



Natural
Resources
Commission

NATURAL RESOURCES COMMISSION ABORIGINAL ENGAGEMENT STRATEGY

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1 Overview

This document sets out a Strategy for engaging with Aboriginal peoples for the Natural Resources Commission (the Commission).

1.1 Why do we need to do it?

Aboriginal communities have a great deal to contribute to natural resource management with diverse and deep connections with our lands and waters – commonly captured in the phrase ‘caring for country’. While this draws attention to the environmental outcomes of Aboriginal natural resource management, there are a range of other social-political, cultural, economic and wellbeing benefits to Aboriginal peoples¹ that are shared with the wider community². Meaningfully including Aboriginal people natural resource management decision-making, leadership and action helps to improve the health of all people and country.

The key benefits for the Commission’s natural resource management work include to:

- Inform more robust advice to government by strengthening scientific findings with Aboriginal knowledge, culture and experience
- Enhance the knowledge, confidence, skills and capability of Aboriginal stakeholders through transparent and tailored communication
- Improve the equity of impacts on Aboriginal stakeholders
- Improve the effectiveness of engagement by better understanding and tailoring to Aboriginal values and needs
- Develop long-lasting relationships and sustainable initiatives through ethical engagement, acknowledging intellectual property and ensuring consent
- Enhance the social, economic, cultural and well-being co-benefits of Aboriginal involvement in natural resource management

1.2 How will the Strategy help us?

The Strategy supplements the Commission’s *Stakeholder Engagement Strategy* to provide a specific and well-evidenced approach to Aboriginal engagement with the aim of helping to improve understanding and respect for Aboriginal peoples’ values, knowledge, and interests in natural resource management.

The Aboriginal engagement objectives, principles and actions set out in this Strategy will be implemented through a number of action areas at the Commission – these are listed in **Section 2.3** and included in the *Stakeholder Engagement Strategy*.

¹ Weir, J.K., Stacey, C. and Youngentob, K. (2011) *The Benefits Associated with Caring for Country: Literature Review*. Report for the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC), SEWPaC, Canberra.

² Hunt, J. (2010) *Looking After Country in New South Wales: Two Case Studies of Socioeconomic Benefits for Aboriginal People*. CAEPR Working Paper No. 75/2010, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

The Strategy also provides detailed guidance on 'Practising Aboriginal Engagement' in **Section 3** which includes tips on how to effectively engage with Aboriginal stakeholders and ensure respect for cultural protocols and intellectual property – methods for engagement will also be included as part of the *Stakeholder Engagement Toolkit*.

1.3 How does it reflect good practice?

The Strategy draws from international principles and approaches including the *United Nations Declaration on the Rights of Indigenous Peoples (2007)*³ and the *Akwé: Kon Voluntary Guidelines (2004)*⁴.

It also aligns with the NSW Government's *OCHRE* initiative, or Aboriginal Affairs Plan, which supports the Government's commitment to embedding the voices and aspirations of Aboriginal people into policy and provides key guides and resources.⁵

Section 0 lists a range of international and national resources that are useful in building understanding and capability in Aboriginal cultural awareness and engagement.

³ United Nations (2007) *Declaration on the Rights of Indigenous Peoples*. See:

www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

⁴ Secretariat of the Convention on Biological Diversity (2004) *Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities*. Montreal, 25p. CBD Guidelines Series. See: www.cbd.int/doc/publications/akwe-brochure-en.pdf

⁵ Aboriginal Affairs NSW (2019) *About OCHRE*. See: <https://www.aboriginalaffairs.nsw.gov.au/our-agency/staying-accountable/ochre>

2 A strategic approach to Aboriginal engagement

Common objectives and principles are critical to delivering consistent Aboriginal engagement across the variety and complexity of the Commission's work.

2.1 Why are we doing it?

Our commitment: we respect Aboriginal peoples' custodianship and obligations to Country and value the role of cultural knowledge in effective natural resource management. We undertake meaningful and tailored engagement with Aboriginal peoples to build ongoing relationships and outcomes.

