

10 REPORTS FOR DECISION

10.1 PAYINTHI KUMANGKA

File Number: IC21/109

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EXECUTIVE SUMMARY

In recent months, a number of matters have been progressing in relation to furthering the Council's understanding and relationships with Aboriginal people. This report looks to consolidate these matters for the information of Council and to outline a clear plan for action, including:

- Role of Kaurna Yarta Aboriginal Corporation and Kaurna Warra Karrpanthi.
- Representation from the Kaurna community in Council's endeavours.
- Engaging a Kaurna cultural consultant
- Understanding the role of senior Kaurna Elders
- Confirmation of Council's use of the term Payinthi Kumangka to describe the shared processes and collaboration that Council may embark upon with Kaurna people
- Confirmation of a Charter of Engagement between Council and the Kaurna people
- Establishing a Payinthi Kumangka Steering Group
- Progressing a Makarrata or Treaty (or similar agreement) with Kaurna people.
- Planning for a community forum (to be held 1 October 2021) to discuss Council's commitment to reconciliation and undertake truth telling forums.
- Potential Kaurna naming or co-naming of Council wards (separate from the Representation Review Process).
- Consideration of a new 'Stretch' Reconciliation Action Plan (RAP) as per previous Council resolution on this matter.
- Closing out some administrative matters associated with the previous 'Innovate' RAP presented to Council mid-2020.
- NAIDOC Week, staff training activities and the development of communication material.

A recent meeting was convened within Payinthi (Tirkanthi Kuu) and attended by Mayor David O'Loughlin, (past CEO) Nigel McBride, senior Kaurna Elders and representatives from the Kaurna Yerta Aboriginal Corporation (KYAC). This meeting was the first of two that have occurred to date in 2021; both focussed upon discussion concerned with Council's commitment to develop a Treaty (Treaty, Makarrata or other agreement, however described – as referenced in Council's Community Plan to 2040 as a goal for years 2-5) and the most appropriate and sensitive way to move forward with this.

During this meeting the Chairperson of KYAC, Jeffrey Newchurch, offered the use of the Kaurna language phrase 'Payinthi Kumangka' to describe the shared processes that all may embark upon together.

- **Payinthi** (Prospect) ['to seek, look for, examine; be thinking']
- **Kumangka** ['examining together'].
 - Advice received is that **Payinthi Kumangka** may be thought of as the 'Payinthi mob coming together'.

In order to deliver upon the various matters focusing on improved relations with Kaurna people, a Reconciliation Steering Group (Steering Group) is proposed as the desired governance structure. This structure is outlined in greater detail throughout the report.

In recent months, an email was circulated to Elected Members seeking interest in participating in the Steering Group, although when circulated it was discussed as being focused solely on progressing the Makarrata component. A number of responses were received.

The Steering Group model is preferred which, under a broadened scope, will allow the group to determine priority actions and a path forward on the various intertwined projects.

In the most recent edition of Your Prospect magazine, an article provided an update of recent achievements and invited residents to provide input or to get involved within Council initiatives to advance the interests of Aboriginal people. This article has already elicited responses.

In looking at establishing a functioning Steering Group with good balance from the Kaurna community, the broader Prospect community, together with Elected Members and Administration, the membership below is considered appropriate and proposed through this Report:

1. Mayor O'Loughlin
2. Cr.....
3. KYAC representative
4. KYAC representative
5. KYAC representative
6. Chief Executive Officer
7. One Senior Council Officer
8. Interested resident
9. Interested resident

Terms of Reference guiding the operation this Steering Group will be developed and presented for discussion and adoption by the newly formed group at its first meeting and provide to Council out of session.

Importantly, the Terms of Reference will also be informed by the draft Charter of Engagement developed by (past CEO) Nigel McBride and distributed to Council members on 17 June 2021 and to KYAC representatives at the recent meeting held in Payinthi. It is noted that the formal response on these from KYAC remains outstanding.

A copy of the draft Charter of Engagement is provided as **Attachment 1**.

In relation to the Charter of Engagement, Kaurna Cultural Consultant (Anthony Wanganeen), engaged to assist with this process, has been working with the KYAC Board through Jeffrey Newchurch for Council to receive written confirmation of the Boards commitment to the Charter. See below excerpt from the Charter:

“In response, Senior Kaurna Elders will:

- *Agree amongst themselves who will speak for the Kaurna people in this journey and who will form part of the Steering Group;*
(Representative Kaurna Elders will be nominated by Kaurna Yerta Aboriginal Corporation).
- *Have representatives who can commit a reasonable amount of time to the Steering Group;*
- *Seek to reach out to all indigenous stakeholders who should be respected by inviting their involvement in this journey and whose support will be essential to the successful creation of a Charter.”*

Once the composition of the Steering Group has been confirmed, it is proposed that regular meetings are held bi-monthly, commencing from October 2021 in order to establish some solid collaborative momentum on the various projects. It is proposed to compensate the KYAC Representatives for their time given their specific expertise being provided into these processes, and this has been the practice in the preliminary meetings mentioned earlier. This will be covered from existing budgets.

RECOMMENDATION

That Council:

1. Having considered Item 10.1 Payinthi Kumangka receives and notes the report.
2. Having considered Item 10.1 Payinthi Kumangka, endorses in principle the draft Charter of Engagement, pending final feedback from the Kaurna Yerta Aboriginal Corporation (as presented in Attachment 1).
3. Having considered Item 10.1 Payinthi Kumangka, endorses the use of the Kaurna language phrase Payinthi Kumangka to describe the shared processes that Council may embark upon together with Kaurna people to develop a Treaty (Treaty, Makarrata or other agreement, however described), to develop and monitor the implementation of Council's Reconciliation Action Plan/s and any other relevant processes, information sharing or decision making for matters relating to Kaurna people.
4. Directs the Chief Executive Officer (or delegate) to liaise with Kaurna Yerta Aboriginal Corporation to seek membership of a Payinthi Kumangka Steering Group whose role will be focussed upon the coordination and implementation of Payinthi Kumangka; being the shared processes and collaboration that Council may embark upon with Kaurna people.
5. Comprise its membership of the Payinthi Kumangka Steering Group to include Mayor O'Loughlin, Councillor the Chief Executive Officer and one senior Council officer (at the discretion of the CEO).
6. Notes the Payinthi Kumangka Steering Group is charged with responsibility of setting its own Terms of Reference with regular updates to be provided to Council so as to align with milestones or achievements.
7. Seeks that the outstanding actions from Council's Innovate Reconciliation Action Plan are completed as a matter of priority; with a progress report to Council's November 2021 meeting showing final achievement of each action or a clear plan for completion.

