

POLICY: PROTOCOL FOR RELATIONSHIPS BETWEEN
THE ABORIGINAL AND TORRES STRAIT
ISLANDER COMMUNITIES AND BATHURST
REGIONAL COUNCIL

DATE ADOPTED: Director Cultural & Community Services Report #1
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OBJECTIVE: To establish protocols for communication with and
engagement of Aboriginal and Torres Strait Islander
community representatives.

What is an Aboriginal & Torres Strait Islander Protocol?

Aboriginal and Torres Strait Islander protocol refers to appropriate ways of including Aboriginal and Torres Strait Islander cultural material and working with Aboriginal and Torres Strait Islander people and their communities.

Much diversity exists between the different Aboriginal and Torres Strait Islander cultures in Australia making it impossible to create one set of rules for working with Aboriginal and Torres Strait Islander material and people, but there are some basic principles that act as a guide to working in a respectful way. Aboriginal and Torres Strait Islander protocol refers to these principles.

The following protocol has been drawn from various sources as follows, and modified for use with local Aboriginal and Torres Strait Islander community representatives.

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- **Australia Council, the Federal Government's principal arts funding and advisory body. Source: www.ozco.gov.au**
- NSW Premier's Department at www.premier's.nsw.gov.au
- NSW Department of Education & Training, Science in Context, Working with Aboriginal Communities at www.anu.edu.au
- Arts NSW Policies & Principles at www.arts.nsw.gov.au
- ABC Message Stick Cultural Protocols for Aboriginal and Torres Strait Islander Reporting in the Media at www.abc.net.au/message/proper

- Every element of an Aboriginal and Torres Strait Islander peoples' heritage has owners, which may be the whole people, a particular family or clan, an association or community, or individuals, who have been specially taught or initiated to be such custodians. The owners of heritage must be determined in accordance with Aboriginal and Torres Strait Islander peoples' own customs, laws and practices. (Source: Arts NSW Policies and Principles).

What are some of the characteristics of Aboriginal and Torres Strait Islander Cultural Knowledge?

- Aboriginal and Torres Strait Islander Cultural Knowledge:
 - Has been held and passed on by Aboriginal people for thousands of years. It changes and develops as Aboriginal culture changes and develops.
 - Is sometimes owned communally by a family, clan or group.
 - Is often held by a particular custodian in the family or clan.
 - May be passed on by the holders of the knowledge according to particular rules. These rules are sometimes referred to as customary law.
 - Is often learned and taught by talking and listening, rather than reading and writing. Aboriginal Cultural Knowledge is often not written down or recoded by the people who teach it or learn it. (Source: Arts NSW Policies and Principles).

Protocol Principles

Respect

The rights of Aboriginal and Torres Strait Islander people to own and control their cultures should be respected. Diversity of Aboriginal and Torres Strait Islander cultures should be acknowledged and encouraged. Aboriginal and Torres Strait Islander worldviews, lifestyles and customary laws should be respected in contemporary life.

Aboriginal and Torres Strait Islander Control

Aboriginal and Torres Strait Islander people have the right to self-determination in their cultural affairs.

Consultation, Communication and Consent

Aboriginal and Torres Strait Islander people should be consulted on the way in which their history, community, interviews, lives and families are represented and used.

people have the right to be paid for the use of their Aboriginal and Torres Strait Islander Cultural and Intellectual Property. Payment or voluntary contributions should be discussed up front.

The issue of copyright ownership of the story, image, music, contributions and artwork should be discussed up front.

Aboriginal and Torres Strait Islander people should have the right to control exploitation of their cultural and intellectual property. If consent is given Aboriginal and Torres Strait Islander people have the right to share in the benefits from any commercialisation of their Aboriginal and Torres Strait Islander cultural material.

Recognition and Protection under the Law

Aboriginal and Torres Strait Islander people have the right to protection of their cultural and intellectual property.

Australian law and policies should be implemented to respect and protect Aboriginal and Torres Strait Islander rights to their Cultural and Intellectual Property.

(These principles are sourced from ABC Message Stick Cultural Protocols at www.abc.net.au/message).

Consultation, Communication and Consent

Consultation

Research should identify the people to contact to discuss a proposal. Prior informed consent is fundamental to effective and culturally appropriate dealings with Aboriginal and Torres Strait Islander peoples.

The nature, purpose and proposed outcomes of the proposal should be disclosed to participants prior to seeking agreement to any involvement in the process. Payment of fees and any copyright issues should also be discussed. Source: (ABC Message Stick Cultural Protocols at www.abc.net.au/message/proper).

Communication

Respect for the communal nature of Aboriginal and Torres Strait Islander social structures is essential in the process of consultation, communication and consent. It is generally not sufficient to consult with one person. It is generally necessary to consult with a series of people, families or clan representatives to inform, consult and seek consent.

