

# 355 BEM Committee

25 June 2020



## Minutes

HELD AT Bega Valley Learning Centre Merimbula

### Present

Anne Cleverley (BVSC)

Glenn Wilcox (CEO Bega LALC)	Matt Simpson (BVSC)
Di McVeity (Merrimans LALC)	Carol Bunt (BVSC)
Mark Bateman (CEO Eden LALC)	Graham Moore (BVSC)
BJ Cruise (Chair Eden LALC)	Keith Tull (BVSC)
Mayor Sharon Tapscott	Sophie Thomson (BVSC)
Alice Howe (BVSC)	Shelli Reid (BVSC) <i>minutes</i>
<b>Apologies:</b> Donna Alridge, Terry Hill	

### 1 Welcome to Country

By BJ Cruise and acknowledged that he was speaking from a Sovereign person.

### 2 Confirmation of minutes

That the minutes of the previous BEM Committee Meeting held on 18 November 2019 be taken as read. Motion moved by Mr BJ Cruise and seconded by Mr Graham Moore. All in favour.

### 3 Review of Action Log

**Item 2019-1** - Retrieve more information for a letter on behalf of the Mayor.

*Update 25/6/20:* Mr Moore updated the Committee that the letter to the Mayor referred to the Harmony Day event scheduled for March 2020, that due to certain COVID restrictions, did not proceed. Committee agreed to push this action to next year's event.

**Updated Action 2019/1:** Invite the Mayor to participate in Harmony Day 2021 in a formal capacity along with a number people across the Shire to conduct the formal cultural events.

**Item 2019-2** - Organise a catch up to commence event preparations for Harmony Day in Littleton Square on 21 March 2020.

*Update 25/6/20:* **Closed.** Mr Moore updated the Committee that the letter to the Mayor referred to the Harmony Day event scheduled for March 2020, that due to certain COVID restrictions, did not proceed.

Discussion had around the leadership that Mr Cruise has shown in this field. Mr Cruise spoke about reconciliation being achieved through deeds not just words.

**New Action:** Scott Baker to plan and deliver the Harmony Day Event in 2021 in consultation with ideas from LALC groups including a cultural walk and talk about the history of the Aboriginal living standards.

**Item 2019-3** - The Mayor requested the LALCs to formally meet to discuss and agree on a proposed acknowledgement before the next meeting.

*Update 25/6/20:* Discussion throughout the group was had regarding a more specific address to the public when opening events or meetings. It is acknowledged that whilst not all words and phrases will suit all Aboriginal communities, the group should be able to universally find appropriate language to use.

**New Action:** Mr Moore to draft the customisation of the *Welcome to Country* and *Acknowledgement of Country* that is to be used at Council Meetings and functions and review with LALC members.

**Item 2019-4** Follow up with the NSW Government regarding its intentions in relation to the transfer of land to LALCs the land in question.

*Update 25/6/20: Completed.* Discussion around the two year strategy that the Eden LALC have been working on in partnership with the State Land Council, Crown Lands Departments and Bega Valley Shire Council around the Land Agreement Process. Dr Howe stated that the offer to provide advice on rezoning existing land held by the LALCs applies to all LALCs to approach Council for consideration.

**Item 2019-5** Draft additional wording to be included in the Strategy and circulated to LALCs and NSW Department of Planning, Industry and Environment for review prior to finalisation of the Strategy.

*Update 25/6/20: Completed.*

Sophie Thomson spoke to the Rural and Residential Land Strategy. Bega Valley Shire Council consulted with LALCs throughout the development of the strategies. The additional wording encapsulated the idea that all Aboriginal owned land is considered to be included in the strategy for review for future use and development. This creates a pathway for LALC land to be redeveloped, subject to the planning process. Positive outcome for the LALC organisations.

**Item 2019-7** Follow up with the Chamber of Commerce in regard to the raising of flags. An update to be provided at the next BEM Committee meeting.

*Update 25/6/20:* Mr Keith Tull followed up with Chamber of Commerce but has not resolved the issue as yet. Appears that flags are maintained by the Killer Whale Museum. Discussion around a half-mast flag as a symbol of a stressful situation. When referring to Reconciliation, the flag should be hung at the same level as the Australian Flag.

**Item 2019-8** Arrange workshop with BEM early 2020 to revitalise action plan.

*Update 25/6/20: Completed.* Proposed approach presented to BEM meeting of 25/6/20.

**New Action:** Dr Alice Howe to write to the Killer Whale Museum that the flag should be flown in accordance to the correct procedure of flag bearing.

**2019-10** - LALC CEOs to work with Mr Johnston on utilising the Tender link process in early 2020.

*Update 25/6/20:*

**New Action:** Mr Aaron Johnston of BVSC will make contact with Eden and Merrimans LALC groups to follow up on registering with the Tenderlink process.

## 4 Presentations to the Committee

### Development Control Plan and Development Application referral process presented by Graham Moore, Sophie Thomson

The Development Control Plan (DCP) and Development Application referral process has been reviewed with the draft DCP currently on exhibition under 5 August 2020.

