



Paroo Darling National Park Joint Management Advisory Committee



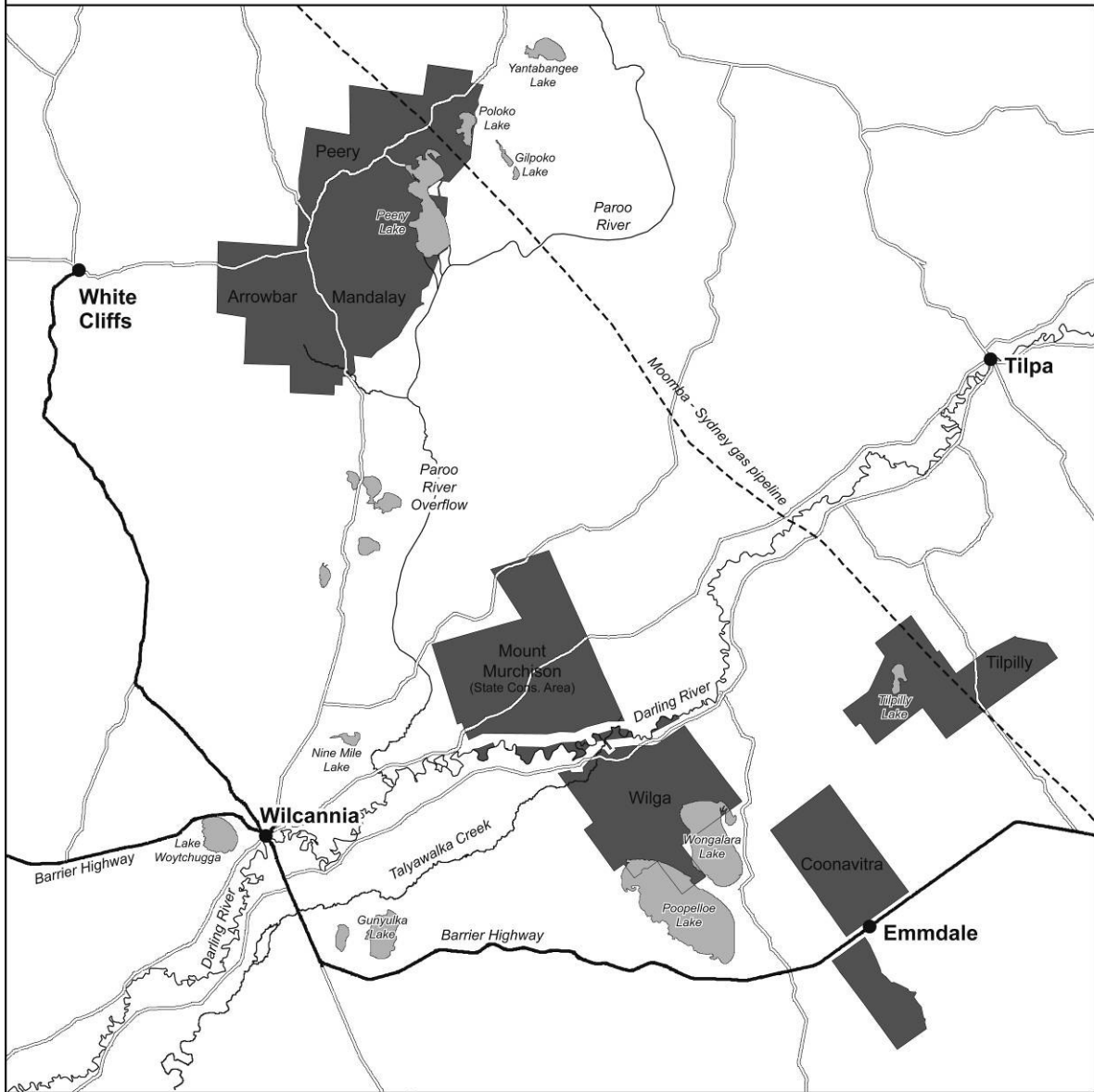
MEMORANDUM OF UNDERSTANDING



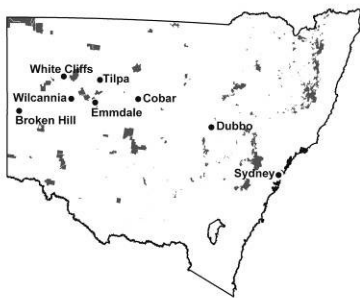
Thursday 25th November 2010



Paroo-Darling National Park (219,574 hectares)

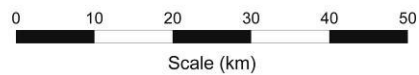


Location map



Legend

- Road - sealed
- Road - unsealed
- Moomba-Sydney gas pipeline
- River or creek
- Paroo-Darling National Park and State Conservation Area



MEMORANDUM OF UNDERSTANDING

**This Memorandum of Understanding is made between
Deputy Director-General of New South Wales National Parks and
Wildlife Service
and
Paroo Darling National Park Elders Council**

Rationale

The purpose of this Memorandum of Understanding is to formally acknowledge the NSW National Parks and Wildlife Service's commitment to working co-operatively with the Paroo Darling National Park (PDNP) Elders Council in the management of the natural & Aboriginal cultural heritage in PDNP and the surrounding area.

