

Local Government
Association of NSW



Shires Association
of NSW



Engaging with local Aboriginal communities

A RESOURCE KIT
FOR LOCAL GOVERNMENT
IN NEW SOUTH WALES

2007

ACCESS TO SERVICES

The Department of Local Government is located at:

Levels 1 & 2

5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209

Level 9, 323 Castlereagh Street
SYDNEY NSW 2000

Locked Bag A5045
SYDNEY SOUTH NSW 1235

Phone 02 9289 4000
Fax 02 9289 4099

Email dlg@dlg.nsw.gov.au
Website www.dlg.nsw.gov.au

OFFICE HOURS

Monday to Friday

8.30am to 5.00pm

(Special arrangements may be made if these hours are unsuitable)

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Executive Branch on 02 9289 4000.

© NSW Department of Local Government 2007

ISBN 1 920766 65 0

Produced by the Department of Local Government

Graphic design by **CODFISH • DESIGN**



www.dlg.nsw.gov.au

ACKNOWLEDGEMENTS

This Kit has been prepared by the Department of Local Government and the Local Government and Shires Associations of NSW, with the assistance of staff from:

- The Department of Aboriginal Affairs
- The Department of Environment and Climate Change
- The Department of Planning
- Armidale-Dumaresq Council
- Marrickville Council
- Rockdale City Council

Advice and contribution from the following Councillors is particularly appreciated.

- Councillor Barry Bird, Shellharbour City Council
- Councillor Sara Murray, Wingecarribee Shire Council
- Councillor Robert Webb, Leichhardt Municipal Council
- Councillor Margaret Woodsmith, Randwick City Council

Thanks also to Lake Macquarie, Muswellbrook, Bega Valley, Newcastle, Kempsey, Shoalhaven, Port Stephens, Holroyd, Dubbo, Campbelltown, Wagga Wagga and Richmond Valley Councils which provided the department with details of their Aboriginal advisory committees and other important initiatives.

Finally the DLG and the LGSA wish to acknowledge all the councils which have dedicated Aboriginal issues web pages. This information has been important in the development of this Kit.

TABLE OF CONTENTS

PART A – CONTEXT	1
1. Introduction	1
(a) Background	1
(b) Aims/Purpose	1
(c) Rationale	2
(d) Development Methodology	2
(e) Content Overview	2
(f) Terminology	2
2. Legislative and policy frameworks	3
(a) Relevant legislation	3
(i) <i>Local Government Act 1993</i>	3
(ii) <i>Aboriginal Land Rights Act 1983</i>	3
(iii) <i>National Parks and Wildlife Act 1974</i>	6
(b) Policy frameworks	6
(i) Australian Government	6
(ii) State Government	7
(iii) Local Government	9
PART B – ROLE OF COUNCILS	10
3. Key issues for councils to consider	10
(a) Council services	10
(i) Adequacy	10
(ii) Equity	11
(iii) Accessibility	11
(iv) Participation	11
(v) Rights	12
(vi) Adopting a strategic approach	12
(b) Community land management	12
(c) Land use planning	13
(d) Aboriginal Heritage	13
(e) Development control	14
(f) Cultural and economic development	15
(g) Aboriginal languages/Dual naming	15

4. Engaging Aboriginal people in local government decision-making	16
Ways councils can engage Aboriginal communities	16
5. Key protocols	17
(a) Getting permission	17
(b) Indigenous flags	18
(c) Traditional Welcome to Country	18
(d) Acknowledgment of Country	18
(e) Signage	19
(f) Smoking ceremonies	19
(g) Ownership, copyright, cultural and intellectual property	19
(h) Fee for service	19
(i) Gender protocols	20
(j) Naming the deceased	20
6. Strategies and actions for local government	20
(a) Promoting Aboriginal access to council services	20
(b) Aboriginal resource development	21
(c) Aboriginal Advisory/Consultative Committees	21
(i) Dignity and respect	22
(ii) Focus	22
(iii) Terms of reference	22
(iv) Leadership	22
(v) Membership	22
(vi) Meeting times	23
(vii) Meeting venues	23
(viii) Resourcing	23
(ix) Agendas	23
(x) Meeting procedures	23
(xi) Decision-making	23
(d) Aboriginal Working Parties	24
(e) Aboriginal Liaison/Community Development Officers	24
(f) Statements of Commitment	25
(g) Memoranda of Understanding	25
(h) Council staff cultural awareness training	25
(i) Effective anti-discrimination and anti-harassment strategies	26
(j) Aboriginal council employees	26
(k) Local Government Aboriginal Network	27

