development of the Arakwal Cultural Centre and assist with applications for funding. This project has been carried forward from the 1998 Heads of Agreement.



### 3.2.3 Public Art Opportunities

Council to encourage the development of public art opportunities to allow opportunities for Arakwal people to have artistic and cultural expression.

The July 2012 Public Art Policy Guidelines and Criteria state :

"Art is an important expression for Indigenous people and provides an opportunity for them to reflect on their heritage as a way of ensuring Indigenous culture is continued. Indigenous public art provides professional art opportunities to powerfully express this continuation of culture and an opportunity for the Byron Shire community to acknowledge and celebrate its cultural heritage.

Byron Shire Council acknowledges the traditional owners of Byron Shire, the Bundjalung of Byron Bay - Arakwal Bumberlin people. Council also acknowledges the people and the wider Bundjalung Nation and their connection to the land. Opportunities for artists from the Bundjalung of Byron Bay–Arakwal Bumberlin people will be fairly represented in displays of public art throughout the Shire. Council will work closely with the traditional owners and relevant stakeholder groups to ensure Aboriginal stories will be weaved into the fabric of the region."

### 3.2.4 Arakwal Room at the Byron Bay Library

The Byron Bay Library site, situated in the Sandhills Estate in Byron Bay, formed part of the Crown Reserves claimed under Native Title by the Bundjalung of Byron Bay Arakwal people. The support of the Arakwal elders enabled the Crown Land to be transferred to Council for the purposes of a library site. The library site and an additional 1.65 hectares of land (comprised in Lot 441 DP 800268) were intended to be transferred to Council through negotiations of Indigenous Land Use Agreement 2.

Council is to continue to provide the Arakwal Room at the Byron Bay Library (as negotiated under Indigenous Land Use Agreement 2).

## 4. CARING FOR COUNTRY

*Council recognises the significant commitment of the Bundjalung of Byron Bay Arakwal People in Caring for Country and maintains a partnership to consult and cooperate in achieving ecologically sustainable conservation.*

### 4.1 Caring for Country: Guiding Principles

- 4.1.1 Caring for Country: Understanding Arakwal Priorities
- 4.1.2 Environmental Protection
- 4.1.3 Planning and Development processes
- 4.1.4 Cultural Awareness and Training
- 4.1.5 Managing the Impacts of Tourism on Arakwal people, land and culture

### 4.2 Caring for Country: Specific Projects

#### 4.2.1 Caring for Country

The development of a working definition of Caring for Country for application over all divisions of Council. Council to use available policy frameworks and regulatory mechanisms to support Arakwal to protect and care for Country.

#### 4.2.2 Protecting Wetlands

Arakwal have identified ongoing concerns regarding important environmental and cultural wetland sites and have requested that Council rectify existing drainage issues in Byron Bay. This matter is carried over from the original

1998 Aboriginal Heads of Agreement and involves objectives from point 3 of the Agreement, Aranga Development and Paterson Street water runoff into Cibum Margill swamp. The Corporation is also concerned that polluted water currently runs from the Cowper Street drainage system onto Main Beach. A solution that has been identified is the construction of a wetland, filtration system, or artificial wetland at the Cowper Street drainage system onto Main Beach.

Council and Arakwal Corporation to work in partnership to obtain funding to implement solutions to these ongoing issues.

#### **4.2.3 Byron sewerage treatment plant at Tallow Creek**

The decommissioning of the Byron sewerage treatment plant (Tallow Creek). The Arakwal are concerned about the potential redevelopment of this land. It is a very important site to Arakwal and the area includes burial sites as well as other areas of significance. Arakwal have requested to be involved in the planning process for any redevelopment at this site.

#### **4.2.4 Cultural Awareness Training**

Cultural awareness induction for all staff and Councillors through Arakwal's website, with stage two training for relevant staff to include Native Title and other relevant land management issues and specifically developed training packages for relevant staff.

#### **4.2.5 Tourism**

Council and Arakwal to work in partnership to monitor and manage the impact of tourism on Arakwal Country and cultural heritage.

## **5. SOCIAL JUSTICE AND COMMUNITY DEVELOPMENT**

*Council and Arakwal to work together to create and support a healthy, vibrant, strong and resilient Aboriginal and Torres Strait Islander community.*

### **5.1 Social Justice and Community Development: Guiding Principles**

- 5.1.1 Development of Social and Cultural Capital
- 5.1.2 Housing and homelessness
- 5.1.3 Closing the Gap, improving health of Indigenous Community
- 5.1.4 Eco/Cultural Tourism Opportunities for Arakwal People

### **5.2 Social Justice and Community Development: Specific Projects**

#### **5.2.1 Housing at Ironbark Avenue**

Council to continue support for the development through to occupation of the Ironbark Avenue housing project. This project was progressed through the 1998 Heads of Agreement and continues to be a priority for the Arakwal.

#### **5.2.2 Aboriginal social, economic and community development projects**

Arakwal and Council to work in partnership on Aboriginal social, economic and community development projects that have positive outcomes for the wider community.

Arakwal have identified that community safety and social issues in Byron Bay are having direct and broader impacts on their families and communities, notably drug and alcohol use, law enforcement, housing, employment, education and health.

**5.2.3 Sandhills Estate**

Arakwal to continue support for the residual land in the Sandhills Estate intended for transfer during negotiations of Indigenous Land Use Agreement 2. This land to be developed in consultation with Arakwal for civic and community uses.

**5.2.4 Aboriginal Housing**

Council and Arakwal to work in partnership to develop local networks and work with regional networks to advocate for increased Aboriginal housing options within Byron Shire.

**5.2.5 Aboriginal Health**

Council and Arakwal to work in partnership to develop local networks and work with regional networks to advocate for Aboriginal health service provision in Byron Shire. This may include an outreach service at existing community and neighbourhood centres, health promotion services and brokerage services.

**5.2.6 Tourism**

Council to monitor the negative impacts of tourism on Arakwal people, lands and culture while identifying opportunities for Arakwal to benefit from tourism.

The Arakwal have asked Council to consider how Arakwal can provide assistance to Council, for example, in dealing with Crown lands, in partnerships to obtain funding to undertake environmental, tourism, arts, community and social projects, the development of training etc. The Arakwal Memorandum of Understanding Advisory Committee see this process as an avenue for Byron Shire Council to establish itself as a leader in indigenous community development.



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**The Arakwal Memorandum of Understanding**

**Executed by the Parties Byron Shire Council and Bundjalung of Byron Bay Arakwal People**

Bundjalung of Byron Bay Arakwal People  
Yvonne Stewart, CEO

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8 July 2013

Bundjalung of Byron Bay Arakwal People  
Annette Kelly, Board Member

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8 July 2013

Byron Shire Council  
Cr Simon Richardson (Mayor)

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8 July 2013

Byron Shire Council  
Ken Gainger (General Manager)

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8 July 2013