

Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 February 2012

Venue:

Tweed Byron Local Aboriginal Land Council Offices - Ourimbah Rd, Tweed Heads

Time:

9.00am

Present:

Aunty Joyce Summers (Canowindra), Garth Lena (Minyunbul Community), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group) from 9.00am to 11.05am, Councillor Kevin Skinner (for Councillor Dot Holdom) from 9.51am, Leweena Williams (Tweed Aboriginal Corporation for Sport)

Ex-officio:

Linda Cooper (Minutes), (Tweed Shire Council)

Guest Observers (in order of arrival):

David Oxenham (Tweed Shire Council), Anne McLean (Tweed Shire Council), Fred Gesha (Tweed Shire Council), Robyn Eisermann (Tweed Shire Council) until 10.21am, Vince Connell (Tweed Shire Council) until 10.21am, Jason Young (Tweed Shire Council) from 10.51am to 11.15am.

Apologies:

Desrae Rotumah (Tweed Aboriginal Co-Op), Des Williams, (Tweed Byron Local Aboriginal Land Council), Councillor Dot Holdom (Tweed Shire Council),

Chair: Aunty Joyce Summers

Moved: Leweena Williams

Seconded: Jackie McDonald

RESOLVED that the Chair was declared vacant and nominations were called. Aunty Joyce Summers was nominated and was unanimously elected to Chair the meeting.

Aunty Joyce opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Garth Lena

Seconded: Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 2 December 2011 be accepted as a true and accurate record of the proceedings of that meeting, with the following amendment:

Amend page 5 of the Minutes of 2 December 2011. Item A4 second paragraph to read:
"AAC needs to see employment for Aboriginal people from the project. Asking the contractor (South East Excavations) to employ trainees is one avenue. Another avenue is the application to the Anti-Discrimination Board, seeking designated Aboriginal positions within Council."

A1 Aboriginal Cultural Heritage Management Plan - Robyn Eisermann (Tweed Shire Council)

The Aboriginal Cultural Heritage Management Plan (ACHMP) was tendered last year and funded jointly from the NSW Heritage Office grant and Tweed Shire Council. Converge Heritage was engaged in late January and the primary contact is Ian Fox. The first step in the process is to talk to Aboriginal groups and discuss who can speak for Country to develop a Memorandum of Understanding (MOU). The MOU will set out how to consult with the community and what information the community is willing to make public and divulge. As the project progresses, who owns the information, how it is to be used and where it will be stored will be worked out. It is expected it will take eighteen months to complete the ACHMP. This will be a lengthy process and need a lot of consultation. Converge will be meeting regularly at AAC meetings to consult with everyone. Robyn is seeking feedback from AAC to ask at this early stage what type of expectations as a community might have, what information Council needs to be aware of or any concerns the community may have.

Robyn also asked what type of cultural mapping layers the community will want. Spatial mapping layers will be developed to assist Council in providing planning advice for future developments. Robyn needs to know what is appropriate for inclusion, for example a predictive model for known sites, contemporary sites, known destroyed sites reflecting history, etc. Council needs to know what is appropriate for inclusion.

Jackie advised that this topic is a workshop in itself. Robyn advised outside of AAC there will be extensive workshopping.

Jackie noted that having an ACHMP is one thing but consultation will need to be ongoing after it is complete. Robyn advised spatial mapping will be like a sieve to indicate to prospective developers and Council staff alike where there is a high likelihood of a cultural site in a given area. Vince noted the spatial mapping can be developed in such a way that areas are graded in terms of sensitivity, triggering different levels of investigation in the approval process. How information is used is most significant in the development process. There may be broad areas for future development with application of high, medium or low sensitivity levels. It is an important and sensitive discussion to have. Converge have a lot of experience with other Councils and will bring models to AAC in good time.

Robyn noted that protocols will be developed that will include when additional consultation through the AAC is triggered. The protocols will also set out the process for updating the ACHMP and keeping it current.

Jackie asked how much money has been funded by Council. Robyn advised that the NSW Heritage contributed \$50,000 and Tweed Shire Council have also contributed \$50,000.

