



ABORIGINAL RECONCILIATION

ACTION PLAN 2008–2012

INCLUDING:

STATEMENT OF ABORIGINAL
RECONCILIATION & COMMITMENT



PORT MACQUARIE
HASTINGS



The Rainbow Serpent - Aboriginal Mythical Creature

The Rainbow Serpent, awakening from a sleep, moved rock and earth, travelling over the land, formed deep valleys, river beds, lakes and water holes. When water filled the valleys, river beds, lakes and water holes, the Rainbow Serpent travelled across the land by going from water place to water place in the shape of a rainbow.

AS TOLD BY RHONDA RADLEY 2008 ©

CONTENTS

STATEMENT OF RECONCILIATION AND COMMITMENT	4
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ABORIGINAL RECONCILIATION ACTION PLAN 2008 – 2012

INTRODUCTION	6
Why a Reconciliation Action Plan?	6
Definitions	6
FACTS AND FIGURES	7
Geography	7
Demography	8
Socio-economic indicators	8
SUMMARY	12

STRATEGY ONE 13

Port Macquarie-Hastings Council will recognise, celebrate and maintain the “sense of place” of traditional Birpai land.

STRATEGY TWO 17

Port Macquarie-Hastings Council will address actual and perceived barriers to Aboriginal and Torres Strait Islander health, housing, education/training and employment opportunities in the Hastings.

STRATEGY THREE 20

Port Macquarie-Hastings Council will actively engage the Aboriginal and Torres Strait Islander communities on issues affecting them through addressing barriers limiting engagement.

MONITORING AND REVIEW	23
EVALUTION	23
APPENDIX ONE	24
APPENDIX TWO	32
ACKNOWLEDGEMENTS	35



Statement of Reconciliation and Commitment – 2008.

Port Macquarie-Hastings Council recognises that the original occupants and inhabitants of this land lived in the area for more than 40,000 years. There were a number of clans speaking several dialects and these people exercised traditional rights over the area including the ownership of sacred and significant sites.

The Birpai people relied on the sea and the land to provide much of their food and sustenance for life. Numerous middens are still found in the area giving recognition to the gathering of the traditional owners and inhabitants in this area. The establishment of European settlement has proved disastrous for the Aboriginal people who suffered attacks from settlers, exposure to new diseases and the loss of their land and disruption to their traditional way of life. The Port Macquarie Hastings Council's Statement of Reconciliation and Commitment is built on the legacy of the traditional owners and the continuing contribution of the Birpai and other Aboriginal people to the local area.

In making this Statement of Reconciliation and Commitment Council wishes to acknowledge that it is built on the ideals set out in the Australian Declaration Towards Reconciliation, the Road Map for Reconciliation and the Australian Local Government Association Statement of Commitment. Council acknowledges and gives recognition to the fact that this land and its waters were settled as colonies without any treaty or consent; that the Aboriginal people of the area are the first peoples here; and they have, as a result of the invasion, suffered deep loss and grief caused by dispossession from traditional lands, the loss of lives and freedom and the forced removal of children. Council also acknowledges the rights of Aboriginal Australians to live according to their own beliefs and customs and gives due respect and recognition to the continuing customary laws, beliefs and traditions of the Aboriginal people of the area.

Council supports the peoples' movement towards Reconciliation and seeks to give practical expression to this process through its actions. Council also supports working together in partnership with all sections of our community to ensure the principles of equity and access and human rights are provided for all members of the Aboriginal community through the provision of culturally appropriate services and programs.



As a local government authority, Port Macquarie-Hastings Council commits itself to:

- Ensuring local Aboriginal people's involvement in events and celebrations of significance that respect the dignity and protocols of the local Aboriginal community.
- The ongoing development of strategies to improve the level of participation of local Aboriginal people in local Government decision-making processes.
- Ensuring all staff are exposed to relevant education and cultural awareness programs to assist in their knowledge, understanding and appreciation of Aboriginal cultural heritage and the needs of the Aboriginal community.
- Ensuring that an Aboriginal Employment Strategy is implemented, enhancing the prospects for Aboriginal people to be employed within the Council.
- Annually celebrating Reconciliation Week, NAIDOC Week and other events deemed appropriate by the Aboriginal community.
- Facilitating either a 'Welcome to Country' or performing an 'Acknowledgement of Country', as appropriate, at the commencement of formal Council meetings, public Council forums and Council run civic functions.
- Flying the Aboriginal flag in front of Council's administrative buildings, in Council chambers and other formal venues when the Australian & Council flags are displayed.

In making this Statement of Commitment and Reconciliation, Council acknowledges that the Aboriginal culture continues to strengthen and enrich our community and that people who are drawn from many different lands who share the values of tolerance and respect of one another now occupy the area. As a leader of the community, Council pledges itself to stop injustice and overcome disadvantage within its area of jurisdiction in an effort to bring about a local government area which is recognised for its valuing of the community and its history and in the provision of justice and equity for all.



Garry Payne
ADMINISTRATOR



Andrew Roach
GENERAL MANAGER



**PORT MACQUARIE
HASTINGS**



INTRODUCTION

6

Why a Reconciliation Action Plan?

Port Macquarie-Hastings Council's Vision is to pursue a sustainable high quality of life for all and through its mission it strives to provide leadership and meet the community's needs in an equitable and inclusive way that enhances the area's environmental, social and economic qualities.