The draft DCP has been sent to stakeholders to ensure that the changes to the DCP are meaningful in regards to Aboriginal Due Diligence.

Key changes to the DCP were developed in consultation with the LALCs to enable a more standardised and streamlined approach to Aboriginal Due Diligence as well as raising the profile about the importance of Aboriginal Cultural Heritage with relation to development. A key component to the development of the new practices was to educate those undertaking a development how they can understand if their works will have an impact on Aboriginal Cultural Heritage. Additionally, if people did not adhere to the Due Diligence that they would become liable for damages to areas of cultural significance.

Mr Cruise suggested that there were two occasions where developers had started works prior to the LALC representatives observing the site. Dr Howe added that the most important issue is that destruction of history is not compensable and rather it is of cultural significance. Dr Howe reinforced that Bega Valley Shire Council has clear compliance powers and is happy to enforce them.

**New Action:** BVSC and the three LALCs to develop with the criteria of the cultural heritage assessment and the cost structure involved. Schedule a workshop in the next month to work through the DCP guidelines.

Mr Moore advised that there is training for Bega Valley Shire Council employees and Council Contracting bodies about Aboriginal Cultural Heritage.

Mr Cruise suggested that this training could be extended to builder to help them be appreciate the cultural heritage and comply with the laws.

**New Action:** Bega Valley Shire Council to provide training to developers and principal certifying authorities about their obligations and matters to be considered prior to starting construction and engage with NSW Heritage about a revised version of its Due Diligence guidelines.

### Disability Inclusion Action Plan – presented by Carol Bunt

The Disability Inclusion Action project plan was presented to the Committee. Under the *Disability Inclusion Act 2014* all public authorities, including local government, are required to have Disability Inclusion Action Plans (DIAP). Bega Valley Shire Council has committed to supporting active, healthy and liveable communities with a goal of the community feeling they belong. A DIAP contributes to that and a new one is planned for 2021-25. The DIAP provides an opportunity for Council to think about how it can help

people with disability live more fully in our region and is linked to Council's planning documentation.

The four principles of the DIAP are:

1. Developing positive community attitudes and behaviours
2. Creating liveable communities
3. Supporting access to meaningful employment
4. Improving access to mainstream services through better systems and processes

Timeframes for this project:

*June/July 2020* – initial consultation with working group – Access and Inclusion Advisory Committee and plan development phase

*July/August 2020* – Drafted plan reviewed by stakeholders and endorsed by working group

*October/November 2020* – Public Exhibition by Council

*December 2020* – New plan endorsed by Council.

Ms Bunt requested that the Committee suggest any additional stakeholders in their communities. It was suggested that Council consult with Twofold Aboriginal NDIS service, Uniting at Wallaga Lake, Katungul, and High Schools across the Shire.

It was also suggested that there are access issues for some members of the Aboriginal community particularly in Merrimans.

### **Access and Inclusion Advisory Committee – presented by Dr Alice Howe**

Dr Howe presented to the Committee the role of the AIAC in the community and requested nominations for the position of Aboriginal Representative.

**New Action:** Dr Howe to approach Twofold Aboriginal Corporation to join the Committee.

## **5 Bushfire Recovery – presented by Dr Alice Howe**

Council has received a grant to engage some expertise in traditional burning as part of the bushfire hazard reduction program that is being rolled out across the Shire. Dr Howe sought the point of view of the group to build capability within the group to undertake the cultural burns.

There was discussion around the difference between hazard reduction and cultural burning. Should use the words 'cultural burning' cautiously and not in alternation of 'hazard reduction'. It was mentioned that there are issues where land is locked up and not accessed by the local Aboriginal people and it makes it difficult to manage.

Recently, the LALCs have met with Local Land Services to discuss the cultural burning plan. There was suggestion of some units of competency and training to be developed.

It was suggested that emphasis be placed on each LALC taking a lead role in the cultural burns in their area supported by members of other LALCs.

Dr Howe suggested that placing cultural burning into the strategic documents guarantees ongoing commitment to support these actions as there is no current budget allocated for this work.

**New Action:** Mr Cruise to contact John Ship and Dan Morgan to contact Council about progressing with the cultural burn. Council to program the works.

There are two vacant position that are designed to facilitate the program. No successful applicants in recruitment. Mr Bateman suggested that he may have someone qualified for the position

**New Action:** Dr Howe to share with Mr Bateman, the position description for the position.

Discussion around the practices of Laing O'Rourke bushfire clean up. Council has provided the contractor with the AIHMS mapping and has reminded LOR about the Aboriginal Due Diligence and its legislative obligations. Any other concerns can be raised with Council.

## 6 Acknowledgement of Country

The action log encapsulates an Action from the last meeting

**Item 2019-3** - The Mayor requested the LALCs to formally meet to discuss and agree on a proposed acknowledgement before the next meeting.

*Update 25/6/20:* Discussion throughout the group was had regarding a more specific address to the public when opening events or meetings. It is acknowledged that whilst not all words and phrases will suit all Aboriginal communities, the group should be able to universally find appropriate language to use.