Our objectives in Aboriginal engagement will support our general engagement objectives so as to:

- Improve the quality of our advice with Aboriginal knowledge, culture, and experience in natural resource management – to build on scientific knowledge and identify shared ideas
- Generate awareness, knowledge, confidence and capability among Aboriginal people through transparent and tailored communication
- Provide opportunities for Aboriginal people to contribute to evidence base for government decision making
- Foster mutual trust, respect and ongoing relationships between Aboriginal stakeholders and the Commission through ethical engagement, acknowledging intellectual property rights, and ensuring consent
- Enhance the social, economic, cultural and well-being outcomes for Aboriginal stakeholders.

2.2 What are our principles?

Our principles for engaging with Aboriginal peoples in our work draw on a number of international and national guidelines⁶.



We value and integrate cultural knowledge

We acknowledge the value of cultural knowledge in effective natural resource management and advocate that Western and Aboriginal science and practices work together to achieve outcomes as part of a 'two-eyed' seeing or integrative science approach.⁷



We respect Aboriginal custodianship and connection to Country

We respect Aboriginal peoples' obligations to Country and acknowledge that the health and wellbeing of Country and Aboriginal peoples are connected.



We acknowledge the impacts of past and ongoing trauma

We acknowledge the impacts Aboriginal peoples' histories have on their level of interest and capacity to participate in our engagement efforts and projects.

⁶ United Nations (2007) *Declaration on the Rights of Indigenous Peoples*; Secretariat of the Convention on Biological Diversity (2004) *Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities*; Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) (2019) *Code of Ethics for Aboriginal and Torres Strait Islander Research*.

⁷ 'Two-Eyed Seeing', or Etuaptmumk, is the Guiding Principle brought into the Integrative Science co-learning journey (2004) by Mi'kmaw Elder Albert Marshall. See: <http://www.integrativescience.ca/Principles/TwoEyedSeeing/>



We support beneficial relationships

We aim to enhance social, economic, cultural and well-being outcomes for Aboriginal peoples as part of our projects.



We recognise the diversity of culture, knowledge, protocols and obligations

We listen to the many voices of Aboriginal peoples and accept difference. We protect and respect Aboriginal culture, language, protocols and events, and abide by ethical standards, cultural and intellectual protocols.



We take the time to plan and deliver meaningful and respectful engagement

We undertake well planned and tailored engagement with Aboriginal peoples. We spend the time and effort necessary to identify stakeholders, engage as trusting partners, share knowledge in reciprocal ways, and communicate in plain English. We coordinate with other agencies to integrate activities, reduce duplication and fatigue



We seek advice, seek feedback and evaluate our engagement

We seek advice from people with knowledge of Aboriginal culture and engagement. We communicate regularly with stakeholders, including on the ways we have used their input and the reasons for our decisions. We seek feedback from stakeholders on the effectiveness of our engagement.

2.3 How will we implement, measure and evaluate it?

To support this, it is important to recognise the impacts of past and ongoing trauma experienced by Aboriginal peoples as a result of government policies and actions. They have been consistently denied the right to be involved in making the decisions that impact on their lives. Attempts at consultation have often been perceived as tokenistic – and often are. As a result, Aboriginal people may be cynical of consultation. Terms such as ‘negotiation’, ‘engagement’ and ‘partnership’ are preferred to ‘consultation’ as these reflect more equal relationships.

The Commission recognises these challenges and aims to redress limitations in government consultation. The Commission’s overarching *Stakeholder Engagement Strategy* sets out the following three areas of action to support implementation, to:

- Build on organisational commitment
- Foster and develop good practice
- Review and improve business systems and processes

An action plan in the Strategy sets out the details, timeframe and responsibilities for activities under each focus area, including specific actions to support Aboriginal engagement and evaluation⁸.

⁸ Note: The Performance Framework will be further developed and tested by the team leaders, particularly regarding Aboriginal stakeholder engagement measures and evaluation questions.