PART C – RESOURCES	28
7. Links to other relevant programs and projects	28
(a) Aboriginal Community Water and Sewerage project	28
(b) Promoting Diversity in Leadership project	28
(c) Aboriginal participation in construction: Implementation Guidelines	28
(d) Aboriginal Employment Programs	29
(e) Making it our Business – NSW Government plan	29
8. Useful resources and publications	31
(a) General resources	31
(b) NSW local council resources	33
(c) Culture and arts resources	34
PART D – APPENDICES	35
Appendix 1 Concepts and definitions	35
Appendix 2 Significant dates for Aboriginal communities	39
Appendix 3 Model documents	41
(a) Statement of Commitment	41
(b) Advisory/Consultative Committee Terms of Reference	42
(c) Memorandum of Understanding – Dubbo City Council model	44
(d) Acknowledgement of Country – model wording	48
(e) Welcome to Country signage – model wording	48
Appendix 4 Strategic planning checklist for engaging with Aboriginal communities	49

PART A – CONTEXT

1. INTRODUCTION

(a) Background

Australian Aboriginal culture is one of the oldest and longest surviving cultures that dates back at least 50,000 years. Currently there are about 500 different groups around Australia, each having their own distinctive beliefs and cultures.

With this cultural depth Aboriginal communities have a great deal to contribute to modern Australia.

A Whole-of-Government policy aimed at promoting the social and economic development of Aboriginal people has been developed by the NSW Department of Aboriginal Affairs under *Two Ways Together*, the New South Wales Aboriginal Affairs Plan 2003–2012. Under the Plan relevant government agencies are working together to promote the valuable contribution Aboriginal communities make to Australia's cultural and economic development, and ensure that the living standards of Aboriginal people improve.

The development of this Kit is an identified strategy under the *Two Ways Together Plan* and is the result of a partnership between the Department of Local Government and the Local Government and Shires Associations of NSW. The content of the Kit draws heavily on work already completed by councils and other organisations. Its development has been supported by a number of councillors and staff from a wide range of local councils.

(b) Aims/Purpose

The aim of the Kit is to provide a comprehensive, user-friendly resource for local councils to assist them with engaging Aboriginal communities in their areas more effectively, and empower Aboriginal communities to participate in council decision-making and service provision. The Kit also provides links to other specific sources of relevant detailed information.

Councils are encouraged to use the Kit as a starting point in promoting the cultural and economic development of Aboriginal communities.

The Kit will help councils identify and develop common ground to create productive partnerships with all communities and unlock the potential for Aboriginal people to contribute to the development of sustainable communities.

It is intended that the Kit complement the Department's publication *Local Government in NSW: Issues and Information for Aboriginal Communities*.

(c) Rationale

Aboriginal communities have a great deal to contribute to the cultural, social and economic development of a community. For this to be achieved effectively it is important that local councils work with other spheres of government as part of a wider process to achieve reconciliation with Aboriginal Australians and ensure that this potential is realised and developed.

Critical to this is councils developing an understanding of local Aboriginal culture and ways of doing business in order to develop mechanisms to involve Aboriginal communities in council decision-making and service development.

(d) Development methodology

A reference group was convened in late 2006 to guide the planning and development of the Kit. The reference group included representatives from a range of local councils, the Local Government and Shires Associations of NSW and the Department of Aboriginal Affairs. The draft was then sent to a number of councils and State agencies for feedback, which was considered for inclusion.

