

Kungun Ngarrindjeri Yunnan Agreement

Listening to Ngarrindjeri People talking
KNYA Taskforce Terms of Reference 2016



Government of South Australia
Department of Environment,
Water and Natural Resources



Ngarrindjeri
Regional Authority



Kungun Ngarrindjeri Yunnan Agreement (KNYA) Taskforce Terms of Reference

1. Background

The State Government of South Australia and Ngarrindjeri Regional Authority (NRA) entered into a *Kungun Ngarrindjeri Yunnan Agreement (KNYA)* in 2009. The KNYA is a consultation and negotiation framework that commits to quarterly meetings between the signatories to the KNYA on natural and Cultural resource matters. A Taskforce of representatives from the State and the NRA was formed to support the implementation of commitments under the KNYA (as per Recital G of the KNYA). The KNYA Taskforce meets on a monthly basis and provides a consultation forum between Ngarrindjeri and the State Government.

The NRA has also entered into a number of other KNYA's with local Councils in their region.

2. Purpose

The purpose of the KNYA Taskforce is to provide a forum for consultation regarding matters under the KNYA and as a point for initiation of matters for negotiation. The KNYA Taskforce provides strategic advice and direction regarding Natural and Cultural Resource Management (NCRM) issues in the Ngarrindjeri and Others Native Title claim area; the lands and waters of the Murray River, Lower Lakes, Coorong and adjacent areas. The Taskforce also provides a forum for collaborative discussion and facilitates work between the Ngarrindjeri and the State on matters relevant to the KNYA.

The KNYA Taskforce creates a space between the Ngarrindjeri Nation and government for the following:

- Regular and clear information exchange
- Proper consideration being given to Ngarrindjeri cultural heritage, native title matters and broader interests
- Coordinating meaningful Ngarrindjeri contribution to planning and implementation, including development of joint initiatives
- Integration of Ngarrindjeri participation within and across Government programs
- Sharing understanding and awareness of perspectives, interests and aspirations
- Coordinate Ngarrindjeri engagement across local and State government to support the goals of the NRA and the sustainability of its programs.

Key matters for negotiation under the KNYA and new arising issues are dealt with in other forums external to the KNYA Taskforce. The Taskforce receives short reports from these other forums as relevant.

3. Stakeholders

The signatories to the KNYA are the key stakeholders to the Agreement and the KNYA Taskforce progress matters relevant to the Agreement on their behalf. The agreement was signed in 2009 on behalf of the South Australian Government by the:



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Hon. Jay Weatherill	Minister for Environment and Conservation (currently Hon. Paul Caica) Minister for Aboriginal Affairs and Reconciliation (currently Hon. Paul Caica)
Hon. Karlene Maywald	Minister for the River Murray (currently Hon. Paul Caica)
Hon. Paul Caica	Minister for Agriculture, Food and Fisheries (currently Hon. Gail Gago)

and on behalf of the Ngarrindjeri people and representing the NRA by:

Mr George Trevorrow	Chair, Ngarrindjeri Tendi Inc. (deceased)
Mr Tom Trevorrow	Chair, Ngarrindjeri Heritage Committee Inc.
Mr Matt Rigney	Chair, Ngarrindjeri Native Title Management Committee (deceased)

The stakeholders to the KNYA take the commitments and intent of the Agreement into other partnerships they form with other parties, external to the KNYA.

4. Members of the KNYA Taskforce

Membership of the Group includes representatives from the following Parties:

- 1) Ngarrindjeri Regional Authority
- 2) Department of Environment, Water and Natural Resources (including representation from Natural Resources South East, Murray Darling Basin, and Adelaide Mount Lofty Ranges) (DEWNR)
- 3) Environment Protection Authority (EPA)
- 4) SA Water
- 5) Department of Primary Industries and Regions South Australia (PIRSA)
- 6) Department for State Development – Aboriginal Affairs and Reconciliation (DSD-AAR)
- 7) Alexandrina Council

The Attorney General's Department, Crown Solicitor's Office attends KNYA Taskforce meetings as required and supports the State Government representatives with legal advice. The NRA is also supported by their legal advisor at Taskforce meetings from time to time.

Other Local Government and State and Australian Government agencies can be invited to attend and participate in the Taskforce as required.

The Chief Executive officers for each of the representative South Australian Government Departments nominate representatives and their proxies to attend the KNYA Taskforce meetings. The State Government's Executive Officer to the KNYA Taskforce will provide administrative support to the nomination process. A Guideline providing background to



the KNYA and the intent of the KNYA Taskforce will be maintained and provided to nominated officers as well as presenters.

5. Executive Officers

The NRA and the State Government will each nominate an Executive Officer to represent their party and support the functions of the KNYA Taskforce. The Executive Officers will facilitate the development of meeting agendas and progression of meeting actions with the relevant individuals or groups. The two Executive Officers will liaise frequently to ensure effective coordination between the parties.

The parties will advise one another within 30 days of changes to the Executive Officer nominations.

