

# Memorandum of Understanding



Department of Environment and Climate Change  
and  
Gawambaraay Pilliga Co-Management Committee

July 2008

# **Memorandum of Understanding**

This Memorandum of Understanding (MOU) is made between the Director-General of the NSW Department of Environment and Climate Change (DECC) represented by the Director Western Branch Parks and Wildlife Group (PWG) and the Gawambaraay Pilliga Co-Management Committee (formerly the Pilliga Nature Reserve Aboriginal Consultative Committee).

The Gawambaraay Pilliga Co-Management Committee comprises up to two (2) Elders or community representatives from each of the Baradine, Coonabarabran, Gunnedah, Narrabri and Pilliga Aboriginal communities. One additional representative from each community may serve as an alternate representative to attend meetings in the event that one of the primary representatives from that community is unable to attend. The name of the committee is derived from the name of the local Gamilaraay (Gomeri) people of the Pilliga.

## **Introduction**

The purpose of this Memorandum of Understanding is to formally acknowledge DECC's commitment to working in partnership with the Gawambaraay Pilliga Co-Management Committee, as representatives of the surrounding Aboriginal communities, in the management of the Pilliga Nature Reserve, Pilliga East (Willala) Aboriginal Area and Dandry Gorge Aboriginal Area (hereafter called the three reserves).

Pilliga Nature Reserve (gazetted in 1968) is situated in the southern section of the Pilliga Forest and currently encompasses an area of 83,186 hectares. Pilliga East (Willala) Aboriginal Area (gazetted in 2005) adjoins the nature reserve to the north-east and has an area of 1347 ha. Dandry Gorge Aboriginal Area (gazetted in 2005) adjoins the nature reserve to the west and has an area of 382 ha. The remainder of the Pilliga Forest (approximately 340,000 hectares), comprising national parks and state conservation areas managed by DECC, state forests managed by Forests NSW and forested private lands, is not encompassed within the provisions of this MOU.

Prior to the formation of the first MOU in March 2004, DECC liaised closely with the relevant Aboriginal Lands Councils over specific issues in relation to reserve management; however, these discussions were on an issue-specific and reactive rather than proactive basis. The intent of this MOU is to provide an avenue for sustained, proactive, and meaningful input from the Co-Management Committee into the management of the three reserves.

During the establishment phase of the original Aboriginal consultative committee, discussions centred on several areas and issues of concern to the members of the committee. This MOU addresses these issues and outlines the context and framework for the effective functional aspects of a formal consultative process.

Meeting agendas will generally concentrate on specific management issues within the reserves.

This Memorandum of Understanding is not intended in any way to transgress or impact upon any Native Title Rights, or impede any other rights that may exist in relation to the three reserves.

### **Rationale**

The Gawambaraay Pilliga Co-Management Committee and DECC adopt this Memorandum of Understanding in order to promote the involvement of Aboriginal people in the management of Pilliga Nature Reserve, Pilliga East (Willala) Aboriginal Area and Dandry Gorge Aboriginal Area.

Further to the statement above -

DECC will actively pursue the advice of the Gawambaraay Pilliga Co-Management Committee in the management of the three reserves, and will consider all recommendations of the Gawambaraay Pilliga Co-Management Committee in good faith;

And

DECC will not act without consultation and approval by the Gawambaraay Pilliga Co-Management Committee or relevant representatives on all cultural heritage issues within the three reserves.

And

The Gawambaraay Pilliga Co-Management Committee acknowledge that in their capacity as advisers to DECC the recommendations and advice that they give must comply with the statutory framework within which the three reserves are managed, including relevant Plans of Management.

### **Priority issues identified for progression through the Memorandum of Understanding**

The Gawambaraay Pilliga Co-Management Committee's primary focus is the protection, identification and recording of Aboriginal cultural heritage values in the three reserves and supporting the continued connection with Country of local Aboriginal communities.

Whilst not wanting to limit the scope or operational context for the Memorandum of Understanding, the following issues have been identified as priorities in progressing the intent and implementation of the Memorandum of Understanding.

#### **Employment.**

The Regional Manager (Northern Plains) and the Gawambaraay Pilliga Co-Management Committee shall, wherever possible, promote the employment and training of suitably qualified or experienced Aboriginal members of the following communities; Coonabarabran, Gunnedah, Baradine and Narrabri when planning and implementing works programs within the three reserves.

All persons, prior to being engaged, will be endorsed by the Gawambaraay Pilliga Co-Management Committee as being members of the appropriate Aboriginal community.

DECC agree that wherever possible, local Aboriginal community members will be engaged as Discovery Rangers for any cultural interpretation programs within the three reserves.

#### Education

The Gawambaraay Pilliga Co-Management Committee and DECC agree to work towards implementing cultural camps, field days and other activities designed to allow the celebration, sharing and development of cultural knowledge within the community. A component of this program will be to identify and record Aboriginal cultural values including objects and places within the three reserves, amongst other training programs as mutually agreed by both parties. Other training programs developed could include, but not be limited to, feral animal and noxious weed control techniques, and biodiversity survey techniques.

Members of the committee will also be invited to participate in any cultural awareness training programs arranged for local DECC staff.

#### Access within the three reserves

DECC agree to not impose any restrictions on access within the three reserves as required by Aboriginal communities in pursuing the intents of this MOU, except where management operations being conducted by DECC may impact upon that access.

DECC agree in principle to support sustainable and appropriate use of cultural resources in the three reserves by local Aboriginal communities and to provide assistance to the committee in applying for relevant licences or consents under the *National Parks and Wildlife Act 1974*.