"The complex relationships and obligations found in extended families of Aboriginal and Torres Strait Islander Australians means that added responsibilities, not normally expected of non-Aboriginal and Torres Strait Islander families are imposed on Aboriginal and Torres Strait Islander group members. This can affect the ways deals or agreements might be achieved". Source: (ABC Message Stick Cultural Protocols at www.abc.net.au/message/proper).

To adhere to any preferences offered by the local Aboriginal community as to who Council should contact in any specific order or for any specific role. (See Method below).

Aboriginal Organisation responsibilities

To develop a protocol, in partnership with Council, for consulting and working with Council.

To keep the register of contact details up to date by providing Council with information on changes to contact details.

To advise Council of a preferred method for which Council can contact members of the Aboriginal community.

Method for Council to consult or work with the local Aboriginal community and/or its members:

- That proposals be referred to the Bathurst Aboriginal Lands Council, the Indigenous Co-ordination Centre Aboriginal Community Working Party for Bathurst; the Bathurst Local Aboriginal Consultative Committee, Towri Corporation and the Bathurst Wiradjuri Aboriginal Corporation.
- That Council request that proposals be placed before a meeting of each of the above groups so members (including community members) can consider, record and advise a decision on a proposal.
- That Aboriginal organizations and committees circulate the proposal to members using their established processes and respond to Council within a period of four to six weeks.
- Where shorter communication deadlines exist, (example requests for Welcome to Country Ceremonies) Council, may consult with individual Aboriginal Organisations and Committees on a rotating basis.

Use of Images

That the input to or decisions made on a proposal by each of the above groups be returned to Council for consideration and action.

Consultation is important for decisions on images used of Aboriginal and Torres Strait Islander people. The proposal or project may meet all protocols but this can be undermined by the use of inappropriate accompanying images. Consult with Aboriginal and Torres Strait Islander people about appropriate images.

Images of people should be checked that they do not include images of people who have passed away.

Warning:

ABC Television, Radio and Online have a warning that is used in the introduction to most programs. The warning below is copyright of the ABC Aboriginal and Torres Strait Islander Programs Unit and you are able to seek permission to use this for your own programs. Contact ABC Aboriginal and Torres Strait Islander Program Unit at ipu@your.abc.net.au

we are able to:

- Recognise and pay respect to Aboriginal peoples, cultures and heritage.
- Communicate Aboriginal cultural practices to the broader community to promote respect and understanding.
- Demonstrate that Aboriginal cultures are living through maintenance and practice of ceremonies and protocols.
- Demonstrate recognition of Aboriginal people unique position which can assist in building relationships and partnerships.

The type of ceremony undertaken at an official event should be appropriate to the nature and size of each event in accordance with the procedures set out below and negotiations with local traditional owners of the land.

It is important to note that ceremonies and practices differ from place to place. The planning timetable of official events should allow time for negotiations with Aboriginal communities, as well, discussion and decision making within those communities. Source: (Aboriginal Cultural Protocols and Practices Policy at www.premier's.nsw.gov.au).

Minimum requirements

When planning an official event, Council should consult with the Aboriginal Community representative bodies as described above to obtain specific information on:

- Appropriate ceremonies and performances.
- Traditional owners of the land who should be contacted.
- Contacts for Aboriginal cultural practice provider.

As a minimum requirement, an *Acknowledgement of Country* ceremony should be undertaken. A protocol for the ceremony is provided below. At events at which flags are shown, the order of display, from an audience perspective from left to right, the Australian flag, the NSW flag, the Aboriginal flag and the Torres Strait Islander flag.

Major Official Events

All major official events, where members of the public, representatives of Council or other Governments and/or the media are present, should include a Welcome to Country ceremony or Acknowledgement of Country. Events in this category include:

- commemorations and major festivals;
- conferences held by Council;
- International events (including sporting events) held in the Bathurst Region of which Council is an organiser or sponsor.

Agencies and communities are encouraged to be innovative in recognising

- I would like to acknowledge that this meeting is being held on the traditional lands of the (appropriate group) people.
- I would like to acknowledge that this meeting is being held on Aboriginal land and recognise the strength, resilience and capacity of Aboriginal people in this land.

Smoking Ceremony

Smoking ceremonies are conducted by Aboriginal people with specialised cultural knowledge. Smoking ceremonies should be performed by traditional owners of the land who hold this cultural knowledge or people nominated by the traditional land owners. The ceremony's purpose is to cleanse the space in which the ceremony takes place. Given the significant nature of the ceremony, smoking ceremonies are usually performed at major events.

Other Ceremonies

As indicated previously, other ceremonies may be undertaken along with those outlined above. Agencies are encouraged to consult with local Aboriginal communities on the best form of recognition for each event the ceremony reflects the NSW Government's commitment to Reconciliation.

Fee for Service

In providing cultural services, artistic performances and ceremonies Aboriginal people are using their intellectual property. As such providers of these services are entitled to remuneration. Payment can be negotiated between the cultural service provider and the agency.