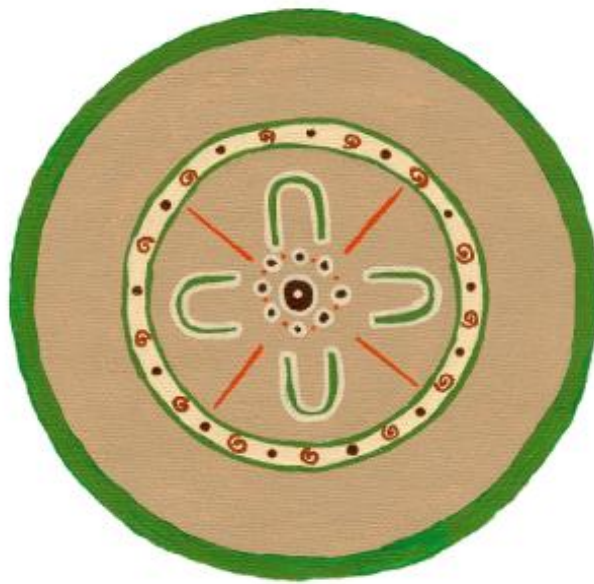


ABORIGINAL CULTURE and HERITAGE FRAMEWORK

2010 – 2014



for the Illawarra-South East Regional Managers Network

MAY 2010

Acknowledgements

The Illawarra South East Regional Managers Network (I-SE RMN) of the NSW Government (formerly known as the Illawarra-South East Regional Managers Group or RCMG) is proud to acknowledge the rich and diverse Aboriginal Culture and Heritage of the Illawarra and South East Regions of NSW.

The I-SE RMN has a long history of working in partnership with the Aboriginal communities in the region and with the Illawarra-South East Aboriginal Government Employees Network (AGEN).

Since the I-SE RMN was formed in 1997, it has made significant improvements in the ways it acknowledges country and celebrates Aboriginal culture. The AGEN was formed with the support of the RMN in 2005, and since that time has capably provided advice to the RMN. Advice from AGEN has led to the development of this Aboriginal Culture and Heritage Framework.

The I-SE RMN acknowledges that Aboriginal people are the Traditional Owners of the land, and is committed to embracing, respecting and celebrating the region's unique Aboriginal heritage and culture. Our ongoing commitment to implementing the I-SE Cultural Respect Training Framework and the I-SE Aboriginal Regional Employment & Recruitment Plan, both jointly developed by AGEN and the I-SE RMN are testament to this commitment.

The I-SE RMN is committed to strengthening partnerships with Aboriginal communities - both with Traditional Owners and the broader Aboriginal community. We believe that by working together we can achieve true reconciliation and an understanding of Aboriginal cultural heritage.

The development of the Draft I-SE RMN Aboriginal Cultural Heritage Framework 2009 – 2014 ('the Draft Framework') is based on our commitment to advancing the partnership between the I-SE RMN and Aboriginal communities.

This Draft Framework is the outcome of a project developed jointly by the AGEN and I-SE RMN. To develop the draft Framework, AGEN and the I-SE RMN sought advice and guidance from Aboriginal communities, in order to understand and address issues important to the community and to build a positive and effective strategy for the future.

The Draft Framework uses the terminology *Aboriginal* Culture and Heritage in preference to the term *Indigenous*. The Term 'Indigenous' has been used only when quoting directly from Commonwealth Government documents, and it is necessary to replicate the quotation accurately. The term 'Aboriginal' has been preferred in this Framework because the first people of the Illawarra and South East regions are Aboriginal people.

The I-SE RMN acknowledges that there are also Torres Strait Islander people who have settled in the two regions. Torres Strait Islanders are equally respected, and the principles established through this document are of equal relevance for Torres Strait Islanders.

The Department of Premier and Cabinet, on behalf of the I-SE RMN, gratefully acknowledges the efforts of members of the 2008, 2009 and 2010 Cross Agency Working Parties appointed by AGEN to develop this Draft Framework.

The AGEN logo used on the front of this document was designed by Patricia Margaret Maurer. Sadly Aunty Pat passed away on 15 December 2005, however her support for establishing AGEN and her gift of the logo will always be remembered.

Contents

	Page Number
Acknowledgements	2
1. Aboriginal Culture and Heritage: Illawarra –South East Regional Managers Network Statement of Commitment 2009 – 2014	
2. Introduction	7
2.1 Purpose of this Framework	7
2.2 Where are the Illawarra and South East Regions	7
2.3 What is the I-SE Regional Managers Network?	8
2.4 What is the Aboriginal Government Employees Network (AGEN)?	8
2.5 Background to the Development of the Framework	10
2.6 Who is the Framework For?	10
2.7 What is Aboriginal Culture and Heritage?	11
2.8 What is the experience of Aboriginal Culture and Heritage by people in the Illawarra- South East?	11
3. What is the Legislative and Policy Context for this Framework?	
	14
3.1 United Nations Declaration	14
3.2 The National Apology	14
3.3 Closing the Gap on Indigenous Disadvantage	14
3.4 Indigenous Coordination Centres	15
3.5 Commonwealth Legislation	15
3.5.1 Racial Discrimination Act 1975	16
3.5.2 Native Title Act 1993	16
3.6 NSW Government Policy and Legislation	16
3.6.1 The NSW State Plan	16
3.6.2 NSW Government Aboriginal Affairs Plan, 'Two Ways Together'	17
3.6.3 Overarching Agreement on Aboriginal Affairs Between the Commonwealth of Australia and the State of NSW (2005-2010) – the Bilateral Agreement	17
3.6.4 Cultural Protocols and Practices Policy	17
3.6.5 NSW Aboriginal Languages Policy	18
3.6.6 Making it Our Business: Improving Aboriginal Employment in the NSW Public Sector 2006-2008	18
3.6.7 The Aboriginal Land Rights Act 1983	18
3.6.8 NSW Heritage Act 1977	18
3.6.9 Local Government Act 1993	19
3.6.10 The National Parks and Wildlife Act 1974	19
3.6.11 Operation of the National Parks and Wildlife Act	20
3.6.12 Environmental Planning and Assessment Act 1979	20

4. Aboriginal Culture and Heritage – Good Practice Examples from Members of the I –SE RMN		21
	4.1 Aboriginal Social and Economic Development	21
	4.2 Case Studies – Some Successful Actions for Aboriginal Culture and Heritage	22
	4.2.1 Case Study 1: Project Murra - NSW Police and Warrigal Employment	23
	4.2.2 Case Study 2: Aboriginal Participation in the South Coast Correctional Centre	24
	4.2.3 Case Study 3: Aboriginal Engagement in Infrastructure Projects	26
	4.2.4 Case Study 4: The Development of the Management Plan for Kosciuszko National Park 2006	28
	4.2.5 Case Study 5: Eurobodalla Aboriginal Heritage Study	30
5.0 –Possible Future Actions to Promote Aboriginal Culture and Heritage		33
6.0 How will the <i>Framework</i> be implemented?		35
	6.1 Aboriginal Advisory Committee	35
7.0 Appendix		
	7.2 NSW Government Aboriginal Protocols and Practices Policy	36

1. Aboriginal Culture and Heritage: Illawarra –South East Regional Managers Network:

Statement of Commitment 2009 – 2014

The truth is: a business as usual approach towards Indigenous Australians is not working. Most old approaches are not working. We need a new beginning. .Kevin Rudd, Prime Minister, 13 February 2008, Address to the Nation

The following *Statement of Commitment* provides a foundation for all that the Illawarra-South East Regional Managers Network (I-SE RMN) aims to achieve in its work with the Aboriginal communities.

The I-SE RMN acknowledges that:

- Illawarra and South East Aboriginal people have existed and survived under deliberate cultural and socio-political systems. These systems promoted and supported a nurturing process which endured for tens of thousands of years in the absence of European influence.
- Aboriginal Australians were the first people of this land and have strived to retain their culture and identity through the period of non-Aboriginal settlement, for more than two centuries.
- Aboriginal Australians have customs and traditions which underpin a special relationship with the land and water in the Illawarra and South East regions of NSW.
- Aboriginal people have strong and diverse cultural traditions, and this heritage is valuable for all Australians.
- In the past, Cultural and Heritage places and items that relate to Aboriginal people and communities have not always been acknowledged by land owners, developers, and Government agencies. These Heritage places are linked to Aboriginal communities through spirituality, ceremonies, stories, work, sport and recreation. They have direct impacts on the identity and the general health and well being of Aboriginal people.
- Land development within the regions has often involved losses to Aboriginal Culture and Heritage sites. Much has been lost. Some distinguished Cultural and Heritage sites such as rock art and burial sites are already protected. While there are processes in place to identify places of Aboriginal Cultural Heritage, there are still many areas of significance that are yet to be identified, protected, and celebrated. Any loss of Culture and Heritage impacts on the spiritual, social and economic wellbeing of Aboriginal communities.
- Aboriginal languages, camp sites, stone tools, engraving sites, scarred trees, rock walls, burial sites, middens and waterholes are all an integral part of Aboriginal Culture and Heritage. Where the activities of Government or business are likely to impact on Aboriginal Culture and Heritage, the I-SE RMN understands that early consultation with the relevant Aboriginal peoples must now be a primary priority.
- Aboriginal Australians have the right to live according to their own Cultural values and customs.

- Family life is the core of Aboriginal community life. Family relationships, linkages and practices that are passed from one generation to the next involve particular sets of social and Cultural obligations for Aboriginal people.
- All government services that are provided to Aboriginal people must respect Aboriginal Cultural values and practices.
- The I-SE RMN recognises the valuable contributions that are made by Aboriginal people to the region and the nation, and will work towards a future of mutual respect and harmony.