The Aboriginal communities surrounding and encompassing the three reserves agree to provide at least one week's notice of their access requirements, to overcome any potential conflict with management operations.

#### Public Visitation to the three reserves.

Public visitation to the Pilliga Nature Reserve is generally not encouraged. As such DECC agrees to consult formally with the Gawambaraay Pilliga Co-Management Committee in considering any applications by Commercial Tour Operators to undertake activities within the Pilliga Nature Reserve.

DECC will also formally consult with the Gawambaraay Pilliga Co-Management Committee in considering any applications by Commercial Tour Operators to undertake activities within Dandry Gorge or Pilliga East (Willala) Aboriginal Areas. A standard condition will be included in any Commercial Tour Operator's licence for these Aboriginal Areas that the tour operator provide opportunities for a member of the relevant local Aboriginal community (Dandry Gorge = Baradine and Coonabarabran communities and Pilliga East (Willala) = Gunnedah and Narrabri communities) to be employed as an assistant tour guide.

Additionally DECC agree to formally consult with the Gawambaraay Pilliga Co-Management Committee in developing any interpretative or educational material for use by visitors to the three reserves.

### Management Planning.

DECC will formally consult with the Gawambaraay Pilliga Co-Management Committee concerning the development of Statements of Interim Management Intent for Pilliga East (Willala) Aboriginal Area and Dandry Gorge Aboriginal Area.

DECC will seek a representative of the Gawambaraay Pilliga Co-Management Committee to be a member of any steering committee formed to develop or review Plans of Management relating to the three reserves.

## **Meetings**

The Gawambaraay Pilliga Co-Management Committee will meet a minimum of four times per year, or as required and agreed to by both parties of the MOU.

A meeting shall be held at the start of each financial year to discuss the works program to be implemented over the coming twelve months. A second meeting will be held towards the end of each financial year to review the works program, and plan/discuss the following year's works program. The term "works program" is used in the context of all aspects of DECC operations including pest control, fire management, visitor management, cultural management, biodiversity management amongst others.

A quorum for a meeting shall be a minimum of six committee members representing at least four of the five local community groups. Observers may attend meetings and participate in discussions but must respect the role of committee members and may not represent by proxy or vote on behalf of absent committee members. If issues are raised relevant to absent members, they will be contacted outside the meeting specifically to comment on the issue.

Unless otherwise specified, an Officer of DECC PWG Baradine Area will perform the secretarial and support role for the Committee.

## **Term of the Committee**

The committee will have a term of four years. In the event that a committee member retires before the end of term of the committee, a replacement member from the relevant local Aboriginal community to serve for the remainder of the term can be endorsed by the existing committee after consultation with that community.

Expressions of interest to nominate for committee membership will be advertised in newspapers that cover the area of the four communities three months before the end of each term. To assist the nomination process the committee and DECC may conduct awareness programs in each community prior to nomination closing date. Nominations received are to be assessed on the basis of the following information provided by the nominee:

- knowledge of culture and Country;
- connections within the local Aboriginal community; and

- ability to work cooperatively with others to achieve positive outcomes.

Following receipt and consideration of nominations, appointment of a new committee will be by the Director Western Branch PWD.

### **Role of DECC Cultural Heritage Division**

This Memorandum of Understanding recognises the responsibility of local DECC Cultural Heritage Division (CHD) Officers to attend meetings, provide and obtain advice and assist the Committee in undertaking community activities. At least one local CHD Officer is to attend each meeting. Items to be raised at meetings by CHD Officers are to be noted with the DECC PWD Officer serving in the secretarial/support role for the committee at a minimum of one week prior to the meeting so that they can be included on the agenda.

### **Funding arrangements for the operation of the Committee**

The DECC PWG Northern Plains Region will create a separate budget for the operations of the Gawambaraay Pilliga Co-Management Committee in meeting the requirements of this Memorandum of Understanding. The expenses to be funded shall include:

- The costs (including sitting fee of \$190/full day) that are reasonably required for the Committee members to attend meetings of the Gawambaraay Pilliga Co-Management Committee and the DECC.
- The reasonable travel and ancillary costs incurred by the members in attending formal meetings as outlined above. Reasonable travel and ancillary costs for attending meetings held within DECC PWG Northern Plains Region do not extend to costs associated with travel outside the boundaries of that Region.
- Any expenses reasonably incurred by Committee members in the performance of their formal duties as members of the Gawambaraay Pilliga Co-Management Committee.

### **Insurance**

Members of the Gawambaraay Pilliga Co-Management Committee (or volunteers associated with the Committee operations and endorsed by DECC) operating pursuant to the objectives of this Memorandum of Understanding will be covered under the Treasury Managed Fund against any injury sustained during or arising from those work programs.

### **Legal basis of the Memorandum of Understanding**

The parties acknowledge that this Memorandum of Understanding shall not give rise to any legal obligations between the respective parties.

## Commencement and Cessation of the Memorandum of Understanding

This Memorandum of Understanding shall take effect from the \_\_\_\_\_ and terminate on the 30<sup>th</sup> June 2012. This Memorandum of Understanding can be amended by written agreement of all parties.

**Date:**

**Current Gawambaraay Pilliga Co-Management Committee Members**

**Baradine:** .....  
.....  
..... (alternate representative)

**Coonabarabran:** .....  
.....  
..... (alternate representative)

**Gunnedah:** .....  
.....  
..... (alternate representative)

**Narrabri:** .....  
.....  
..... (alternate representative)

**Pilliga:** .....  
.....  
..... (alternate representative)

**DECC** ..... Regional Manager  
Northern Plains  
..... Director Western,  
representing Director-  
General  
..... Minister for the  
Environment