(e) Content overview

The kit will outline:

- The legislative and policy context for councils
- Key local government issues of concern for Aboriginal communities
- Key issues for councils to consider
- Strategies and actions for local councils
- Ways of engaging effectively with Aboriginal communities
- Key protocols
- Other relevant programs and projects
- Useful resources
- Appendices which contain key concepts and definitions, key dates, model documents for use and/or adaptation by councils and checklists

(f) Terminology

For the purposes of this document the words “Aboriginal people” are used to refer to both Aboriginal people and Torres Strait Islanders, where appropriate.

2. LEGISLATIVE AND POLICY FRAMEWORKS

(A) RELEVANT LEGISLATION

(i) **Local Government Act 1993**

- **Charter**

The charter in the *Local Government Act 1993* states that NSW councils are required to provide “after due consultation adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively”(s8, dot point one).

- **Social planning**

Under the Act, NSW councils are also required to take on a community planning process at least every five years to meet the needs of all people in their community. Councils must consult with their communities and particular groups in their communities including Aboriginal and Torres Strait Islander people, to develop and implement strategies and actions to meet the needs identified.

A number of councils have proceeded beyond the required minimum standard and established detailed plans to progress the cultural and economic development of Aboriginal communities as well as addressing the disadvantages Aboriginal communities experience.

- **Equal Employment Opportunity**

Section 344(1)(b) of the Act requires councils to promote equal employment opportunity for women, members of racial minorities and persons with disabilities in councils.

(ii) **Aboriginal Land Rights Act 1983 (ALRA)**

The preamble to the Act states:

“Land in the State of New South Wales was traditionally owned and occupied by Aborigines. Land is of spiritual, social, cultural and economic importance to Aborigines. It is fitting to acknowledge the importance which land has for Aborigines and the need of Aborigines for land. It is accepted that as a result of past Government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation”.

Following the recognition of the need for land rights, the ALRA created a two tiered system of Aboriginal Land Councils (ALCs) – Local and New South Wales — that can claim, acquire, protect, manage and deal in land to achieve social, cultural, spiritual and economic benefits.

The particular functions of Local Aboriginal Land Councils (LALCs) are listed in section 52 of the ALRA. The functions include:

- **Land acquisition**

The main way Aboriginal Land Councils (ALC) acquire land is by making an Aboriginal Land Claim to certain (claimable) Crown lands under section 36 of the ALRA. Unless the claimable Crown land was not required at the time of the claim for an essential public purpose or other use as listed in section 36, then the land is transferred to the claimant ALC. The ALC holds the land as freehold title, but is subject to the restrictions in dealings provided in the ALRA and other relevant Acts and laws.

Local councils are afforded an opportunity by the Department of Lands, which is responsible for investigating all Aboriginal Land Claims, to comment on a land claim, particularly to identify any existing essential public purposes or uses.

- **Aboriginal ownership of conservation reserves**

The Aboriginal ownership provisions in Part 4A of the *National Parks and Wildlife Act 1974* (NPWA) and complementary provision in the ALRA, gives LALCs the role of negotiating the arrangements under which they will be given the title to a conservation reserve in freehold, and for the ALC to lease the reserve back to the Minister for Climate Change, Environment and Water and so that the land can be used (or continue to be used) as a conservation reserve. The critical written agreement outlining the leaseback arrangement is the Lease, which creates and defines the landlord-tenant relationship as between the ALC and the Minister for Climate Change, Environment and Water. The LALC's role as landlord is further complicated by its performance of that role in trust for the conservation reserve's Aboriginal Owners.

Aboriginal Owners are Aboriginal people who have been registered as having a cultural association with the land (including the conservation reserve), who have proven that cultural association through descent from the land's original inhabitants and cultural connection through culture, custom, stories, laws, etc. The Registrar, *Aboriginal Land Rights Act 1983* also maintains the Register of Aboriginal Owners, and he or she must be satisfied with the applicant's genealogical and anthropological proof of cultural association. Aboriginal Owners can be members of the LALC that negotiates and executes the Lease (section 54 refers).