**New Action:** Mr Moore to draft the customisation of the *Welcome to Country* and *Acknowledgement of Country* that is to be used at Council Meetings and functions and review with LALC members at workshop in July.

## 7 NAIDOC Week

Dr Howe addressed the Committee about the changes to the grant application process especially in regards to the event grant for NAIDOC week. Mr Willcocks had raised issues in the past about when the grants are released. NAIDOC Celebration is due to occur in October which falls at the same time as the grants round. Dr Howe suggested that the application is put in for the proceeding year. This year would mean that the application is placed in for two years are then applied for a year in advance moving forward. This will help to fund the NAIDOC celebrations.

Further Mayor Tapscott suggested that there may be opportunity to redefine it as an celebration rather than an event. Take the funding out of the competitive pool and redirect funding to the LALC organisations.

**New Action:** Review options to fund the NAIDOC week including Bega Valley Shire Council conversation to streamline the process. Need a resolution to Council to grant permanent funding. Dr Howe to inform the LALCs of outcome.

**New Action:** LALCs to think about what funding that they would like for NAIDOC week. Funding similar to what has been requested in the past most likely to be supported by Council.

## 8 Children's Services – Matt Simpson

Mr Simpson presented to the Committee about the Children's Services program. Currently the total enrolment in the three centres, Bandara, Eden and Sapphire Mobile Service has 195 children enrolled. Currently there are 32 children who identify as Aboriginal or Torres Strait Islander which is 20% of the total enrolments. The staffing of the centre's sees 24 permanent staff and a number of fixed term and casual staff supporting the operation. There are 4 Aboriginal and/or Torres Strait Islander staff at the centres.

Some of the key projects discussed were the Indigenous Advancement Strategy that allows for funding across Bandara and Eden centres by the National Indigenous Australia agency. Mr Simpson mentioned that there is a reference group that he is currently trying to reengage to continue parent involvement. Another project mentioned was the Cultural Project being undertaken with the support of Campbell Page that involves arts, craft, book creation and materials that encourages education about cultural heritage. In addition to these specific programs, there is regular story-telling, bush tucker gardens, totem poles, murals, yarnning circles and songs (in language) to help develop the knowledge of children in this space.

Questions from the Committee revolved around having a workforce reflective of the community. Additionally, there was discussion about the language program that the Twofold Aboriginal Corporation are undertaking and it is suggested that Mr Simpson engage with Sue and Nathan from Twofold Aboriginal Corporation to discuss the program and how it could be used at the Centres.

## 9 MOU Action Plan – presented by Anne Cleverley

Ms Cleverley presented the action plan for the memorandum of understanding (MOU) review.

The MOU was first established in June 2001. It is formally reviewed in line with the Local Government election cycle each four years. The current MOU is due to be reviewed in 2021. The MOU provides the primary framework for Council's work with Aboriginal communities. The scope of the MOU and action plan was set after broad consultation – it includes cultural, environmental, social and economic interests of local Aboriginal people. Embedded within the MOU is an action plan; a working document to identify and address relevant issues. The BEM Committee has a critical role to play in the MOU. The Committee works at a strategic level with Council to consider, discuss and advise on the implementation of the MOU.

Feedback sought from the BEM Committee have realised some key discussion points about the document including the need for the MOU to be updated as the expectations of the parties involved is unclear. The actions undertaken should be SMART and reported on regularly. A broader representation of the Aboriginal community is needed into the development of the actions and this should involve young people and women.

Ms Cleverley sought feedback on the review process and expected timeframes for completion. Proposed timeframes were as follows:

- Finalise project plan – August 2020
- Stakeholder engagement – October – December 2020

- Draft plan workshop with BEM –January 2021
- Endorsed by Council for Public Exhibition – February 2021
- Adopted by Council - May 2021

Committee feedback about the timeline encroaching on holidays during January. Timeframe to be adjusted to reflect this..

**New Action:** Ms Cleverley to circulate the list of Aboriginal organisations that Council holds to the Committee for feedback to ensure that all stakeholders are captured in the consultation phase.

The Committee agreed that the project lead be Bega Valley Shire Council. The project team should include LALC Charis and key Council staff. Suggestion was made to engage the community through NAIDOC week.

Next steps for the Project are:

- Form a project team
- Review stakeholders, timeframes and consultation methods
- Undertake the consultations
- Review finding with BEM committee
- Prepare draft MOU and action plan 2021 – 2025
- Report back to BEM meeting for endorsement prior to presentation at Council

Committee noted that next year is the 20<sup>th</sup> anniversary of the MoU and agreed a celebration, tied to the new MoU adoption would be appropriate.

**New Action:** Bega Valley Shire Council and LALCs to plan a celebration event to mark the signing of the next MoU and 20<sup>th</sup> anniversary of the original MoU.

Meeting closed: 1:45pm

### **Next Meeting**

Thursday 12<sup>th</sup> November 2020, 10am-2pm, at Umbarra Culture Centre, Wallaga Lake.