DISCUSSION

Key stakeholder external groups (Aboriginal)

Board of Kaurna Yerta Aboriginal Corporation RNTBC (KYAC)

- KYAC is a Prescribed Body Corporate (PBC) (under the *Native Title Act 1993* (Cth)) and manages native title rights and interests across the Adelaide Region following the Consent Determination (CD) of the Kaurna native title claim handed down by the Federal Court on 21st March 2018.
- This CD was made with the consent of the State Government and other respondent parties and an Indigenous Land Use Agreement (ILUA) was also entered into with the State Government.
- The CD and the ILUA provide certainty to Kaurna, to governments and all stakeholders that the Adelaide plains and region are Kaurna land. KYAC has been established and authorised by the Kaurna community to represent them and protect their native title rights and interests.
- The CD recognises KYAC's right to maintain and protect places of importance under traditional laws, customs and practices on the land and waters.

- As the PBC, KYAC also has priority in being approved as the Recognised Aboriginal Representative Body (RARB) under the Aboriginal Heritage Act 1988 (SA) for the Adelaide region.
- Since the determination of native title, KYAC has been working to strengthen its role in cultural heritage management. This has involved discussions with other bodies undertaking heritage work and the broader Kaurna community.
- It is proposed to continue to liaise with KYAC to seek involvement in the Payinthi Kumangka Steering Group and to assist the Council in progressing key actions from its Community Plan to 2040.

Kaurna Warra Karrpanthi (KWK)

- In October 2013, the Commonwealth Office of the Registrar of Indigenous Corporations approved the establishment of KWK as a legal arm of the Kaurna Language movement under the Corporations (Aboriginal and Torres Strait Islander) Act 2006.
- City of Prospect has established a relationship with KWK in recent years through the naming processes on various parks and reserves, as well as some recent road naming in the 1838 housing estate and the indigenous naming of Payinthi on Prospect Road.
- KWK will continue to play a key role in determining translations and cultural approval for naming or dual naming processes, such as those commenced for Ward naming connected with the current Representation Review process.
- Payinthi Kumangka has been confirmed by KWK as translating to 'examining together' or may be thought of as 'Payinthi mob coming together' with the accurate use and spelling of this term confirmed as appropriate for our use for this initiative.

Representation from the Kaurna Community

There are a number of people within the Kaurna community who have developed their expertise and cultural authority to be able to effectively liaise with the non-Kaurna community on matters that affect their broader community.

Cultural Consultant

To assist Council's work to-date, Kaurna Cultural Consultant (Anthony Wanganeen) has been engaged to ensure cultural etiquette is understood and followed and to 'open doors' for Council to be able to speak with, engage more directly and involve Senior Kaurna Elders and KYAC.

- To date - 21 hours of consultancy, charged at \$130 per hour (total of \$2,730) has been invoiced to Council in this early establishment phase.
- An example of the advice received from Anthony is that, within the Kaurna community, key decisions affecting the wider Kaurna community can only be made with both women and men present. **This is an important consideration for the composition of the Steering Group and its terms of reference.**

Senior Kaurna Elders

There have been two 2-hour preliminary meetings held in 2021 to discuss Council's commitment to develop a Treaty, each attended by the below representatives of KYAC and Senior Kaurna Elders.

- Jeffrey Newchurch – Chairperson Kaurna Yerta Aboriginal Corporation / Senior Kaurna Elder
- Rosalind Coleman – Board Member Kaurna Yerta Aboriginal Corporation / Senior Kaurna Elder
- Lynette Crocker – Senior Kaurna Elder
- Dennis Rigney – Senior Kaurna Elder

Financial Considerations

Each attendee above charged a consultancy fee to Council of \$200 for their participation within each of the meetings. Any future meetings, negotiations or other tasks completed associated with these processes or on behalf of Council will attract the same or similar fees as detailed above.

Council has allocated funds within the 2021/22 budget towards the Makarrata process, details as follows:

Combo Budgeting Level	↑	Annual Current Budget	YTD Current Budget	YTD Actuals	Commitments	Σ YTD Variance inc Commitments
CEO						
Governance						
04107 - Makarrata - A Local Agreement						
0335.0330 - General Administration Expenditure : Other External Ser...	1,000	1,000	0	0	1,000	
0340.0301 - Professional Services : Solicitor Fees	2,000	2,000	0	0	2,000	
0340.0308 - Professional Services : Other Consultants/ Professional...	5,000	5,000	0	0	5,000	
04107 - Makarrata - A Local Agreement Total	8,000	8,000	0	0	8,000	
Governance Total		8,000	8,000	0	0	8,000
CEO Total		8,000	8,000	0	0	8,000

The above detailed amount will be complemented by additional budget remaining from the 2020/21 GL of \$6,738, rolled into 2021/22 bringing the total amount available to **\$14,738**. A budget for expenditure of these funds is proposed to be allocated as follows:

Activity	Calculation	Amount
Kaurna Cultural Consultant liaison with Kaurna Yerta Aboriginal Corporation to establish the committee/Steering Group	8 hours x \$130 per hour	\$1,040.00
October Committee/Steering Group	Payment to Kaurna Yerta Aboriginal Corporation representatives. * 2 hours x 2 rep's x \$100 per hour * Kaurna Cultural Consultant - \$130 per hour - 3 hours preparation - 2 hour meeting	\$1,050.00
December Committee/Steering Group	Payment to Kaurna Yerta Aboriginal Corporation representatives. * 2 hours x 2 rep's x \$100 per hour * Kaurna Cultural Consultant - \$130 per hour - 3 hours preparation - 2 hour meeting	\$1,050.00
February Committee/Steering Group	Payment to Kaurna Yerta Aboriginal Corporation representatives. * 2 hours x 2 rep's x \$100 per hour * Kaurna Cultural Consultant - \$130 per hour - 3 hours preparation - 2 hour meeting	\$1,050.00