Port Macquarie-Hastings is physically located predominantly in the traditional lands of the Birpai people (see Map 1 – Traditional Lands around and in Port Macquarie-Hastings LGA)¹. Unfortunately the Birpai, Dunghutti and other Aboriginal and Torres Strait Islander peoples who are part of the Council's constituency do not enjoy a comparative high quality of life as that enjoyed by other citizens. This is directly attributable to dispossession through colonisation and subsequent government policies that included the denial of access to education, social welfare and appropriate remuneration for services, as well as the forced removal of children.



In accordance with its mission Port Macquarie-Hastings Council (PMHC) has assumed leadership in embracing reconciliation as a process to help address these needs through the acknowledgement of the Birpai and Dunghutti as the traditional owners and custodians of its lands and waters and acknowledgement of their inherent rights as First Nations Peoples. This acknowledgement recognises that reconciliation can be achieved through mutual respect for the land and its history.

The Council's Aboriginal Reconciliation Action Plan 2008-2012 outlines some initiatives

aimed at ensuring equitable access and outcomes for Aboriginal and Torres Strait Islander citizens of the Port Macquarie-Hastings. It will ensure Aboriginal inclusivity in all processes and in so doing will enhance the area's environmental, social and economic qualities.

Having a plan is consistent with the Australian Local Government & Shires Association Statement of Reconciliation, and with Council's Social Plan (2005-2010).

Definitions

The term 'Aboriginal' in this document refers to all Aboriginal and Torres Strait Islander people.² 'Indigenous Australians' is also a term used in government documents, political forums and in the media and refers to Aboriginal and Torres Strait Islander people. As a result of collaboration between Council and Aboriginal people on Council's Community Participation Policy, Council was asked to use the term Aboriginal rather than Indigenous when addressing Aboriginal people.

The Port Macquarie-Hastings Council area has four Aboriginal representative bodies under the Land Rights Act 1983, the Birpai Local Aboriginal Land Council, Bunyah Local Aboriginal Land Council, Kempsey Local Aboriginal Land Council and Taree/Purfleet Local Aboriginal Land Council.



FACTS AND FIGURES

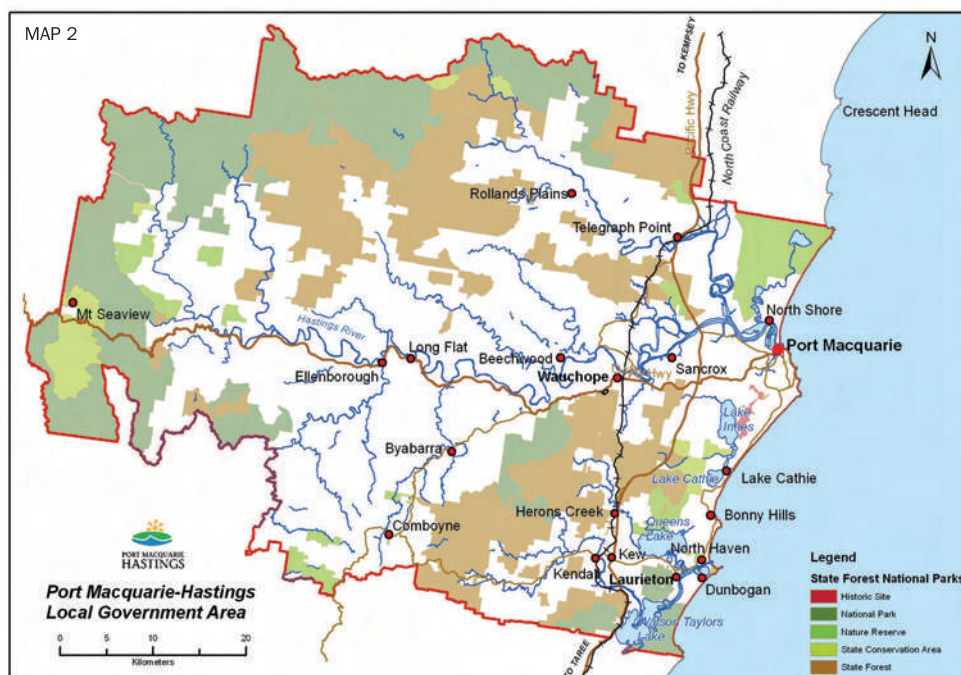
Geography – Port Macquarie-Hastings Council Area

7

Port Macquarie-Hastings Council acknowledges the Birpai Nation as the traditional owners of the lands within its local government boundaries and is aware that local government boundaries do not attempt to define traditional boundaries. The watersheds of the Manning River in the South, the Maria River in the North and the Apsley River in the west create the natural boundaries of the Birpai nation. Council also acknowledges the Dunghutti as the traditional owners of land within the northern part of the local government boundary.

The Port Macquarie-Hastings local government area (PMH LGA) covers 3,687 square kilometres and is part of the Mid North Coast of New South Wales, about 420 kilometres north of Sydney and 510 kilometres south of Brisbane. A large proportion of PMH LGA is State Forest and National Park³, including beaches, waterways, coastal wetlands, flood plains and rugged mountain ranges. The area enjoys a warm sub-tropical climate. The richly diverse landscapes of the region provided spiritual and physical resources such as food, shelter and other necessities of daily life, which allowed the community and culture to thrive in harmony with the environment, for many thousands of years, prior to the arrival of Europeans.

The Pacific Ocean in the east, with a coastline of some 84 kilometres and the Great Dividing Range in the west, provide the natural boundaries to the local government area. The northern boundary is shared with the Kempsey Shire and runs from Point Plomer on the coast across in a westerly direction to the Great Divide. The southern boundary is shared with the City of Greater Taree and commences at Diamond Head on the coast and again runs generally westward to the Great Divide. The western boundary is shared with the Walcha Shire (see Map 2 – Port Macquarie-Hastings Local Government Area). The area has two main river systems, which are the Hastings and Camden Haven rivers.



