

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**PALM ISLAND ABORIGINAL SHIRE COUNCIL**

**AND**

**MANBARRA NANGGARRA WANGGARRA PEOPLE**

**March 2007**

This Memorandum of Understanding is made on **Thursday, 15 March, 2007,**

**BETWEEN**

The **PALM ISLAND ABORIGINAL SHIRE COUNCIL** of Main Street, Palm Island, Queensland, 4816.

**AND**

**MANBARRA NANGGARRA WANGGARRA (The MANBARRA PEOPLE).**

## **1. INTRODUCTION**

- 1.1 The Palm Island Aboriginal Shire Council has formally resolved to enter into a process of negotiation with the Traditional Owners of the Palm group of islands, the Manbarra People, that will facilitate the resolution of native title and associated land tenure issues on the Palm group of islands.
- 1.2 In light of these arrangements, it is agreed that there be established a Memorandum of Understanding between Palm Island Aboriginal Shire Council and Manbarra People that describes and informs the ongoing relationship between the two Parties.

## **2 DEFINITIONS**

- 2.1 In this Memorandum of Understanding the following terms have the following meanings:
- 2.2 "Aboriginal tradition" means the body of traditions, observances, customs and beliefs of Aboriginal people generally or of the particular community or group of Aboriginal people of which the native title holders form part, and includes any such traditions, observances, customs or beliefs relating to particular persons, areas, objects or relationships;
- 2.3 "Land" means the land and waters described as the Palm group of islands.
- 2.4 "Native Title" means the native title of native title holders in relation to the land including the communal, group and individual rights and interests of the native title holders in relation to the land.
- 2.5 "Negotiations" means any negotiations between the Palm Island Aboriginal Shire Council and the Manbarra People.

## **3 PURPOSE**

- 3.1 The purpose of this Memorandum of Understanding is to:
  - (a) record the role and responsibilities of each of the Parties and to put in place arrangements that facilitates and promotes a respectful and good working

relationship between Palm Island Aboriginal Shire Council and Manbarra People;

- (b) set out the principles for ongoing engagement and negotiation between the Palm Island Aboriginal Shire Council and Manbarra People; and
- (c) identify potential areas for discussion and negotiation.

#### **4 ROLES AND FUNCTIONS**

- 4.1 The Palm Island Aboriginal Shire Council is a local government authority under the *Local Government Act 1993* and is the holder of the land in trust. The Council is comprised of representatives elected by the Palm Island community. The core business of the Palm Island Aboriginal Shire Council is their statutory responsibility to deliver local government services and to represent the social, economic and cultural interests of the Palm Island community.
- 4.2 The Manbarra People have been the traditional owners of the Palm group of islands since time immemorial and belong to the Palm group of islands spiritually, culturally, and materially.

#### **5. ACKNOWLEDGEMENTS**

- 5.1 The Palm Island Aboriginal Shire Council recognises and respects that the Manbarra People are the traditional owners of the land and may hold native title in relation to the land.
- 5.2 The Palm Island Aboriginal Shire Council acknowledges that the native title holders may in due course make application under the *Native Title Act 1993 (Cth)* for determinations of native title and/or compensation in relation to the land.
- 5.3 The Manbarra People recognise and respect that the Palm Island Aboriginal Shire Council is a duly constituted local government authority elected by the people of Palm Island.
- 5.4 The Manbarra People recognise and respect the rights and interests of the Bwgaman people and the Palm Island community generally.

#### **6. HOW NEGOTIATIONS WILL BE CONDUCTED**

##### **6.1 Rights, Needs, and Interests**

- 6.1.1 The Palm Island Aboriginal Shire Council and Manbarra People acknowledge and seek to understand each others' rights, needs and interests and reach agreements that produce real mutual benefits based on co-operation, fairness, justice and respect.

##### **6.2 Mutual Respect**

6.2.1 The Palm Island Aboriginal Shire Council and Manbarra People will treat each other in the conduct of negotiations with mutual respect.

### 6.3 Exchange of Information

6.3.1 The Palm Island Aboriginal Shire Council and Manbarra People acknowledge their responsibility to consult and share information within each of their respective groups and that they will endeavour at all times to represent fairly and responsibly the interests of their groups.

6.3.2 The Palm Island Aboriginal Shire Council and Manbarra People acknowledge that they will need information from each other in order to understand each others' rights, needs, interests and proposals;

6.3.3 Subject to commercial and cultural constraints, the Palm Island Aboriginal Shire Council and Manbarra People will be open and frank with each other and provide sufficient information to each other in a timely manner in order to make fully informed decisions.

### 6.4 Appointment and Authority of Negotiation Teams

6.4.1 The Palm Island Aboriginal Shire Council and Manbarra People will each ~~appoint~~ a Negotiation Team with appropriate authority to conduct negotiations.

6.4.2 The Palm Island Aboriginal Shire Council and Manbarra People agree that each Party may change its Negotiation Team by writing to the other Party.

6.4.3 The Palm Island Aboriginal Shire Council and Manbarra People agree it is important that the Negotiation Teams change as little as possible.

### 6.5 Decision Making Processes

6.5.1 The Palm Island Aboriginal Shire Council and Manbarra People acknowledge and respect that they each have decision-making processes that need to be followed.

### 6.6 Where and When the Negotiations will Happen

6.6.1 Negotiations may happen at any time and place where the Palm Island Aboriginal Shire Council and Manbarra People agree.

6.6.2 The Palm Island Aboriginal Shire Council and Manbarra People will use their best endeavours to ensure that appropriate members of their Negotiation Team attend all scheduled meetings. Once scheduled, a meeting should not be delayed just because all the members of each Negotiation Team cannot attend, unless agreed.

May, Dep May  
Councilors  
& CEO.

→ 4 people  
3 councilors  
& CEO  
& 3 Memb.  
& 1 exec.

**6.6.3** Negotiations will be conducted in a manner that is flexible and inclusive and which affords appropriate recognition and respect for any cultural or commercial issues.

**6.6.4** The Palm Island Aboriginal Shire Council and Manbarra People may stop negotiations at anytime by giving at least 2 weeks notice in writing. Negotiations may recommence when agreed.

## **7. STATUS OF THIS DOCUMENT**

**7.1** This document is not binding on the Palm Island Aboriginal Shire Council and Manbarra People, and nothing in it is intended to or will affect the legal rights or obligations of the Palm Island Aboriginal Shire Council or Manbarra People.

## **8. DISPUTE RESOLUTION**

**8.1** In the event of a dispute arising in relation to any activities the subject of this Memorandum of Understanding, each Party agrees to:

- (a) take all reasonable steps to resolve the issue between themselves in the first instance;
- (b) if an agreement cannot be reached, then the Parties will appoint an agreed independent mediator.

