

MEMORANDUM OF UNDERSTANDING

BEWTEEN **CENTRAL WEST CATCHMENT MANAGEMENT
AUTHORITY (“CENTRAL WEST CMA”)**

AND **CENTRAL WEST ABORIGINAL REFERENCE GROUP
 (“CENTRAL WEST ARG”)**

WHEREAS:

- A. The lands and waters identified in the map attached at “A” are the traditional lands of the Wiradjuri, Gamilaroi, Weilwan, Wongaibon, Dharug and Darkinung people.
- B. The State of New South Wales has created the Central West Catchment Management Authority pursuant to the Catchment Management Act 2003.
- C. The statutory function of the Central West CMA, in general terms, is to be the decision making body in respect of natural resource planning and management in respect of the Central West catchment.
- D. The Central West CMA acknowledges that the incorporation of Aboriginal knowledge and technologies into land and water management planning and implementation is desirable and necessary.
- E. The Central West CMA acknowledges that the protection and enhancement of Aboriginal cultural heritage is a matter of particular interest to the traditional owners of the these lands and waters, and a benefit to the whole community.
- F. The Central West CMA and Central West ARG acknowledges the agreement between the Natural Resources Advisory Council and the CMA Chairs Council titled “Principles of Aboriginal Engagement” as an overarching set of principles in which to operate.
- G. The Central West ARG acknowledges the Vision and Mission of the Central West CMA.
- H. The Central West CMA has sought the participation of the traditional owners of the Central West in the development of plans and strategies for fulfilment of its functions in as much as they relate to Aboriginal people.

- I. The Central West CMA has, in consultation with the Aboriginal communities resident in the Central West catchment, created an Aboriginal Reference Group, with membership drawn from the Aboriginal people broadly representative of the traditional owners of the Central West.
- J. The Central West CMA and Central West ARG is committed to encouraging and planning the inclusion of young Aboriginal people into the Central West ARG.
- K. Although the individual members of the Central West ARG may be authorised to speak for their own Country, including the lands and waters within the Central West Catchment, they do not speak for the whole of the Central West Catchment. But they are able to give advice and guidance as to consultative mechanisms and planning proposals for the Central West Catchment.
- L. The Central West CMA and the Central West ARG wish to have a clear agreement as to the roles and functions of each body.

IT IS AGREED:

- 1. The Central West ARG will meet at least once per month during the first 12 months of operation, and thereafter at such frequency as may be agreed between the parties for the purpose of considering requests for advice, comment or recommendations from the Central West CMA.
- 2. As with all groups established by the Central West CMA, the Central West ARG may be discontinued at the discretion of the CMA Board.
- 3. The Central West ARG may make comment or recommendations to the Central West CMA of its own accord on matters relating to natural resource management and Aboriginal cultural heritage.
- 4. At each such meeting the Central West CMA shall provide the following meeting papers to the Central West ARG:
 - i. A statement setting out the budget allocated to Aboriginal projects over a financial year;
 - ii. A statement setting out actual expenditure on Aboriginal projects;
 - iii. A statement setting out the annual budget of the Central West ARG and year to date expenditure against that budget;

- iv. A briefing paper on each item on which advice, comment or recommendation is sought;
 - v. A report on the outcome of advice, comment or recommendations previously given by the Central West ARG, including reasons for rejection or deviation from such advice comment or recommendation.
5. Where the Central West CMA has sought the advice, comment or recommendation of the Central West ARG and such advice, comment or recommendation has not been wholly adopted, the Central West CMA undertakes to provide reasons for the rejection or deviation, from such advice, comment or recommendation.
6. The Central West CMA will meet the reasonable costs and expenses of the members of the Central West ARG in attending meetings, including sitting fees, meals, accommodation and travel. Costs will be backdated to the first meeting of the Central West ARG on 5 March 2005.
7. The Central West CMA will allocate annual operating funds to the Central West ARG. The Central West ARG will develop a detailed budget for expenditure of those funds for approval by the Central West CMA Board. There will be no increase in the approved annual budget from the Central West CMA.
8. All fees and expenses will be paid into the member's bank accounts no later than 24 hours prior to the relevant meeting.
9. In the event that monies are paid to a member of the Central West ARG who then, for any reason, is unable to attend the meeting, the member will be required to repay the money to the Central West CMA prior to the next meeting or have payment for that meeting withheld by the Central West CMA until such time as all monies are repaid.
10. In the event that a member of the Central West ARG is unable to attend, that member may nominate an alternate to attend in their place. The nomination of the alternate must be in writing and delivered to the Chairperson of Central West ARG prior to the commencement of the meeting.
11. In the event that a member of the Central West ARG nominates an alternate and the alternate does not attend the member will remain liable for all monies received in respect of that meeting.

12. The Central West CMA agrees to pay the expenses of the Central West ARG in association with engagement of facilitators and independent advisors where required.
13. In respect of the operations of the Central West ARG, the Central West CMA adopts the "Terms of Reference for the Central West Aboriginal Reference Group" attached at "B".
14. In respect of consultation with the Aboriginal people and communities in the Central West, the Central West CMA adopts the "Central West CMA Aboriginal Engagement Protocol" attached at "C".
15. The Central West CMA agrees to allow the Central West ARG to establish Local Aboriginal Reference Groups within the Central West Catchment and to provide the appropriate financial resources to ARG members to attend those committees.
16. The Central West CMA expressly agrees that all traditional ecological knowledge and cultural and spiritual knowledge remains the property of the Aboriginal knowledge holders. The intellectual property in such knowledge will only be used by in or the course of the operations on the Central West CMA on such license or other terms as may be expressly agreed to by the traditional knowledge holders.
17. The Central West CMA and the Central West ARG acknowledge and agree that none of the activities, agreements, projects, policies or statements of the Central West CMA or the Central West ARG are intended to have any effect on any native title rights that may exist in the Central West area.

Dated this day of 2005

Chairperson
Central West Catchment Management Authority

Chairperson
Central West CMA Aboriginal Reference Group