3 Practising Aboriginal engagement

3.1 How do I plan?

- **Start with people and purpose** identify key contacts through government agencies and Aboriginal organisations (see *Who do I contact?*). Clearly articulate the purpose of engaging and allow flexibility for this to change through the process of engaging with stakeholders.
- **Get advice** on how to engage from people with experience, especially those with knowledge of the locations and groups that are involved in your work. In some cases, it will be necessary to contract and work with consultants with local knowledge, independence and experience.
- **Commence early** in the initial planning stages for projects, field trips and public events – to scope key issues, identify stakeholders and understand the context and values. Be aware that Aboriginal stakeholders are often over-consulted – the conversation you want to have is likely not the only one they are having with government.
- **Allow time and be flexible** in engaging, be guided by Aboriginal stakeholders and make adjustments to tailor culturally appropriate engagement approaches along the way (see *How do I engage?*). Be aware that consultation with Aboriginal stakeholders takes time and requires ongoing relationships, not just one-off communication.

3.2 Who do I contact?

There will be many different opinions and voices. Ownership and representation of country is often contested so include a range of state and local level groups and individuals as below:

- **Traditional Owners (TOs):** acknowledge the legal rights of Traditional Owners provided for in the *Native Title Act 1993 (Cth)* by contacting Native Title holders and claimants at the outset of a project, through their representative group (the 'Prescribed Body Corporate' or Native Title Services Corporation). Check the [National Native Title Tribunal Register](#) for determinations and claims in the area of your work. If you are unsure, contact the [Native Title Registrar](#) for further information.
- **NSW Aboriginal Land Council (NSW ALC) and Local Aboriginal Land Councils (LALCs):** acknowledge the legal rights set out under the *Aboriginal Land Rights Act 1983 (NSW)* by contacting the Local Aboriginal Land Councils in the area of your work. The NSW Aboriginal Land Council can assist in identifying relevant councils and providing current contact details, and can also assist in communications and media through their networks if required. If you are unsure, you can also contact the [Registrar of the ALRA](#).
- **Aboriginal management and ownership bodies:** parts of NSW, particularly State Forests and National Parks, can be owned and managed under Indigenous Protected Areas (IPAs), Aboriginal Areas (AAs), Aboriginal Land Agreements (ALAs), or Indigenous Land Use Agreements (ILUAs). There will generally be Aboriginal Joint or Co-Management Boards in these areas that need to be engaged. Check the [National Reserve System](#) (IPA) register and with National Parks and Wildlife Services and Forestry Corporation of NSW.
- **Aboriginal Elders and other community representatives:** there will often be other Aboriginal groups and individuals who represent their country and can be included in consultation. These groups or individuals may be identified through other stakeholders or media.
- **Other government agencies and staff:** Aboriginal Affairs NSW and the Indigenous Land and Sea Corporation (Cth) should be notified about significant projects and can provide high level input into projects, to help identify key issues and contacts. Some agencies also have dedicated Aboriginal staff or teams which need to be included in consultation.

3.3 How do I engage?

- **Engage verbally**, face-to-face wherever possible or over the telephone – try not to rely only on formal letters, submission processes, and website material.
- **Be clear and set expectations** when you first make contact about the purpose of the project and ability to influence the context of your work. There are always limits to the objectives and outcomes of a project and trade-offs are inevitable. It is important to emphasise these in the initial stages to avoid expectations that cannot be delivered.
- **Be flexible to Aboriginal peoples’ needs and interests**, cultural heritage is often mistaken as the only issue, however, Aboriginal interests are much broader and we need to recognise the importance of employment opportunities, policy design, joint management, education etc.
- **Prepare people to engage with content** by providing time to digest information, particularly information about complex policy and legislative issues. You can offer information beforehand or engage in follow up conversations over time to build awareness and capability.
- **Organise the engagement setting** so that Aboriginal stakeholders feel comfortable in participating. Providing fees, food and transport can be helpful and acknowledges the time and resources required to attend (see *Error! Not a valid bookmark self-reference.*).
- **Adopt appropriate cultural protocols** to enable respectful engagement and ensure informed consent and voluntary participation (see *Key cultural protocols*)
- **Report back verbally on how the information was used** so people know what you have done, how they have helped and contributed – this is particularly important for Aboriginal stakeholders to respect their time and input.
- **Plan and tailor appropriate monitoring, evaluation, reporting and improvement (MERI)** in collaboration with Aboriginal stakeholders to identify practical and meaningful ways to seek feedback on the process, assess our performance, and develop participatory evaluation approaches. It may be necessary to use dispute management strategies where there is disagreement regarding objectives, knowledge or values.