The I-SE RMN will work with AGEN and Aboriginal communities to:

- Recognise the importance and value of Aboriginal Government employees and acknowledge the essential role that Aboriginal employees play in achieving successful outcomes with Aboriginal communities
- Encourage mutual recognition and respect between Aboriginal employees and the member agencies of the I-SE RMN, increasing Aboriginal participation in decision making, acknowledging and understanding Aboriginal Culture and Heritage
- Build understanding that Aboriginal Government Employees carry a dual identity – as ‘community member’ first, and Government employee second. Their role as Government employees does not disenfranchise Aboriginal employees from their community identity and purpose.
- Recognise, protect, and respect Aboriginal sacred sites, special places and sites of significance.
- Participate in Aboriginal Cultural Heritage events, programs and projects such as NAIDOC Day, and Reconciliation.
- Carry out genuine consultation with Aboriginal communities in relation to NSW Government service planning and development.
- Seek advice from affected Aboriginal people prior to planning and delivering government services to Aboriginal communities.
- Educate the broader community about the importance of Aboriginal Culture and Heritage, and the impacts of non-Aboriginal settlement of this country.
- Work within the *Two Ways Together* policy with Aboriginal people in the context of redressing their serious social and economic disadvantage.
- Progress reconciliation between Aboriginal and non-Aboriginal people.
- Actively work to eliminate racism or discrimination wherever it may occur, ensuring that all our Aboriginal communities enjoy equal rights and are treated with equal respect.
- Advocate on behalf of Aboriginal members of our communities to ensure that the commitment made in this statement is upheld.

2. Introduction

2.1 Purpose of this Framework

The purpose of the Illawarra- South East Aboriginal Culture and Heritage Framework (called the *Framework* from here on) is to establish a common platform of understanding and commitment by NSW Government agencies in these regions. This common understanding will assist in government actions, decisions, and the delivery of services being undertaken in a way that is respectful of Aboriginal Culture and Heritage.

The *Framework* encourages agencies to develop a shared understanding of Aboriginal Culture and Heritage. Through a shared understanding, all agencies will interact with Aboriginal communities in a way that respects the unique asset of Aboriginal Culture and Heritage and work in ways that celebrates and strengthens this Culture and Heritage. As agencies grow this understanding, the NSW government will be positioned to form more effective partnerships with Aboriginal communities.

It is time to reconcile. It is time to recognise the injustices of the past. It is time to say sorry. It is time to move forward. Kevin Rudd, Prime Minister 13 February 2008 *Address to the Nation*

Through commitments made in the *Framework*, the Illawarra-South East Regional Managers Network (I-SE RMN) aims to empower Aboriginal communities to achieve their aspirations.

It is acknowledged that many I-SE RMN agencies are already delivering their services in a way that is culturally respectful of Aboriginal people. The current *Framework* seeks to build on the positive outcomes that these agencies and Aboriginal communities have already achieved.

The *Framework* has five components:

1. A Statement of Commitment for the Illawarra-South East Regional Managers Network (I-SE RMN)
2. Overview of the Policy and Legislative Context
3. Five practical case studies of positive actions by I-SE RMN agencies and local government in relation to Aboriginal Culture and Heritage
4. Future Actions for the I-SE RMN to work in partnership with Aboriginal Government Employees Network (AGEN) and the Aboriginal communities of the Illawarra & South East
5. An Implementation Plan

2.2 Where are the Illawarra and South East Regions?

The Illawarra and South East Regions of NSW incorporates 18 local government area (LGAs) from Wollongong, west through the Wingecarribee, south to Goulburn, Yass and Young; south and east through Queanbeyan and Cooma; south to the Victorian border in the Australian alps then across to the coast south of Eden.

Over 620,000 people reside in these regions. As at the 2006 Census, the total number of individuals across the Illawarra-South East who identified as Aboriginal or Torres Strait Islander was 13,403.

The Illawarra-South East geography is very diverse. There is a relatively narrow coastal strip along the South Coast, rising up over the coastal ranges and escarpments onto the Southern Tablelands which predominantly range from around 600m to 900m in elevation. Traversing the tablelands are the Great Dividing Range which reach their greatest elevations (in excess of

2,000m) towards the south in the alpine peaks and plateaus of the Snowy Mountains. In the north-west the slopes grade down towards the Riverina-Murray region to the west.

The total area of the Illawarra-South East is 60,622 sq. km representing about 7.5% of the land area of New South Wales.

2.3 What is the I-SE Regional Managers' Network?

The Illawarra South East Regional Managers Network (I-SE RMN) refers to the collective of regional managers of NSW Government agencies in the region. It forms part of the NSW Government's Regional Coordination Program, which is overseen by the Department of Premier and Cabinet. This program provides a statewide mechanism to manage complex regional projects and/or issues.

The I-SE RMN responds as and when required to the priorities of the government, the regional interagency objectives of agencies, and the requirements of the communities they serve. The I-SE RMN was formerly known as the I-SE Regional Coordination Managers Group (I-SE RCMG) and has been operating in the Illawarra and South East Regions since 1997.

The RMN is supported by two regional manager cluster groups: Justice and Human Services, and Economic Development and Environment.

Cluster membership generally reflects the composition of the NSW Chief Executive Officers Cluster Groups.

Justice and Human Services Cluster	Economic Development and Environment Cluster
Attorney Generals Department	Commerce
Community Relations Commission	Environment, Climate Change and Water
Aboriginal Affairs	Lands
Ageing, Disability & Homecare	Primary Industries
Community Services	Industry and Investment
Corrective Services	Water & Energy
Education and Training	Landcom
Juvenile Justice	Ministry of Transport
Arts, Sport and Recreation	NSW Maritime Authority
Housing NSW	RailCorp
NSW Health	Roads and Traffic Authority
NSW Police	Education & Training, TAFE
Premier and Cabinet	Regional Development Australia
Planning	Planning
Office of Fair Trading (Commerce)	Catchment Management Authorities
Rural Fire Service	Aboriginal Affairs
State Emergency Service	Premier and Cabinet
NSW Fire Brigades	

2.4 What is the Aboriginal Government Employees Network (AGEN)?

The I-SE Aboriginal Government Employees Network (AGEN) was initiated in 2004 by the I-SE RMN (formerly I-SE RCMG) as part of its cross-agency commitment to enhancing service delivery and outcomes for Aboriginal communities.

AGEN brings together Aboriginal employees of the NSW Government in the Illawarra and South East Regions in a network that meets annually. AGEN progresses a range of projects in partnership with the I-SE RMN. In their professional roles, AGEN members are responsible for amongst other things:

- delivering services to the community with a focus on ongoing community education
- implementation of government programs that relate to delivery of NSW Government services:
 - *Employment and Training*
 - *Housing and Infrastructure*
 - *Law and social justice*
 - *Youth and Elders*
 - *Sport and Recreation*
 - *Environment and Land Management*
 - *Education*
 - *Health and Welfare*
 - *Frail Aged and People with a Disability*
- co-ordinating and monitoring the implementation of Aboriginal Cultural Awareness Programs
- planning, monitoring and collecting data for Aboriginal programs as funded by both the Federal and State governments
- promoting Aboriginal Culture and the Reconciliation agenda
- monitoring of Aboriginal youth issues throughout the Aboriginal communities and identifying barriers that prevent young people from services in the region.

The AGEN aims to increase the support, networking, and opportunities for collaboration between Aboriginal workers. A key function of AGEN is to provide the I-SE RMN with advice on Aboriginal issues, encouraging effective whole of government approaches to build stronger partnerships with the Aboriginal communities.

AGEN is supported by a Cross Agency Working Party (CAWP) of Aboriginal employees who dedicate their time and efforts to advancing recommendations from each annual AGEN Gathering.

The development of the *Framework* is the third major partnership initiative between the I-SE RMN and AGEN. The previous initiatives have been:

- Illawarra South East Aboriginal Employment and Recruitment Plan (2007)
- Illawarra South East Cultural Respect Training Framework (2007)

There is a natural and logical relationship between the current Draft Framework, and the previous two initiatives.

The *Framework* develops and articulates the key concepts, principles and commitments that provide a fundamental underpinning for the previous two documents. To some extent, these ideas have long been part of a shared understanding in the region, and have been the basis for much of the positive work that has already been carried out.

The *Framework* documents the resolve of the I-SE RMN to establish mutual respect and partnership with Aboriginal people. The way forward involves the implementation of this resolve, using the previously established *Employment and Recruitment Plan* and the *Cultural Respect Training Framework* as a part of a broader policy 'toolkit' to support positive partnerships.

2.5 Background to the Development of the *Framework*

At its Annual Gathering in Bateman's Bay in 2007, the Aboriginal Government Employees Network (AGEN) conducted a series of visits to important Aboriginal cultural sites. The visits were hosted by local Traditional Owners and Aboriginal workers. Participants were provided with an account of the significance of the sites, and a description of the way that the sites have been managed by different agencies in various levels of government.

The Gathering recommended that AGEN and the then Illawarra South East Regional Coordination Management Group (I-SE RCMG) jointly develop a regional framework to promote greater understanding, coordination, support and involvement in actions that affect Aboriginal Culture and Heritage. The recommendation from AGEN was that:

- *In collaboration with the I-SE RCMG, AGEN to develop a Cross- Agency Aboriginal Culture and Heritage Framework for the Illawarra-South East Region*

The recommendation was subsequently endorsed by the I-SE RCMG at its meeting in November 2007.

To develop the Framework, the AGEN Gathering in 2008 (Queanbeyan) further considered the concept of a regional framework through a number of presentations, workshops with AGEN members, and story circles involving respected community elders, Aboriginal leaders and Traditional Owners.

Through this Gathering, it became evident that the Framework needed to address not only the protection and management of 'sites', 'places' and 'artifacts/objects' (that is, land management issues), but also address the implementation of government services generally to ensure that those services are culturally appropriate for, and respectful of, Aboriginal people.