April Committee/Steering Group	Payment to Kaurna Yerta Aboriginal Corporation representatives. * 2 hours x 2 rep's x \$100 per hour * Kaurna Cultural Consultant - \$130 per hour - 3 hours preparation - 2 hour meeting	\$1,050.00
June Committee/Steering Group	Payment to Kaurna Yerta Aboriginal Corporation representatives. * 2 hours x 2 rep's x \$100 per hour * Kaurna Cultural Consultant - \$130 per hour - 3 hours preparation - 2 hour meeting	\$1,050.00
		SUB TOTAL
		\$5,250.00
October Event Friday 1 October - Eliza Hall	Table and Chair set-up / pack-up - \$250	\$250.00
* What should a Treaty or Makarrata (however described) between Kaurna people and City of Prospect include?	Meal 30 people x \$30 per head	\$900.00
* What is meant by a 'shared understanding'?	Table cloths, settings, entertainment	\$600.00
* Support from the group for Payinthi Kumangka?	* Welcome to Country \$200 * Speakers - \$600 * Kaurna Elder attendance 10 people x 3 hours x \$100 per hour = \$3,000 * Kaurna Cultural Consultant (preparation and attendance) 24 hours x \$130 per hour = \$3120	\$6,920.00
	Flyer production - \$300 Printing - \$400	\$700.00
		SUB TOTAL
		\$9,370.00
		GRAND TOTAL
		\$14,620.00

Treaty

A motion from Councillor Allen Harris at Council's September 2020 meeting received unanimous support. An excerpt of the Minutes from that meeting is shown as follows:

Item 14.3 Treaty

Cr A Harris moved Cr K Barnett seconded

- (1) City of Prospect recognises the significant contribution to culture from our ancient history and our important connections to Kaurna people. After recently adopting the Uluru Statement of the Heart and displaying it in our Kaurna-named Payinthi building, Council now calls for a report to be prepared which investigates the options and the process for progressing a Treaty (or similar agreement) with Kaurna people.
- (2) As an integral part of the City of Prospect undertaking a process of agreement making with the Kaurna peoples, Council make available and promote the use of Payinthi to host 'truth-telling' forums between Kaurna people's, locals and other interested parties.

Carried Unanimously 186/2020

Council's commitment for the development of a Treaty was further confirmed through the "Community Plan Towards 2040". Council has recently entered 'year 2' of its adopted Community Plan and an excerpt from the years 2 to 5 commitments of the Community Plan to 2040 is shown as follows:

<p>Proud of our past, Excited by our future</p> <p>5 Year Strategic Objective</p> <p>With a great blend of old and new, we are a city which celebrates where it has come from and takes pride in creating its future.</p>	<p>2 to 5 year timeline (continued)</p> <p>PP2.6 - In close liaison with the Kaurna people, form a 'Treaty' (or similar agreement) that recognises the City's desire for a closer and more meaningful partnership with our indigenous heritage, our shared land and our joint aspirations PF</p>
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Preliminary Meetings

As previously mentioned within this report, two preliminary meetings have been convened to discuss council's commitment to the development of a Treaty (Treaty, Makarrata or other agreement, however described).

- Friday 23 April 2021
Brief Notes from this meeting are provided as **Attachment 2**.

Attended by:

- Mayor O'Loughlin,
- (past CEO) Nigel McBride,
- Jeffrey Newchurch – Chairperson Kaurna Yerta Aboriginal Corporation / Senior Kaurna Elder
- Rosalind Coleman – Board Member Kaurna Yerta Aboriginal Corporation / Senior Kaurna Elder
- Lynette Crocker – Senior Kaurna Elder
- Dennis Rigney – Senior Kaurna Elder
- Brendan Lott, Manager Community Development



- Tuesday 29 June 2021

Brief Notes from this meeting are provided as **Attachment 3**.

Attended by:

- Mayor O'Loughlin,

- (past CEO) Nigel McBride,
- Lynette Crocker – Senior Kaurna Elder
- Dennis Rigney – Senior Kaurna Elder
- Brendan Lott, Manager Community Development

The second meeting was held subsequent to the completion and distribution of the draft Charter of Engagement and formed the focus of discussion. Effectively, one of the recommendations of this report is to confirm that aspect of the draft Charter of Engagement as described within the following excerpt:

“Coming to the journey in good faith

In bringing good faith to this journey, the City:

- Acknowledges that it comes with a willingness to meet, to hear, to understand and to grieve, but recognises that there is much ground to cover, much truth telling to be heard, and many learnings to be had, before being able to move forward together with a truly shared understanding;
- Recognises that there will need to be appropriate resources allocated to support the journey and its needs, like opportunities for truth-telling;
- Supports a Steering Group:
 - consisting of Kaurna Elders, the City and agreed advisers along with interested community members of both Kaurna and non-Kaurna people;
 - which will coordinate the activities required to fulfil the process leading to a Charter; address and guide responses to issues, opportunities and aspirations raised throughout the journey;
 - by providing Council staff for secretariat services to support the Group, including coordinating meeting times, taking minutes (and so on).

Understands that the timing, and holistic time frame, of this journey will be what is required for it to be authentic in every sense – it is not about arbitrarily imposed milestones or deadlines.”

Following this commitment from Council, the draft Charter of Engagement requires a commitment from KYAC, representing Kaurna communities, to the following:

“In response, Senior Kaurna Elders will:

- Agree amongst themselves who will speak for the Kaurna people in this journey and who will form part of the Steering Group;
(Representative Kaurna Elders will be nominated by Kaurna Yerta Aboriginal Corporation).
- Have representatives who can commit a reasonable amount of time to the Steering Group;
- Seek to reach out to all indigenous stakeholders who should be respected by inviting their involvement in this journey and whose support will be essential to the successful creation of a Charter.”

Kaurna Cultural Consultant (Anthony Wanganeen) has been working on behalf of Council with the KYAC Board through Jeffrey Newchurch for Council to receive written confirmation of the Boards commitment to the Charter. At the time of writing this report Council is yet to receive a response. However, Mr Wanganeen has confirmed that the Board has considered the matter, requiring only correspondence sign-off to confirm their position.

Community Forum

The draft Charter provides for a willingness for all parties to meet, to hear and to understand. This will first be realised through the arranging of a community event, already scheduled with Council Member's calendars, for Friday 1st October 2021 from 6pm until 9pm within Eliza Hall.

The forum will feature group discussions to gather community input to inform Council's commitment for the development of a Treaty or Makarrata (however described) between City of Prospect and the Kaurna people.