- **Land management**

Once land is transferred to a LALC, and as the land is held in freehold, the LALC then becomes liable for the payment of rates and charges and other liabilities attached to land ownership. The major issue for the LALC and the regulatory authority, generally the local council, is that while it was Crown land the State was responsible for its management and therefore exempted from the payment of rates and charges. Once a LALC takes over ownership of the land, they also take over any accrued management liabilities that were not fully discharged by the Crown land manager. For example, inadequate weed and pest control, illegal dumping and fire management actions. These can become an expensive and difficult management liability for the landholding LALC. These land management liabilities should be negotiated with the LALC to ensure that the land management obligations are properly discharged while at the same time not creating financial difficulties for the LALC in meeting those obligations.

There is some relief for LALCs. If the land is not being used for a residential purpose and the land is vacant or has cultural or spiritual significance, the LALC is entitled to an exemption from the payment of rates and charges (s43 ALRA, clause 7 Aboriginal Land Rights Regulation 2002 and s555 of the Local Government Act). This statutory rate relief is intended to allow the LALC to hold and properly manage its land holdings.

- **Aboriginal culture and heritage**

Many LALCs are actively involved in the protection of Aboriginal heritage in their area, for example in the environmental impact assessment of major developments. Some have established businesses that provide cultural heritage consultancies to developers and councils. Others are involved in the repatriation of Aboriginal human remains and cultural objects or the preservation (and sometimes display) of those objects to keeping places. So it is apt that LALC's role in this area be recognised in the ALRA. However, this role is not exclusive to LALCs. In some instances, other Aboriginal groups such as Native Title Claimants and Holders, Elders Groups or Aboriginal Corporations may have a role in the protection of Aboriginal heritage in that area.

LALCs are also actively involved in the promotion, practise and appreciation of Aboriginal culture through sports, arts, cultural expression (dance, music, performance) and cultural events. It is appropriate for LALCs to sponsor local Aboriginal sports teams and provide sporting fields and facilities, if the LALC members wish for it to do so. However, the common way for a LALC to do this is to enter into a partnership with an existing institution involved in cultural activities, which in many cases is the local council.

- **Community land and business plans**

Section 137A of the ALRA requires that a LALC must consult with its members, persons with cultural association with the LALC area (that is registered Aboriginal Owners), and “any other persons required to be consulted by the regulations or a policy of the New South Wales Aboriginal Land Council”. Given the content of the Community Land and Business Plans, particularly the cataloguing of LALC land holdings and future intentions with regard to the land management, it is apparent that a local council would be a “person” whom the LALC would consult in the Plan’s preparation and implementation. Although as the ALRA states, it is a matter for NSWALC policy or the Regulation.

LALCs, their membership and their landholdings provide a significant opportunity to create economic wealth and prosperity for members through enterprise development and land development and dealings. The Community Land and Business Plans will outline how each LALC will use its assets to create business and enterprise opportunities.

- **Community Benefit Schemes**

In order to better and more appropriately share and enjoy the benefits of economic development, LALCs can establish Community Benefit Schemes under section 52A of the ALRA. LALC members (or the Aboriginal community more broadly) may directly or indirectly benefit or receive services from schemes that are funded from the income from LALC’s land management, development, disposal, or business activities.

As discussed above, local councils could enter into partnerships with the LALC or LALCs in their area over the establishment, administration and operation of these Community Benefit Schemes.

LALCs now (or may in the future) involve themselves in a range of activities that may neatly overlap with what local councils are already (or propose to be) involved in.

However, partnerships in the provision of community benefits must not extend to services that are regular or essential municipal services, such as waste disposal, water supply, and sewage treatment and disposal that are available to LALC landholdings. These essential services should be provided to LALC land holdings in the same manner as they are provided to other ratepayers, and additional charges should not be levied merely because the landholder is a LALC.

Implications for local councils

The *Aboriginal Land Rights Act 1983* is a complex piece of legislation and as issues arise councils may need to seek specialist advice. The Local Government and Shires Associations of NSW may be able to assist. Advice can also be obtained from the Department of Aboriginal Affairs and the Office of the Registrar *Aboriginal Land Rights Act 1983* when specific issues arise. However the following are important issues that councils need to be aware of:

- Aboriginal land that is held in freehold by a LALC is liable for the same rates and charges as other freehold land unless specifically exempted.