3.4 What are the key success factors and barriers?

	Successful methods and approaches	Unsuccessful methods and challenges
Provide information in formats that are simple and engaging	<ul style="list-style-type: none"> ✓ Local Aboriginal Land Council or NSW Aboriginal Land Council newsletters ✓ Local radio station and local Indigenous radio station if available ✓ Local newspapers and newsletters of key groups ✓ Notices on notice boards in strategic locations e.g. local community centre ✓ Plain English, easy to understand and visual presentations of key points 	<ul style="list-style-type: none"> ✗ Complicated fact sheets ✗ Long and detailed reports ✗ Non-local media and social media ✗ Paper-based or online surveys ✗ Website material ✗ Dense, text heavy Powerpoint slides
Engage in respectful and	<ul style="list-style-type: none"> ✓ Contact Native Title holders and Aboriginal Owners at the outset 	<ul style="list-style-type: none"> ✗ Tokenistic efforts to engage e.g. one-sided engagement, last-minute

meaningful ways	<ul style="list-style-type: none"> ✓ Use existing networks where possible e.g. boards, interest groups, key staff - harness expertise, partnerships, reduce duplication ✓ Face-to-face communication where possible ✓ Flexible and tailored approaches based on advice from key bodies and leaders – check acceptable language, needs and approach ✓ Clear and honest conversations about project purpose and objectives, deliverables, roles and resources ✓ Dedicate time, arrive early and connect with stakeholders informally ✓ Provide information before meetings to give time to understand and involve the right people ✓ Identify opportunities for economic development, funding, capacity building ✓ Develop shared vision and aspirations ✓ Celebrate tangible outcomes and mutual benefits of engagement 	<ul style="list-style-type: none"> invitations, invitation to existing / public sessions, securing funding for projects without consultation, short-term funding/ commitments, limited to business hours ✗ Disregard of cultural protocols e.g. same time as council elections, Native Title or other business ✗ Over-consulting groups and creating fatigue with little tangible outcomes or coordination ✗ Relying on existing groups/staff with a history of mistrust and poor engagement outcomes ✗ Incorrect pronunciation of Nations or individuals’ names
Use appropriate and welcoming settings	<ul style="list-style-type: none"> ✓ Meet on country where possible in locations where people feel comfortable e.g. Aboriginal owned/ operated spaces, outside, riverfront areas, main street, LALC offices, community/health centres ✓ Provide food/drink at community meetings e.g. BBQs, use Aboriginal caterers / suppliers if possible ✓ Use fun and engaging approaches involving families and communities ✓ Join existing group activities rather than creating separate processes ✓ Use time and cost effective approaches ✓ Transport people where distance is an issue or for Elders and those with children ✓ Display Aboriginal art and/or flag 	<ul style="list-style-type: none"> ✗ Public forums ✗ Using organisational and advisory groups that do not include Aboriginal peoples e.g. local council meetings, business groups ✗ Inappropriate clothing such as formal wear or power dressing rather than relaxed and respectful attire e.g. long pants/skirt, nothing revealing ✗ Fly-in fly-out visits instead of allowing time for food, chat and a cuppa

3.5 What are the key cultural protocols?

Seek advice and get permission

It is important to seek advice from key Aboriginal stakeholders (see *Who do I contact?*), particularly those whose land and waters are implicated in the project and where communities are impacted by the project. Aboriginal peoples have a strong sense of custodianship that has been ignored in the past. Seeking advice and getting permission involves forming strong partnerships with Aboriginal stakeholders. Aboriginal peoples are diverse and should be engaged on what protocols are important to them.

