

Terms of Reference

Australian Alps Traditional Owners Reference Group (AATORG)

Preamble

In accordance with the desire of the Australian Alps First Peoples as expressed at the gathering at Dinner Plain in April 2005, the Australian Alps Liaison Committee (AALC) wishes to establish the AATORG. In doing so it commits to supporting the AATORG morally and financially so far as Alps partner agencies policies and resources permit in accordance with these terms of reference.

The AATORG will operate under the following parameters.

Area

The AATORG will advise the AALC on matters relating to the area referred to as "the Australian Alps national parks" (AAnp) in the MOU between The Commonwealth, Victoria, NSW and the ACT which currently includes the Alpine National Park, Avon Wilderness, Mount Buffalo National Park, Baw Baw National Park and Snowy River National Park (in Victoria), Kosciuszko National Park, Brindabella National Park, Scabby Range Nature Reserve and Bimberi Nature Reserve in NSW and Namadgi National Park and Tidbinbilla Nature Reserve in the ACT.

Authority

This group will provide advice to the AALC, (and through the AALC to the Australian Alps Program Manager and relevant Australian Alps Reference Groups), with the AALC Convenor as Co-chair and a member of the AATORG as the other Co-chair and the Alps Program Manager as the Executive Officer.

Purpose

To advise the AALC on a range of issues relating to the co-operative management of Indigenous cultural values and issues across the AAnp that may include;

1. How to engage Indigenous people in relevant key co-operative management activities, projects and decision making;
2. Guidance on who speaks for country as required for particular issues;
3. The development of Australian Alps wide capacity building programs; for example, cross cultural skills training including the identification, survey and monitoring of cultural heritage and interpretation;
4. Engagement in the review and/or development of the AAnp Strategic Plan;
5. Traditional Owner and other Aboriginal community needs and aspirations in relation to the Australian Alps and how these may be met;
6. Accurate interpretation (and protocols for interpretation) of Indigenous cultural heritage to park visitors and the wider community;
7. How histories can be accurately recorded and opportunities to promote awareness of Australian Alps Indigenous culture can be provided;

8. Mechanisms to improve communications and understanding between AAnp park managers and the broader Indigenous Community;
9. Ways to progress the outcomes and recommendations of the First People's Gathering at Dinner Plain, April 2005. (see Attachment 1 to these terms of reference)

Agency and park specific issues remain the domain of the individual State committees.

Membership

See Attachment 1 to these terms of reference.

Up to two people (with a substitute member identified in case one of the regular members cannot make it to a meeting) being representatives of each of the existing agency/government advisory groups for national parks in the Alps, or other groups as identified by each jurisdiction, for example:

1. Victorian Alps Indigenous Reference Group
2. Kosciuszko National Park Working Groups (North and South)
3. United Ngunnawal Elders Council or other mechanism identified by the ACT Government.

A gender balance amongst the membership will be sought where appropriate.

Term

Members will be appointed for three years and will remain members for that period so long as they remain a member of one of the State/Territory groups as discussed above and while they remain the preferred nominees of that group.

If a regular member does not attend three consecutive meetings of the AATORG their membership of the AATORG will automatically expire and a new representative from their State/Territory group would be sought. This does not apply to substitute members. However, if a substitute member is asked, with sufficient notice, to substitute for a regular member on three consecutive occasions and they do not, their membership will expire and a new substitute member will be sought.

Should one of the members need to be replaced for any reason, the replacement member will only serve out the balance of the three year term of the person they are replacing.

As the end of the three year term is approached the State/Territory groups will be asked by the AALC to review their nominations and advise who the new members will be. The State/Territory groups may choose to nominate the same people again.

Meetings

- Meeting agendas should allow for a short period (approximately 30 minutes), prior to the start of the formal agenda, for AATORG members to conduct Nations' business.
- A meeting code of conduct was developed at the first meeting and is Attachment 2 to these terms of reference.