- Local councils have the same regulatory responsibilities for Aboriginal land in areas such as weed and pest control, illegal dumping, water and sewerage provision, and fire management. Council officers have the same rights and responsibilities.
- Councils have the same service provision responsibilities to people residing on Aboriginal land as they do to other residents.
- It is in the interests of councils to form productive working relationships with Aboriginal communities to develop joint approaches to the exercising of council responsibilities and the provision of council services.
- Councils have a critical role to play in working with Aboriginal communities in the protection and development of their culture and heritage. This is an important part of developing sustainable local communities.
- The Act requires consultation with local councils in determining land rights issues and development of Community and Business Plans for Aboriginal lands.
- The opportunity exists for councils to enter partnerships with Aboriginal communities under the Community Benefits schemes.

(iii) *National Parks and Wildlife Act 1974*

The Director General of the Department of Environment and Climate Change (DECC) is responsible for the protection of Aboriginal objects and Aboriginal places in NSW. Part 6 of the *National Parks and Wildlife Act 1974* (NPWA) gives the Director-General the power to regulate impacts on Aboriginal objects and places and, as a result, DECC has become a lead agency with respect to Aboriginal Cultural Heritage protection in NSW.

(B) POLICY FRAMEWORKS

(i) Australian Government

- **Overarching Agreement on Aboriginal Affairs between the Commonwealth of Australia and the State of New South Wales 2005–2010**

In 2005 the NSW and Australian Governments entered into a bilateral agreement about the way they will work together in relation to Aboriginal affairs.

The Commonwealth of Australia and the State of New South Wales (the governments) are committed to achieving better outcomes for Aboriginal people in New South Wales and have signed the Overarching Agreement on Aboriginal Affairs Between the Commonwealth of Australia and the State of New South Wales 2005–2010 (the Agreement).

The Agreement provides a framework for the governments to work together. The Agreement has the principal aim of creating mechanisms to promote joint planning, and improving and streamlining service delivery so that appropriate services are accessible to Aboriginal Australians, their families and communities.

The Agreement sets out strategic approaches for joint and innovative action by the governments in partnership with communities. The Agreement builds on and complements existing arrangements and bilateral agreements.

- **Shared Responsibility Agreements**

A Shared Responsibility Agreement (SRA) is a mechanism used for funding Indigenous-specific projects that was introduced by the Australian Government in 2003. Essentially, SRAs are voluntary written agreements between the Australian Government, Aboriginal communities and, in some cases, State and local councils that set out a range of agreed outcomes to be achieved through particular projects or activities. SRAs also include agreed roles and responsibilities of governments and Aboriginal communities in achieving those outcomes.

The first SRA entered into in NSW was established under the Murdi Paaki Council of Australian Governments' (COAG) trial. Following this, in 2004, COAG members signed the *COAG National Framework of Principles for Delivering Services to Indigenous Australians* which committed all State/Territory Governments and the Australian Government to the broader use of SRAs.

The *Overarching Agreement on Aboriginal Affairs* (referred to in the previous dot point) outlines how Governments will work together towards overcoming Indigenous disadvantage and include measures to ensure that SRAs can only be negotiated with appropriate community representative structures and not with individuals or families.

To support the development of SRAs in NSW, the NSW Government established *SRA Policy Guidelines* (available at www.daa.nsw.gov.au) which provide NSW agencies with the discretionary ability to initiate and/or participate in SRAs with the Australian Government and Aboriginal communities as a means of delivering services or undertaking projects throughout NSW where there is a clear benefit to the NSW Government and the Aboriginal community.

Councils are unlikely to be directly responsible for SRAs, but more likely to be involved in the process of SRAs. For example, an SRA between the Aboriginal Community of Dubbo and the Australian Government focuses on building healthy lifestyles for young people through sport. The SRA involves upgrading Dubbo City Council's West and East Dubbo ovals, introducing sports development officers to work in West and East Dubbo estates and subsidising the participation of low income families. It includes Australian Government funding for capital works on Council's ovals and employing sports development officers; NSW Government funding for capital works on Council's ovals, employing sports development officers, providing equipment and access to programs; and Council funding for turfing and maintenance.