Aunty Joyce suggested that intellectual property rights should remain with whoever gives the story; it is their story and remains with them. Vince acknowledged the importance of confidentiality of information and how it is managed.

Leweena asked when consultations will start. Robyn advised that Ian will attend the next AAC Meeting. Also, there will be a communication strategy and consulting with the wider community.

Jackie asked if AAC should arrange a workshop after AAC meeting with Converge in the afternoon. David advised to wait and discuss options for a workshop with Ian. Robyn will speak to Ian about timing of a workshop.

Action: Ian Fox is to be invited to the March AAC Meeting.

A2 Aboriginal Cultural Heritage Due Diligence Assessment requirements for Planning Proposals (re-zonings) in the Tweed Shire - Vince Connell (Tweed Shire Council)

This process was initiated by Council staff to ensure early consultation with the AAC for re-zonings of major sites. The procedure has been updated and is provided for the information of the AAC. Applicants will be required to consult with the AAC in preparation for application and not when finalising it. It will be a reasonable process that asks applicants to come and consult with the community. For the AAC, it provides an opportunity to comment on any identified issues sooner than later.

Jackie asked what happens if a proponent has not complied with the recommendations of the AAC. Vince advised the AAC minutes need to reflect any concerns the Committee may have with particular proposals to assist Council Planning staff. Staff further advised that if a significant site is discovered after a job starts, severe penalties are in place if a proponent does not follow legislative requirements.

The Due Diligence Assessment process requires that proponents consult with the AAC. If the AAC is not satisfied with the outcome of an assessment then staff need to consider whether we move forward or not.

Jackie noted her concern about a proponent starting work before the process is complete and hiding or destroying a site. Vince advised that rezoning proposals are a lengthy process but can appreciate that a proponent could "jump the gun". Nonetheless, this new way gives a better way of researching and identifying issues up front and better substance to give enforcement action.

A3 Kirkwood Road Project Update - Jason Young (Tweed Shire Council)

Item deferred until guest arrives.

A4 Due Diligence/Aboriginal Cultural Heritage Assessment Reports - Tim Robins (Everick Heritage Consultants)

Item deferred. Guest advised not to attend as meeting finishing early due to lack of quorum.

A5 Jack Evans Boat Harbour Signage - Anne McLean - Tweed Shire Council

Anne referred the AAC to the document circulated with the meeting papers detailing the proposed signage text.

Minutes

Moved: Jackie McDonald

Seconded: Leweena Williams

RESOLVED that the signage as tabled be adopted, reading "Goorimahbah - place of stories" on the top line and "Goorimah - "a story" underneath.

A6 Edwina Paulson - Aboriginal Hostels Ltd - deferred to next meeting

Item deferred. Guest advised not to attend as meeting finishing early due to lack of quorum.

Inwards Correspondence

1 NSW Ministerial Taskforce Papers

Jackie advised that the AECG had written a submission to Aboriginal Affairs requesting the taskforce come to the Northern Rivers region and noted a response had been received which they were following up. The preferred location being central to the region is Lismore.

Anne advised that Council had also written requesting the taskforce convene a meeting in the Northern Rivers region but had no response to date. The AAC requested Anne/Fred follow-up the request with Aboriginal Affairs representatives.

Ministerial Taskforce papers were distributed to Committee members.

Action: Fred Gesha to contact Aboriginal Affairs requesting the taskforce attends a meeting in the Northern Rivers Region, preferably at Lismore.

General Business:

1 Aboriginal Development Officer

Anne welcomed through the Chair the Aboriginal Development Officer, Fred Gesha.

Fred thanked everyone and is looking forward to what will be an exciting time. Fred has been reading through all AAC paperwork and plans to meet Jackie and Aunty Joyce and visit cultural sites together. Fred wants to build a good working relationship between AAC and TSC.