Protect ownership, copyright, cultural and intellectual property

Aboriginal peoples have been subject to a history of appropriation of their culture, stories, language, songs, dance. In many cases, non-Aboriginals have been the beneficiaries of this. As a result, copyright and the protection of intellectual property are critical issues. Aboriginal peoples are the custodians of their culture and have the right to own and control their heritage. Any access to and use of Aboriginal cultural information must have permission from relevant individuals or organisations. Permission will usually be given if the purpose of the work is clearly understood and the ways of working are negotiated. Refer to Aboriginal Affairs NSW guide for further guidance: [Aboriginal Cultural and Intellectual Property Protocol \(2019\)](#).

Support appropriate cultural practices

The Commission has developed specific Aboriginal protocols for its public events and reports to provide guidance on appropriate Welcome to Country and Acknowledgment of Country practices (see *Attachment 1: Aboriginal Cultural Protocol*). Other cultural practices may include Smoking Ceremonies, ceremonial dance and music, use of Aboriginal Languages, observation of a minute's silence. When speaking to an Aboriginal group on their country, know the names of the nations and people you are speaking to. Pronunciations can be difficult so try to speak to someone ahead of your conversation so you can pay respects appropriately.

Provide fees for service

Aboriginal knowledge is complex, specialised, and owned by Aboriginal peoples. Aboriginal stakeholders who choose to work in any capacity, including a Welcome to Country, performing a traditional dance, giving a speech etc, are entitled to be remunerated appropriately. Consideration must also be given to assisting with arrangement of transport, accommodation and food where appropriate. The cost of services can be negotiated locally, depending on the size and nature of the event however a [guideline on fees](#) is also provided by the NSW Public Service Commission. LALCs can provide a useful starting point for key contacts in their area.

Respect the deceased

Aboriginal communities can have different protocols regarding naming and talking about deceased Aboriginal persons. Where talking about deceased people or showing photographic images it is important to consult with local Aboriginal groups – the Local Aboriginal Land Council in the area is a good place to start. At a minimum, where broad references to Aboriginal peoples or images are included in a report it is respectful to include a general statement such as:

“Aboriginal and Torres Strait Islander people are advised that this report may contain images and quotes of deceased persons”

Consider significant dates

It is important to be mindful of cultural commitments within the community at the time of the event or project work, such as Sorry Business and significant dates in the Aboriginal and Torres Strait Islander calendar. These are marked in a variety of ways and can impact on availability or attendance of people within the community. The NSW Public Service Commission provide a [calendar of significant cultural events](#).

Understand relevant legislation and policy

Legislation and policy involving Aboriginal people can be wide-ranging, multi-scaled and complex. It is important to understand legislation and policy that are relevant to our work, including the history and context of how these have been implemented. At a minimum, staff should consider:

- Supporting the Australian Government’s commitment as a signatory to the [United Nations Declaration on the Rights of Indigenous Peoples](#).
- Responsibilities set out in Australian and NSW legislation and policy, including native title, land rights, and Aboriginal cultural heritage. Key pieces of legislation include:
 - [The Aboriginal Land Rights Act 1983 \(NSW\)](#)
 - [The Native Title Act 1993 \(Cth\)](#) / [Native Title Amendment Act 1998](#)
 - [The National Parks and Wildlife Act 1974 \(NSW\)](#)
 - [The Constitution Act 1902 \(NSW\)](#)
 - [The Aboriginal and Torres Strait Islander Commission Act 1989](#)
 - [Draft Aboriginal Cultural Heritage Bill 2018](#)
- Specific policies and agreements to natural resources, lands and water that contain provisions for Aboriginal involvement:
 - [NSW Regional Forest Agreements](#)⁹
 - [National Water Initiative](#) and [NSW Water Management Act 2000](#)
 - [Local Land Services Act](#)
- The Council of Australian Governments’ commitment to [Closing the Gap](#) in disadvantage.
- Commitments set out in documents such as the NSW Government Aboriginal Affairs Strategy – the [OCHRE Plan 2013](#) and the NSW Public Service Commission’s [Aboriginal Cultural Protocols for NSW Government Sector Events 2017](#) and [NSW Public Sector Aboriginal Employment Strategy 2019-2025](#).
- Existing and future Native Title and Aboriginal Land Rights applications and determinations, and specific objectives and outcomes set out in Indigenous Land Use Agreement and Joint Management arrangements.