¹ Adapted from Tindale, 1996, AIATSIS.

² The inclusion of Torres Strait Islander people under this definition is not meant to offend.

³ NATIONAL PARKS – Bago Bluff, Biriwal Bulga, Cottan-Bimbang, Crowdy Bay, Dooragan, Kumbatine, Middle Brother and Werrikimbe, North Brother Mountain, Queens Lake, Lake Innes, the Hastings River, Boorganna Nature Reserve, Kooloonbung Creek Nature Park, Sea Acres Nature Reserve.



FACTS AND FIGURES

8

The PMH LGA area is served by the Pacific Highway and the Oxley Highway and has three main townships with many small villages and localities. The largest town is Port Macquarie, which serves as both a major tourist destination and regional centre. Camden Haven is growing rapidly and is the next most populated area, including the towns of Dunbogan, Kendall, Kew, Laurieton, North Haven and West Haven. The other major township is Wauchope, which serves as the regional inland centre, particularly for rural communities and associated agricultural industries.

Demography

This chapter provides some statistical information about both the Aboriginal and non-Aboriginal population of the Port Macquarie-Hastings Local Government Area (PMH LGA).

Census returns from 2006 indicated that there were 1767 Aboriginal & Torres Strait Islander people in the PMH LGA. 1671 people identified as Aboriginal, 68 Torres Strait Islanders and 28 persons identified as of both Aboriginal and Torres Strait Islander heritage. In all there were 68,483 persons in the PMH LGA. Therefore the Aboriginal and Torres Strait Islander (ATSI) population makes up approximately 2.6% of the total population. It is suggested the percentage could be higher due to the fact that not all Aboriginal people fill out population census forms.

Aboriginal people live across the whole of the local government area. Proportions ranged from 0.9% in Lighthouse Beach/Greenmeadows to 4.5% in Wauchope area. The five suburbs with the highest concentrations were:

- Wauchope (4.5%)
- Port Macquarie remainder/Innes Peninsula (3.4%)
- Westport (2.2%)
- Flynn's Beach (2.1%)
- Rural North (2.1%)

Socio-economic indicators

The following is a summary of some of the main socio-economic indicators from the 2006 Australian Bureau of Statistics Census of Population and Housing. It is well documented that for a variety of reasons Census data doesn't offer a total picture, particularly regarding Aboriginal people, however the data should be accepted as providing a reasonable overview. It is most likely that the numbers are understated and this appears to be backed up by anecdotal evidence from the community.

Age profile

The age profile of the Aboriginal & Torres Strait Islander population compared to the non-Aboriginal Torres Strait Islander population is:



TABLE 1. COMPARISON OF ABORIGINAL & TORRES STRAIT ISLANDER & NON-ATSI POPULATION IN LGA

AGE GROUP	NUMBER OF ATSI AND PERCENTAGE (%) OF TOTAL ATSI POPULATION	NUMBER & PERCENTAGE (%) OF NON-ATSI OR INDIGNITY NOT STATED
0–4 years	234 (13.24%)	3,487 (5.23%)
5–14 years	515 (29.14%)	8,465 (12.69%)
15–24 years	340 (19.24%)	6,636 (9.95%)
25–44 years	372 (21.05%)	13,909 (20.86%)
45–64 years	244 (13.80%)	18,753 (28.13%)
65 & older	62 (3.50%)	15,589 (23.38%)

TABLE 2. DIRECT COMPARISONS OF KEY INDICATORS WITH THE NON-ABORIGINAL POPULATION

INDICATOR	ABORIGINAL & TSI	NON - ATSI
Median age of persons/household	17	45
Median individual income/week	280	363
Median household income/week	664	679
Median housing loan repayment/month	1213	1278
Median rental payment/week	180	190
Average number of persons/bedroom	1.2	1.1
Average number of persons/household	3.1	2.3
Number & percentage of households without internet connection	402 (50.82%)	11235 (42.72%)
Number & percentage of 0–4 year olds attending pre-school	51 (21.7%)	1117 (35.63%)



FACTS AND FIGURES

10

TABLE 3. HOUSING TENURE TYPE BY NUMBER AND PERCENTAGE (%)

MEANS OF TENURE	ABORIGINAL & TSI	NON - ATSI
Fully-owned house or other dwelling	109 (13.78%)	11514 (43.78%)
Being purchased	180 (22.75%)	6933 (26.36%)
Rental	469 (59.29%)	6476 (24.62%)
Tenure not stated	24	770

Educational Attainment

The following are the primary and secondary school attainment levels of the Aboriginal & Torres Strait Islander population:

TABLE 4. LEVEL OF EDUCATIONAL ATTAINMENT

LEVEL OF ATTAINMENT	NUMBER OF ABORIGINAL & TSI PERSONS
YEAR 12 (or equivalent)	191
YEAR 11 (or equivalent)	100
YEAR 10 (or equivalent)	359
YEAR 9 (or equivalent)	170
YEAR 8 OR BELOW	106
DID NOT GO TO SCHOOL	10

Post Schooling Educational Attainment

Of the 956 Aboriginal and Torres Strait Islander persons aged from 15 to 64 years, 90 (9.41%) indicated that they had educational qualifications of diploma level or higher. Of the non-Aboriginal persons in this age group 18.83% (7,109 of 37,750) or proportionally twice as many have attained this level of education. Given that this age grouping is directly related to the workforce participation age it provides a good indicator as to relative employment levels and levels of income.