Anne advised aside from business with Council, Fred will be consulting AAC on matters in relation to the Memorandum of Understanding, Terms of Reference and other priorities for the community. Some items are matters that have been outstanding for some time and are work the community wishes to see done. Is the AAC open to have a working group or should Fred meet with members individually and then bring documents back to the AAC for ratification? The difficulty with this process is the amount of items currently coming to the AAC Agenda and the amount of time that can be allocated to deal with items Fred is working on. For example, there are many due diligence assessments currently pending and more are coming. It is difficult to allocate time to deal with all these matters. Aunty Joyce advised lots of community members do not understand the due diligence assessment process and it is hard for the AAC members to articulate that back to the community. She suggested that Fred could attend community groups to help share information.

Leweena suggested the best way is for documents/agreements to get formulated, presented to the AAC then taken back to respective community groups for comment by AAC members.

Anne asked which groups Fred should get out and meet now he is on board. Aunty Joyce said there is a Mens' group at the South Tweed Museum and elders at Bundjalung Aboriginal Home Care. Aunty Joyce advised they do not have an elders group as such, they are all in different pockets. Aunty Joyce suggested a letter be sent out to the organisations below to introduce Fred and that Fred call on representatives from each.

- Tweed Byron Local Aboriginal Land Council
- Tweed Wollumbin Aboriginal Education Consultative Group
- Tweed Aboriginal Corporation for Sport
- Minjungbal Trading Company
- Tweed Aboriginal Co-op Housing Society
- Bundjalung Aboriginal Home Care
- Canowindra
- Bugalwena Health Service

Leweena asked if the letter that gets sent out can ask all AAC members to participate. Anne advised that Fred can also do that when he meets face to face with community members. Fred will aim to do something with membership around the time of 2012 Council elections as the Committee will be disbanded then new nominations will be sought with the new term of Council. Community members need to be encouraged to nominate and attend.

Action: Anne McLean to compile a letter to send to the above organisations introducing Fred Gesha as Aboriginal Development Officer.

Action: Fred Gesha makes appointments to visit Aboriginal organisations listed above.

2 Aboriginal Education Consultative Committee Meeting Schedule 2012

Jackie noted the first meeting of the Aboriginal Education Consultative Committee is scheduled for 13 February at 4pm at Banora Point High School and invited Fred to attend.

Action: Fred Gesha to attend the Tweed Wollumbin AECG meeting on 13 February at 4pm at Banora Point High School.

3 Aboriginal Historical Information - TSC LEP/DCP for Tweed Heads City Centre

Jackie asked how AAC went with amendment to the vision statement of LEP. David advised the amendments were included in the Vision document and it has been adopted by Council. Jackie asked if the updated information has been included on Council's website and she heard the old information is still there. David advised we will check the Tweed City Vision Statement and what is up on the web.

Action: David Oxenham to check the Tweed City Vision Statement and what is included on the website.

Outstanding Matters Report

O36 Designated Aboriginal Positions

Anne distributed the organisational chart information provided by Suzanne Richmond and relayed the request that the AAC nominate a contact for Human Resources to deal with in relation to designing designated Aboriginal positions. The Committee nominated Fred Gesha as the point of contact in the first instant. Fred will liaise with HR and bring information back to the AAC for decision making as a group. Fred noted that there may need to be a community workshop to ascertain the skills available in the community.

Action: Fred Gesha nominated as contact on behalf of Aboriginal Advisory Committee.

O13 Pottsville Environment Park

Anne referred the Committee to the information circulated with the meeting papers and asked if they were satisfied with the revised wording and image. Jackie expressed her concern over the image and asked if canoes were used in this area. She noted she has forwarded the document to Ian Fox who said there was no evidence of canoes used in this area by Aboriginal people. Aunty Joyce said you only had to look at Scar Trees to know canoes were used in the area by the Tweed people. Discussion deferred for Agenda items

Outstanding Matters Report Suspended for Agenda Item

A3 Kirkwood Road Project Update - Jason Young (Tweed Shire Council)

Jason advised that South East Excavations (SEE) has been awarded the contract and has an Aboriginal Management Plan in place.