Subsequently the Cross Agency Working Party (CAWP) for AGEN has developed this draft *Framework* for consultation with AGEN members and the I-SE RMN.

2.6 Who is the *Framework* For?

The *Framework* is for **all** NSW Government agencies that make up the I-SE RMN. These agencies provide a range of services and make decisions affecting Aboriginal communities, their Culture, and their Heritage.

The *Framework* is intended to provide and facilitate a whole-of-government approach to working with Aboriginal communities.

It seeks to influence decisions concerning land management and development. Such decisions affect sites and places of significance to Aboriginal communities. Of equal importance, the *Framework* seeks to influence government decisions about how community and human services are delivered with, and for, Aboriginal people.

The I-SE RMN has already recognised that two of the most effective ways of improving service delivery for Aboriginal people are to:

- employ and support Aboriginal staff within agencies working with the community through the I-SE Regional Employment and Recruitment Plan (2007); and
- encourage all staff within all agencies to undertake cross-cultural awareness training through the I-SE Cultural Respect Training Framework (2007)

The I-SE RMN is aware of the need to consider the views of many different groups within the Aboriginal community, including Traditional Owners, those who live in the region, and those who come to the region for work, study or tourism.

It is intended that the I-SE RMN agencies, at all levels of their respective organisations, will work with AGEN and the Aboriginal communities to realise the principles articulated in the *Framework*. Through direct engagement with Aboriginal people to implement these principles, the I-SE RMN will strengthen links with the community beyond ceremony and acknowledgment, and create long lasting partnerships that will deliver benefits to future generations.

2.7 What is Aboriginal Culture and Heritage?

It is through *Culture* that Aboriginal people create a sense of self and identity. The connection to land, water, family, community and experience all work together to build Aboriginal identity.

From an Aboriginal perspective, Aboriginal Culture is 'how we create our sense of selves'. It is how Aboriginal people have a shared meaning and understanding of what it means to be a Coastal, Mountain or Plains Aboriginal person, or, more particularly, what it means to be an Aboriginal Australian.

Heritage is used by Aboriginal people to mean cultural history – the places, stories and material items that express the past and help Aboriginal people to understand their place in the present. For all Australians, Aboriginal and Non Aboriginal, our understanding of the past is the basis for understanding how we relate to the historical continuum that includes the future.

Both Culture and Heritage can be embodied in physical things (for example in middens, other archaeological sites, important places and natural features) or it can take more intangible forms (for example stories, memories and performance).

Heritage has a very important role in that it provides a way of sharing Culture. Sharing Culture happens within our people and between peoples, and it is passed on through generations of people. It is through sharing that Culture is kept alive to inform the development of a people's identity. Preserving Heritage is, therefore, an important mechanism for actively preserving Culture and Identity.

Aboriginal Culture and Heritage in the I-SE will have different meanings for Aboriginal people, depending on whether they are coastal residents, from the mountains or plains areas. Migrants, mainstream community, domestic and international visitors will each have a differing perspective on Aboriginal Culture and Heritage.

2.8 What is the experience of Aboriginal Culture and Heritage by people in the Illawarra- South East?

We embrace with pride, admiration and awe these great and ancient cultures we are truly blessed to have among us – cultures that provide a unique, uninterrupted human thread linking our Australian continent to the most ancient prehistory of our planet. – Kevin Rudd, Prime Minister 13 February 2008, Address to the Nation

For the many diverse groups of Aboriginal people, the I-SE has always been a location of important Cultural and Heritage places. It is also a place to where Aboriginal people meet, work, and recreate in ways that give expression to Aboriginal Culture and build Aboriginal community. The I-SE RMN respectfully acknowledges that it rests on the land of Aboriginal Traditional Owners. Today we are proud to say that I-SE region is a significant gathering place for many and diverse Aboriginal communities.

The Aboriginal understanding of the traditional Cultural and Heritage importance of the region will be felt most deeply and intimately by Aboriginal people. This is particularly true of the Traditional Owner groups. Many (arguably most) of the I-SE Traditional Owners will live within their cultural boundaries.

Some Aboriginal Traditional Owners are not living 'on country'. This means that they have left the land that they and their ancestry are connected to. An example is the Ngarigo people, whose traditional country is the Monaro Plains. The Ngarigo people have moved away from their traditional country, however they still actively exercise their right to speak and care for this country. Other Traditional Owners feel similarly that they maintain an interest in what they know to be 'their country' and they may wish to be consulted when Government is involved in considering plans that will impact on country.

The region may also be important to Aboriginal people who have historical ties to Bomaderry, and the Wingecarribee. These areas were the locations of institutions used to house members of the stolen generations. Children growing up in these institutions sometimes settled in the host areas, having lost connections with birth families and birth country.

Many Aboriginal people living in the I-SE may not have traditional links with region, but have come to the region to work, study, raise a family or access facilities.

The region is frequently a meeting place for Aboriginal people, as they come from many and diverse areas to participate in Cultural events and celebrations.

Non-Aboriginal residents of the region may experience Aboriginal Culture and Heritage through Cultural events, protests and political action, sporting events and the focus on some public spaces. Places that have enjoyed well publicised attention include Sandon Point and Hill 60 in Wollongong, Gulaga and Mumbulla Mountains on the South Coast, and the Snowy Mountains.

Place-naming and public art also contribute to an 'Aboriginal presence' on the landscape.

Non Aboriginal peoples' experiences with Aboriginal culture may be of local origin. More frequently, non-Aboriginal people may have understandings of Aboriginal Cultures from other areas in Australia. It is important to understand that Australia is home to hundreds of different Aboriginal Tribal and Aboriginal language groups. The Cultural differences between these groups are sometimes as significant as their similarities.

A significant proportion of the I-SE region's population are first or second generation migrants. Many are from a non-English speaking background. The understandings of culturally and linguistically diverse groups in respect of regional Aboriginal Culture and Heritage are highly variable.

The I-SE regions attract many visitors from across Australia and overseas. Some of these visitors may be seeking to learn about Aboriginal Culture and Heritage. The new Jumbulla centre at the top of the mountain above Bulli provides a gateway to Illawarra Aboriginal Culture. In the past, many tourism marketing strategies have tended to focus predominantly on Northern Territory Aboriginal culture. There is a need to promote the Aboriginal profile for I-SE region through our I-SE RMN capacity, in partnership with the Aboriginal community and key stakeholders. This has implications for the ability of Aboriginal people in the I-SE to feel recognised. It may also increase opportunities to develop businesses that promote I-SE Aboriginal Culture across the state, the nation, and internationally.

The way in which managers and employees of the NSW Government agencies in the I-SE region understand and acknowledge Aboriginal Culture and Heritage can have significant implications for the relationships that can be built with Aboriginal communities.

This is particularly important when it comes to the delicate act of balancing individual agencies' responsibilities to the Aboriginal people of the I-SE area with its role in the region, and the

relationship with local governments. Local Governments in the I-SE have typically engaged with their local Aboriginal communities.

Of key importance to any plans the I-SE RMN may have in regard to Aboriginal Culture and Heritage is the implementation of the *NSW Aboriginal Heritage Act 2006* and the establishment of the *Two Ways Together* Strategy. These policies will require changes to the way in which the Aboriginal Heritage Regulations are implemented within the I-SE region. They will also provide an opportunity to undertake a study of Aboriginal Cultural Heritage and sites for the I-SE area in order to further contribute to the current site register maintained by the Department of Environment, Climate Change and Water.

3. What is the Legislative and Policy Context for the Framework?

3.1 United Nations Declaration

The **Declaration on the Rights of Indigenous Peoples** was adopted by the United Nations General Assembly in September 2007. It was adopted with 143 countries voting in favour, 11 abstaining and 4 voting against. Australia was one of the four countries which voted against the Declaration.

On Friday 3 April 2009, the Australian Government made a statement in support of the United Nations Declaration on the Rights of Indigenous Peoples. This Statement reverses Australia's previous opposition to the Declaration.

The Declaration emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions and to pursue their development in keeping with their own needs and aspirations.

It also prohibits discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them, and their right to remain distinct and to pursue their own visions of economic and social development.

The Declaration is non binding. It sets out the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education and other issues.

For more information on United Nations Declaration visit <http://www.un.org/esa/socdev/unpfii/en/declaration.html>

or www.hreoc.gov.au

3.2 The National Apology

On 13 February 2008, the Prime Minister, Kevin Rudd made the National Apology to the Stolen Generations of Australia's Indigenous peoples in the House of Representatives:

'.....We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians... Until we fully confront that truth, there will always be a shadow hanging over us and our future as a fully united and fully reconciled people. It is time to reconcile. It is time to recognise the injustices of the past. It is time to say sorry...We apologise for the hurt, the pain and suffering that we, the parliament, have caused you by the laws that previous parliaments have enacted. We apologise for the indignity, the degradation and the humiliation these laws embodied.'

To read the full text of the Australian National Apology to the Stolen Generation, go to: <http://www.pm.gov.au/node/5952>

3.3 Closing the Gap on Indigenous Disadvantage

In 2008, for the first time, the Australian Government, together with the states and territories through the Council of Australian Governments (COAG), set specific targets to address Indigenous disadvantage. The six key targets that form the Closing the Gap objective are to:

1. close the life expectancy gap within a generation
2. halve the gap in mortality rates for Indigenous children under five within a decade
3. ensure access to early childhood education for all Indigenous four years olds in remote communities within five years
4. halve the gap in reading, writing and numeracy achievements for children within a decade
5. halve the gap for Indigenous students in year 12 attainment or equivalent attainment rates by 2020, and
6. halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade.

These agreed measures will form the baseline for measuring progress and reforms each year.