TABLE 5. TYPE OF EDUCATIONAL INSTITUTION ATTENDED

INSTITUTION	DENOMINATION	NUMBER ATTENDING
PRESCHOOL		51
INFANTS/PRIMARY	Government	263
	Catholic	58
	Other (non-government)	11
SECONDARY	Government	159
	Catholic	40
	Other (non-government)	12
TAFE		34 (Full-time)
		40 (Part-time)
UNIVERSITY (or other Tertiary)		15 (Full-time)
		10 (Part-time)

Employment

TABLE 6. NUMBER OF ABORIGINAL & TORRES STRAIT ISLANDER PERSONS ATTENDING EMPLOYMENT BY SECTOR

SECTOR OF EMPLOYMENT	NUMBER & PERCENTAGE (%) EMPLOYED	
	ABORIGINAL & TSI	NON - ATSI
UNEMPLOYED	(21.0%)	(8.2%)
GOVERNMENT SECTOR	75 (18.33%)	3227 (13.17%)
PRIVATE SECTOR	319 (78%)	20975 (85.60%)
SELF-EMPLOYED	21 (5.13%)	2538 (10.35%)



SUMMARY

12

The Aboriginal and Torres Strait islander population of the Port Macquarie-Hastings LGA makes up approximately 2.6% of the total population. Its median age is 17 years compared to the 45 years of the non-Aboriginal population with 42.38% being 14 years and under, compared to 17.92% non-Aboriginal. Conversely only 3.50% are 65 years and older compared to 23.38% of the non-Aboriginal population.

While the unemployment rate of the non-Aboriginal population is 8.2% the Aboriginal and Torres Strait Islander rate is two and a half times greater at 21%.

The median Aboriginal individual income at \$280/week is approximately 77% of that of the non-Aboriginal residents. Additionally home ownership, made up of those who own their home or are in the process of purchasing, is limited to only 36.53% of the Aboriginal and Torres Strait islander population compared to 70.14% non-Aboriginal. Attached to this are the additional disadvantages regarding access to credit that may overcome short-term cash flow problems and also the insecurity of tenure through renting. The average number of persons per household and per bedroom is also greater for the Aboriginal population although this may be expected given the population age structures.

Compared to the non-Aboriginal population the disadvantage in formal education for Aboriginal & Torres Strait Islander children commences at an early age with only one in five attending pre-school compared to one in three non-Aboriginal children. A further educational point of note is that 20.78% of Aboriginal and Torres Strait Islander Infants/Primary School enrolments are in non-Government schools along with 24.64% of Secondary School enrolments. The educational attainment of Aboriginal and Torres Strait Islander persons at Diploma level or higher, is at half the rate of attainment of non-Aboriginal persons, reflecting the ongoing disadvantage facing Aboriginal persons that commences with the pre-school experiences. Another emerging consideration in the area of education is the high proportion of Aboriginal and Torres Strait Islander homes that do not have internet access; given the recent federal government initiative to provide every primary/secondary school student with a lap-top computer to enhance their educational outcomes.

Aboriginal people are part of the mainstream community of the Port Macquarie-Hastings Council area, both as residents and ratepayers. It is important that the Port Macquarie-Hastings Council ensures that:

- Council engages with the Aboriginal communities to find out about their needs and aspirations.
- Council services are adequate and equitable in meeting the needs of Aboriginal people and their communities.
- Services are developed in a way that is culturally appropriate, develops the potential of Aboriginal people and promotes a partnership approach with local Aboriginal communities.
- While appropriate service design and equitable service delivery is important, accessibility to services is critical to Aboriginal people. Accessibility is not just about location and design for Aboriginal people; it is about the development of an environment that positively promotes services to Aboriginal people.





STRATEGY 1

Port Macquarie-Hastings Council will recognise, celebrate and maintain the “sense of place” of traditional Birpai land.

A significant element of Aboriginal disadvantage is the loss of a sense of place (Country) and spiritual connectedness (cultural identity). In many situations there is a need, before anything else, to acknowledge and accept the Aboriginal concept of ‘Country’ and the continuing spiritual connection of Aboriginal people to it. ‘Country’ is a term used to describe both the land and waters, including the sea, to which Aboriginal people have a cultural connection.⁴

The NSW Government acknowledges Aboriginal connection to land, and its cultural significance and role in the spiritual, cultural and economic wellbeing of Aboriginal people in NSW. This is reflected in the Aboriginal Land Rights Act 1983.⁵

Port Macquarie-Hastings Council, through Strategy 1, commits to acknowledging and promoting the importance of Country and Cultural Identity, thus supporting Aboriginal people locally to protect, practice and promote their culture.