6. Nominated officers

Nominated officers are responsible for attending Taskforce and or organising for an appropriate proxy to attend. Nominated officers are to familiarise themselves with the KNYA, the Terms of Reference and the Taskforce Strategic Implementation Plan (SIP) prior to commencing their role. Nominated officers are responsible for identifying relevant officers within their organisations who can provide advice and guidance as to the consultation and negotiation requirements under the agreement and key objectives of the Taskforce SIP and create networks so their organisations pro-actively engage in the KNYA. Nominated officers will table updates for their respective organisations and contribute as per the principles below. It is recommended that nominated representatives undertake cultural awareness training with the NRA.

7. Principles

The following principles inform the functioning of the KNYA Taskforce and are predominately taken from Clause 6.1.5 of the KNYA:

- 1) All members are encouraged to contribute to the Groups operations
- 2) Consultation and negotiations must occur in South Australia
- 3) There should be a serious resolve and commitment by each party to reach agreement and this be matched with sufficient resources to support the process
- 4) The process should be fair and provide a level playing field where no party is disadvantaged because of the process
- 5) No one Party should have control of the process. All parties should be equal parties in its management
- 6) Government consultation through KNYA Taskforce should be undertaken during the early stages of project development and appropriately resourced to support NRA engagement
- 7) The processes established and utilised should encourage effective negotiations which are efficient, and avoid creating barriers to progress
- 8) Each party should clearly understand its duties and responsibilities in the negotiations process
- 9) Any perceived or real conflict of interest must be declared

- 10) Where relevant, privacy and confidentiality must be respected
- 11) There must be an understanding that State Government members must comply with any relevant State policies and procedures and the vice versa for NRA members
- 12) Both parties representatives should share the workloads arising from the KNYA Taskforce.

8. Scope

The scope of the KNYA Taskforce is bound by the KNYA, 2009. The KNYA is focused on natural resources and cultural heritage matters and acknowledges Ngarrindjeri aspirations and interests in regards to these matters. A number of key matters for consultation are committed to under the KNYA and these include:

1. Economic benefit, including training and employment of Ngarrindjeri rangers and other staff, and the delivery of interpretive services relating to the management of parks and reserves
2. Involvement in planning and implementation processes for management plans for parks and reserves, water resources and waters
3. Ngarrindjeri interests included in the planning, development and allocation of funding to the South Australian Government's Murray Futures program, the Australian Government's Water for Good initiative
4. Other such matters as the parties agree that are properly within the subject matter of the Agreement.

The KNYA also commits to a number of key matters for negotiation and these include:

1. Co-management of parks and reserves in the context of Native Title resolution
2. Cultural Knowledge ownership and management
3. Other such matters that require resolution that are properly within the subject matter of the Agreement.

Matters for negotiation are addressed in other forums outside of the KNYA Taskforce. The KNYA Taskforce will make relevant parties aware of the requirement to utilise Attachment 1 of the KNYA for the purposes of conducting negotiations.

Matters outside of the scope of the KNYA will be directed to the Chair of the NRA, relevant Government department, or to known existing committee(s).

The State Government acknowledges and respects Ngarrindjeri values, rights, interests and obligations in the Recitals of the KNYA. The scope of matters for consultation should consider Ngarrindjeri Cultural perspectives, particularly the concept of Ruwe / Ruwar, that all things are connected. This is particularly relevant in terms of Ngarrindjeri community wellbeing, where NRM related matters and community health and related issues are inseparable. The KNYA Taskforce should acknowledge, be flexible and make space for these perspectives during its operation where possible and appropriate.

Local Government KNYA's are progressed in separate processes with the NRA outside of the KNYA Taskforce. Local Government membership to Taskforce seeks to enable consultation on key matters relevant to the local government area, but also support a coordinated and partnership approach across government to Ngarrindjeri engagement. These matters may go beyond the scope of the KNYA with the South Australian Government.

9. Deliverables

The KNYA Taskforce aims to deliver the following:

1. Annual Report recording progress towards implementing the KNYA
2. Up to 10 KNYA Taskforce meetings per annum
3. Meeting notes for each KNYA Taskforce meeting
4. KNYA Taskforce Strategic Implementation Plan
5. Annual review of the Strategic Implementation Plan

10. Resources

The Group has no specific budget allocation and operates on the commitments made by both Parties under clause 6.1.5 of the KNYA. The Coorong, Lower Lakes Murray Mouth (CLLMM) program Ngarrindjeri Partnerships Project partially supports NRA participation until 30 June 2016. Beyond this date the NRA does not have funding allocated to support its participation in KNYA Taskforce.

11. Delegations, reporting and referrals

- A. The Taskforce does not have any Delegations.
- B. The Taskforce makes recommendations and provides advice regarding matters relevant to the KNYA.
- C. The Taskforce has no authority to make financial decisions.
- D. The Taskforce will develop an Annual Report documenting progress towards the implementation of the KNYA.
- E. The Taskforce will refer matters outside of its scope to the NRA Chairperson, relevant Government agency or to existing committees.
- F. The Taskforce may establish Working Groups from time to time to support the progression of actions or specific matters arising from the Taskforce meetings.
- G. The Taskforce will refer matters relevant to the Australian Government to the Adelaide Regional Network Office of the Department of Prime Minister and Cabinet.