⁹ The NSW and Australian governments renewed and made new commitments relating to Aboriginal involvement in forest management in the 2018 variations.

4 Key terms

Aboriginal	The Commission uses the term 'Aboriginal' but notes that in some cases the term 'Indigenous' is preferred. The terms can be used interchangeably, but it is helpful to check individual stakeholder preferences. Always capitalise these words; lower case refers to aboriginal persons or indigenous people in any part of the world.
Aboriginal Land Rights Act 1983 (NSW)	<p>The Act was principally established to return land in NSW to Aboriginal people through a process of lodging claims for certain Crown lands. The Act establishes a peak statewide body, the NSW Aboriginal Land Council (NSWALC), and a network of democratically elected Local Aboriginal Land Councils (LALCs) to acquire and manage land as an economic base for Aboriginal communities, as compensation for dispossession and to recognise the ongoing disadvantage suffered by Aboriginal communities.</p> <p>In 2014, amendments were passed that provide a statutory mechanism to allow for negotiation of Aboriginal Land Agreements (ALAs). These operate as an alternative to the land claims process, they are voluntary and provide a broad scope for negotiating beyond whether the land is "claimable Crown land" – "Crown land that is not lawfully used or occupied, not needed or likely to be needed for residential purposes or essential public purposes and is not the subject of a registered native title claim or determination."</p>
Aboriginal Owners	Those registered as having cultural association with certain lands under the <i>Aboriginal Land Rights Act 1983</i> .
Acknowledgement of Country	Shows respect for Aboriginal cultures and the ongoing relationship the traditional owners have with the land. An Acknowledgement of Country is most appropriate for smaller events such as public consultations and workshops. At the commencement of a meeting or event with community members, a chair or speaker begins by acknowledging that the meeting is taking place in the country of the traditional owners (see D19/3643).
Country	<p>Country is a term used by Aboriginal peoples to refer to the land to which they belong and their place of Dreaming. For Aboriginal peoples a community is foremost about country, family ties and shared experience. Aboriginal people may belong to more than one community particularly due to the dislocation of communities – it can describe where they come from, where their family is or where they work.</p> <p>Country can be used effectively as the basis of planning and management approaches for lands and waters, known as "country-based planning and management". These approaches enable Aboriginal groups to express their own vision, values, strategies and actions for their country, irrespective of the various legislation, land ownership (tenures) and other constraints imposed on their traditional lands since European settlement. It can be a powerful tool to engage with government, land holders and other interest groups to build partnerships to achieve some or all of that vision. There are key examples of where this approach has been applied effectively and associated guidelines.</p>
Cultural practices	A Smoking Ceremony is a cultural practice that is generally used at significant events to cleanse an area in general or cleanse bad spirits, and can only be performed by appropriate members of the community, generally Elders. Engagement with local dance groups or musical performers may be

appropriate based on the nature of the event. Supporting the use of Aboriginal languages where possible at events is important as a key element of Aboriginal culture, reconfirming identity, spirituality and connection to country. A minute's silence may also be appropriate prior to events to pay respects to Elders, past and present. Any request for a cultural practice should be done in consultation with the key people in a community. An appropriate amount of time, consideration and remuneration must be allowed.

Elder An Aboriginal Elder is someone who has gained recognition as a custodian of knowledge and lore, and who has permission to disclose cultural knowledge and beliefs. They are traditionally referred to as an Elder as "aunty" or "uncle". Care needs to be taken to check the appropriateness of these terms.

Indigenous See above 'Aboriginal'.

Indigenous Protected Areas (IPAs) The Indigenous Protected Areas (IPAs) program was established in 1997 to support Aboriginal and Torres Strait Island peoples to choose when, where and how they will manage their own country. IPAs are areas of land and sea country owned or managed by Indigenous groups, which are voluntarily managed as a protected area for biodiversity conservation through an agreement with the Australian Government. IPAs form an essential component of Australia's National Reserve System (NRS), which is the network of formally recognised parks, reserves and protected areas across Australia. Further information on the NRS, including a map can be found [here](#).