⁴ Dept of Environment & Climate Change NSW 2009, *Healthy Country Healthy Communities - Towards an Aboriginal land management framework for NSW*. (page 4)

⁵ Dept of Environment & Climate Change NSW 2009, *Healthy Country Healthy Communities - Towards an Aboriginal land management framework for NSW*. (page 1)



STRATEGY 1

14

ACTION	TIMEFRAME	PERFORMANCE INDICATORS	RESOURCES/ FINANCE IMPACT	OUTCOMES
1.1 Port Macquarie-Hastings Council (PMHC) will participate in and support the commemoration of Sorry Day, Reconciliation Week, NAIDOC Week and other cultural activities in conjunction with the local Aboriginal communities.	Annually	PI 1.1.1.1 Council adopts the Reconciliation Action Plan. PI 1.1.1.2 Council staff take a leadership role in the reconciliation process. PI 1.1.1.3 Community initiatives established and ongoing. PI 1.1.1.4 Positive media reporting of activities.	Funds committed in the budget for all activities. Aboriginal Cultural and Community Development Officer's (ACCDO) CCD team. Other related administrative and promotional resources.	Heightened community awareness of significance of Sorry Day and Reconciliation Week. Demonstrated commitment by Council to leadership in Reconciliation process. Improved relationship between Aboriginal and non-Aboriginal communities.
1.2 Council will integrate Aboriginal art projects within the construction and reconstruction of suitable facilities and resources including community centres, pathways etc across the Hastings.	Annually	PI 1.2.1 The number of new public Aboriginal Art Sites. PI 1.2.2 The number of Aboriginal artists commissioned. PI 1.2.3 Comments from community via consumer satisfaction surveys.	Funds for commissioning of Aboriginal artworks to be incorporated into project funding.	Aboriginal art is integrated into suitable facilities, thereby enhancing and promoting Aboriginal culture. Increased employment of Aboriginal artists. Enhanced community awareness of Aboriginal culture.
1.3 Council will invite the participation of the Aboriginal community in the planning and running of events in order to integrate Aboriginal culture with the broader culture across the community.	Annually	PI 1.3.1 Number of projects with Aboriginal people involved. PI 1.3.2 Positive responses through client satisfaction type surveys.	As required in accordance with project funding.	Enhanced community awareness of value of Aboriginal culture. Enhanced community awareness of the diversity of Australian culture.
1.4 Council, in collaboration with Birpai Traditional Owners and neighbouring Aboriginal Traditional Owners design and commission "Welcome to Country" signage at all major gateways into its boundary in accordance with legislative and policy requirements.	End 2008/09.	PI 1.4.1 Signposting designed and installed.	As required.	Enhanced community awareness of Aboriginal cultural heritage.
1.5 Council will ensure that its Aboriginal Cultural Heritage Study is developed and maintained in an up to date and informed way.	Annually	PI 1.5.1 Annual reporting of study progress.	As required to complete the study.	Comprehensive database of Aboriginal sites of significance.



ACTION	TIMEFRAME	PERFORMANCE INDICATORS	RESOURCES/ FINANCE IMPACT	OUTCOMES
1.6 Appropriate measures for the identification of sites of Aboriginal significance will be applied as part of the strategic land planning process when preparing environmental studies for the purpose of land rezoning local environmental plan making.	Annually.	PI 1.6.1 Annual reporting against strategic land planning process.	As required for identification and recording of sites.	Aboriginal sites of significance are considered as part of the strategic land planning process.
1.7 All planning applications include consideration of the issues identified in the Study, in accordance with appropriate legislation.	Annually	PI 1.7.1 Annual reporting against Development Applications. PI 1.7.2 Number of sites of significance recorded.	As required for identification and recording of sites.	All planning decisions and approvals of Development Applications consider Aboriginal heritage issues where appropriate. Additional Aboriginal sites and culturally significant areas are identified as appropriate and included in Council's Aboriginal Cultural Heritage Study.
1.8 Council will establish a formal process for dealing with developments that contain Aboriginal sites of significance-Aboriginal Cultural Heritage Protocols.	2008/09	PI 1.8.1 Aboriginal Cultural Heritage Protocols adopted.	As set out in process.	Aboriginal and non-Aboriginal interests will be adequately addressed in working towards sustainable development.
1.9 Council will ensure that construction works are undertaken with awareness of sensitive Aboriginal cultural sites. Appropriate consultation in accordance with Aboriginal Cultural Heritage Protocols will occur with the Aboriginal community regarding all major construction site development.	Annually	PI 1.9.1 Number of projects where effective consultation is achieved.	Time within construction programs for adequate consultation. Appropriate consultation fees.	All construction projects requiring Council approval will proceed in a culturally sensitive manner.
1.10 Council will ensure maps of appropriate identified sites are kept up to date and made available to developers and adequate consultation will continue with the Aboriginal community in relation to the ongoing identification and protection of sites.	Annually	PI 1.10.1 Number of recorded sites.	Staff time for mapping identified sites.	All sites will be identified and mapped in an accurate manner providing useful information to developers and the community.



