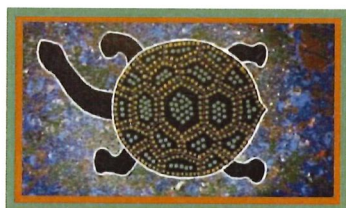


Bala-yanhi Miya
(Together We're Working)

COOTAMUNDRA ABORIGINAL WORKING PARTY

&

COOTAMUNDRA – GUNDAGAI REGIONAL COUNCIL



COOTAMUNDRA ABORIGINAL WORKING PARTY



**COOTAMUNDRA -
GUNDAGAI REGIONAL
COUNCIL**

Bala-yanhi Miya
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THIS BALA-YANHI MIYA is made the 13th day of Dec. 2022

BETWEEN:

COOTAMUNDRA _ GUNDAGAI REGIONAL COUNCIL of (81 Wallendoon Street Cootamundra)
("the Council")

AND

COOTAMUNDRA ABORIGINAL WORKING PARTY of (address)
("CAWP")

Background

- A. It is a desire of Cootamundra Aboriginal Working Party ("CAWP") and Cootamundra – Gundagai Regional Council ("Council") to form a Bala-yanhi Miya, also known as a Memorandum of Understanding, that recognises the important relationship between the Wiradjuri People of the Cootamundra area and Council, and to facilitate the ongoing process of reconciliation and Aboriginal self-determination.
- B. Cootamundra is a vibrant community located within the Cootamundra-Gundagai Regional Council area in the South West Slopes and Riverina Regions of New South Wales, about 390 kilometres south-west of the Sydney CBD, and about 95 kilometres north-west of the Canberra CBD. Around 4.6% of the people in this Local Government area identify as Aboriginal and/or Torres Strait Islander People in the Australian Bureau of Statistics Census (2016).
The Cootamundra – Gundagai Regional Council Area is within the lands of the Wiradjuri Peoples. Aboriginal and Torres Strait Islander Peoples' community in Cootamundra area have maintained strong cultural identities and the area has many places and features that have significant Aboriginal cultural heritage.
- C. The Cootamundra Aboriginal Working Party was established to represent Aboriginal people residing and/or working in the Cootamundra area; make decisions and act on any significant matters on their behalf; and to enter into agreements with any person, governments agency or authority in relation to the betterment of local Aboriginal people, Wiradjuri culture and protection of Wiradjuri Country and interests.
- D. The parties now wish to record their understanding of their respective commitments and obligations in the Bala-yanhi Miya

Bala-yanhi Miya

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1. Purpose

The purpose of this Bala-yanhi Miya is to record the agreement of The Parties to lay founding principles and set out specific commitments for the ongoing relationship and mutual cooperation between CAWP and Council. Both parties share the desire and goodwill to work jointly to improve the presence and understanding of Aboriginal and Torres Strait Islander issues in planning and services provided by Council with a view to improved Aboriginal and Torres Strait Islander participation, employment, health and wellbeing outcomes. Alongside this is the wish for broader understanding and recognition amongst the wider Cootamundra – Gundagai communities of the regions' rich Aboriginal heritage and proud tradition.

This Bala-yanhi Miya is underpinned by strong commitment from both organisations to realising long term benefits for the community through improved understanding and an enhanced working relationship.

2. Term of Bala-yanhi Miya

This Bala-yanhi Miya will take effect from ^{13 Dec 2012}~~(insert date)~~ and will remain in effect for a period of ^{4 years}~~(insert time frame)~~. At the conclusion of this time the Bala-yanhi Miya will be discussed by both parties and amended prior to entering a further Bala-yanhi Miya.

3. Evaluation and evolution

The Bala-yanhi Miya will be jointly evaluated for progress on an annual basis by the principal contact of each organisation, and an annual progress report will be prepared respectively by each organisation.

A review of the Bala-yanhi Miya will be undertaken biannually, whereby:

- Minor adjustments will be allowable by mutual agreement of the Chief Executives where the spirit and substance of the Bala-yanhi Miya is not materially altered.
- Any proposed changes that would materially alter the spirit or substance of the Bala-yanhi Miya will require formal approval by both CAWP and Council.

4. Principles of Bala-yanhi Miya

This Bala-yanhi Miya between CAWP and Council is underpinned by a number of agreed founding principles, which establish the basis for the mutual commitment between the parties and set the focus for the ongoing management of this Agreement. These principles are as follows:

- Aboriginal and Torres Strait Islander Peoples are acknowledged as the first custodians of this land
- The arrival of non-Aboriginal people brought massive change to the landscape and way of life of Aboriginal and Torres Strait Islander Peoples, and a strong desire exists in the Cootamundra -Gundagai region to address the past and embrace the process of reconciliation
- A commitment to working with one and other to support Aboriginal and Torres Strait Islander Peoples' self determination

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- There is respect, understanding and a strong regard for Aboriginal and Torres Strait Islander cultural heritage, traditions, customs and beliefs

5. CAWP Commitments

CAWP:

- a) Acknowledges and respects the ongoing interests and rights of all peoples in the Cootamundra- Gundagai Regional Council Local Government Area.
- b) Is committed to working with Council in developing the provision of accessible and appropriate local government services for the benefit of Aboriginal and Torres Strait Islander people and therefore the whole community
- c) Is committed to working together so that programs and services have a greater opportunity to create sustainable change
- d) Is committed to working with and educating Council on local Aboriginal Cultural Heritage matters and opportunities for improved Council practice
- e) Will act to comply with the relevant legislations such as the NSW Aboriginal Cultural Heritage Act including the United Nations Declaration on the Rights of Indigenous Peoples.

