

# Memorandum of Understanding (MOU) between Bega, Eden and Merrimans Local Aboriginal Land Councils and Bega Valley Shire Council 2024 - 2034



Adopted 24 July 2024



We wish to acknowledge and pay our respects to the traditional custodians of the lands, waterways and airspace of the shire

The artwork on the cover by Colleen Dixon commemorates the twentieth anniversary of the Memorandum of Understanding (MoU) between the local Aboriginal Community and Bega Valley Shire Council.

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## Introduction

This Memorandum of Understanding (MOU) sets the foundation for the next 10 years of collaboration and action between Bega Valley Shire Council and the Bega, Eden and Merrimans Land Councils (Land Councils), building on the relationships and progress made since the first MOU was signed in June 2001.

This MOU aims to create a future where Aboriginal people living in the Bega Valley have social, economic and cultural opportunities and where the cultural heritage and connection to country of Aboriginal people is recognised and respected. It aligns with the vision of the Bega Valley Community Strategic Plan.

## Core statements

1. Bega Valley Shire Council acknowledges Aboriginal people are the original inhabitants and custodians of all airspace, land and waterways in the Bega Valley Shire and connecting sea country.
2. The Bega Valley Shire Council and Land Councils accept that in order to address the issues and effects of colonisation, which continue to have effect on Aboriginal people in the shire today, we must first acknowledge the past, to further respect, protect and advance the continuing rights and interests of all people in the shire.
3. Bega Valley Shire Council and the Land Councils respect the continued spiritual, social, cultural and economic importance of land to the shire's Aboriginal people and recognise the intent of the Aboriginal Land Rights Act 1983 (NSW), to ensure a better future for Aboriginal people by working for the return of culturally significant and economically viable land, pursuing cultural, social and economic independence for Aboriginal people.
4. Bega Valley Shire Council and the Land Councils are committed to working together to achieve the objective and intent of the National Agreement on Closing the Gap to overcome the inequality experienced by Aboriginal people.
5. Bega Valley Shire Council and the Land Councils will work together to improve health outcomes for Aboriginal people within the shire.
6. The Land Councils and Bega Valley Shire Council acknowledge there is between them a mutual obligation to give effect to the spirit of this Memorandum of Understanding and for all parties to work together in good faith towards its success.

## Undertakings

7. To give effect to this MOU, Bega Valley Shire Council will:
  - a. Recognise cultural heritage is not confined to archaeological sites and artefacts, but includes natural values such as flora, fauna, landforms, waters and other natural resources.
  - b. Exercise best endeavours to support the interests of Land Councils, whilst not hindering the Native Title process or the rights of Traditional Owners.
  - c. Develop protocols in consultation with the Land Councils which include, but are not limited to, flying the Aboriginal Flag on Council managed land and at civic events, engaging with Aboriginal people, and the acknowledgement of traditional custodians at civic events.
  - d. Support cultural understanding and celebrating community events including Reconciliation and NAIDOC Weeks.

- e. Review and implement Council's Aboriginal Employment Procedure to build employment opportunities for Aboriginal people within Council, and to support their cultural safety. This policy will include a target of making available dedicated employment positions for Aboriginal people in numbers which (as a minimum commitment) are proportional to the numbers of Aboriginal people living in the shire based on the most recent Census data. Post this target being met, there will be continued sustainable Aboriginal employment opportunities actively explored.
  - f. Review internal procedures and processes which help facilitate the objectives of the MOU including, where achievable, alignment with the NSW Government's Aboriginal Procurement Policy and Australian Government's Indigenous Procurement Policy.
  - g. Identify and resource actions to progress the MOU in annual operational plans and budgets.
  - h. Apply Section 555 of the Local Government Act which states that: land that is vested in the New South Wales Aboriginal Land Council or a Local Aboriginal Land Council and is declared under Division 5 of Part 2 of the Aboriginal Land Rights Act 1983 to be exempt from payment of rates.
8. To give effect to this MOU the Land Councils and Bega Valley Shire Council commit to:
- a. Ensuring that Aboriginal culture and heritage are taken into account as part of DA and civil works assessment/planning, giving effect to relevant statutory and legislative requirements.
  - b. Sharing knowledge and information and, where resources allow, co-designing initiatives and advocating on matters which include the ability to activate Land Council land for economic purposes.
  - c. Seeking opportunities to develop strategic partnerships and collaborations.
  - d. Supporting cultural awareness for elected representatives and Council staff.
  - e. Identifying and supporting opportunities for the development of Aboriginal owned and managed businesses including in cultural tourism.
  - f. Working together to identify development opportunities on Land Council lands, which includes appropriate land zonings.
  - g. Identifying land within the shire which is of cultural significance to Aboriginal people or the subject of joint management arrangements.
  - h. Include Aboriginal people in community consultations and programs.
  - i. Exercise best endeavours to support traditional land management techniques that empower community and recognise cultural connection to country by advocating for reduced legislative/procedural restrictions e.g. cultural burning on public land.
  - j. Aiming to increase affordable and social housing for the Aboriginal community.
  - k. Developing an implementation plan with targets and milestones.
  - l. Meeting together through the Bega, Eden and Merrimans Committee of Council (BEM), by mutual agreement, at least twice a year to review the MOU implementation plan. The responsibility for setting the agenda and chairing the BEM meetings will rotate between the shire's three Land Councils. BEM will report annually on the progress of the MOU implementation plan.

## **Review**

9. The Memorandum of Understanding provides a 10 year vision to effect change in the local Aboriginal community, and will be updated at least every 10 years.
10. The Memorandum of Understanding will also be reviewed in line with the Local Government election cycle each four years. Significant changes will be endorsed by each Land Council before being provided to the elected Council for endorsement.
11. The Land Councils and Bega Valley Shire Council agree that the Memorandum of Understanding can be amended within that cycle when all parties agree that it is required.

Signed for and on behalf of Bega, Eden and Merrimans Local Aboriginal Land Councils  
on 14 August 2024:



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Lucinda Thurston  
Deputy Chairperson  
Bega Local Aboriginal Land Council

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BJ Cruse  
Chairperson  
Eden Local Aboriginal Land Council



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Ken Campbell  
Chairperson  
Merrimans Local Aboriginal Land Council



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Signed for and on behalf of Bega Valley Shire Council on 14 August 2024:



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Cr Russell Fitzpatrick  
Mayor  
Bega Valley Shire Council



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Anthony McMahon  
Chief Executive Officer  
Bega Valley Shire Council



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