For more information about 'Closing the Gap' go to:

http://www.fahcsia.gov.au/sa/indigenous/pubs/general/documents/closing_the_gap

3.4 Indigenous Coordination Centres

In 2005, the Australian Government established Indigenous Coordination Centres (ICCs) across Australia.

Key roles:

- ICCs are whole of government offices that manage and coordinate Indigenous specific and mainstream programs in set regions.
- ICCs work with local Indigenous communities to negotiate agreements for effective partnerships.
- Respond flexibly to community priorities – develop agreements with communities to address these priorities
- Some ICCs have staff from other Departments located in the office.
- ICCs work closely with State Government and local councils in delivering Indigenous programs and funding.
- There is a national network of 30 ICCs in urban, regional and remote areas of Australia.
- ICC located in Queanbeyan and covering the South East region is supported by the FaHCSIA South Eastern Regional office in Batemans Bay.
- The Illawarra Region is covered by Sydney ICC.

3.5 Commonwealth Legislation

Commonwealth Legislation relating to Aboriginal culture and heritage is very limited. What little exists is a result of ratifying UN protocols. These protocols include: the *International Convention on the Elimination of All Forms of Racial Discrimination*, the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *International Covenant on Civil and Political Rights*.

These protocols are non-binding. Governments can choose to merely sign agreements (which gives support in principle to the agreement), or to sign *and ratify* the agreement (which means passing legislation that gives effect to the agreement).

In April 2009 the current Labor Government issued a statement in support of the *United Nations Declaration on the Rights of Indigenous Peoples* agreement. The Government is yet to develop a legislative framework that gives effect to the provisions of the agreement and build understanding of the Declaration across Government, among Aboriginal and Torres Strait Islander communities and within the general community.

3.5.1 Racial Discrimination Act 1975

The Racial Discrimination Act 1975 is the primary source of recognition of Aboriginal Culture at the Commonwealth level. This Act ratified the *International Convention on the Elimination of All Forms of Racial Discrimination*. It seeks to eliminate all forms of discrimination on the grounds of race. Particular attention was paid to equality before the law, in employment and in access to goods, services and housing. The Act also appointed a Race Discrimination Commissioner to handle discrimination complaints.

The protection provided by this Act is only statutory, and is not constitutionally guaranteed (as would be the case if it were protected by a bill of rights). In 2007 the then Liberal – National Party Government passed the *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007*, which suspended the relevant sections of the *Racial Discrimination Act* in order to allow the Northern Territory Intervention to proceed. Legislation aimed at re-instating the Racial Discrimination Act 1975 was tabled in the Australian Parliament in November 2009.

3.5.2 Native Title Act 1993

The Native Title Act acknowledges that Aboriginal and Torres Strait Islander people have been progressively dispossessed of their lands.

The main objects of the Native Title Act 1993 are:

- (a) to provide for the recognition and protection of native title; and
- (b) to establish ways in which future dealings affecting native title may proceed and to set standards for those dealings; and
- (c) to establish a mechanism for determining claims to native title; and
- (d) to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of Native Title.

The Native Title Act 1993 appoints the Aboriginal and Torres Strait Islander Social Justice Commissioner and requires this Commissioner to:

- prepare an annual report to the Attorney-General on the operation of the Native Title Act 1993 and its effect on the exercise and enjoyment of human rights of Aboriginal and Torres Strait Islander peoples; and
- report, when requested by the Attorney-General, on any other matter relating to the rights of Indigenous people under the Native Title Act 1993.

For more information on Commonwealth legislation visit Commonwealth Law info site: <http://www.comlaw.gov.au/> or the Human Rights and Equal Opportunity Commission's website at http://www.hreoc.gov.au/social_justice/index.html

3.6 NSW Government Policy and Legislation

3.6.1 The NSW State Plan

The State Plan is the NSW Government's long term plan to deliver the best possible services to the people of NSW. It sets strong targets for better service delivery across the public sector in NSW. The priorities in the State Plan are a result of extensive consultation with the community, business and stakeholder groups.

The NSW State Plan sets 'Strengthening Aboriginal Communities' as a priority. This will be achieved through implementing the NSW Government's Aboriginal Affairs Policy 'Two Ways Together', in partnership with the Federal Government.

For more information on the NSW Government's Commitment to Aboriginal people through the State plan visit: <http://more.nsw.gov.au/stateplan> Chapter 8.

3.6.2 NSW Government Aboriginal Affairs Plan, 'Two Ways Together'

'Two Ways Together' is a 10 year plan (2003-2012) to improve the lives of Aboriginal people and their communities. The NSW Government has committed itself to reducing the social disadvantage experienced by Aboriginal people, whilst strengthening their capacity to exercise their inherent rights.

The plan nominates seven priority areas that have been identified through consultation with Aboriginal people:

- Health
- Housing
- Education
- Justice
- Economic development
- Families and young people

'Two Ways Together' recognises that Aboriginal people have inherent rights as the first peoples of Australia. It recognises that these rights were never ceded, and that they exist in addition to citizenship rights. The inherent rights of Aboriginal people include the right to determine the direction of their social, economic and political development and the right to maintain culture, language and identity.

'Two Ways Together' takes a long-term view by making a ten year commitment to change. The plan requires government agencies to work together with Aboriginal people to ensure that services are accessible and culturally appropriate. The plan also recognises that services need to work in partnership with Aboriginal communities.

For more information visit: www.daa.nsw.gov.au/policies.html

3.6.3 Overarching Agreement on Aboriginal Affairs Between the Commonwealth of Australia and the State of New South Wales (2005-2010) – 'the Bilateral Agreement'

This agreement provides the framework for the Commonwealth and NSW Governments to work with each other. It has the principle aim of creating mechanisms to promote joint planning and improve service delivery, so that services are accessible by all Aboriginal Australians. The agreement builds on and complements existing arrangements and bilateral agreements.

For more information visit : www.daa.nsw.gov.au/policies/overarchingagreement.html

3.6.4 Cultural Protocols and Practices Policy

This NSW Government policy provides direction for agencies in respect of observing Aboriginal Protocols when conducting government business.

It includes advice to agencies as to what occasions should include a *Welcome to Country*, *Acknowledgement of Country*, or a *Smoking Ceremony*. The policy includes a schedule of minimum fees that are payable when Aboriginal people contribute their cultural services to these events.

For more visit: www.daa.nsw.gov.au/policies/policyreperformance.html

3.6.5 NSW Aboriginal Languages Policy

Under this Policy a new Kindergarten to Year 10 syllabus will be introduced to NSW Schools, to enable students to study Aboriginal language through to Year 10. An aim is to preserve the State's 70 Aboriginal languages.

For more information visit: www.daa.nsw.gov.au/policies/langpolicy.html

3.6.6 Making it Our Business: Improving Aboriginal Employment in the NSW Public Sector 2006-2008

This policy provides a guide for public sector agencies for the recruitment and retention of Aboriginal employees. It describes strategies that offer flexibility for agencies so that they can meet their current and future workforce needs and attract Aboriginal employees.

The NSW Government is committed to improving the number and proportion of Aboriginal people employed in the State Government workforce. Through *Making it Our Business*, the Government committed public sector agencies to achieve a minimum of 2% level of representation by 2008.

The Public Sector Workforce Office of the Department of Premier and Cabinet has carried out a review of *Making it Our Business* at the end of 2008. The outcome of this review is due for release in the very near future.

For more information visit: www.eeo.nsw.gov.au/aboriginal_and_torres_strait_islander_people

3.6.7 The Aboriginal Land Rights Act 1983

This Act and its subsequent amendments provides the legal framework for Aboriginal Land Rights in NSW, and establishes the NSW Aboriginal Lands Council and Local Aboriginal Land Councils as the mechanisms for acquiring and managing land and other assets on behalf of Aboriginal people.

The 2009 amendment to this Act tightens the regulatory framework applying to Local Aboriginal Land Councils in respect of dealings with land and other assets, and establishes the NSW Aboriginal Land Council Community Fund.

For more information about this Act go to: www.legislation.nsw.gov.au

3.6.8 NSW Heritage Act 1977

The objects of this Act are to preserve and promote the State's heritage. Heritage is broadly defined as a place, building, work, relic, moveable object or precinct, that is significant due to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

The Act establishes the Heritage Council of NSW as a Government Agency responsible for providing recommendations to the Minister in respect of the conservation and management of heritage items. The Heritage Council is able to apply Heritage Protection Orders and develop Conservation Agreements in order to legally protect the State's heritage.

The responsible Minister is the Minister for Planning jointly with the Minister Assisting the Minister for Planning.

For more information visit: www.legislation.nsw.gov.au

3.6.9 Local Government Act 1993 No. 30

The main purposes of the Local Government Act are to provide the legal framework for an effective, efficient, environmentally responsible and open system of local government in New South Wales, and to regulate the relationships between the people and bodies comprising the system of local government in New South Wales.

The Act provides Local Governments with certain regulatory functions, such as the approval of certain activities, for example approvals may be granted as part of the development consent process under Part 4 of the [Environmental Planning and Assessment Act 1979](#). Local Governments are also able to issue orders to direct people to do, or not do, certain activities. Both these regulatory functions may at times impact on how Aboriginal Culture and Heritage is identified and protected.

Under the Act and in respect of Aboriginal Culture and Heritage, Local Government Councils have responsibility for classifying public land as 'community land' or 'operational land'. In certain circumstances prescribed by the Act, Community land can be categorised as an area of cultural significance, including Aboriginal significance (Regulation 1999).

For more information about the Local Government Act visit: www.legislation.nsw.gov.au

In 2007 the Department of Local Government, in collaboration with the local Government Association of NSW and the Shires Association of NSW, developed a Resource Kit for Local Government in NSW. This kit provides support to Local Councils to use when engaging with Aboriginal communities. It was provided to underpin the development of Local Government Community Plans that must be based on consultation with all groups in the community.