The PDNP contains Aboriginal sites in excess of 13000 years bp. These include burials, occupation sites, rock engravings, stencil sites, paintings, and ancestral story places. The park also has places of cultural value for bush tucker, bush medicine, and areas of historic values.

In recent years the National Parks and Wildlife Service has involved the local Aboriginal community in the identification and listing of the Paroo River Wetlands on the Ramsar Convention.

This Memorandum of Understanding (MoU) formalises procedures in which those Aboriginal Elders who have traditional and / or contemporary ties to PDNP can have real and meaningful involvement in the management of the park.

Recital

- 1** The National Parks and Wildlife Service agrees to consult with, and assist, the PDNP Elders Council in the protection, management and / or interpretation of Aboriginal cultural sites, and areas of cultural values within the PDNP, and the Wilcannia area.
- 2** The National Parks and Wildlife Service also agrees to consult with, and assist, members of the PDNP Elders Council to participate in the general management of the PDNP through this MoU and a PDNP Joint Management Advisory Committee.

Understanding

The parties adopt this MoU in order to promote the co-operative management of the PDNP, for training and employment of Aboriginal people, and for the protection and promotion of Aboriginal cultural heritage, values, artefacts, and sites in the Wilcannia area.

- 1 The National Parks and Wildlife Service will actively pursue the advice of the Aboriginal community in the management of the PDNP, and will consider all recommendations of the Joint Management Advisory Committee in good faith.
- 2 The National Parks and Wildlife Service will actively promote the learning of Paakantji culture and language through the use of PDNP facilities (eg. Mandalay Quarter's), and the development of interpretative signage and materials developed with the assistance of the Elders Council.
- 3 The National Parks and Wildlife Service will actively encourage the Wilcannia Community to utilise the PDNP for cultural, educational, economic and social purposes - under the direction of members of the Joint Management Advisory Committee & NPWS staff.
- 4 Members of the PDNP Elders Council acknowledge that in their capacity as advisers to the NSW National Parks and Wildlife Service (NPWS) the decisions and advice that they give must comply with the PDNP Plan of Management and relevant legislation.

Objectives

- 1 The NPWS Regional Manager (Far West) will ensure all budget submissions for PDNP will be first considered by the Joint Management Advisory Committee, and that their recommendations are duly recognised and considered in the decision process:
 - a) The Joint Management Advisory Committee will meet towards the end of each financial year to discuss the coming year's PDNP budget. The Joint Management Advisory Committee will provide input into the formulation of potential major and minor projects relevant to PDNP.
 - b) At the start of each financial year the Regional Manager (Far West) will ensure that the Joint Management Advisory Committee will be informed of the final PDNP budget for that year in order for the Joint Management Advisory Committee to be involved in the operational planning for that financial year.
- 2 Where possible, the NSW National Parks and Wildlife Service will also encourage and facilitate the employment of members of the Aboriginal community with a cultural association with the PDNP.

Commencement, Cessation and Amendment

- This Memorandum of Understanding shall take effect from the 25th November 2010 and end on 25th November 2012 and may be extended subject to review and agreement by both parties.
- This Memorandum of Understanding may only be amended by the written agreement of both parties.

Reporting

At least once every twelve months the Regional Manager (Far West) shall forward a report to the Director (Western Branch) containing the following information:

- a) details of the frequency of meetings of the Joint Management Advisory Committee held over the preceding period of twelve (12) months, the members who attended those meetings, the members who were absent from those meetings without leave of the Committee or without being excused by the Committee, and other information considered relevant by the Joint Management Advisory Committee to be included in the report; and
- b) such other information as may be requested from time to time by the Director (Western Branch) and which the Joint Management Advisory Committee determines to be appropriate to include in the report.

Frequency of meetings

- The Joint Management Advisory Committee will consist of 10 elders nominated by the Elders Council, plus the NPWS Regional Manager (Far West).
- A quorum of 6 Council Elders is needed to conduct business, and shall meet a minimum of four (4) times per year, or as required, on the dates and times and at the locations determined by the Joint Management Advisory Committee.
- The Chair & Deputy Chair will be elders nominated by the Joint Management Advisory Committee.
- Whether a meeting should be open or closed is to be determined by the Joint Management Advisory Committee.
- The PDNP Discovery Coordinator will organise meetings and take minutes.
- The PDNP Elders Council may at any time request the National Parks and Wildlife Service Regional Manager (Far West) to attend any informal PDNP Elders Council meeting.