Specifically, it is proposed that the groups be given discussion topics including:

- What should a Treaty or Makarrata (however described) between Kaurna people and City of Prospect include?
- What is meant by a 'shared understanding'?
- What is the level of support from the group for Payinthi Kumangka and the relevant processes?
- Opportunities to progress truth telling and how this may be achieved.

An evening meal will be provided and staff will work with Anthony Wanganeen to ensure an invitation is extended to relevant Kaurna people through their networks.

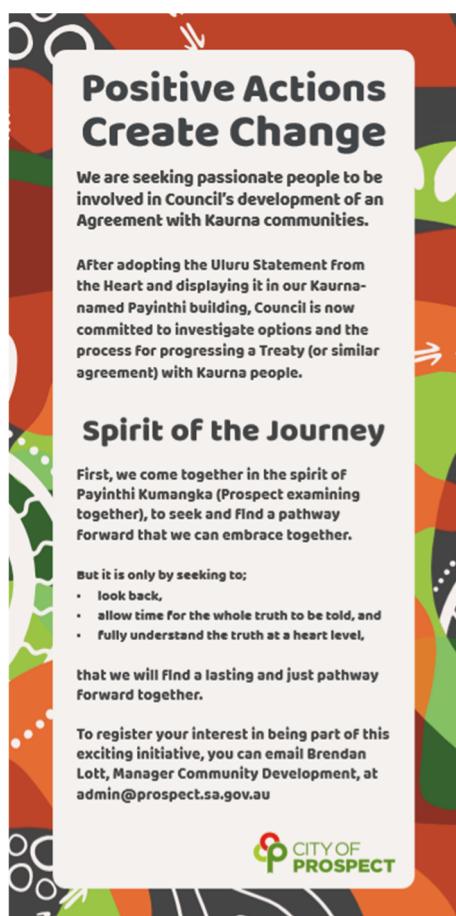
Prior to the event attendees will be provided with more information regarding set up, agenda /order of events for the evening and facilitator.

Communication Material

Wholly Aboriginal owned and staffed graphic design business, Ochre Dawn, has been engaged to develop a range of communication materials for our use for each of the Payinthi Kumangka initiatives. As such it is proposed that the material below is used for all Payinthi Kumangka related communications with the steering group being the forum for all aboriginal and Kaurna discussions going forward (rather than various sub groups).

The design was developed by a young Kaurna | Narungga | Ngarrindjeri man, employed as a junior graphic designer and illustrator with Ochre Dawn, referencing Council's corporate colour palette.

Examples of the design in various layouts, along with a completed DL sized promotion ready for distribution, is shown below:



On-line Presence

Council's Engagement Hub platform will be set up between 24-25 August to provide convenient access for our residents to background documents, current information, events as well as opportunities to get involved, to post their ideas and to provide input to the Payinthi Kumangka initiative. The following QR code will take you to the page.



 SCAN ME

**Kaurna Naming or Co-Naming of Council Wards**

A commitment of Council from the July 2021 meeting seeks investigation of options for the use of Kaurna language for naming or co-naming Council Wards, an excerpt from the minutes from that meeting is shown as follows:

RESOLUTION 2021/105

Moved: Cr Alison De Backer
Seconded: Cr Kristina Barnett

7. Include in the stage 2 consultation process options to name wards in Kaurna language.

CARRIED

The following screen shot shows detail of the Survey contained within the second representation Review Survey which is looking to understand broader community sentiment on this initiative. This process is being managed as part of the existing Representation Review through the Office of the CEO. The survey closes on 22 August 2021.

Q.5 Do you have any suggestions for ward names that you would like Council to consider in the future? *

Q.6 What is your opinion on further examining opportunities for naming / co-naming of our Wards within Council to reflect suitable indigenous Aboriginal and Torres Strait Islander identification (names) as part of our journey to reconciliation and partnering process? *

As an outcome of the Council discussion, correspondence has been posted to KYAC inviting their advice for our use of the most appropriate Kaurna language for this purpose with the request seeking a simple translation of the current English words (Ward Names) to Kaurna language and also seeking ideas for the use of alternative Kaurna words, terms or phrases, for the naming of our four wards.

Once this advice is received Council can then consult with our residents (later in 2021 or early 2022) and outside of the current ward review process, to determine their support on specific names prior to a final decision by Council. A copy of the correspondence to KYAC is provided as **Attachment 4**.

Reconciliation Action Plan

Commencing in July 2018, Council's two year Reconciliation Action Plan (RAP), reached the end date for delivery of a wide range of actions and deliverables, with a report of achievements tabled at Council's July 2020 meeting. An excerpt of minutes from that meeting is shown as follows:

Item 10.15 Finalisation of Reconciliation Action Plan - Innovate

Cr A Harris moved Cr K Barnett seconded

- (1) Council having considered Item 10.15 Finalisation of Reconciliation Action Plan - Innovate, receive and note the report.
- (2) Chief Executive Officer, or a delegate, is tasked to liaise with Reconciliation Australia to develop a new Reconciliation Action Plan 2020-2023 (Stretch RAP) based upon learnings, challenges and achievements gained from Council's Reconciliation Action Plan – Innovate - 2018-2020.
- (3) Council endorses the Uluru Statement from the Heart. This statement is to be placed on prominent display within Payinthi.

Carried Unanimously 115/2020

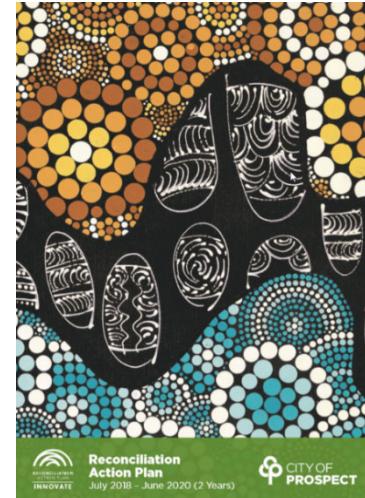
Further, council's development of the 'Community Plan Towards 2040' included the commitment to pursue development of the next phase of a Reconciliation Action Plan, as shown within the below excerpt from the 2 to 5 year aspirations of the Community Plan:

Proud of our past, Excited by our future 5 Year Strategic Objective With a great blend of old and new, we are a city which celebrates where it has come from and takes pride in creating its future.	2 to 5 year timeline PP2.4 - Continue our reconciliation journey through means such as development of the next Reconciliation Plan, by progressing 'truth telling' and other ideas aligned to the adopted Uluru Statement of the Heart NF
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Where to next for Reconciliation Action Plans?