As well as protecting biodiversity, IPAs aim to deliver environmental, cultural, social, health and wellbeing and economic benefits to Indigenous communities by protecting cultural heritage, and providing employment, education and training opportunities.

Nations Nations are distinct groups of Aboriginal peoples associated with a particular, culturally defined area of land or country that comprise a number of smaller "tribes" or "clans". Mob is a more generic term increasingly used by Aboriginal communities. Care needs to be taken to check with local communities about locally acceptable terminology.

Nation-based planning and management is another approach used in natural resources management similar to that of country-based approaches (see description above). These approaches have been effectively applied particularly in water planning and management. Examples and guidelines are available [here](#).

Native Title Act 1993 (Cth) The Mabo High Court decision in 1992 was the first time that the Australian law recognised the rights and interests Aboriginal peoples have in land, under a traditional system of law and custom. The Commonwealth Parliament passed the Act in 1993 which, among other things, provides a process for the determination of native title by the Federal Court of Australia. Native title is the legal recognition of the traditional communal, group or individual rights and interests which Aboriginal peoples have in land and water, where Aboriginal peoples have continued to exercise their rights and interests in accordance with traditional law and custom pre-dating European settlement. The Act seeks to address past injustice by providing a process to recognise and protect native title in addition to providing processes to reach agreements or provide compensation.

Native Title can be recognised in Vacant Crown land, National Parks, State Forests, Crown reserves, some types of nonexclusive leases, land covered by permissive occupancies and licences, inland waters and the sea. With some minor exceptions, land that is privately owned cannot be subject to native title. Native Title is a property right and may include rights to: access/ camp in an area; visit and protect important places; hunt, fish, gather food & bush medicine; and in some cases, right to possess, occupy, use and enjoy an area.

A native title claim can also be successfully resolved through the negotiation of an agreement, such as an **Indigenous Land Use Agreement (ILUA)** or a **Section 31 Deed**. These are legally binding and may include rights in relation to employment, economic development, freehold land and compensation.

Where a native title claim has not yet been determined, but has passed the registration test, native title parties are entitled to certain “procedural rights”, including the right to be notified and to negotiate about certain activities such as mining, mineral exploration and some developments.

Native Title claimants

Claimants have passed the administrative registration test applied by the National Native Title Tribunal to identify the area, groups/individuals, and the nature/extent of rights and interests.

Native Title holders

Holders have been determined by the Federal or High Court to have particular rights and interests in lands and/or waters under the *Native Title Act 1993 (Cth)*. Incorporated or unincorporated groups often represent Native Title groups, known as the ‘prescribed body corporate’. Native Title Services Corporation (NTS Corp) is a key prescribed body corporate which represent many different Native Title groups.

Traditional Owners (or Traditional Custodians)

Refers to Aboriginal peoples who are descendants of the original inhabitants of the land – they have a spiritual, cultural, political and often physical connection with parts of the land. They are usually identified as Native title claimants or holders under the *Native Title Act 1993 (Cth)* but can also include Aboriginal Owners under the *Aboriginal Land Rights Act (NSW)* and other incorporated or unincorporated groups. Note: there may be several Aboriginal groups asserting they represent the traditional owners of an area and each group may be engaged. However, Native Title holders and claimants must be contacted as a priority in order to acknowledge their legal rights, through their prescribed body corporate.

Welcome to Country

Part of the opening ceremony of a public event, preferably as the first item. A Welcome to Country is most appropriate for larger one-events such as a conference or symposium. The traditional Aboriginal custodians welcome people to their land, usually a senior representative of the local Aboriginal community who is from the country in which the meeting/event is held. However, this is dependent upon the local customs and practices.

5 Useful resources

International resources

[United Nations Declaration on the Rights of Indigenous Peoples](#)
[Akwe Kon Guidelines](#)

Commonwealth resources

[Closing the Gap commitments and resources](#)
[Australian Institute of Aboriginal and Torres Strait Islander Studies](#)
[National Native Title Tribunal](#)
[Indigenous Land and Sea Corporation](#)
[NAIDOC week resources](#)
[Reconciliation Australia](#)
[Australian Human Rights Commission – Aboriginal and Torres Strait Islander Social Justice](#)
[Indigenous Affairs – Department of Prime Minister and Cabinet](#)

NSW resources

[Aboriginal Affairs NSW](#)
[NSW Aboriginal Land Council](#)
[NSW Government Aboriginal Affairs](#)
[NSW Public Service Commission guidelines](#)
[Aboriginal Cultural Heritage – Department of Planning, Industry and Environment](#)

6 Document control

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7 References

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to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities. CBD Guidelines Series, Montreal.