Independent Assessment

- The PDNP Elders Council shall have the right to obtain from any person with relevant qualifications or experience an independent assessment of the Plan of Management prepared for PDNP and all other operational plans, planning and assessment documents, reports, and surveys that impact on the care control and management of PDNP.
- The National Parks and Wildlife Service shall meet the reasonable costs of any such independent assessment up to a maximum amount of \$2,000 in any single financial year upon receipt from the PDNP Elders of a fully itemised bill of costs, including Tax Invoice by the person who carried out the independent assessment and a copy of all written instructions (original and supplementary) given to that person, as well as

a note containing a summary of any oral instructions given. Additional costs shall not be incurred by the PDNP Elders without the consent of the Director (Western Branch).

Funding for the Joint Management Advisory Committee

The NSW National Parks and Wildlife Service will maintain a separate budget for this Memorandum of Understanding to meet the following costs and expenses:

- a) the costs (including Sitting Fees) that are reasonably required for the Committee members and two councillors (60% Sitting Fees) to attend formal meetings of the Joint Management Advisory Committee; and
- b) any expenses reasonably incurred by members of the Joint Management Advisory Committee in the performance of their duties as members of the Joint Management Advisory Committee; and
- c) the reasonable travel and ancillary costs of the members of the Joint Management Advisory Committee to attend formal meetings;

External funding will actively be sought by NPWS and the Joint Management Advisory Committee to facilitate community events, such as NAIDOC activities, and culture camps.

A financial report will be tabled for discussion at each meeting.

Insurance - PDNP Elders and others

Where members of the Joint Management Advisory Committee or voluntary workers authorised by the Regional Manager (Far West) work voluntarily on or off the lands pursuant to this Memorandum of Understanding those members and workers will be covered under the Treasury Managed Fund against any injury sustained during or arising from that work.

Exemption from fees

- The parties agree that the PDNP Elders Council will be the body that the National Parks and Wildlife Service consults with for exemptions for Aboriginal people for entry, or any other fees for use of or access to the PDNP.
- The parties agree that all exemptions shall be considered on an individual basis.
- The parties agree that the granting of such exemption will be on the basis that the applicant(s) shall be bound by a set of conditions governing access to and use of the facilities and features of the PDNP. Any such conditions can be amended by the NPWS Regional Manager (Far West) and will be consistent with the Plan of Management and legislation.
- If the PDNP Elders Council does not approve of an exemption from fees in relation to the PDNP the Elders Council must provide the National Parks and Wildlife Service with reasons for that decision.

- The NPWS Regional Manager (Far West) shall at his discretion revoke an exemption from park access and use fees if there has been a contravention of the conditions under which that exemption was granted. Such a decision will be discussed first with members of the PDNP Joint Management Advisory Committee.

Research and Information

- The NPWS Regional Manager (Far West) shall continue to implement a program to identify and record Aboriginal cultural sites and cultural values within the PDNP.
- The program shall be developed and implemented in consultation with the Joint Management Advisory Committee.
- The Regional Manager (Far West) and the National Parks and Wildlife Service shall keep confidential the nature and location of any sacred site identified and recorded pursuant to this Memorandum of Understanding and, unless otherwise required by law shall not, without the consent of the PDNP Elders Council, disclose any information about the site to persons other than the PDNP Elders Council.
- Research on PDNP will involve the Elders Council, and researchers will always be encouraged to employ Paakantji community members to assist.
- Future Plans of Management and any amendments will be developed in consultation with the Elders Council.

Access to information

- The PDNP Elders Council may request the Regional Manager (Far West) to provide them with access to relevant research reports, documents or information in the possession of the National Parks and Wildlife Service relating to the PDNP and the Regional Manager (Far West) shall, so far as is reasonably practicable, comply with that request.
- The Regional Manager (Far West) may refuse to give access to any document that is an exempt document within the meaning of the *Government Information (Public Access) Act 2009*, subject to privilege, any privacy laws, or information that was provided to the Regional Manager (Far West) in confidence.

Employment - Aboriginal positions

- The Regional Manager (Far West) shall, in all instances, consider and promote the employment of Aboriginal members of the Wilcannia community as a priority when planning and implementing works plans, tenders, and contracts.
- The National Parks and Wildlife Service shall specify as a mandatory qualification for the appointment or employment of a person in a designated Aboriginal position in the administration of or care, control and management of the PDNP that the person have a cultural association with the PDNP.