The July 2020 report indicated that Reconciliation Australia does not have an expectation for Council to progress from the Innovate stage to the (next) Stretch RAP. Instead they are interested to 'support the journey' according to the capacity and commitment of an organisation.

Advice received is that a Stretch RAP is best suited to organisations that have developed strategies, and established a very strong approach towards advancing reconciliation internally and within the organisation's sphere of influence. Administration would suggest that further work is needed to embed these messages across and beyond the organisation and propose to introduce these discussions through the Payinthi Kumangka Steering Group prior to embarking on the 'Stretch' phase to ensure all due diligence is completed and cultural respect and sensitivity embedded in some form across all possible touchpoints within the organisation and City.



The Stretch RAP is focused on implementing longer-term strategies, and working towards defined measurable targets and goals. It requires organisations to embed reconciliation initiatives into business strategies to become 'business as usual'.

Discussion with Reconciliation Australia

Reconciliation Australia has indicated that Council is well on the way towards being ready to develop a Stretch RAP, however, this would be strengthened by the full completion of our Innovate RAP (with a number of tasks still being progressed) and, (most significantly) the establishment of processes, currently underway, to develop a Treaty with Kaurna people.

Reconciliation Australia provides in principle support based upon the following criteria:

- Successfully completed a previous RAP (over 90% complete).
- Strong meaningful engagement with internal and external Aboriginal and Torres Strait Islander stakeholders (recent preliminary meetings, and the establishment of the Payinthi Kumangka Steering Group will assist here).
- An effective governance structure, with Aboriginal and/or Torres Strait Islander representation, and senior decision makers from across the organisation (being established pending Council resolution).
- Processes and systems in place to capture information on staff cultural learning, Aboriginal and Torres Strait Islander employees, spend with Aboriginal and Torres Strait Islander businesses, and any other relevant RAP commitments. In progress
- Strong support and engagement from senior leaders, including a designated RAP Champion (this role may be discussed as part of early discussion within the Payinthi Kumangka Steering Group). In progress
- An effective Aboriginal and Torres Strait Islander engagement strategy, cultural learning strategy and employment strategy (this strategy may be discussed as part of early discussion within the Payinthi Kumangka Steering Group). In progress

Outstanding tasks from Council's Innovate RAP

There are a number of tasks from Council's Innovate RAP that are as yet not achieved are described below along with an update on progress or plan for completion.

Task: Develop and implement cultural awareness for Council staff through amendments to the 'Training and Development Policy' which defines cultural learning needs of employees in all areas of our business and considers various ways of which cultural learning can be provided (online, face to face workshops, cultural immersion).

Status: Policy review scheduled to commence in late 2021 now as a priority for the Manager of Governance and HR who commenced earlier this year.

Task: Work with local Traditional Owners and/ or Aboriginal and Torres Strait Islander consultants to provide cultural awareness training for Elected Members.

Status: Contact has been made by the Manager of Governance, EM Support and HR with training providers and with other Council's which have undertaken similar training in order to scope and cost this exercise.

Task: Staff and Elected Members to undertake a 'Cultural Inclusion Framework' self-assessment (Department of Premier and Cabinet website).

Status: Consideration being given to merits or risks of undertaking this process now, or awaiting the 2022 election and facilitating the exercise as part of induction.

Task: Conduct staff surveys to capture time-series data and measure our staff's level of knowledge and understanding of Aboriginal and Torres Strait Islander cultures, histories and achievement over time.

Status: Survey development now commenced, for roll-out early 2022 across staff.

Task: Organise a relevant staff and Elected Member cultural bus tour of local places of Indigenous significance (including the northern areas of the Adelaide Park Lands).

Status: Itinerary has been prepared in collaboration with Anthony Wanganeen but it is suggested that the Payinthi Kumangka Steering Group will be well-placed to progress this initiative.

Task: Incorporate Aboriginal and Torres Strait Islander Employment into the review of Council's Recruitment Policy.

Status: Policy review scheduled to commence in late 2021 now as a priority for the Manager of Governance and HR who commenced earlier this year.

Task: Provide an in-house mentoring network for new Aboriginal and Torres Strait Islander employees.

Status: Process to be commended as a follow-up to the staff survey.

Task: Review HR policies and procedures to support employees participating in NAIDOC Week.

Status: Whilst Policy is yet to be updated, staff for the last two years have collectively been offered participation in various NAIDOC Week activities (including cultural training) which has achieved high participation levels and generated discussion and collective learning. It is suggested this be captured through review of the training and development internal policy.

Task: Undertake site assessment and design for a red dirt dance pit on one of our open space reserves/parks.

Status: This task was completed with findings presented at a former Council workshop. However, the next steps towards completion have not yet commenced and may be included as part of the scope of capital projects for 2022/23. Workshop next scheduled for September 2021.

Task: Undertake site assessment and design for a native vegetation/bush tucker garden in one of our reserves/parks.

Status: This task (linked to the one above) was completed with findings presented at a Council workshop, however, the next steps towards completion have not yet commenced and may be included as part of the scope of capital projects for 2022/23.

Recent Promotion for our next RAP

The current issue of Your Prospect (Magazine) includes an article inviting our residents to get involved and provide input to the development of Council's next Reconciliation Action Plan, please find the following excerpt from the Magazine.

Exploring a Treaty with Kaurna people

Building on the achievements of Council's Reconciliation Action Plan and support for the 2017 Uluru Statement from the Heart, Mayor David O'Loughlin and former CEO Nigel McBride – prior to his departure – met with senior Kaurna Elders and representatives from Kaurna Yerta Aboriginal Corporation. A focus of the discussion was the decision at Council's September 2020 meeting, to develop a Treaty with Kaurna people. Details of Council's commitment are as follows:

(1) City of Prospect recognises the significant contribution to culture from our ancient history and our important connections to Kaurna people. After recently adopting the Uluru Statement of the Heart and displaying it in our Kaurna-named Payinthi building, Council now calls for a report to be prepared which investigates the options and the process for progressing a Treaty (or similar agreement) with Kaurna people.

(2) As an integral part of City of Prospect undertaking a process of agreement making with the Kaurna peoples, Council make available and promote the use of Payinthi to host 'truth-telling' forums between Kaurna peoples, locals and other interested parties.

What is the Uluru Statement?

