

# PRINCIPLES OF COOPERATION

## BETWEEN METROPOLITAN LOCAL ABORIGINAL LAND COUNCIL AND THE CITY OF CANADA BAY

### Principles

Before the arrival of Europeans the Australian continent was owned and occupied by Aboriginal Nations Clans and Families.

Sydney is the place where Aboriginal dispossession commenced, where Aboriginal resistance to the occupation of Aboriginal land commenced.

The City of Canada Bay supports reconciliation and recognition of Aboriginal rights.

The Metropolitan Local Aboriginal Land Council and the City of Canada Bay Council agree to:

- Actively work together to foster reconciliation between Aboriginal and non-Aboriginal people;
- Actively work together to promote an increased understanding of Aboriginal culture and history;
- Establish and maintain open and transparent two-way communication and consultation on local decision making; and
- Establish a framework for considering development proposals affecting the Metropolitan Local Aboriginal Land Council's interests that is consistent with the City of Canada Bay's duties and obligations under all relevant laws and legislation.

### Supporting Statements

Within the City of Canada Bay Local Government Area, the Metropolitan Local Aboriginal Land Council is recognised as the peak body with regard to Aboriginal land, culture, cultural sites and landscapes, and will be consulted on significant matters relating to such land, culture, sites and landscapes.

The primary legislation relating to the establishment and operations of Land Councils is the Aboriginal Land Rights Act 1983 No 42. The Metropolitan Local Aboriginal Land Council's particular rights and responsibilities relevant to The City of Canada Bay and Primary objectives under S51 of NSW Aboriginal Land Rights Act 1983 are:

- **Land use and management:**
  - To protect the interests of Aboriginal persons in its area in relation to the acquisition, management, use, control and disposal of land council land.
- **Aboriginal culture and heritage:**
  - To protect the culture and heritage of Aboriginal persons in the land council's area, subject to any other law; and
  - To promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area

The Metropolitan Local Aboriginal Land Council has spiritual and cultural ties to the land and waterways of the City of Canada Bay Local Government Area.

Archaeological sites and cultural landscapes, and spiritual and heritage protection are paramount in the Metropolitan Local Aboriginal Land Council's priorities.

The Metropolitan Local Aboriginal Land Council aims to work with the City of Canada Bay to achieve development consistent with the environmental, social and community objectives set down by the City of Canada Bay.

The City of Canada Bay Council is the elected representative body and the consent authority for development within the City of Canada Bay's Local Government Area.

The City of Canada Bay is also responsible for developing and implementing environmental; recreation; social and cultural plans, strategies and programs. Key plans that relate to these principles are futuresplan20 and the Aboriginal Cultural Heritage Study.

The parties to this agreement seek to work proactively and collaboratively to identify projects with Aboriginal interest. The parties will endeavour to recognise and promote understanding of the custodial obligations, spiritual and cultural ties of the Metropolitan Local Aboriginal Land Council, recognising statutory constraints on the City of Canada Bay.

Given the major stakeholder status of the parties, communication, consultation and an agreed framework for negotiating development programs and projects is essential.

The parties, through the operation of this agreement, will foster reconciliation between Aboriginal and non-Aboriginal people.

### **The Parties Agree to:**

Recognise the Metropolitan Local Aboriginal Land Council as the statutory body representing Aboriginal interests within its boundaries which includes the City of Canada Bay; and to recognise the City of Canada Bay Council, as the statutory authority, representing the residents of The City of Canada Bay at the local government level.

Respect the Metropolitan Local Aboriginal Land Council's rights, obligations and aspirations and the City of Canada Bay's rights and responsibilities for the local community.

Respect and understand each party's decision-making processes.

Encourage the establishment of appropriate protocols and governance for the consideration of development proposals affecting Aboriginal interests, consistent with the City of Canada Bay's legislative obligations and constraints.

Identify proposals mutually consistent with the Metropolitan Local Aboriginal Land Council's interests and the City of Canada Bay's objectives.

Subject to the City of Canada Bay's obligations under all laws and legislation relating to disclosure of information, including the Government Information Public Access Act and the Privacy Act, conduct negotiations in confidence and where agreed by the parties, disclose information that is mutually agreed on.

Improve the communication with any identified stakeholders, including the NSW Government departments and authorities relevant to the facilitation of projects consistent with Aboriginal aspirations and interests.

Identify potential joint projects in the City of Canada Bay Aboriginal Cultural Heritage Study: Plan of Management that can improve the employment, educational and training opportunities for Aboriginal people, and assist with reconciliation.

These may be inclusive of but not limited to development opportunities, tourism management and community and cultural development.

Recognise that the current development climate places Aboriginal land and local government planning authorities under intense pressure. The parties will seek to encourage the provision of a transparent framework to discuss and negotiate development opportunities and proposals in which the Metropolitan Local Aboriginal Land Council has the capacity to participate.

To interpret and implement this agreement based on the principles of mutual recognition and respect.

In order to assist The City of Canada Bay Council and the Metropolitan Local Aboriginal Land Council to work through any major issues arising, it is agreed that mechanisms should be established, namely a Coordination Group and Consultation Group.

### Coordination Group and Consultation

In order to achieve the above, the parties will establish a Coordination group, which will comprise the Metropolitan Local Aboriginal Land Council's Chair and Chief Executive Officer and the City of Canada Bay's Mayor and General Manager or delegate (s) to consider issues associated with this agreement.

The Coordination Group shall share information necessary to implement the principles inherent in this agreement.

The Coordination Group will meet twice per annum to discuss and resolve any disputes, grievances and issues associated with the implementation of the principles of this agreement. These meetings shall be co-chaired by the City of Canada Bay's General Manager and the Metropolitan Local Aboriginal Land Council's Chief Executive Officer.

### Consultation Group

The Consultation Group will comprise relevant officers and members of the Metropolitan Local Aboriginal Land Council and Council officers. The Group will meet as required to consult on development proposals and projects identified primarily within FuturesPlan20 and the Aboriginal Cultural Heritage Study. Meeting times and terms of reference will be arranged by agreement as a group.

Representatives from each organisation will be on a project to project basis and as relevant to the project focus. Total number of representatives in the group will be a minimum of four maximum of twelve; with equal representation from Council and Metro.

In addition to the Consultation Group, the City of Canada Bay Council will also develop consultation protocols and mechanisms which enable broader consultation with Aboriginal community on community projects.

Cross-cultural training and joint community development initiatives may also be considered.