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Attachment 1: Aboriginal Cultural Protocols

Public reporting

Public reports¹⁰ of the Natural Resources Commission relating to land and water management will pay respect to Aboriginal Traditional Owners using an introductory Acknowledgement to Country statement.

This should be positioned following the title page and before the table of contents. This is in line with the practice of NSW and Commonwealth Government agencies such as Department of Planning, Industry and Environment (DPIE) and the Murray Darling Basin Authority (MDBA)¹¹.

An example is included below, based on similar NSW Government reporting protocols:

“The Natural Resource Commission acknowledges and pays respect to all the Traditional Owners and their Nations of the [_____] area. The Commission recognises and acknowledges that the Traditional Owners have a deep cultural, social, environmental, spiritual and economic connection to their lands and waters. We recognise their knowledge of natural resource management and the contributions of earlier generations, including the Elders, are valued and respected.

Aboriginal and Torres Strait Islander people are advised that this report may contain images and quotes of deceased persons.”

Public events

The Commission adopts the NSW Public Service Commission’s *Guide to Aboriginal cultural protocols for NSW government sector events (2017)*. This guide sets out protocols to help staff observe appropriate Aboriginal cultural protocols at public events such as workshops, regional roadshows and conferences, as outlined below:

- **Welcome to Country from Aboriginal Traditional Owners**

A "Welcome to Country" should occur in the opening ceremony of a public event, preferably as the first item. A Welcome to Country is most appropriate for larger events such as a conference or symposium. The traditional Aboriginal custodians welcome people to their land, usually a senior representative of the local Aboriginal community who is from the country in which the meeting/event is occurring. However, this is dependent upon the location of the event and the practice of the community. Steps should be taken to ensure that

¹⁰ Public reports include any reports that are not cabinet-in-confidence relating to issues of land and water management.

¹¹ See references:

Public Services Commission: Aboriginal Cultural Protocols (2017) is to help NSW government sector staff observe appropriate Aboriginal cultural protocols at official events or at events where NSW government sector agencies are the host or an official sponsor of an event (this includes examples of verbal acknowledgement of country) <https://www.psc.nsw.gov.au/workplace-culture---diversity/diversity-and-inclusion/resources>
DPIE-Water: current draft Water Resource Plans on public exhibition all include acknowledgement to country as part of a general acknowledgement section of the report:
https://www.industry.nsw.gov.au/_data/assets/pdf_file/0005/178781/gwydir-surface-water-resource-plan.pdf

Commonwealth Government: The Murray Darling Basin Authority includes an acknowledgement of country in all its reports and also dedicates a section of the website to this <https://www.mdba.gov.au/about-us/acknowledgement-traditional-owners>

the appropriate Aboriginal representative is invited to undertake the ceremony. It is very important that the Aboriginal representative has been involved in and is comfortable with the arrangements.

- **Acknowledgment of Country by NSW Government and other parties**

An "Acknowledgement of Country" is a way that all people can show respect for Aboriginal cultures and the ongoing relationship the traditional custodians have with the land. An Acknowledgement of Country is most appropriate for smaller events such as public consultations and workshops. At the commencement of a meeting or event with community members, a chair or speaker begins by acknowledging that the meeting is taking place in the country of the traditional custodians. Where the name of the traditional custodians is known, it is specifically used (Example 1). Where it is not known, a general acknowledgement is given (Example 2).

Example 1: I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to Elders both past and present

Example 2: I would like to acknowledge the _____ people who are the Traditional Owners of this land. I would also like to pay respect to Elders both past and present of the _____ Nation and extend that respect to other Aboriginal people present.

An acknowledgment of country is not required for day to day meetings within government agencies.