The Uluru Statement from the Heart was a national Indigenous consensus position on Indigenous constitutional recognition, which came out of a constitutional convention of 250 Aboriginal and Torres Strait Islander delegates. Held at the foot of Uluru in Central Australia on the lands of the Anangu people, the statement called for the establishment of a 'First Nations Voice' enshrined in the Australian Constitution and the establishment of a 'Makarrata Commission' to supervise agreement-making and truth-telling between governments and Aboriginal and Torres Strait Islander peoples.

Reconciliation Action Plan input

Are you interested in providing input or getting involved in developing Council's next Reconciliation Action Plan? Contact Council's Manager Community Development via admin@prospect.sa.gov.au or 8269 5355.

10 - YOUR PROSPECT

To date the Administration has received two responses from our residents, each with a passionate interest in Council's work to advance the interests of Aboriginal people, who have indicated their willingness to become involved. This is a great response that can be aligned with the formation of a Payinthi Kumangka Steering Group as recommended in this Report.

Other Actions

All Council staff now have a default addition to each of their emails posted to outside of the organisation, detailing Council's acknowledgement that we are based on the traditional country of the Kaurna people.

For your reference, the below screen shot is taken from a sample email signature:



Cultural Leave

The inclusion of Cultural Leave (both paid and unpaid) has been put forward by management as part of the current negotiations being completed jointly with staff representation and unions towards finalisation of our next Enterprise Agreement (municipal).

It is anticipated that this leave will be of broad benefit to many of our staff and may increase the position of City of Prospect as an employer of choice for Aboriginal people and support them accordingly.

NAIDOC Week

Each year the occasion of NAIDOC Week includes the provision of a range of activities provided to our residents through Payinthi, in particular through our Library, with storytelling using children's books written from an Aboriginal perspective.

For the past two years, these activities have extended to staff being provided with the opportunity to view, during work time, documentary style movies that provide for an increased understanding of Aboriginal culture and history.

Further initiatives to engage a broader cross section of the community, with an education focus, will be explored to further build a strong partnership with Kaurna Traditional Owners and cultural heritage management.

In addition it will be critical for future projects (and the new Project Management Framework) to capture consideration of relevant Kaurna and Aboriginal issues across aspects ranging from participation to ensuring culturally safe and inclusive spaces are provided.

The Manager Governance, HR and EM Support is keen to examine indigenous workforce and contractor participation as part of future capital projects which equate into positions working operationally on the ground. This could be achieved for example, through a RAWsa employed (pending funding), (KYAC) endorsed, Aboriginal Workforce Participation Officer (AWPO) whose role is to maximise Aboriginal workforce participation.

Embedding an AWPO in future initiatives can provide skilled Aboriginal operators with opportunities for employment and subcontractors, as well as provide a project with access to Kaurna community consultants engaged for community interaction workshops with local key stakeholder's and their activities.

Future budget bids may also be prepared to assist with supporting a clerical or field trainee through Maxima which should also be considered as part of future workplace planning and through other natural attrition occurring.

Conclusion

This report draws together the various aspects of Council's interaction and partnering with Aboriginal people with a clear plan to confirm a Charter of Engagement and develop a Payinthi Kumangka Steering Group with representatives from Kaurna Yerta Aboriginal Corporation (KYAC), as the peak agency representing Kaurna interests, together with representatives from Council, council staff and interested residents.

The recommendation of this report will also confirm Council's use of the term Payinthi Kumangka that provides a 'banner' to describe the shared processes that we look to embark upon together with Kaurna people.

Kaurna Cultural Consultant (Anthony Wanganeen) has been working on behalf of Council with the KYAC Board through Jeffrey Newchurch for Council to receive written confirmation of the Boards commitment to the Charter. At the time of writing this report we are yet to receive a response.

If the decision and support from KYAC for Payinthi Kumangka and the framework for the development of a Steering Group to guide the Treaty and other initiatives significantly differs from the recommendations and intent of the original document provided, a further report will be presented to Council with a view to align Council aspirations for this initiative with that of the KYAC Board.

Relevance to Core Strategies / Policy

Community Plan: Towards 2040

► Proud of our past, excited by our future

2 to 5 year timeline

- PP2.4 Continue our reconciliation journey through means such as development of the next Reconciliation Plan, by progressing 'truth telling' and other ideas aligned to the adopted Uluru Statement of the Heart
- PP2.5 In close liaison with the Kaurna people, form a 'Treaty' (or similar agreement) that recognises the City's desire for a closer and more meaningful partnership with our indigenous heritage, our shared land and our joint aspirations

► Inclusive & Diverse

FY 20/21 Measures

- ID1.3 Delivery of NAIDOC Week and National Reconciliation Week activities

2 to 5 year timeline

- ID2.7 Develop and implement a process to actively seek the views of groups often missed in consultation activities

ATTACHMENTS

1. **Draft Charter of Engagement** 
2. **Meeting Notes - 23/04/2021** 
3. **Meeting Notes - 29/06/2021** 
4. **Copy of Correspondence inviting use of Kaurna language for Ward names** 

DRAFT FOR DISCUSSION**CHARTER OF ENGAGEMENT**

BETWEEN

CITY OF PROSPECT ('CITY') a statutory corporation established by the South Australian *Local Government Act 1999*

AND

THE KAURNA PEOPLE OF THE ADELAIDE PLAINS ('KAURNA PEOPLE') part of the First Nations of this continent who possessed the land according to their own laws and customs from time immemorial and which possession has never been ceded

The Spirit of the Journey

First, we come together in the spirit of *Kumunka Payinthi*, or *seeking together*, to seek and find a pathway forward that we can embrace together.

But it is only by seeking to:

- look back,
- allow time for the whole truth to be told, and
- fully understand the truth at a heart level,

that we will find a lasting and just pathway forward together.