- Meetings will be held on Country only with the agreement of a Senior Traditional Owner of that Country where specific Owners who speak for Country can clearly be determined. A Traditional Owner of the Country upon which the meeting is held will be invited to give a Welcome to Country at the beginning of the meeting where specific Owners who speak for Country can clearly be determined. This may be a member of the AATORG where appropriate. The costs of having a Traditional Owner, other than an AATORG member, attend to provide the Welcome will be met by the AALC.
- Meetings may be held at least two times per year, generally in Spring and Autumn to coincide with the development and approval of the AAnp annual budget and works program. More meetings may be held with the agreement of the AATORG and the AALC.
- The AALC convenor will be a Co-chair of the AATORG. A Co-chair will be selected from amongst the members at each meeting for the next meeting dependent on where that meeting is to be held. For example, if the next meeting is proposed to be held in Victoria then a Victorian representative will be asked to be the next Co-chair. The Co-chair may only be selected from the regular members and not substitute members.
- Meeting outcomes will be determined by consensus (i.e. via 'round table' discussion rather than voting) and recorded in the minutes. Members may abstain if they wish and may choose if, or if not, they wish their name to appear in the minutes as abstaining. Where consensus cannot be reached motions may be moved and voted upon. A simple majority will pass a motion.
- Should any of the nominated members be unable to attend, they may send their previously nominated substitute member.
- Substitute members may attend any meeting of the AATORG, if they are not otherwise filling in for a regular member, but at no cost to the Alps Program. In this case, substitute members may participate in the discussion but will not be party to reaching consensus outcomes of the AATORG.
- Members may be accompanied on their journey to meetings by family, friends or other community members at their own expense, provided they give advance notice and accommodation is available – the AALC will normally only provide financial support for the nominated members of the AATORG.
- Normally it would be expected that other members of the AALC and members of the AAnp Cultural Heritage Reference Group would attend the AATORG meetings as observers but will not be party to reaching consensus outcomes of the AATORG.
- Other observers may attend meetings but only with the advance agreement of either one of the Co-chairs. In deciding if observers may attend, Co-chairs, where practicable and with the assistance of the Australian Alps Program Manager if necessary, will consult with AATORG members. Observers will not normally receive financial assistance from the AALC to attend meetings.
- The Australian Alps Program Manager will co-ordinate meeting logistics and minutes and maintain records.
- Meetings should preferably be held in or close to the AAnp where suitable accommodation can be provided.

- Sitting fees and other expenses will be paid to members and these are outlined at attachment 3.



AUSTRALIAN ALPS INDIGENOUS REFERENCE GROUP

DISCUSSION PAPER

BACKGROUND:

The combination of agency specific Aboriginal reference and working groups (including the recently formed Victorian Alps Indigenous Reference Group), the Kaju Ceremony and IYM Celebrations, the 2003 Post Fire Indigenous Cultural Heritage Programs across the Alps and the Australian Alps First Peoples Gathering conducted at Dinner Plain, has helped develop an enduring level of respect and cooperation between Traditional Owners with links to the Australian Alps.

The dialogue which has flowed through these shared experiences has revealed the time is now right to build upon the abundance of goodwill and move toward the formation of an Australian Alps Indigenous Reference Group. In recognition of the importance of this ideal the Australian Alps Liaison Committee (AALC) has made it an action to be pursued asap.

Australian Alps First People's Gathering and Victorian Alps Indigenous Reference Group

A number of years ago the Australian Alps Liaison Committee commissioned an Aboriginal Heritage Liaison and Directions Study. Feedback obtained from this study and Indigenous events associated with the International Year of the Mountains, revealed a desire by Indigenous communities associated with the Australian Alps, to come together to discuss various matters pertaining to Aboriginal involvement in the management of the Australian Alps.