To get a copy of this kit, visit: www.dlg.nsw.gov.au : publications ; 5 September 2007 – *'Engaging with Aboriginal Communities – A Resource Kits for Local Government in NSW'*

3.6.10 The National Parks and Wildlife Act 1974

The NPW Act was established to conserve nature, including habitat, ecosystems, biological diversity, significant landforms and landscapes. It also aims to conserve objects and places of cultural value, including places, objects and features of significance to Aboriginal people.

This Act establishes an Aboriginal Cultural Heritage Advisory Committee, reporting to the Minister for Climate Change and the Environment.

Part 4A of the Act provides for the recognition of lands that are of cultural significance for Aboriginal people, with these lands listed in Schedule 14. The Act prescribes the arrangements to be followed by the Minister in negotiating with Aboriginal people in relation to these lands (eg leasing). Currently there are seven areas listed on this Schedule. The Act provides for further listings to be made.

Of the seven listings of culturally significant areas, three – Biamanga, Gulaga, and Jervis Bay National Parks – are contained in the Illawarra-South East Region.

Part 6 of the National Parks and Wildlife Act relates to the identification and management of Aboriginal objects and places. The Act appoints the Director General of the Department of Climate Change and Environment as being responsible for the care, preservation and protection of Aboriginal objects and Aboriginal places.

The Director General has the authority to return Aboriginal objects to Aboriginal owners, or to 'otherwise deal' with objects in accordance with any 'reasonable directions' of Aboriginal owner/s.

Under the Act, it is an offence to disturb or move Aboriginal objects on any land without a permit from the Director General (DG).

3.6.11 Operation of the National Parks and Wildlife Act 1974

The **Department of Environment, Climate Change and Water (DECCW)** carries responsibility for implementing the preservation of Aboriginal objects and places. A significant body of knowledge and experience in relation to working with Aboriginal communities to protect culture and Heritage has been developed by this Department. The DECCW Website provides a wealth of information about Aboriginal Culture and Heritage in NSW, including information on places in NSW that have cultural values and research that has been carried out by DECCW.

DECCW has an 'Operational Policy: Protecting Aboriginal Cultural Heritage' that provides a framework to ensure consistency in the way that DECCW staff interact with Aboriginal and non-Aboriginal people in order to protect Aboriginal cultural heritage in NSW. This is an internal document.

In addition DECCW has developed detailed policy documents to provide specific guidance for the work of protecting Aboriginal Culture and Heritage:

(i) *Protecting Aboriginal Objects and Places – Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010)* – This is a public document for people seeking an approval under Part 6 of the NPW Act 1974. It sets out what is expected of applicants in relation to consulting with Aboriginal communities. The document is supported by a series of 5 Fact Sheets and 2 Question and Answer Sheets.

(ii) *'Aboriginal Community Engagement Framework for DECC'* (Dec 2007) is a guide for DECCW staff in the processes and practices to use when engaging Aboriginal communities in all areas of DECCW work. This is a comprehensive document, and the principles it sets out are applicable to all NSW Government agencies seeking to engage with Aboriginal communities.

For more information about these important documents, contact DECCW.

3.6.12 The Environmental Planning and Assessment Act 1979

The EP&A Act, administered by the NSW Department of Planning, provides planning controls and requirements for environmental assessment in the development approval process. It also establishes the framework for Aboriginal heritage values to be formally assessed in the land use planning and development consent processes.

Further information on the EP&A Act can be found at www.legislation.nsw.gov.au

4. Aboriginal Culture and Heritage: 'Good Practice' Examples from Members of the I-SE RMN

Achieving changes in the relationship between Aboriginal communities and Governments, and the flow-on benefit in overcoming social disadvantage experienced by Aboriginal Communities, will not be achieved through a set of commitments on their own. Practical actions must follow to implement these commitments.

Although the *Framework* is a 'new' document, it has previously been acknowledged that the I-SE RMN has been working for many years to pursue practical reconciliation between NSW Government agencies and Aboriginal communities. This section of the *Framework* highlights case studies of some of the achievements that have come about when I-SE RMN agencies and local government have worked in collaboration with our Aboriginal communities. These case studies demonstrate that when efforts are made, great successes can be achieved. The pathway forward for agencies and Aboriginal Communities will build on these successes.

However, before considering any actions, it is important that the connections between Aboriginal Culture and Heritage, social and economic opportunities for Aboriginal people, and *Aboriginal community well being* is clearly articulated.

4.1 Aboriginal Social and Economic Development

The Human Rights and Equal Opportunity Commission (HREOC) and the Native Title 2003 Report affirms that many of the Commonwealth and State/Territory policies and programs are related to, or impinge on, native title and affect the economic and social development of Indigenous people and their communities.

The HREOC report highlights that a whole-of-government approach, which integrates the responsibilities and policies of all the agencies concerned with providing services to Indigenous communities, is a very important element of achieving the sustainable development of communities. It also notes the importance of the establishment of partnerships between governments and Indigenous communities.

In the policy framework for sustainable development, different levels of government play an important role by:

- facilitating the identification of development goals
- assisting Aboriginal communities to build upon their assets, skills and knowledge to achieve those goals;
- helping communities to identify which aspects of its assets, skills, and knowledge base may need to be supplemented; and
- assisting communities to monitor and evaluate the strategies that are used to achieve goals.

The report notes that the key to success in the development of this partnership approach is that the dominant partner must be *Aboriginal people*.

The Aboriginal community must determine its policy objectives and strategies, and control the way they are achieved. Additionally, decisions to this effect must be conducted by means of processes and institutions which the community respects and which reflect the group's Cultural values.

The role of any level of government in this partnership is to facilitate and assist Aboriginal people to achieve their goals, whilst allowing Aboriginal communities to self manage community issues.

Despite the limitations in the way the whole-of-government and partnership approaches have been applied in the past, development of recent responses provide an important foundation for economic and social development to occur in Aboriginal communities. When Aboriginal communities are empowered and supported to take control of their own economic futures, the disadvantages associated with unemployment can begin to be addressed.

Employment is important. It is widely understood that in *all* communities, when people have meaningful and productive work, other social benefits follow. Employed people can sustain safe and secure housing. They have greater capacity to commit to supporting their children in education. When there are jobs, there is motivation to overcome chronic health problems. Overall community health levels improve when unemployment decreases. There is a reduction in related risk taking behaviours, with flow-on implications in relation to involvement with the justice system.

With these dynamics in mind, the I-SE RMN will adopt mechanisms to allow Government departments to actively connect with Aboriginal people at the community level in a way that strengthens economic and social development and employment. This may require internal changes in agencies as each agency strives to find new ways of establishing productive working relationships with Aboriginal communities.

The I-SE RMN on its own has limited capacity to promote economic and social development for Aboriginal communities. Key drivers for development also exist at other levels of government and in private sector businesses. The I-SE RMN can act as advocates for Aboriginal communities when interacting with other governments and businesses.

It is important that the I-SE RMN assists at every possible point by playing a role that positively contributes to the social and economic development of Aboriginal communities, and Aboriginal employment, and that this is *always* done in partnership with Aboriginal people.

4.2 Case Studies – Some Successful Actions for Aboriginal Culture and Heritage

The following five case studies have been selected to showcase in this document because they are positive examples of how NSW Government agencies can work in partnership with Aboriginal communities, and, through respecting Culture and Heritage, can develop pathways to employment for Aboriginal people.

In each of the Studies, Aboriginal people have benefitted, Aboriginal communities have been strengthened, and Government agencies have achieved improvements in how they deliver services to Aboriginal communities.

Aboriginal Culture and Heritage Framework

Case Study 1: Project Murra NSW Police and Warrigal Employment

Project Murra was launched as a partnership between Illawarra Aboriginal Corporation – Warrigal Employment and the Lake Illawarra Area Command of the NSW Police in 2007. It shines as an example of how NSW Government agencies can work with their local Aboriginal communities to promote Cultural respect and to provide positive employment pathways for young Aboriginal people.

In developing the project, the Police had two main aims – firstly, to increase the number of Aboriginal people entering the Police Force, and secondly, to improve the relationship between the Police and local Aboriginal communities. Warrigal Employment's aim was to encourage more Aboriginal students to complete their Higher School Certificate (HSC).

The project has been expanded in its second year to include the NSW Ambulance and the State Emergency Service (SES). In 2010, the Department of Premier and Cabinet will also come on board and will host a Murra Trainee.

Murra works by recruiting young people entering year 11 to work for 100 days in their chosen agency, complete Certificate II in Government Services at TAFE, and complete their HSC.

The young people are paid to work for one day a week in their chosen host agency – a total of 100 days over two years. They also complete a training program delivered by TAFE that in 2008 provided a Certificate III in Access to Further Studies and in 2009 will provide a Certificate II in Government Services.

After the HSC, trainees can be assisted to commence a career in Police, Ambulance, State Emergency Service, or to enter into a cadetship to attend university.

Project Murra is now expanding to become a partnership between the participating Emergency Services, the Department of Premier and Cabinet, the Department of Education, TAFE, Warrigal Employment, and the Commonwealth Department of Education, Employment and Workplace Relations (DEEWR). The funding to pay the wages of the trainees is provided by DEEWR.

Warrigal Employment is the employer for the young people, and is responsible for the recruitment and employment of the trainees, 'Work Ready' training, coordinating TAFE and work placements, ongoing mentoring of trainees, and monitoring of the progress of trainees in their placement agency.

The NSW Government agencies that are hosting Murra trainees are aware of the importance of providing a culturally safe environment for the young people. This awareness commits agencies to implement cultural respect training for all employees.