Further details about local councils involvement in SRAs can be found on the Office of Indigenous Policy Coordination website at *Indigenous Coordination Centres (ICC) – home page* (<http://www.indigenous.gov.au/icc/>)

(ii) State Government

- **Two Ways Together—the NSW Aboriginal Affairs Plan 2003–2012**

Two Ways Together (TWT) is the NSW tool for implementing the Overarching Agreement between the Australian and NSW Governments referred to above.

TWT is intimately linked to the NSW State Plan and is the means by which the State Plan priority *Improved health, education, and social outcomes for Aboriginal people* is being implemented. TWT forums are also making sure that Aboriginal people and their issues are included in other relevant State Plan priorities, such as law and order, environmental protection and management, arts, culture, sport and recreation, community activities, and human services.

Since 2003, the NSW Government has been working with Aboriginal communities and Australian Government agencies to achieve better outcomes for Aboriginal people in the seven areas of:

- Health
- Housing
- Education
- Culture and heritage
- Justice
- Economic development; and
- Families and young people.

These seven priority areas were identified through consultation with Aboriginal people who said these areas were the most relevant to their lives and future wellbeing.

TWT recognises that Aboriginal people have inherent rights as the first people 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.

Implications for local councils

TWT, while not binding on local councils, does provide them with a range of opportunities to facilitate planning to meet the needs of Aboriginal people and communities. These opportunities include:

- A strategic framework to guide council planning and service development.
- Access to established regional and local Aboriginal planning networks.
- Access to comprehensive local data. In November 2006, the Department of Aboriginal Affairs published ten Regional Reports bringing together data about Aboriginal people and the government services for each of the Regional Coordination Management Group (RCMG) regions of NSW. They provide a "snapshot" of demographic and service information about Aboriginal communities in each region.
- The ability to enter into joint partnerships for the delivery of services to Aboriginal communities.
- An informal gateway into Aboriginal communities. The historical legacy of Australian governments' involvement with Aboriginal people is such that they are usually distrustful of all levels of government. Contacts available through TWT networks can be effective in gaining introductions to key Aboriginal leaders, and an understanding of local family and community groups, Aboriginal organisations, their roles, operating methods and limitations.

Under TWT, Regional Engagement Groups have been established to undertake planning at a regional level and identify broader priorities. They will also have responsibility for overseeing state-wide initiatives under TWT.

At the local level Aboriginal Working Parties are being established in some areas, which are representative of local Aboriginal communities. Their activities will inform the Regional Engagement Groups.

- **Social Justice Directions Statement—‘Supporting People and Strengthening Communities’**

The NSW Government’s approach to social justice—or the right for all people of NSW to receive a fair go at the opportunities of life—was first outlined in the inaugural NSW Government’s Social Justice Directions Statement *Fair Go, Fair Share, Fair Say* (October 1996). The achievements of that Statement have since been built upon in an updated Social Justice Directions Statement entitled *Supporting People and Strengthening Communities* (February 2000).

The updated Statement (2000) continues to commit the Government to supporting and implementing the four inter-related principles of equity, access, participation and rights and, in particular, to deploying Whole-of-Government responses to local issues and expanding the use of the place management approach to social justice. The Department of Premier and Cabinet is the administrative body responsible for coordinating the Government’s social justice policies and strategies. The updated Social Justice Directions Statement may be obtained from The Department of Premier and Cabinet website at <http://www.cabinet.nsw.gov.au/publications>.

(iii) Local Government

Collectively, the Local Government and Shires Associations of NSW have adopted Policy Statements that cover Aboriginal Affairs. These can be found in the sub-section entitled Aboriginal and Torres Strait Islander people in the Community Planning and Services section of the Associations’ Policy Statements which can be found at: <http://www.lgsa.org.au/www/html/88-about-the-associations.asp>

As can be seen from examples given throughout this Kit, many councils have their own policies at the local level.