On the 1st to the 3rd of April 2005 the Australian Alps Liaison Committee hosted the "Australian Alps First Peoples Gathering" at Dinner Plain. Amongst the many aspirations voiced by Indigenous representatives at this gathering was the desire by Traditional Owners with links to the Victorian Alps, to form an Indigenous Reference or Working Group which could enable greater participation in the care of the Victorian Alps and enhanced consideration of Indigenous values and interests. The precise wording of the resolution of the gathering was as follows:

"Seek the establishment of a Victorian Aboriginal Working Group of Traditional Owners/families similar to the Kosciuszko National Park Working Group (NSW)".

A subsequent objective of the group would be to form part of a larger Reference Group incorporating Indigenous representatives from NSW and the ACT. Once established, the aim of this larger group would be to help integrate an Indigenous community perspective into the management of the Australian Alps.

It is in the above context that Parks Victoria committed to the creation of a Victorian Alps Indigenous Reference Group. This group has now held a number of meetings and is very keen to pursue the creation of the Australian Alps group.

This discussion paper has been developed in an attempt to facilitate this process. Input will need to be sought on a range of topics including appropriate terms of reference, authority and appropriate membership.

Outcomes of the Australian Alps First Peoples Gathering 1-3 April 2005

Through discussions the Traditional Owners resolved to:

- Commit to developing a draft 'Treaty' (or MOU) between the Australian Alps First Peoples to establish ways for them to work more effectively together as one group. The Traditional Owners Women's group supported the motion on the condition that any future draft 'Treaty' ensured a gender balance and future discussions and negotiations and would reflect both women's and men's aspirations and needs. The motion was then adopted by the majority of those present. (see enclosed)
- Seek a commitment from land management agencies to recognise that Traditional Owners with connection to Country are the only legitimate Indigenous speakers for Country.
- Seek to set aside an area(s) of crown land in the Alps where Traditional Owners (both men and women) can meet and continue traditions, practices and customs through stories and observation and pass onto their youth their culture, language and oral history to ensure the continued wellbeing of Traditional Owners and their Country.
- Seek establishment of an Australian Alps First Peoples Keeping Place.
- Seek access to cultural resources i.e. traditional fishing, hunting, collecting and gathering rights without license.
- Seek to set areas aside to provide for reburials of ancestors skeletal remains on Country.
- Request agencies to consult with Traditional Owners prior to the agencies seeking 'Consents to Disturb or Destroy' their cultural sites or places.
- Seek support for Traditional Owners to bring traditional language back and utilise it during meetings, events, in reports, signage and interpretation.
- Seek the establishment of a Victorian Aboriginal Working Group of Traditional Owners/families similar to the Kosciuszko National Park Working Group (NSW).
- Seek resources from land management agencies and/or Australian Alps cooperative management program (AALC) to ensure equity of involvement of Traditional Owners in all aspects and levels of land and waterways management – resourcing to include funds for meetings, workshops, gatherings, accommodation, travel and meals.
- Seek improved employment opportunities – by having agencies: actively target Traditional Owners from Country, provide on-the-job training, allow flexible work practices especially for women with dependent families and provide training which builds skills and capabilities of communities to compete for jobs effectively.

Staff of the land management agencies at the Gathering:

- Agreed to receive the recommendations of the Gathering and communicate them back to the relevant agencies with the ability to act on them, and
- Invited the Gathering to nominate a small interim 'working group' to look at models that engages the Traditional Owners on an equitable

- Agency staff presented a possible model for consideration (see enclosed).

General:

- It was agreed by all as important that the momentum of goodwill and understanding was maintained and that the recommendations be pursued.