The first group of Project Murra Trainees completed their HSC in 2009 with seven of the original 8 Trainees finishing. With the second intake, the numbers have increased to 14 trainees. The 2009 trainees have come from as far away as Ulladulla.

Aboriginal Culture and Heritage Framework

Case Study 2: Aboriginal Participation in the South Coast Correctional Centre (Corrective Services and Department of Commerce)

The NSW Government announced plans to build a new Gaol on the South Coast in 2006. This facility is being built to enable offenders from the growing South Coast area to be accommodated closer to their families and support networks. The overall project will involve capital investment of more than \$130 million. It is estimated that the Nowra Gaol will add \$10 million annually to the area through wages and the provision of services by local businesses. It is due to open in this year.

Very early in the life of the project, a decision was made by the Government to significantly prioritise Aboriginal Participation in Employment. It was decided that Aboriginal Employment would be regarded as being of equal importance to time, cost and quality.

By changing the way that the involved departments worked with Aboriginal communities and establishing some effective partnerships, the Gaol has achieved an Aboriginal workforce peaking at 13% in June 2009.

Normally for projects including Aboriginal Participation, the common practice is to set a target in the contract. Project tenderers then have to submit an Aboriginal Participation Plan (APP) with their tender, which is given a weighting (usually 5%). The successful tenderer implements its APP.

There are a number of problems with this approach:

- The local information required to develop an appropriate APP is often not readily available to tenderers.
- Tenderers have to rely on past experience to prepare the APP (one size fits all).
- The Contractor comes into the project very late, and then has to establish contacts and processes that work with that community.
- The Contractor's skill set is construction.
- Most of the workers on site are employed by the subcontractors.
- The Contractor has no ongoing relationship with the community after the project.

With this standard approach, usually the targets for Aboriginal employment on site *are* achieved and employment opportunities for local Aboriginal people are improved during the life of the project. However, often there is limited information on how the employment opportunities are offered and there are no requirements for training and development. The long term employment outcomes for local Aboriginal people are unknown.

For the Nowra Gaol, the Department of Commerce decided to set aside normal practice and instead retained ownership over both the development and the implementation of the APP. This allowed work with Aboriginal Participation to start up to 12 months before a contract was awarded. The work involved:

- Undertaking early, intensive liaison with the local Aboriginal communities.
- Undertaking early liaison with the construction industry.
- Appointing a nominated Structured Training and Employment Project broker (STEPper) – Habitat Personnel, to organise training and mentoring
- Developing the APP during the documentation phase, including input from Aboriginal and non-Aboriginal stakeholders.
- Ensuring that potential Aboriginal employees are registered, and undertaking any necessary training.
- Including the APP in the tender documents.

- Requiring tenderers to commit to the goals of the APP, and to fulfil their obligations under it.

The targets for Aboriginal employment on this site were set high:

- At least 6% of the workforce must be Aboriginal, with an aspirational goal of 8%.
- There must be at least 10 apprentices or trainees.
- 75% of the Aboriginal workers must be from the local Shoalhaven region.
- 75% of the positions must involve an element of training, with upskilling happening every quarter.

An Indigenous Consultative Committee was established for the project, which oversees the whole process. In addition, staff from the Departments of Commerce and Corrective Services liaised regularly with the Aboriginal community through meetings such as the Shoalhaven Safe Community Aboriginal Partnership (SSCAP).

The following outcomes have been achieved:

- An average of 12% of the on-site workforce is Aboriginal, peaking at 13% in June 2009.
- There are a total of 13 Aboriginal apprentices on site, with 17 apprenticeships offered.
- An average of 99% of Aboriginal workers are from the Shoalhaven region.
- 100% of Aboriginal workers are receiving training every quarter.

In addition to these excellent results, other construction sites in the region are using the register of trained workers established for this project. The Department of Corrective Services is using the same process to encourage Aboriginal employment in the Gaol itself. In August 2009, 23 Aboriginal people have expressed interest in becoming correctional officers, and 17 have successfully completed the first of two TAFE courses.

The Nowra Gaol project has demonstrated respect for Aboriginal Culture and Heritage by engaging effectively with local Aboriginal people and successfully delivering strong employment outcomes.

Aboriginal Culture and Heritage Framework

Case Study 3 : Aboriginal Engagement in Infrastructure Projects (NSW Roads and Traffic Authority)

The NSW Roads and Traffic Authority (RTA) has developed and documented a procedure - '*Aboriginal Cultural Heritage Consultation and Investigation*' - to ensure Aboriginal Culture and Heritage is both respected and preserved. In addition, the RTA ensures that Aboriginal people are provided with opportunities to gain employment.

This procedure is applied to all projects, regardless of scale. It is carried out through five stages:

Stage 1: Internal RTA assessment to determine whether a project is likely to affect Aboriginal cultural heritage

In the early planning stage, details of every project are provided to the Aboriginal Culture and Heritage Advisor (ACHA) and discussed between this officer and the Senior Environmental Officer (SEO). A joint decision is made about likely Aboriginal Culture and Heritage impacts associated with the project. If it is expected that there is a likely impact, Stage 2 is implemented.

Stage 2: Preliminary external assessment with limited stakeholder consultation

The ACHO contacts the relevant Local Aboriginal Land Council/s (LALCs) and arranges a site inspection with the LALC's site officer, ACHA, RTA Project Manager and SEO and an archaeologist appointed by the RTA for this project. The site inspection identifies Aboriginal cultural heritage affected by the project. If issues are identified, Stage 3 is implemented.

Stage 3. Aboriginal community consultation and investigation, consistent with *DECC Interim Community Consultation Requirements for Applicants*

The RTA advertises widely through the print media for Aboriginal stakeholders to participate in focus group meetings in accordance with the *DECC Interim Community Consultation Requirements for Applicants*. Interested Aboriginal people register as stakeholders in the proposed project. After the registrations have been received, an AFG (Aboriginal Focus Group) meeting is convened involving all registered Stakeholders, the ACHA, Project Manager, the SEO and the Archaeologist. At these meetings the RTA shares information about the project, the processes used by the RTA in accordance with the *RTA's Procedure for Aboriginal Cultural Heritage Consultation and Investigation* and the documented archaeological attributes of the site. At these meetings assessment methodologies are prepared with stakeholders input.

Depending on the project, it may be necessary to convene several AFG meetings throughout the life of the project.

Stage 4. Cultural and archaeological assessments, with the involvement of the Aboriginal community.

Aboriginal site officers and knowledge holders participate in archaeological excavations, the collection of oral histories and/or cultural mapping. A report is then prepared that combines the results of the archaeological and cultural assessments. The report is finalised with stakeholder input.

The RTA applies to the Department of Environment and Climate Change (DECC) under *Section 87 of the National Parks and Wildlife Act* to undertake archaeological excavations. Once

approval has been given, the RTA appoints a team to carry out the site investigation. This team will include Aboriginal Stakeholders (appointed through an EOI process) and Aboriginal Knowledge Holders nominated through the Stakeholder Meetings, together with the RTA archaeologist. Aboriginal Stakeholders who work on the Site Investigation are paid agreed fees, as per RTA policy, for this work.

Stage 5. Implementing the Cultural Heritage assessment report recommendations.

After the completion of the archaeological excavations, collection of oral histories and/or cultural mapping, a meeting is convened through the AFG to discuss the findings. At this point, strategies to protect and preserve Aboriginal Culture and Heritage values are negotiated. There are many options available, ranging from changes to the alignment of a road corridor; the collection and preservation of artefacts; or the use of Aboriginal names for key features such as bridges and rest areas. Once an agreement has been reached, the RTA implements the agreed strategies.

An Additional Action: Aboriginal Partnership in Construction (APIC)

When all the necessary legislative approvals are in place, the RTA prepares the tender documents. These documents specify that all contractors and sub contractors who work on the project must include strategies to provide Aboriginal employment during the construction phase of the project. The RTA holds pre-tender meetings with potential tenderers, and uses this meeting to emphasize the importance of Aboriginal Participation in Construction (APIC).

After the tender has been let, the RTA follows up on APIC by contacting the successful contractors on a three monthly basis to collect data on APIC.

In 2008 the Southern Division of the NSW RTA delivered 12 Aboriginal positions through APIC.

Aboriginal Culture and Heritage Framework

Case Study 4: The Development of the Management Plan for Kosciuszko National Park 2006 (National Parks and Wildlife Service)

When Government agencies place a high priority on Aboriginal Culture and Heritage in the course of their core business, there can be very positive outcomes. Aboriginal communities can be strengthened through government processes that strive for cultural integrity. Barriers that have been built up over many years can be broken down.

This has been demonstrated through work facilitated by the NSW National Parks and Wildlife Service (NPWS) to develop the Plan of Management for the Kosciuszko National Park.

From the outset of the Management Plan process in 2001, the NPWS aimed to involve the Aboriginal traditional owners of the Kosciuszko area. This endeavour was complicated, because following European settlement, traditional owner groups in many cases were forced to leave the area. It was difficult to identify who should be involved.

The NPWS contacted all the surrounding Local Aboriginal Land Councils and other Traditional Owners Groups. The groups were factionalised, and there were often disagreements. Sometimes the best that could be achieved was an agreement to disagree. However, in many cases a shared desire for change and opportunity meant that consensus could be reached.

The NPWS employed facilitators to keep the process moving forward. The Kosciuszko Aboriginal Working Group was convened in 2002. It consisted of over 20 members and elders, representing some of the many Aboriginal communities that have connections with the mountains.

It became very clear that, although some members no longer live in the area, Aboriginal Clans and People of the Mountains have maintained their kinship links. They have a living, spiritual connection with the mountains. There are family stories, memories, traditional practices, and traditional knowledge that need to be maintained.