PART B – ROLE OF COUNCILS

3. KEY ISSUES FOR COUNCILS TO CONSIDER

Aboriginal people are part of the mainstream community for local councils, both as residents and ratepayers. It is important that local councils:

- consult and negotiate comprehensively with Aboriginal communities about their needs and aspirations;
- ensure that council services are adequate and equitable in meeting the needs of Aboriginal people and their communities;
- ensure that services are developed in a way that is culturally appropriate and develops the potential of Aboriginal people; and
- promotes a partnership approach with local Aboriginal communities.

The following provides councils with some general guidance in integrating issues for Aboriginal communities into council planning and operations.

(a) Council Services

It is important that the specific cultural needs of Aboriginal people are planned for in all council functions whether they are:

- i) revenue raising functions
- ii) service functions
- iii) statutory planning and regulatory functions or
- iv) employment functions.

In turn, these needs must be recognised in all service activities—environment conservation, waste removal and disposal, pest control, water, sewerage and drainage, fire prevention, land development, industry assistance, tourism development, community services, public health, cultural and library services, public transport, sport, recreation and entertainment.

(i) Adequacy

Services offered must be meaningful and realistically provided. Too often services have been offered to Aboriginal people that are tokenistic or poorly thought-out in terms of realistic, positive outcomes. In some cases it is preferable to not offer a service at all, rather than one that is poorly designed.

Services also need to be responsive, relevant and flexible for Aboriginal people. For example, Great Lakes Council in conjunction with Tobwabba Art (a local Aboriginal art organisation) and Great Lakes Library have undertaken a project to make the library more meaningful to the Aboriginal community. This involved the creation of a series of contemporary Aboriginal permanent artworks within the children's area and in the main community, providing recognition of local Aboriginal cultural presence. From these artworks promotional materials has been distributed through local schools and Aboriginal groups. Local

Aboriginal people will be encouraged to participate in a range of sessions designed to demonstrate what the library can provide at varying levels of learning. The focus is on early education and the importance of reading and knowledge. The project has also provided opportunities for the development of contemporary Aboriginal art practice, while creating an atmosphere that would be more welcoming and provide a sense of place and identity within the library.

(ii) Equity

Aboriginal people are entitled to receive the same services as non-Aboriginal people. Given the disadvantage experienced in some Aboriginal communities (including discrete Aboriginal villages) councils need to think through carefully the special requirements of these communities, such as outreach services.

For example, Armidale Dumaresq Council, through its Aboriginal Action Plan and in conjunction with the Aboriginal Community Consultative Committee, have in the past conducted major clean ups at the local Aboriginal “village” in the interest of community health and safety. Armidale Dumaresq Council also provided extra large bins and recycle trailers in areas where the amount of recyclables and rubbish is greater.

(iii) Accessibility

While appropriate service design and equitable service delivery is important, accessibility to services is critical to Aboriginal people. Accessibility is not just about location and design. For Aboriginal people it is about the development of an environment that positively promotes services to Aboriginal people and manages the distrust Aboriginal people have of government services generally.

For example, Penrith City Council's Aboriginal child care enrolment strategy includes the analysis of enrolments which showed a low participation rate of children from Aboriginal and Torres Strait Island backgrounds.

Funding for a pilot project, Supporting Aboriginal Access to Children's Services (SAACS) for preschools was sourced through the Western Sydney Area Assistance Scheme and through NSW Department of Community Services to undertake consultation with the Aboriginal and Torres Strait Islander communities to improve staff understanding of their cultures, and to support families through the processes of enrolment.

The success involved an increase from 2 to 42 Aboriginal children enrolled in pre-school services. At the end of this period Council funded the continuation of the project and its expansion into all service types for under 5 year old children.

(iv) Participation

The active participation of Aboriginal people in council affairs as elected representatives, council employees or members of council committees is an effective way of connecting with Aboriginal communities. This provides councils with direct, effective access to specific knowledge, perspective and linkages with their communities. Councils as democratic structures also benefit from having membership that reflects the diversity of their communities.

The Aboriginal Mentoring Program is one way that Aboriginal people can gain a greater insight into how local councils operate. The Program was established by the Department of Local Government with the pilot program commencing at Kyogle Council in February 1997. It aims to encourage Aboriginal people to run for office at local council elections and educate the Aboriginal community on the local government process and the importance of Aboriginal input into local councils. Further information about the program can be found on the Department's website—<http://www.dlg.nsw.gov.au>.