6. Council Commitments

The Council:

- a) Acknowledges that Aboriginal and Torres Strait Islander Peoples are the first people of this land
- b) Is committed to working with CAWP and supporting the efforts of non-Aboriginal people in understanding Aboriginal and Torres Strait Islander culture and values
- c) Will advocate for the rights and interests of Aboriginal and Torres Strait Islander Peoples and promote the principles of reconciliation
- d) Will take a leadership role in encouraging just, respectful and enriched relations between Aboriginal and Torres Strait Islander and non- Aboriginal Peoples in the Cootamundra – Gundagai Local Government Area
- e) Will promote Wiradjuri cultural heritage in a way that is desired and respectful to Wiradjuri People
- f) Is committed to working towards and establishing a framework to support increased participation by Aboriginal and Torres Strait Islander People in Council decision -making
- g) Commits to ensure the consideration of local Wiradjuri issues as part of its review process for Council programs and services
- h) Is committed to working together so that programs and services have a greater opportunity to create sustainable change
- i) Will acknowledge Traditional Owners of the land before each Council meeting and at civic receptions
- j) Will permanently fly the Aboriginal flag at Council Chambers and at appropriate civic events
- k) Will consult CAWP on matters relating to Cultural Heritage that Council is instigating

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- l) Will act to comply with relevant legislation such as the NSW Cultural Heritage Act including the United Nations Declaration on the Rights of Indigenous Peoples and the NSW Local Government Act

7. Implementation of the Bala-yanhi Miya

The responsibility for ensuring the progression and fulfillment of this Agreement is held by the chief executive of each organisation. During the Term, each Party has nominated a Representative who will be responsible for:

- a) Monitoring and reporting on the Agreement's progress
- b) Managing or coordinating that Party's relationship with the other Party
- c) Identifying any opportunities and/or issues that arise
- d) Discussing opportunities/issues that may arise out of this Bala-yanhi Miya with the Representative of the other Party
- e) Coordinating the exchange of relevant information between the Parties and community stakeholders

These representatives are:

Council: Les McMahon, Cr Charlie Sheahan
and Cr Leigh Bowden

CAWP: Peter Beath, Colina Meadows
and Amanda Levett

8. Confidentiality

The Parties may exchange Confidential information under this Bala-yanhi Miya

Each Party agrees to:

- a) Keep all Confidential Information of the other Party as confidential;
- b) only use Confidential information for the purpose of this Bala-yanhi Miya;
- c) limit access to those employees or agents reasonably requiring the Confidential;
- d) information on a strictly need to know basis for the purpose of this Bala-yanhi Miya; and
- e) take reasonable steps to provide for the safe custody any and all Confidential Information in its possession and to prevent unauthorised access to such Confidential Information

9. Indemnity

- a) The CAWP agrees to indemnify and hold harmless the Council, its servants and agents from and against all loss, damages, claims, liability, expenses, payments or outgoings whatsoever which may be brought against or claimed against them, or any of them, in connection with CAWP performance or purported performance of its obligations under

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this Bala-yanhi Miya, and which is directly related to the negligent acts, errors or omissions of CAWP

- b) CAWP's liability to indemnify Council, its servants and agents shall be reduced proportionately to the extent that any act or omission of the Council, its servants or agents contributed to the loss or liability

10. Intellectual Property

- a) Each party maintains rights to their intellectual property including but not limited to trademarks, logos, plans, drawing, confidential information, systems etc. Permission from the owner of the intellectual property must be granted to the other party to use their intellectual property prior to use.
- b) Each party will also observe the protocols for the use of Aboriginal and Torres Strait Islander Peoples' art, cultural knowledge and intellectual property as set out in the Australia Council for the Arts - *Protocols for using First Nations Cultural and Intellectual Property in the Arts*.

11. Dispute Resolution

- a) If a dispute arises during the course of the implementation of this Bala-yanhi Miya, the dissatisfied party must contact the chief executive of the other party.
- b) If the dispute remains unresolved after discussions between the parties, the matter will be referred to the NSW Community Justice Centre for dispute resolution

12. Termination and Amendment

This Bala-yanhi Miya may be terminated:

- a) Immediately by written agreement of the Parties; or
- b) By a Party providing 30 days written notice to the other Parties to that effect.

This Bala-yanhi Miya may be varied or amended by written agreement between the Parties.

13. Non- Binding

The Parties record that this Bala-yanhi Miya reflects an understanding between them as to its subject matter but is not intended to create a legally binding relationship between them. Should the parties wish to enter a binding legal relationship in the future, they acknowledge that it will be necessary for them to sign a formal written agreement recording their prospective rights and obligations.

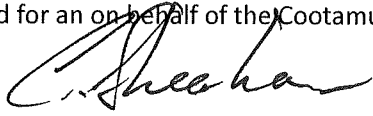
Dated the

day of

2022

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Signed for and on behalf of the Cootamundra – Gundagai Regional Council by



Signed for and on behalf of the Cootamundra Aboriginal Working Party by