The NPWS maintained a commitment to an inclusive process, and took the time that was needed to work through many issues. The Aboriginal Working Group met nine times to discuss and resolve Aboriginal heritage issues pertinent to the plan. The Working Group persisted through some difficult negotiations and supported the management plan process through:

- Establishing clear priority actions which are listed in the plan.
- Yerribie/Dhirrayn – a collaborative overview of the Aboriginal cultural and spiritual connections with the mountains that is shared by the Monaro Ngarigo, Wiradjuri, Wolgalu, Ngunnawal, Ngyimpa peoples. This is the forward to the Management Plan.

Importantly, the persistence of the Working Group and the continuing commitment of the NPWS has provided outcomes that move beyond the development of the Management Plan. This legacy has delivered changes for Aboriginal and Non Aboriginal people that will persist for many years and will strengthen Aboriginal Culture and Heritage for current and future generations. These outcomes include:

- The Aboriginal Working Group established through the NPWS continued to meet to operationalise the plan. Two separate groups have now formed, one based in the Tumut/Brungle area in the north of the park, and the other in the south. Through the Working Groups, diverse Aboriginal Clans have re-established connections that were lost when traditional lives were destroyed. At times members are able to work together to provide advice to other Government authorities such as the Catchment Management Authority, and local Councils.

- Non-Aboriginal people in the Monaro area now have a better understanding of Aboriginal people and Aboriginal Culture and Heritage of the place where they live. There are stronger connections between Aboriginal and Non-Aboriginal people. People in the Monaro are more aware of the Ngarigo people and have the knowledge that this is a matriarchical society.
- Local Governments in the area now publically acknowledge Aboriginal people and perform '*Welcome to Country*' ceremonies.

The outcomes of the work by the NPWS and the Aboriginal people has delivered a better management plan that is inclusive of Aboriginal perspectives. In the process, both Aboriginal and Non-Aboriginal communities have benefitted through learning and through reaching an understanding of each other.

Aboriginal Culture and Heritage Framework

Case Study 5: Eurobodalla Aboriginal Heritage Study

The Eurobodalla Aboriginal Heritage Study was a four-stage project undertaken between 2004 to 2008, aimed at improving understanding and protection of Aboriginal cultural heritage in the Eurobodalla Local Government Area.

The outcomes have included wider community knowledge of and appreciation for the Aboriginal Culture and Heritage that underpins the history of the Eurobodalla area. Also there is an enhanced sense of inclusion for Aboriginal people as their stories have been shared in a respectful way.

The Heritage Study involved a partnership between six Local Aboriginal Land Councils; Aboriginal community members, NSW Department of Environment and Climate Change, Southern Rivers Catchment Management Authority and the Eurobodalla Shire Council. A Steering Committee, comprising representatives of all stakeholder groups, with a majority of Aboriginal people, was established to direct the project.

The Eurobodalla local government area covers 3,400 sq kms of coastal plain and hinterland ranges on the NSW south coast. At 4.6%, the Aboriginal population in the LGA is above the national average, and has long agitated for greater recognition of the Aboriginal cultural values of the LGA.

The project was undertaken by a professional anthropologist who worked with a town planner during the final stage of the project. Consultation with the Aboriginal community spanned the entire project period whilst Aboriginal research assistants were employed at critical phases.

The research was conducted in such a way as to connect oral and historical information to place and landscapes, resulting in the identification of over 300 places capable of being mapped. In many instances there was overlap between traditional, historical and contemporary places of significance. A complex set of values could be recognised. During *stage one* a historical narrative was produced to provide context to the interpretation of 104 Aboriginal heritage places identified in the written record (Goulding and Waters 2005). An additional 230 heritage places were documented during *stage two* research, demonstrating how targeted oral history recording and fieldwork can expand on the written record (Donaldson 2006). *Stage three* research integrated information from Stages 1 and 2 and thematically categorised a total of three hundred and thirty six [336] places identified as having special heritage value to the Aboriginal community within the Eurobodalla. A rich history of Aboriginal people's attachment to and occupation of the Eurobodalla was revealed, as was the substantial contribution to the region's social and economic development made by Aboriginal people over the last one hundred years.

Stage 4 explored approaches to the protection, acknowledgement and management of identified places within the local government-planning framework were developed in consultation with Aboriginal communities and the Steering Committee. Potential approaches included:-

- Listing in Council's Local Environmental Plan (LEP);
- Inclusion in the Eurobodalla Shire Development Control Plan [DCP];
- Development of an Aboriginal Heritage Inventory
- Development of an Aboriginal Heritage protocol system for engagement of the Council with the local Aboriginal community.
- Registration in DECC Aboriginal Heritage Information Management System (AHIMS);
- Aboriginal Place and Aboriginal Area nominations under the National Parks and Wildlife Act 1974;

- Formal land use and access agreements

A large portion of places identified during the Eurobodalla Aboriginal Heritage Study do not require formal management but rather acknowledgement of the identified heritage values, for example where someone worked in a sawmill or collected traditional resources. Ways in which Aboriginal heritage can be acknowledged include;

- The development of the Eurobodalla Aboriginal heritage timeline;
- Providing formal recognition to Aboriginal place names in the Eurobodalla;
- Encouraging health and well-being walks and
- Undertaking Cultural Awareness Training.

Many of the identified Aboriginal heritage places and values were also acknowledged in a booklet called 'Eurobodalla: Aboriginal Men and Women's Heritage'. The booklet was researched and published at the same time as the heritage study, using separate funding.

From a heritage planning viewpoint, the most significant outcome of the project was the identification and mapping of 12 Aboriginal Heritage Conservation Areas (AHCA), based on the oral history and archival research. These areas encompass multiple values and places, identified as being of the highest significance in the study. Each area was subject to rigorous assessment criteria as specified by the NSW Heritage Act 1977 and extensive Aboriginal consultation before being listed in the LEP. The Aboriginal Heritage Conservation Area classification will ensure automatic Aboriginal community consultation and heritage impact assessment as part of any development application assessment.

The *exhibition* of the draft Local Environmental Plan was an opportunity for further comment from the Aboriginal community on the proposed listings and an opportunity for comment from the wider community, as well as development of improved public understanding of the importance of protecting Aboriginal heritage. The LEP went on public exhibition recently, and received some negative feedback from people whose land was within the mapped AHCA's, due mostly to misunderstandings about the impact of the listing on landholders. Council held meetings with all affected land owners, but it is possible that Council may amend some of the listings in the face of sustained objection from affected landowners.

The stage one and two research reports are publicly available, whilst the stage three and four reports have not been publicly released because they contain sensitive material that requires further discussion between the Aboriginal community and Council.

Critical factors

- Commitment and drive by individuals, Council and DECC.
- An active and engaged Steering Committee – even though Aboriginal membership was fluid, Aboriginal communities remained involved.
- Professional and experienced consultant anthropologist who was liked and respected by the Aboriginal community
- Partnership of an anthropologist with a town planner to formulate incorporation of Aboriginal values into local government planning instruments.
- Production and release of a booklet on Aboriginal Culture and Heritage of the Eurobodalla. This was extremely well received, especially by the Aboriginal community as it comprised a compilation of the memoirs of a number of Aboriginal people.

- Support by the Aboriginal community because the study was demonstrating their significant historical contribution to social and economic development in the LGA
- Adopting a holistic landscape approach to identifying cultural values, using a very broad definition of cultural heritage to capture all the values.
- The study had many components and spin-offs beyond the identification of cultural values e.g. renaming of some places in the LGA to give more recognition of n Aboriginal presence, development of codes of practice for Council's assessment of Aboriginal heritage

References

Goulding, M and Waters, K [2005] Eurobodalla Aboriginal Cultural Heritage Study [Stage one], South Coast NSW, NPWS and ESC.

Donaldson S 2007 Understanding and managing Aboriginal cultural heritage. Eurobodalla Aboriginal Heritage Study Stage 3. Report to ESC.

Donaldson S 2006 Stories about the Eurobodalla by Aboriginal people. Stage 2 Eurobodalla Aboriginal Heritage Study. Internal Report to ESC.

5.0 Possible Future Actions to promote Aboriginal Culture and Heritage

This section considers future actions that the I-SE RMN could take that will strengthen respect for Aboriginal Culture and Heritage. The actions are presented in two groups.

Group A actions may be implemented immediately, and require little in the way of additional resources.

Group B actions may require further discussion and planning. These actions could be developed as future joint projects between the I-SE RMN and AGEN.

Group A Actions:

A1: The I-SE RMN agencies will liaise with the DECCW and Aboriginal communities to ensure that the statutory obligations of the I-SE RMN in relation to cultural heritage management under *Aboriginal Heritage Regulations 2007* and *Two Ways Together Strategy* are fulfilled.

A2: The I-SE RMN agencies will work with the register of Aboriginal People that is held by DECC. This registers lists Aboriginal community people from across the Illawarra and South East who are the primary groups responsible for Cultural Heritage within their areas. It establishes an **entry point** for engagement with Aboriginal communities. Agencies may need to broaden their engagement with communities beyond this list, depending on the issues that need to be discussed.

A3: The I-SE RMN agencies will negotiate with Traditional Owners to determine protocols for welcome to country ceremonies at all NSW Government events in line with the NSW Government Aboriginal Protocols and Practices Policy. The NSW Government Aboriginal Cultural Protocols and Practices Policy is in Appendix 1 and can also be accessed through the Aboriginal Affairs website.

A4: The I-SE RMN agencies will support and implement the NSW Government Aboriginal employment strategies including *Making it Our Business* and *the Illawarra South East Aboriginal Employment and Recruitment Plan*.

A5: The I-SE RMN agencies will further support Aboriginal employment through managing contracts for proposed developments to ensure that all tenders conform to having an Aboriginal employment strategy included in their tender.