STRATEGY 1

16

ACTION	TIMEFRAME	PERFORMANCE INDICATORS	RESOURCES/ FINANCE IMPACT	OUTCOMES
1.11 Council will encourage the use of Aboriginal people or Aboriginal stories in children's story telling times conducted at the Libraries.	Annually	PI 1.11.1 Number and frequency of Aboriginal persons involved in story telling & Aboriginal story telling occasions.	No additional resources.	Aboriginal culture and history will be provided to children attending Libraries and participating in Children's story telling times.
1.12 Library services to acquire books/resources relevant to the Aboriginal community and prepare associated booklists.	Annually	PI 1.12.1 Number of Aboriginal resources added. PI 1.12.2 Compilation and distribution of Aboriginal resource list.	Prioritisation of proportion of budget.	Collection of Aboriginal resources is enhanced and developed. Aboriginal resource lists will be available to the community.
1.13 Council will engage in the ongoing development of relevant history resources in relation to the Aboriginal Heritage of the area with the informed consent of the Aboriginal community.	Annually	PI 1.13.1 Number of projects engaging Aboriginal community.	Funds for purchase or development of appropriate resources on a project by project basis.	Libraries Local History Sections have a substantial collection of resources available to the public on Aboriginal History of the area.
1.14 Council library Services provide Aboriginal cultural exhibitions and displays in conjunction with the local Aboriginal community.	Annually	1.14.1 Number of displays per year and interest from the community.	Funds as required for resources.	Increased community awareness of Aboriginal culture.
1.15 Council will develop Aboriginal interpretative signage and information bays as appropriate across the Port Macquarie-Hastings.	Annually	PI 1.15.1 Number of sites identified and information installed.	As required per project	Increased integration of Aboriginal culture within PMHC Parks and Gardens.
1.16 Council will adopt Aboriginal Research protocols that recognise the rights of Aboriginal people regarding their cultural heritage.	2008/09	PI 1.16.1 Annual reporting against Aboriginal Research Protocols.	ACCDO time to develop document.	Enhanced cultural sharing as appropriation of Aboriginal knowledge is restricted.
1.17 Council will support the Aboriginal lobby for the adoption by the Australian Government of the United Nations Declaration of the Rights of World Indigenous Peoples.	Annually	PI 1.17.1 Number of approaches to Federal Government annually.	ACCDO to coordinate actions. Staff time.	Enhanced positive relationships between Indigenous and Non- Indigenous communities.





STRATEGY 2

Port Macquarie Hastings Council will address actual and perceived barriers to Aboriginal and Torres Strait Islander people accessing health, housing, education/training and employment opportunities in the Port Macquarie-Hastings Local Government Area.

Across the three tiers of Government there has been much data collection to measure social and economic outcomes for Aboriginal people. What the data demonstrates is the ongoing disadvantage experienced by many Aboriginal people, arising from historical, social and economic causes. Many indicators show little or no improvement in some socio-economic outcomes for Aboriginal people. Aboriginal people continue to suffer relative disadvantage in health, educational and employment outcomes.

Strategy 2 is Port Macquarie-Hastings Council's commitment, within the limits of its role, to work together with Aboriginal people and organisations to achieve a community culture of inclusiveness, equity in access to services and engagement with the full range of social, commercial and recreational opportunities available in the local government area. Council also recognises that staff attitudes and behaviour impact on the quality of service delivery and therefore commits to cultural awareness training for staff.



STRATEGY 2

18

ACTION	TIMEFRAME	PERFORMANCE INDICATORS	RESOURCES/ FINANCE IMPACT	OUTCOMES
2.1 All staff will undertake appropriate Aboriginal cultural awareness training ranging from introductory for new staff and more intensive training for front line staff and other identified staff.	Bi-monthly	PI 2.1.1 Number of staff attending training programmes. PI 2.1.2 Increase in the number of staff exhibiting positive attitudes. Measured via staff surveys.	Staff time to attend. ACCDO time to facilitate training. Engagement of external providers to deliver training HR staff time. Staff time to participate in training. External members of the Aboriginal community including Elders to assist in the delivery of the training.	All staff will be aware of council's position in relation to reconciliation and access and equity for the Aboriginal community to Council services. All new staff will gain Aboriginal cultural awareness understanding. All front counter and front line staff will be given more detailed information and training in relation to their understanding of Aboriginal culture and the issues faced by the Aboriginal community in accessing Council services. The Aboriginal community will be able to access services more readily due to the high degree of knowledge and skill by the Council staff.
2.2 The Aboriginal Cultural & Community Development Officer will work with each Division to identify and train specific staff requiring additional Aboriginal cultural awareness training.	Annually	PI 2.2.1 Number of staff attending training programmes. PI 2.2.2 Increase in the number of staff exhibiting positive attitudes. Measured via staff surveys.	Aboriginal Cultural & Community Development Officer's time to work with staff and the Aboriginal community. Individual staff members and teams' time to participate and develop skills in this area. HR staff time.	Staff will be more suitably trained to effectively work with Aboriginal persons.
2.3 Develop and implement an Aboriginal Employment Policy / Action Plan	Policy developed Dec. 2008 Implementation commences by Jan. 2009. Annual reporting against Policy.	PI 2.3.1 Aboriginal Employment Policy developed and implemented. PI 2.3.2 As a minimum the number of Aboriginal employees reflects the proportion of Aboriginal people in the Region.	ACCDO time in conjunction with HR staff.	Improved access & participation rates for Aboriginal people. Culturally richer workforce. Enhancement of reconciliation process.



ACTION	TIMEFRAME	PERFORMANCE INDICATORS	RESOURCES/ FINANCE IMPACT	OUTCOMES
2.4 Council will ensure that information about its services is provided in a culturally appropriate manner.	Annually	PI 2.4.1 Positive responses in consumer satisfaction surveys.	Staff resources to provide specific information in a culturally appropriate manner to the Aboriginal groups identified.	Aboriginal community will be better informed in relation to council services and processes leading to an increase in their participation rates.
2.5 Council will work with Aboriginal Medical Service/Partnership for Aboriginal Care and other relevant bodies to develop initiatives aimed at addressing Aboriginal Health needs.	Report annually	PI 2.5.1 Number of programs developed and implemented PI 2.5.2 Increase in the number of people accessing health facilities.	ACCDO time CCD Team	Appropriate programs developed leading to improved health and well-being. Longer life expectancy commensurate with the non-Aboriginal population.
2.6 Council will work with Aboriginal Education Consultative group (AECG) and service providers to support initiatives aimed at increasing Aboriginal Student access, retention and outcomes at all levels of education.	Report annually	PI 2.6.1 Increased access and participation rates at Early Childhood level. PI 2.6.2 Increased achievement outcomes at all levels of education. PI 2.6.3 Increased access and participation rates in post education and training.	ACCDO time Economic Development CCD Team	Increased number of students participating in education at all levels and achieving outcomes commensurate with the non- Aboriginal population.