12. Governance and attendance

The KNYA Taskforce will make recommendations and provide advice as required but does not have delegations to make decisions on behalf of the Parties. If decisions are required, the relevant parties will take the issue back to their respective organisations and action as appropriate. Parties representatives will endeavour to action responses back to the KNYA Taskforce at the next meeting. There is no quorum required for KNYA Taskforce meetings.

13. Establishment of Working Groups

The KNYA Taskforce will establish Working Groups as required to progress specific matters or actions arising from its meetings. The Taskforce will define the specific deliverables of the Working Group. A generic Terms of Reference has been developed for Working Groups established by the KNYA Taskforce and these will be adapted, if required to define the operation of the Working Group. The Working Groups will report back to the KNYA Taskforce on a monthly basis.

14. Meetings and Agendas

Meetings will be held every month at the NRA Business Centre at Murray Bridge, or at venues as agreed by consensus at Taskforce meetings. The frequency and duration of meetings will be reviewed on an annual basis.

Meeting agendas will be distributed to nominated attendees on the Friday prior to each Taskforce meeting along with the previous meeting notes.

Members are required to read the minutes, agenda and any papers before the meeting. These documents will be sent out one week before the meeting with a request for agenda items. Executive Officers from each of the parties will liaise monthly to develop items for each KNYA Taskforce meeting. An up to date rolling action list will form part of the minutes and inform the agendas.

The KNYA Taskforce is co-chaired by the NRA and State Government representatives. The NRA Chairperson, or nominated proxy acts as the NRA's chair. The Director, Coorong, Lower Lakes and Murray Mouth (CLLMM) program in DENR, or nominated proxy acts as the State's chair.

15. Presentations

The KNYA Taskforce will receive and from time to time request specific presentations on matters relevant to the KNYA. Presenters will liaise with the relevant Executive Officers for each party to be placed on the meeting agenda. A guideline will be provided to presenters that provide background to the KNYA and the intent of the KNYA Taskforce. Presenters are asked to ensure presentations clearly upfront note the response they are requesting and will consider the Native Title and Aboriginal Heritage Act implications of their proposals prior to presentation.

16. Leader to Leader Meetings

Leader to Leader meetings are committed to occur on a quarterly basis. Taskforce will record monthly achievements during their meetings for reporting up to these meetings.

17. Chief Executive Meetings

The NRA seeks to continue to engage with the Chief Executive Officers of the relevant State Government Departments as needed. These meetings will be called by either the NRA Leadership or CE's Offices as required.



18. Meeting Notes, Reporting and formal KNYA notifications

The Executive Officers to the KNYA Taskforce will prepare concise notes to record the discussions and actions arising from each meeting. Meeting notes will be distributed to all attendees and other interested parties within 10 working day of the meeting. The State Government Executive Officer will maintain a distribution list for KNYA Taskforce meetings notes and these will be reviewed on a regular basis.

The KNYA Taskforce will table short reports from Working Groups established under it. The State Government Executive Officer will maintain records of meeting notes and short reports.

The KNYA Taskforce will prepare an Annual Report each year to summarise the progress towards achieving the intent and commitments made under the KNYA. The Taskforce will establish a Working Group to provide input to the collation of the Annual Report. The report will made available in a .PDF format and will be distributed to the signatories to the KNYA and all nominated attendees.

The State Government nominated officers will provide a brief dot point summary of relevant KNYA Taskforce issues to the Chief Executives following each KNYA meeting. These arrangements will be included in the formal nomination of agency representatives. The NRA representatives will report KNYA Taskforce issues to the NRA Board as required.

Formal correspondence regarding the KNYA will follow procedure as per clause 6.5 of the KNYA.

19. Strategic Implementation Plan

The KNYA Taskforce will develop a Strategic Implementation Plan to guide and inform engagement and consultation of matters relevant to the KNYA. The Plan will also consider Ngarrindjeri natural resources and cultural heritage aspirations and seek to provide strategic direction and coordinated support for the progression of these aspirations. The Plan once completed by the KNYA Taskforce will be distributed to the State Government agencies party to the KNYA. The Plan will not commit parties to the provision of funding or resources but will facilitate clearer understanding of interests and aspirations and proposed strategies for their progression. The Plan will be operationalised through standing Taskforce agenda items.

The KNYA Taskforce will review the Strategic Implementation Plan on an annual basis and its general business at an Annual Workshop. These workshops will be held in November each year of the Agreement and will inform the development of the KNYA Annual Reports. The KNYA Taskforce will monitor progress of Strategic Implementation Plan on an annual basis and will be the body responsible for endorsing the Plan.



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The KNYA Taskforce will provide the Strategic Implementation Plan and the Annual Reports to relevant Commonwealth Government Departments to inform their strategic directions.

20. Review

The Terms of Reference will be reviewed on an annual basis as part of the November KNYA Taskforce review meeting.

21. Timeframes

The KNYA does not have a finishing date. The KNYA Taskforce will continue to meet on a monthly as required and subject to funding commitments by the parties.