A6: The I-SE RMN agencies will develop regional whole-of-government Aboriginal community consultation principles and guidelines, based on the guidelines developed by DECCW, as a minimum standard for Aboriginal community engagement.

A7: The I-SE RMN agencies will encourage all stakeholders, businesses and other levels of government to consult with local Aboriginal Communities, Traditional Owners and registered people when working on country, holding specific events or doing business in the I-SE region.

A8: The I-SE RMN will create a greater visibility for Aboriginal Culture through the implementation of a place-naming protocols and signage guidelines when naming buildings, strategies, parks, rest areas and other programs or facilities.

A9: The I-SE RMN will expand the ongoing delivery of Aboriginal Cultural Awareness Training for I-SE regional staff.

A10: The I-SE RMN agencies will increase the skills and knowledge of staff working with the Aboriginal communities through an internal communications strategy. This strategy will be developed so that it can be adapted for use across all NSW Government agencies.

A11: The I-SE RMN agencies will support the National reconciliation movement through the development of an annual calendar recognizing significant Aboriginal cultural events including Sorry Day and NAIDOC. All agencies will encourage all staff – both Aboriginal and Non Aboriginal – to become actively involved in these events.

A12: The I-SE RMN agencies will pro-actively increase the knowledge of all Aboriginal communities on grant funding that is available to Aboriginal communities, and where appropriate, support communities to develop and submit proposals.

A13: The I-SE RMN agencies will make every effort to establish a work place culture that makes each agency an attractive place for Aboriginal people to work.

A14: The I-SE RMN agencies will improve opportunities for Aboriginal people to undertake traineeships, apprenticeships and work experience with the departments, to improve the retention and career development of current self- identified Aboriginal staff in line with the '*Making it our Business*' Policy.

A15: The I-SE RMN agencies will seek out opportunities for Aboriginal people to undertake traineeships, apprenticeships, secondments and work experience with developers, tender applicants for public works as a means to improve retention and career development of identified Aboriginal staff and to improve employment opportunities for Aboriginal people generally.

A16: The I-SE RMN agencies recognise the positive value of Aboriginal Government employees establishing and maintaining strong cross-agency networks. It is through cross-agency collaboration that some of the greatest gains can be made in working with Aboriginal communities. The I-SE RMN will maintain its support of the Aboriginal Government Employees Network (AGEN) as a mechanism for developing cross-agency networks. All Aboriginal employees will be encouraged to attend AGEN Gatherings.

A17: The I-SE RMN will recognize and utilize the knowledge and skills base that is embedded in the AGEN Network and will partner with AGEN in the development of service delivery plans for Aboriginal communities.

Group B Actions

These actions could be developed as future joint projects between the I-SE RMN and AGEN.

B1: Establish a network aimed at promoting the Aboriginal Culture and Heritage of the I-SE region and Aboriginal to activities related to culture, tourism and economic development. This network should include key Aboriginal businesses and tourism operators, together with mainstream tourism, business, and marketing operators. The aim would be to use a partnership approach to promote Aboriginal Culture and Heritage to potential markets.

B2: The above partnership (B1) could develop community information and awareness resources for residents, workers and visitors to the city to help them appreciate the importance of Aboriginal culture and heritage to the region.

B3: Develop a plan for the recognition and interpretation of Aboriginal Heritage and History in the I-SE region that could be jointly implemented through the NSW Government agencies and local council's.

B4: Expand on existing material and undertake a comprehensive study to identify and protect places of Aboriginal cultural heritage significance, to expand the current limited understanding of

Aboriginal Heritage values and the places recognised by State Government and to involve Aboriginal people in this process.

B5: Research and develop an Aboriginal Profile of the I-SE region to assist the State government departments to plan for Aboriginal communities who live, work, study in and/or visit the I- SE area.

B6: Expand opportunities for economic development and partnership through initiatives such as the Small Business Grants and the network for promoting Aboriginal business in I-SE area.

B7: Use opportunities that arise to advocate for the ongoing safety and wellbeing of Aboriginal people in public spaces.

6.0 How will the Framework be implemented?

The I-SE RMN will present an annual report to the AGEN conference on the implementation of the *Framework*. The report will be based on an annual reporting tool that will be developed by AGEN and the RMN. This tool will be a self-audit that agencies can use to assess their progress and performance in relation to Aboriginal Culture and Heritage and Aboriginal community partnerships.

The annual reporting tool will be administered by the Department of Premier and Cabinet over Jun- July each year. The Department will collate responses from each agency and prepare a report for each AGEN Gathering in September.

Themes for the reporting tool will include:

- Aboriginal Culture and Heritage Framework
- Aboriginal Employment and Recruitment Plan
- Aboriginal Cultural Respect Training Framework

6.1 Aboriginal Advisory Committee

The Cross Agency Working Party (CAWP) is able to provide information and support to Managers in relation to their responsibilities for Aboriginal Culture and Heritage.

Managers are able to access the CAWP through contacting the Wollongong and Queanbeyan offices Department of Premier and Cabinet.

7.0. Appendix : NSW Government Aboriginal Protocols and Practices Policy

1

ABORIGINAL CULTURAL PROTOCOLS AND PRACTICES POLICY

Purpose

The New South Wales Government recognises the unique position of Aboriginal people in our culture and history.

The Government, on behalf of the people of the State, is committed to the process of genuine recognition of the truth of Australia's history, and addressing the disadvantage that Aboriginal people continue to face today.

Aboriginal people are the original owners of the land and it is important that this special position of Aboriginal people is recognised and incorporated into official protocol to enable the wider community to share in Aboriginal culture and facilitate better relationships between Aboriginal people and the general community.

Official events and ceremonies engage the attention of participants, observers and the broader community. These events also symbolise the values of our community and the way we envision ourselves.

By incorporating Aboriginal cultural practices/ceremonies into official events 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 purpose of this policy is to assist NSW Public Sector agencies to observe the appropriate protocols for the recognition of Aboriginal people at official events or at events where the NSW Government is a major sponsor.

Observation of Aboriginal Protocols

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 Aboriginal Elders and organisations.

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.

Minimum requirements

When planning an official event, agencies should consult with a number of organisations to plan and organise ceremonies. These organisations include: the Local Aboriginal Land Council, ATSIC Regional Council, other regional Aboriginal representative or advisory structures, Native Title Services NSW, NSW Aboriginal Land Council and/or the Department of Aboriginal Affairs. These organisations can provide specific information on:

- Appropriate ceremonies and performances.
- Aboriginal Elders and communities 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 other Governments and/or the media are present, should include a *Welcome to Country* ceremony. Events in this category include:

- commemorations and major festivals;
- major launches of Government policies and programs;
- conferences held or sponsored by the NSW Government;
- international events held in Australia of which the NSW Government is an organiser or sponsor;
- citizenship ceremonies; and,
- major and international sporting events.

Agencies and communities are encouraged to be innovative in recognising Aboriginal heritage. Other ceremonies or practices may also be undertaken as considered appropriate by Aboriginal people, including dances and performances. However, as indicated above, a *Welcome to Country* should be incorporated into all major events. At events which are not official events, but where the NSW Government is a major sponsor, negotiations should be undertaken with the event organiser to incorporate a *Welcome to Country* into the event, where Aboriginal people believe it appropriate.

Calendar

Each agency should develop its own calendar/database of significant events in which Aboriginal ceremonies will be undertaken.

Appropriate Ceremonies

Welcome to Country

The *Welcome to Country* ceremony should, where possible, be undertaken by Elders, locally recognised Aboriginal community spokesperson or locally recognised cultural service provider.

There is no exact wording when *Welcoming to Country*. As such, the content of the ceremony should be negotiated between the agency and the provider with reference to the nature of the event and community practices. Generally, providers offer participants local Aboriginal history and cultural information and will go on to welcome the delegates to the country.

3

Acknowledgement of Country

An *Acknowledgment of Country* is a way that non-Aboriginal people can show respect for Aboriginal and Torres Strait Islander heritage and the ongoing relationship of traditional owners with the land.

A Chair or Speaker begins the meeting by acknowledging that the meeting is taking place in the country of the traditional owners. On occasion, there may be disputes about who the traditional owners are. Those who acknowledge the country, can 'acknowledge *all* the traditional owners of the land' or can 'acknowledge the traditional owners of *this land*' without naming those people. Acknowledging Country in this way will not cause offence where there is some potential or actual dispute around ownership.

Typical Acknowledgement of Country statements can include:

- 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 specialized cultural knowledge. The ceremony aims to cleanse the space in which the ceremony takes place. Given the significant nature of the ceremony, smoking ceremonies are usually only 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 such as Welcome to Country, artistic performances and ceremonies Aboriginal people are using their intellectual property. As such providers of these services should be appropriately remunerated.

Appropriate remuneration and/or assistance should be negotiated between the cultural service provider and the agency, considering:

- Travel to and from the event
- Public profile of the event

The Department of Aboriginal Affairs maintains a fee for service schedule. The schedule sets minimum fees for a range of Aboriginal cultural services. It is important to note that the schedule is only a guide and stated minimum fees are current as per the relevant certified agreement.

**Cultural Practices and Performances Fee Schedule
Department of Aboriginal Affairs**

Cultural Practice	Certified Agreement	Minimum Fee
Welcome to Country	nil	\$100.00
Smoking Ceremony	Performers Certified Agreement 2003-2005	\$530.00
Didgereedoo performance	Musicians Certified Agreement 2003-2005	\$360.00
Dancer category 1 (inexperienced)	Performers Certified Agreement 2003-2005	\$430.00
Dancer category 2 (experienced)	Performers Certified Agreement 2003-2005	\$450.00
Guest Lecturer (based on 2 hours preparation and 1 hour delivery)	University of Sydney (Academic and Teaching Staff) Enterprise Agreement 1999-2002	\$110.00