Honouring the status, culture and heritage of the Kaurna people

In this journey, the City will honour the Kaurna people in the spirit of *Kumunka Payinthi* by:

- Being led by the Kaurna Elders: respecting their guidance, and deferring to their wisdom and their priorities, throughout this journey;
- Respecting the standing of the Kaurna people as part of the First Nations of this continent who possessed it according to their own laws and customs from time immemorial and which possession has never been ceded;
- Understanding that their sovereignty is also spiritual and therefore:
 - seeking to understand the Kaurna peoples connection with the land, the seasons and the winds, and
 - seeking to understand the sacred, dreaming stories of the Kaurna people;
- Hearing, and grieving over, the truth of the hurt and pain caused by more than 200 years of European settlement and specifically the impact upon the generations of the Kaurna people as well as that which is ongoing and yet to be remedied;

- Understanding that, by whatever means and however recognised, the Kaurna people ultimately seek their voice to be heard in an ongoing, fair and truthful relationship with the whole community represented within the City;
- To that end, ensuring that this journey engages with as many in our community as possible and that it encompasses the City's existing diversity of perspectives and cultures;
- Recognising that this journey is part of a *Makaratta* process: a coming together for peacemaking and for justice after a struggle; and
- Seeking to understand in what way this journey could lead to a meaningful, authentic and substantive agreement between the City and the Kaurna people that could be formally recognised and embraced across our local community by Kaurna and non-Kaurna peoples alike.

Coming to the journey in good faith

In bringing good faith to this journey, the City:

- Acknowledges that it comes with a willingness to meet, to hear, to understand and to grieve, but recognises that there is much ground to cover, much truth telling to be heard, and many learnings to be had, before being able to move forward together with a truly shared understanding;
- Recognises that there will need to be appropriate resources allocated to support the journey and its needs, like opportunities for truth-telling;
- Supports a Steering Group:
 - consisting of Kaurna Elders, the City and agreed advisers along with interested community members of both Kaurna and non-Kaurna people;
 - which will coordinate the activities required to fulfil the process leading to a Charter; address and guide responses to issues, opportunities and aspirations raised throughout the journey;
 - by providing Council staff for secretariat services to support the Group, including coordinating meeting times, taking minutes (and so on).
- Understands that the timing, and holistic time frame, of this journey will be what is required for it to be authentic in every sense – it is not about arbitrarily imposed milestones or deadlines.

In response, Senior Kaurna Elders will:

- Agree amongst themselves who will speak for the Kaurna people in this journey and who will form part of the Steering Group;
(Representative Kaurna Elders will be nominated by Kaurna Yerta Aboriginal Corporation).
- Have representatives who can commit a reasonable amount of time to the Steering Group;
- Seek to reach out to all indigenous stakeholders who should be respected by inviting their involvement in this journey and whose support will be essential to the successful creation of a Charter.

SIGNED ON BEHALF OF THE CITY – Mayor and Chief Executive

SIGNED ON BEHALF OF THE KAURNA PEOPLE – Elders

DATE



A Treaty with Kaurna People

Building upon the achievements of Council's Reconciliation Action Plan and support for the 2017 Uluru Statement from the Heart Mayor David O'Loughlin and CEO Nigel McBride recently met with senior Kaurna Elders and representatives from Kaurna Yerta Aboriginal Corporation.

A focus of the discussion was upon the decision at Council's September 2020 meeting to develop a Treaty with Kaurna people. Details of Council's commitment is provided as follows:



(1) City of Prospect recognises the significant contribution to culture from our ancient history and our important connections to Kaurna people. After recently adopting the Uluru Statement of the Heart and displaying it in our Kaurna-named Payinthi building, Council now calls for a report to be prepared which investigates the options and the process for progressing a Treaty (or similar agreement) with Kaurna people.

(2) As an integral part of the City of Prospect undertaking a process of agreement making with the Kaurna peoples, Council make available and promote the use of Payinthi to host 'truth-telling' forums between Kaurna people's, locals and other interested parties.

Pictured from left to right:

- Mayor David O'Loughlin,
- Jeffrey Newchurch – Chair Kaurna Yerta Aboriginal Corporation
- Lynette Crocker,
- Anthony Wanganeen,
- Dennis Rigney,
- CEO Nigel McBride.

Absent from the photo though present at the meeting –

- Rosalind Coleman – Kaurna Yerta Aboriginal Corporation
- Brendan Lott (Note Taking)

Friday 23 April - 10am until 11:30am

NOTES (Brendan Lott)

Discussion - Benefits of Developing a Treaty

Jeffrey

- Members of Prospect community need to be on-side

- Local people might gain a rich understanding of Kaurna heritage

Lynette

- The word Treaty puts a mental block in peoples mind.
- The term Agreement would be better.
- An Agreement will not happen overnight
- Reference Books
 - Harris 1979 ~ Treaty Rights
 - Roger Thomas ~ Treaty Consultation Process
- Process will occur over years, beyond the terms of CEO and Mayor.
- Need to develop a Kaurna Framework Agreement
- We will need to set-up a committee to do the job, which will need to be resourced.
- It's not for the feint hearted once we start.

David

- If you don't understand the good stuff, you can't understand what has been lost.

Nigel

- Process of sharing and truth telling.
- The word Treaty is a minefield for Kaurna and non-Kaurna communities

Jeffrey

- Resourcing is essential, it's not a hobby for Kaurna elders.
- Victoria is the model for agreements with first nation's people.

Lynette

- Responsibility of Council's to tell ratepayers about the place they live in.

Jeffrey

- Work in progress – Kumanka (together)
- We will work it out. We will work it out

Rosalind

- Treaty can be different
- Truth Telling

Anthony

- Building strong and good relationships
- Inclusive of our multicultural brothers and sisters
- West, North, East, Central South Kaurna Groups
- Inclusive of our wider Kaurna communities
- It's all about relationships

Jeffrey

- Must be inclusive of both women and men
- Dennis and Anthony – Men's Side
- Rosalind – Woman's side
- Payinthi Kumunka
 - Prospect Coming Together
 - Get to know people

Dennis

- Need to be held accountable
- Where did the desire for Treaty come from? Payinithi Kumunka – not Treaty

Jeffrey

- Happy to be involved within any work with residents
- We need an Engagement Charter

David

- Agree with the need for an Engagement Charter – reviewed every 12 months.
- We need to immerse the community in Kaurna culture
- Need to get to a position of respect.

Nigel

- Treaty can be however it is described – agreement or Makaratta

Rosalind

Agree. Using the word treaty can be seized upon by more radical elements who may be at the table.

Jeffrey

- Starting a journey around trauma and healing.

David

- People cannot reconcile their own colonial roots.
- Where are the Kaurna people within the Citizenship ceremonies?

Jeffrey

- We need community days and activities.
- What does the Road map look like? Engagement Charter

Action - Develop an Engagement Charter

Action – Future actions may include

- Meet with DSDR to explore funding options.
- Meet with Roger Thompson – Social Inclusion.
- History Council – great program

Dennis

- What does Cultural inclusivity look like?
- It's a learning exercise for all of us

Jeffrey

- Payinithi Kumunka – based upon communities needs
- Risk identification process
- Governance – Do we meet every 2-months or so?
- Draw a 'picture' of how it will all work – connections between people.
- Need the formal component of this.