STRATEGY 3

Port Macquarie Hastings Council will actively engage the Aboriginal and Torres Strait Islander communities on issues affecting them through addressing barriers limiting engagement.

An essential part of the process of reconciliation is about developing and promoting positive respectful relationships between people. Relationships are strengthened through listening to and learning from each other.

Port Macquarie Hastings Council, through Strategy 3, commits to focusing on opportunities for Aboriginal people to be engaged in civic life in the Port Macquarie-Hastings. By establishing the Aboriginal Advisory Committee, Council can ensure Aboriginal people have an active voice about decisions that impact on the Aboriginal community, country and culture. By encouraging participation and partnerships, both Council and the community can begin to address disadvantage by focusing on equity of opportunity and choice for Aboriginal people, in the local government area.



ACTION	TIMEFRAME	PERFORMANCE INDICATORS	RESOURCES/ FINANCE IMPACT	OUTCOMES
3.1 Council will develop a process/protocol for engaging effectively with Aboriginal people that will link with Council's Community Participation Framework.	Protocol developed by June 2008. Train staff -annually.	PI 3.1.1 Consultation Protocol developed and adopted. PI 3.1.2 Positive responses in consumer satisfaction surveys.	Staff time to develop, promote and negotiate with the Aboriginal community. \$12,000 committed from CGP.	All Council staff follow the adopted protocols. The Aboriginal community are appropriately consulted on all issues that affect them.
3.2 Council will seek ways in which it can actively demonstrate the commitments made in the Australian Local Government & Shires Association Statement of Commitment – see Appendix 2.	Annually.	PI 3.2.1 Number of initiatives reported.	As required for specific projects and actions identified.	The Statement of Reconciliation is adopted and implemented.
3.3 Council in collaboration with the Aboriginal community will identify an appropriate site for a Reconciliation Park and appropriate planning will be undertaken by relevant Divisions to enable establishment of the Park.	Site identified 2009/2010. Site opened 2010/2011.	PI 3.3.1 Reconciliation Park established and promoted.	Site. Funds for development of site. Staff time for collaboration and project management.	A Reconciliation Park is established in partnership with the Aboriginal community. The Reconciliation Park is an educational resource for the whole community for reconciliation activities.
3.4 Council will continue to assist Aboriginal organisations to enhance Aboriginal participation in the community.	Annually.	PI 3.4.1 Quality of support measured by customer service surveys.	Nil required.	Continued development and dissemination of information in relation to available services for the Aboriginal community.
3.5 Council will work in partnership with the Aboriginal community to develop specific projects.	Annually.	PI 3.5.1 The number of partnership agreements brokered achieving positive projects.	As required for identified projects.	The Aboriginal community and Council will be partners in projects in the LGA.
3.6 Council will consult with the Aboriginal community for specific projects such as development of sport & recreation facilities, skate parks, stadiums.	Annually.	PI 3.6.1 Number of projects that include an Aboriginal cultural dimension.	As required for appropriate consultation.	Development of recreational facilities undertaken with input from Aboriginal community.



STRATEGY 3

22

ACTION	TIMEFRAME	PERFORMANCE INDICATORS	RESOURCES/ FINANCE IMPACT	OUTCOMES
3.7 Council will continue to participate and work with Traditional owners, Local Aboriginal Land Councils, Bearlay Aboriginal Interagency and other relevant bodies to address Aboriginal community needs.	Monthly/ regular basis.	PI 3.7.1 Number of projects developed with the Aboriginal community involved in the decision-making.	ACCDO and other staff as required.	Aboriginal service providers are regularly updated and provide input to Council's officers in relation to specific issues.
3.8 Council will continue to investigate and develop specific policies and procedures in relation to their services, programs, activities / projects and Aboriginal community.	Annually.	PI 3.8.1 Inventory of policies and procedures reflecting Aboriginal involvement in the decision making process. PI 3.8.2 Number of actions across council that demonstrate its commitment to reconciliation and the equitable provision of services to the Aboriginal community.	As required.	Council involves the Aboriginal community in developing all policies and procedures.
3.9 Council will establish an Aboriginal Advisory Sub-Committee with representatives from key Aboriginal organisations as well as the wider Aboriginal community, to provide appropriate advice and guidance.	June 2009.	PI 3.9.1 Committee functions as per negotiated Terms of Reference.	Committee resourcing.	Aboriginal community has an equitable voice in council and council has enhanced engagement with the Aboriginal community





Monitoring and Review

The first priority for Council is to establish an Aboriginal Advisory Sub-Committee with representatives from key Aboriginal organisations, elders and representatives from the wider Aboriginal community. The purpose of the Aboriginal Advisory Sub-Committee is to foster and progress reconciliation by overseeing the implementation and monitoring of the Aboriginal Reconciliation Action Plan. The sub-committee also provides appropriate assistance, advice and guidance on a range of matters. To facilitate accountability, Council will collect and collate regular reports on progress and achievements against the identified performance indicators. These reports will inform Council and the sub-committee on progress. Additionally, the committee are engaged annually in reviewing progress and collaborating⁶ on setting priorities for the following year.