The Scar Tree is still an unresolved issue. David asked in terms of the Aboriginal Heritage Impact Permit if the tree is allowed to be removed prior to care plan being signed off. Jason advised that no, the tree cannot be removed until the Care Plan is signed. David asked if there can be a temporary Care Plan. Jason stated the Office Environment and Heritage (OEH) have advised the Care Plan is a temporary arrangement until the final location of the tree is determined. Council needs signatures from relevant members to ratify the Care Plan. If the community is reluctant to sign the Care Plan then Council will go to OEH to seek direction. David advised the community's concern is where the tree is sent to. Jason advised that according to the current Care Plan the tree is stored at Minjungbal Museum in a specially made enclosure until a decision is made to return it to Country.

Jason advised the Care Plan could be changed so that the tree is stored at a Council depot until further arrangements can be made. It then could later be returned to country in close proximity to its original location with a plaque placed at the site acknowledging where the tree was located. Jackie asked if the tree is secure at a Council depot and Jason affirmed it is.

Minutes

Moved: Jackie McDonald

Seconded: Leweena Williams

RESOLVED that

- (a) This resolution is not an approval for the removal of the Scar Tree.
- (b) The Aboriginal Advisory Committee will accept the Care Plan with provision for the Scar Tree to be stored at a Tweed Shire Council Depot until a final location is determined, including an option to return the Scar Tree to country near its original location.

Garth asked the minutes to reflect that he does not agree with the resolution.

Jason advised that the community is to determine the location of the plaque and wording for same.

Jason also advised that he has asked for nominations for Cultural Heritage Monitors. There is provision for two monitors with this project. Jason has received two nominations so far being Jason McDonald and a representative from TBLALC. Jason is aware there are a number of groups that represent the community and wants to ensure that all relevant parties are included. To this end he is prepared to consider a rotation of nominees under the direction of SEE. Jason suggested it would be good also to have a backup. Jason asked the AAC to discuss nominees. The monitoring is required for the initial clearing and grubbing work. There are two to three weeks maximum of cultural heritage monitoring to be undertaken. The monitors will be operating under SEE and go through their induction and abide by their site instructions. Council will be reimbursing the monitors for their time on site directly.

Garth does not want to be a monitor but asked what they do. Jason advised that during the removal of trees for the project alignment and top soil scraping they are on hand to identify any sites of cultural importance.

Garth noted he does not agree with the process and that the AAC is just a yes group. Aunty Joyce said we have an obligation to our forefathers to preserve our culture.

Leweena asked about employment opportunities. SEE have sent Jason an email noting they have identified two Aboriginal positions for the job. Jason advised once SEE have mobilised for the project further recruitment may be needed

Action: Jason to contact Jackie McDonald and advise of employment opportunities in the project.

Leweena advised the community wants local people employed. David advised that he has read through the Indigenous Employment Plan by SEE and confirms that they are trying to focus on employing local Aboriginal people. Leweena asked if they are open to having discussions with AAC. David advised the AAC should tell the community to contact family members to put their names forward. Only a couple of people have contacted SEE so far.

Outstanding Matters Report Resumed

01 "Between River and Sea" Historical Images of Kingscliff
Deferred

O2 Memorandum of Understanding ("MOU")

Deferred

O3 Terms of Reference

Deferred

O4 Terms of Reference

Deferred

O5 Aboriginal Community Member Representation to Museum Advisory Committee

Deferred

O6 Pacific Highway, Banora Point Upgrade

Anne asked if anyone knows the status of the suggested naming of the Laura Street Bridge. Aunty Joyce advised that we are waiting on a name to be endorsed by the RTA.

O7 Pacific Highway, Banora Point Upgrade

Anne asked Aunty Joyce if a computer image has been accepted by the RTA yet. As Jackie was liaising with the RTA on this matter and had left the meeting, Aunty Joyce did not know the answer.

O8 Telecommunications / Mobile Phone Towers

Deferred

O9 Reconciliation Week

Deferred

O10 AHIP Application for Kirkwood Road Project

See discussions for Agenda Item 4.

O11 Fingal Head Holiday Park

Item remains on hold.

O12 Aboriginal Statement

Item will be addressed with work on MOU by Fred.

O13 Pottsville Environment Park

Aunty Joyce noted that the local Aboriginals did use canoes. No decision made for interpretive signage due to lack of quorum.