- The National Parks and Wildlife Service shall request members of the Elders Council certify whether or not an applicant for appointment to a position with the National Parks and Wildlife Service or for employment by the National Parks and Wildlife Service in the administration of or care control and management of the PDNP has the required cultural association.

Employment selection procedures

- In the selection of and appointment of a person to a position within management of the PDNP, the National Parks and Wildlife Service shall follow all departmental recruitment policy and procedures.
- The National Parks and Wildlife Service shall include an independent member from the Aboriginal community on any selection committee convened to consider applicants, for appointment to all positions within PDNP. These person/s will be nominated by the Joint Management Advisory Committee.
- The National Parks and Wildlife Service shall consider in good faith the suggestions and comments of the elected Aboriginal representative appointed to the selection committee, in relation to the employment of all persons who shall be responsible for or who shall be substantially involved in the day to day care control and management of the PDNP.
- Where it is impractical to enlist an independent Aboriginal member on any selection panel, the National Parks and Wildlife Service shall consult with members of the PDNP Elders Council for a suitable representative or alternate independent member to be nominated for inclusion in the selection committee, to allow for the National Parks and Wildlife Service to conduct an independent, open and transparent interview process.
- The PDNP Elders Council will have regard to the *Public Sector Management Act 2002* in providing advice and recommendations on staff employment and conditions.

Cross-cultural awareness

The National Parks and Wildlife Service shall ensure that within twelve (12) months after an officer or employee of the National Parks and Wildlife Service commences duties involving the officer or employee in the administration, planning, & care and control and management of the PDNP, the officer or employee attends a cross-cultural awareness course the broad objectives of which are agreed to by the Joint Management Advisory Committee.

Training within employment with the National Parks and Wildlife Service

- The National Parks and Wildlife Service shall ensure that members of the Joint Management Advisory Committee and other community members involved in the administration or care control and management of the PDNP or whose duties of employment will substantially involve them in the administration or care, control and management of PDNP receive all relevant training in their work.

- The National Parks and Wildlife Service shall ensure that Aboriginal employees in the administration or care control and management of the PDNP or whose duties of employment will substantially involve them in the administration or care, control and management of PDNP receive all relevant training in their work.
- The training of Aboriginal employees pursuant to this clause may take the form of on-the-job training or attendance at structured internal courses of study provided by the National Parks and Wildlife Service or attendance at an external course of study determined by the National Parks and Wildlife Service in consultation with the Joint Management Advisory Committee.
- The training of Aboriginal employees pursuant to this clause shall be provided by the National Parks and Wildlife Service at its cost and within the course of employment of the employee.
- Whenever possible training will be conducted on-park, or within the township of Wilcannia.

Discovery Program

The PDNP Discovery Program will be managed by the National Parks and Wildlife Service and the Discovery Coordinator, and will employ local Aboriginal Discovery Rangers to conduct educational tours in and around the PDNP.

Contractors

In the event that a contractor is required through a process of competition by tender or by expression of interest, the National Parks and Wildlife Service will consult with the Joint Management Advisory Committee about the conditions of the proposed tender or expression of interest or the conditions of a proposed contract for the work (as the case may be).

Members of the Wilcannia Aboriginal community will be encouraged to apply.

Dispute Resolution

If the Joint Management Advisory Committee is dissatisfied with any decision of the National Parks and Wildlife Service regarding the PDNP the Joint Management Advisory Committee must notify the Director (Western Branch) and if the dispute cannot be resolved by discussions between the parties it shall be referred to the Deputy Director General - (Parks and Wildlife Group) who will establish a mechanism whereby the dispute can be resolved.

Legal Obligations of the Memorandum of Understanding

This Memorandum of Understanding is evidence of the good faith of the parties to work together in the spirit of reconciliation and co-operation. It is not legally enforceable, nor is it intended to in any way impact upon or transgress any Native Title Rights, nor give rise

to any legally enforceable rights or obligations between the parties, and place no limitations on the performance of functions and exercise of powers of the Deputy Director-General (PWG).

Review of the Memorandum of Understanding

Amongst others this Memorandum of Understanding provides a forum in which the potential for Aboriginal ownership of PDNP can be considered. This Memorandum of Understanding will therefore be reviewed within 2 years of its commencement. Any outcomes of the review must be agreed to by all representatives of the PDNP Elders Council, and the NSW National Parks and Wildlife Service.

Date: 25/11/2010

Elders Representatives

WJ Riley
N Cattermole
M Cattermole
~~_____~~
Cyril Hunter
(BADCER)
W B Bates
Vicky Johnson

Teddy Hamer

**New South Wales National Parks and Wildlife Service
Representatives**

Adrian Barcus
E. J.
V. H. G.

Shirley
M. K.
P. L.
J. Pedler