Evaluation

For the plan to be evaluated against outcomes, it is important during the first year of implementation to ensure data is collected against key outcomes chosen from the Action Plan, to form a baseline against which progress can be measured.

⁶ Port Macquarie-Hastings Council, *Community Participation Framework & Walking the Talk*.



Declaration on the Rights of Indigenous Peoples

The General Assembly, guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter. Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such. Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind. Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust.

Reaffirming that indigenous people in the exercise of their rights, should be free from discrimination of any kind.

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests.

Recognising the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic, and social structures and from their cultures, spiritual; traditions, histories

and philosophies, especially their rights to their lands, territories and resources.

Recognising also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States.

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social; and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur.

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs.

Recognising that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic, and social progress and development, understanding and friendly relations among nations and peoples of the world.

Recognising in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well being of their children, consistent with the rights of the child.



Considering that the rights affirmed in treaties, agreements and other constructive arrangements, between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character.

Considering also that treaties, agreements and other constructive arrangements and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States.

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as the Vienna Declarations and Programme of Actions, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law.

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith.

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned.

Emphasising that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples.

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field.

Recognising and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well being and integral development as peoples.

Recognising also that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration.

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect.



APPENDIX 1

26

Article 1

Indigenous peoples have the right to full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social, and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

- 1). Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person
- 2). Indigenous peoples have the collective right to live in freedom, peace and security

as distinct peoples shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

- 1). Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- 2). States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them any integrity as distinct peoples, or of the cultural values or ethnic identities;
 - (b) Any action which has the aim or effort of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

- 1). Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the



right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts & literature.

2). States shall provide redress through effective mechanisms, which may include, restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1). Indigenous peoples have the right to manifest, practise, develop, and teach their spiritual and religious traditions, customs, and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2). States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1). Indigenous peoples have the right to revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2). States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1). Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2). Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3). States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education on their own culture and provided in their own language.

Article 15

1). Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2). States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned to, combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1). Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2). States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.



APPENDIX 1

28

Article 17

- 1). Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international domestic labour law.
- 2). States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
- 3). Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

- 1). Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- 2). Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

- 1). Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- 2). States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

- 1). Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- 2). States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous people have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

- 1). Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- 2). Indigenous individuals have an equal



right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous people have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

- 1). Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- 2). Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional; occupation or use, as well as those which they have otherwise acquired.
- 3). States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

- 1). Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied used or damaged without their free, prior and informed consent.
- 2). Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

- 1). Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.
- 2). States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
- 3). States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

- 1). Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
- 2). States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative



APPENDIX 1

30

institutions, prior to using their lands or territories for military activities.

Article 31

1). Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2). In conjunction with indigenous peoples, States shall take effective measures to recognise and protect the exercise of these rights.

Article 32

1). Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2). States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3). States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1). Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous

individuals to obtain citizenship of the States in which they live.

2). Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1). Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2). States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1). Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2). Nothing in this declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements



Article 38

States in consultation and cooperation with indigenous peoples shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other inter-governmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

- 1). Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
- 2). In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
- 3). The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.



APPENDIX 2

32

THE LOCAL GOVERNMENT ASSOCIATION

Statement of Commitment

Local Government acknowledges and recognises:

- Aboriginal and Torres Strait Islander peoples as the first peoples of Australia.
- the loss and grief held by Aboriginal peoples and Torres Strait Islanders caused by alienation from traditional lands, loss of lives and freedom, and the forced removal of children.
- the customs & traditions of Indigenous Australians and their spiritual relationship with the land.
- the right of Indigenous Australians to live according to their own beliefs, values and customs, and the vital importance of Aboriginal and Torres Strait Islander people's contribution to strengthening and enriching the heritage of all Australians.
- the need for a partnership approach with Aboriginal and Torres Strait Islander peoples as part of addressing the needs of whole communities throughout Australia.

Local Government supports:

- the vision as expressed by the Council for Aboriginal Reconciliation of a "united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage and provide justice and equity for us all".
- Indigenous and non-indigenous Australians working together for a national agreement or other instrument of reconciliation.
- the need to improve non-Indigenous understanding of Aboriginal and Torres Strait Islander issues and find new ways to work together in partnership to ensure the principles of equity and access for all members of the Indigenous community to culturally appropriate services and programs.

Local Government commits to:

- developing and promoting, as appropriate, Indigenous involvement in events and celebrations of significance which respect the dignity and protocols of the local indigenous community.
- taking effective action on issues of social and economic concern as identified in the National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal and Torres Strait Islander where they live within the sphere of interest and responsibility of local government.
- participating in education processes which enhance the increased acknowledge, understanding and appreciation of Aboriginal and Torres Strait Islander culture and heritage and the needs of Indigenous communities.
- developing strategies that improve the level of participation of Aboriginal and Torres Strait Islander people in local government at all levels.

Adopted by the Australian Local Government Association Executive Members on 24/02/2000.





NOTES:

[illegible]



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Council acknowledges and pays respect to the Birpai Elders both past and present and extends that respect to all other Aboriginal and Torres Strait Islander people who reside in the Port Macquarie-Hastings local government area.

TEXT

The content of the document is the collaborative effort of a number of staff from the Community and Cultural Development section of Council, members of the Aboriginal community and the Human Resources section of Council.

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The Rainbow Serpent is used with the permission of the artist, Patricia McInherny. Thank you for sharing your artistic creativity.

The Rainbow Serpent story is used with the permission of Rhonda Radley. Thank you for sharing this dreaming story. Layout by Christopher Gander.

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Community & Cultural Development

PORT MACQUARIE-HASTINGS COUNCIL



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