O14 Bush Regeneration teams

Fred Gesha will talk to Leweena Williams and Des Williams about starting up a Tweed Regeneration team.

O15 Riva Vue, Murwillumbah

To be discussed at the next AAC Meeting.

O16 LPMA Projects

Action: Invite Phil Fogarty to next AAC Meeting to discuss various Land and Property Management Authority Projects.

O17 Green Teams Alliance

The Green Teams Alliance was invited to the December meeting but they did not attend. There is currently a twelve month contract for Multispan to undertake maintenance at Jack Evans Boat Harbour works. Once this contract has expired the maintenance contract will be let. Green Teams Alliance wants to put in a tender to maintain the area.

O18 Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales Guidelines

Refer to Agenda Item 2 for discussion. Item closed.

O19 Scar Tree Preservation for AHIP Application for Kirkwood Road Project

David Oxenham has asked AAC to get community members to register with South East Excavations for employment opportunities from the project. Item closed.

O20 Scar Tree Preservation for AHIP Application for Kirkwood Road Project

Item closed.

O21 Scar Tree Preservation for AHIP Application for Kirkwood Road Project

Item closed.

O22 Scenic Drive, Bilambil Heights; Chinderah Service Centre Due Diligence Report

Tim Robins will be attending the AAC Meeting in March to discuss this item.

O23 Care Agreement Application for Kirkwood Road Project

Refer to Agenda Item 4 for discussion.

O24 Tweed River Regional Museum - Flagstaff Hill

Assessment on hold. Tim Robins will be attending the AAC Meeting in March.

O25 Royal Terranora Resort at Marana Street, Bilambil Heights

Tim Robins will be attending the AAC Meeting in March to discuss this Item.

O26 Hundred Hills development at Murwillumbah

Tim Robins will be attending the AAC Meeting in March to discuss this Item.

O27 Tringa Street subdivision at Tweed Heads

Tim Robins will be attending the AAC Meeting in March to discuss this Item.

O28 River Heights Tourist Park at Kirkwood Road - Tweed Heads South

Tim Robins will be attending the AAC Meeting in March to discuss this Item.

O29 Guriguru - Jack Evans Open Space - Application for tender

Committee discussed suitability of this application.

Action: AAC requests Stewart Brawley to obtain a copy of Guriguru's Certificate of Aboriginality.

O30 Working for Barrells

Deferred. Anne to forward email to Fred.

O31 Cultural Signage Project

Gary Hall has been in contact with Jackie McDonald. He will liaise with Jackie and Ian Fox to install the signage.

O32 Bush Futures Project

AAC asked that dates of field day be forwarded to Committee.

Action: Request Claire Masters forward field day dates through to AAC. Item closed.

O33 Kirkwood Road Project

Action: Request Jason Young provide an update at the next AAC meeting.

O34 Designated Aboriginal Positions

Anne advised on behalf of Suzanne Richmond that the number of declared Aboriginals working at Tweed Shire Council and the number of people that applied to have a day off during NAIDOC week was consistent. The Committee asked how Council promotes this entitlement to staff. Anne advised it is done via an all Staff Notice. Staff must provide a Certificate of Aboriginality in order to take one day off during NAIDOC week celebrations. Item closed.

O35 Designated Aboriginal Positions

Suzanne Richmond advised that proof of Aboriginality is held for all staff that have declared their Aboriginality and attend NAIDOC celebrations. Item closed.

O36 Designated Aboriginal Positions

Fred will make contact with Suzanne Richmond and ask her when she needs the strategy developed and noted it will be important to identify gaps where skills are needed. What needs do we need to focus on for the best outcomes in regards to identified Aboriginal positions?

Action: Fred Gesha nominated as contact on behalf of Aboriginal Advisory Committee

O37 Designated Aboriginal Positions

Anne advised the Committee of the large mail-out group that receives minutes of all AAC meetings. Asked if it is appropriate to use this group as the email source for circulation of available positions within Council.

Action: Anne McLean to bring list to next AAC for review by Committee.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 2 March 2012.

The meeting closed at 11:50.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.