Meeting Code of Conduct:

1. Speaking privilege may be granted by a Co-chair following raising of the hand
2. Other members must respect the speaker who has the floor
3. Members will respect peoples values and opinions
4. No abusive, threatening or aggressive speaking and behaviour will be tolerated
5. If a person acts in a way outlined in point 4 a Co-chair will ask the person(s) to leave the meeting and take time out to think, calm down/cool off, and return only if able to conduct themselves appropriately
6. Everyone will use simple language that is accessible to all
7. Everyone will respect times and attendance for meetings and the agenda
8. Members will provide advance notice for apologies or substitute representation
9. Members should be impartial and differences be left outside the room
10. Indigenous members have the right to ask non-Indigenous members to leave the room if Indigenous business needs to be discussed

This code may be changed at meetings with the agreement of all at the meeting

Fees and Expenses

For AATORG members, sitting fees and reasonable expenses for attending meetings will be paid. Commonwealth Remuneration Tribunal guidelines will be adopted for fees and expenses. These are adopted as a guide only and are not payable due to any statutory requirement. All fees and expenses will be paid following a meeting through the accounts payable system of the administering agency. Normally these would be paid within 7 to 14 days after a meeting.

AATORG members may receive:

- Sitting Fees for meetings they actually attend (including meetings that are not AATORG meetings that the member has been approved to attend by agreement of the AATORG in order to conduct AATORG business).
 - o **Conditions:** In the case of an intention to attend and then cancelling, no fee is payable. If only part of a meeting is attended the member will receive only a part payment of the sitting fee eg in the case of a meeting covering two half days a member attending only one half day will receive only half the sitting fee. The “daily” Sitting Fee is payable for each meeting ie meetings that are across an afternoon and morning on two consecutive days do not attract double sitting fees. Travel time to and from meetings is factored into the determination of the fees and additional fees are not payable for travelling time. In the exceptional case where it is necessary to conduct a meeting that spans a period of more than one full day or two consecutive half days the AALC may consider the payment of an additional allowance.
- a vehicle (mileage) allowance when they use a private vehicle to travel to meetings or in the case of another person driving them to a meeting.
 - o **Conditions:** In the case of the latter, the AATORG member will be paid the allowance by the AALC and the member must then come to an arrangement with the third party for covering costs. To standardise the amount paid for vehicle allowance the distance travelled will be a maximum of the total round trip kilometres from the member’s normal place of residence to the meeting venue by the most direct practicable route and can include any travel between the meeting venue and the meeting accommodation venue if they are not at the same location. Kilometres travelled because of side trips en route or onto or from other locations at the member’s choice will not be included in the total for payment. Where members are transported in a Parks agency vehicle for the entire or part of a journey to attend meetings, a vehicle allowance is not payable for that part of the journey. Similarly, if a Parks Agency vehicle is available to take a person and they choose not to use it then no vehicle allowance is payable. In the event that the AALC determines that a less expensive means of travel is preferable and the member still chooses to use their vehicle, the member will only be reimbursed to the amount of the value of that alternative means of travel.

If a member starts on the journey to the meeting but for one reason or another does not actually attend the meeting then no vehicle

allowance will be paid. Exemptions may be made to this rule under extenuating circumstances eg vehicle breakdown.

Meeting costs such as meals, accommodation and refreshments will be paid directly to the service provider by the AALC where practicable. Where it is not practicable to do so, AATORG members may pay these costs as agreed by the AALC and be reimbursed by the AALC through the accounts payable system as described above but only on production of a correct tax invoice provided by the service provider. This also applies to any meals or other costs incurred en route to the meeting. Normally, advances or cash payments will not be possible.

The AALC will provide reasonable catering and accommodation for each AATORG member, and may, by prior negotiation, host additional individuals. The AALC reserves the right to limit numbers based upon such matters as equity, cost and availability of accommodation.

List of Traditional Owner groups who are currently (September 2008) identified as having Traditional Country that cover parts of the Australian Alps national parks:

- Bidawal
- Monero-Ngarigo
- Gunai-Kurnai
- Yeerung Kurnai
- Jaimathang
- Taungurung
- Mitambuta
- Dhudhuroa
- Ngarigu-Currawong
- Wiradjuri
- Wongalu
- Ngunnawal
- Wirunjeri