Lynette

- It's a learning process for Kaurna people as well – we are a verbal people.

Meeting END



Tuesday 29 June 2021

Tirkanthi Kuu – 1:00 until 2:00pm

Kaurna Communities and City of Prospect – Agreement Making

Attendees: Mayor David O'Loughlin, CEO Nigel McBride, Dennis Rigney, Anthony Wanganeen, Lynette Crocker, Brendan Lott

Apologies: Jeffrey Newchurch, Rosalind Coleman.

AGENDA

1. Welcome
2. Notes & Actions from previous meeting
 - a) Use of the Term – Payinthi Kumunka
 - b) Engagement Charter
3. Steering or Advisory Committee
 - a) Representatives of Kaurna Yerta Aboriginal Corporation
 - b) Terms of Reference
4. Next Steps?

NOTES (Brendan Lott)

Nigel

- Clarification that Payinthi Kumunka is the process.
 - A Treaty/Makarrata/Agreement is the outcome from the process.
 - The parties involved at the time will determine the final term.

Lynette

- Council needs to understand that the process and outcome is not for the feint hearted once we start.
- The process will be an opportunity to come together as equal partners
 - It's about equity
 - Not about money
- It's about our:
 - Climate
 - Heritage
 - Health & Wellbeing
- We can't roll anything back to what was. We need to move forward.

- Just have the discussion
- Sit down and talk ~ in the old ways, Kaurna people would not leave until an outcome was reached.
- Not going to be a quick fix
- Lynette tabled three documents for circulation:
 - Australian Indigenous Design Charter – Communication Design
 - INDIGO Project: International Indigenous Design Charter
 - Sourcing External Funding Partnership Toolkit

ACTION: Brendan to circulate

Brendan

- Provided an update on discussions with Kaurna Warra Karrpanthi
 - Have not been able to get a response back from them regarding our application, details as follows:

"Council seeks the advice of Kaurna Warra Karrpanthi for the correct pronunciation, writing and your consent for our use of a Kaurna word.

*A recent community discussion was attended by a number of Kaurna Elders who encouraged our use of the term **Payinthi Kumunka** to describe a 'coming together of our residents' or 'getting to know people'.*

*KWK has previously provided consent for our use of the Kaurna word **Payinthi** -*

- *Payinthi (Prospect) [payinthi OR payirrinthi 'to seek, look for, examine; be thinking']*

*We are seeking your consent for our use of the term **Payinthi Kumunka**. We have only heard the word Kumunka during the recent meeting, hence I am unsure if the way I have written this is correct and if the use of these Kaurna words together is correct for our purpose."*

ACTION: Anthony to assist Brendan to receive the correct use, spelling and pronunciation of Payinthi Kumunka

- Written cultural approval
- A sound recording for our use of the phrase
- Written confirmation of spelling and pronunciation.

David

- It is important that the process is not derailed by competing voices from the Kaurna communities.
 - Help us to understand who we should listen to more i.e. who can speak with authority and on behalf of the Kaurna communities.
 - Some may contribute – though they are not guiding.

Anthony

- Kaurna Yerta Aboriginal Corporation (KYAC) has the authority to form an agreement of the type we are interested.
- Kaurna representation needs to include Men, Women and young person.

ACTION: Anthony will approach KYAC to explain Council's requirements and to discuss / ask for their commitment to the process. Confirm their preference for how the discussions with Council may proceed. Confirm their acceptance of the draft Charter of Engagement.

David

- The draft Charter of Engagement is to be used to get things moving.
- Page three of the Charter is critical, details as follows:

"In response, Senior Kaurna Elders will:

- Agree amongst themselves who will speak for the Kaurna people in this journey and who will form part of the Steering Group;
(Representative Kaurna Elders will be nominated by Kaurna Yerta Aboriginal Corporation).
- Have representatives who can commit a reasonable amount of time to the Steering Group;
- Seek to reach out to all indigenous stakeholders who should be respected by inviting their involvement in this journey and whose support will be essential to the successful creation of a Charter."

- It would be great to get the Charter of Engagement endorsed by Council. It will not be ready until details of the Kaurna representatives are confirmed.

Lynette

- Consensus should be the basis of the decision making process.

Dennis

- Most of the Kaurna representatives who have attended these meetings to date are experienced and have knowledge of formal proceedings.

David

- We need a formalised structure
- There needs to be some formal implications for decisions of the committee – It may be formed as a Section 41 (Local Government Act).
- Come back to Council with recommendations for their consideration. I.e. Budget Requests

Brendan

- Discussed how we may develop Terms of Reference to guide the Reference Group (or Advisory Group) governance practices.

ACTION: Lynette and Brendan will liaise to gather Terms of Reference documents used for similar purposes.

David

- We need a series of community workshops to discuss and build interest for the process.

Lynette

- The SA Aboriginal History program would be a great reference for these workshops.
- We could book a Marquee for the Spring Fair to conduct Kaurna activities and promote this Treaty process we have commenced.

ACTION: Brendan to book a double marquee and liaise with Lynette to arrange suitable activities.

Meeting END

Ref. CR21/39205

20 July 2021

Kaurna Yerta Aboriginal Corporation
Level 4, 345 King William Street
Adelaide SA 5000

Dear Kaurna Yerta Aboriginal Corporation

NAMING OF COUNCIL WARDS

Council is aware that the KYAC has requested that where developments and projects undertaken by council are expected to impact Aboriginal heritage, that we notify KYAC in the first instance. This will enable KYAC to manage these impacts on Kaurna heritage.

As such, please be informed the council has determined to consult with our residents for the use of Kaurna language for the naming of Council's four wards.

The Council of City of Prospect consists of a Mayor and eight Councillors, two per ward. Their term of office is four years. Currently, the naming of our wards is simply North, West, Central and East.

We invite advice from KYAC for our use of Kaurna language, a simple translation of the current English words to Kaurna language or the use of alternative Kaurna words, terms or phrases, for the naming of our four wards.

Acting upon your advice we will consult with our residents to determine their support prior to a final decision by Council.

Please contact me to discuss further and if you require further information.

Yours sincerely,

Alison Hancock
Chief Executive Officer