Another example of promoting participation are Aboriginal consultative committees which have been established by a number of councils including, Kempsey Shire Council, Clarence Valley Council, Armidale Dumaresq Council, Dubbo City Council and Liverpool City Council.

(v) Rights

Under the Australian Constitution, Aboriginal people have the same rights as non-Aboriginal people in Australia. This was not always the case—until 1967 Aboriginal people were not counted as Australian citizens, when the referendum which saw more than 90% of eligible Australians vote YES to count Aboriginal and Torres Strait Islander Australians in the national census of the population and to give the Commonwealth Government power to make specific laws in respect of Indigenous people. This event is often referred to as the first stage of the reconciliation movement in Australia.

The fortieth anniversary of the 1967 referendum granting constitutional recognition for Aboriginal people was celebrated in 2007. It is important that councils recognise that Aboriginal people have only recently been granted the same rights as other Australians and that strategies are developed to not only ensure that Aboriginal communities have the same access to services as other Australians, but are encouraged to be active participants in local council decision-making processes.

(vi) Adopting a strategic approach

It is important that councils actively develop a strategic planning approach to addressing the needs of Aboriginal communities and their economic and social development.

Appendix 4 sets out a checklist with specific issues for councils to consider when undertaking strategic planning to ensure the appropriate inclusion of Aboriginal communities in the process.

(b) Community Land Management

Community Land under the Local Government Act requires Plans of Management (see s35). It is important that adjacent Aboriginal communities are given the opportunity to be engaged in the formulation and review of Plans of Management, just like any other neighbours. This is not to assume cultural significance (this is covered later) but simply to recognise as neighbours they may have contemporary views about the land's use as a park or sportsground.

Department of Local Government Practice Note No 1: Public Land Management sets out the requirements for community land that has been declared an “area of cultural significance” under s36D of the Local Government Act and special requirements for land of Aboriginal significance.

Land of Aboriginal significance includes:

- land where there is physical evidence of Aboriginal occupation;
- land that is important to traditional or contemporary Aboriginal culture; or

- land that contains buildings and/or places Aboriginal people were forced to occupy, such as missions, reserves, commons and camping places; or where significant events such as massacres have occurred or cemeteries for Aboriginal people have been established.

There is a requirement for councils to consult with traditional custodians to identify such land. Aboriginal people must be involved with the development of Plans of Management for such land.

(c) Land Use Planning

Councils have a valuable opportunity to engage with their local Aboriginal communities when developing land-use planning documents, particularly Regional Environmental Plans and Local Environmental Plans. Councils may carry out local environmental studies to identify and focus on important issues such as the needs of Aboriginal people. It is important that councils engage with their Aboriginal communities to obtain feedback when any draft environmental planning instrument is put on public exhibition for comment.

Aboriginal heritage issues should be addressed at the earliest possible stage of land-use planning processes. The Department of Environment and Climate Change (DECC) recommends the preparation of Aboriginal cultural heritage assessments to inform the preparation of draft environmental planning instruments.

The NSW Department of Planning has recently completed and released the NSW Comprehensive Coastal Assessment Toolkit (CCA) (see Chapter 8—Useful Information and Resources). Two projects under the CCA provide valuable examples and a starting point in assisting strategic land use planning for the NSW coast. The methods used can also be applied to other parts of NSW. The examples referred to are:

- Andrews, G., Daylight, C., Hunt, J., et al. 2006, *Aboriginal Cultural Heritage Landscape Mapping of Coastal NSW*—The project has developed regional Aboriginal Cultural landscape maps for the NSW coast, agreed to by the respective Aboriginal communities for use as a tool to improve coastal planning and management.
- NSW Department of Environment and Conservation, 2005 *Comprehensive Coastal Assessment Aboriginal Cultural Heritage Data Audit*—This report provides a review and summary of existing data and information on Aboriginal cultural heritage items and values for the NSW coastal region. It also provides a context for understanding and using the data.

The consideration of Aboriginal cultural heritage assessments during the preparation of an environmental planning instrument provides the best opportunity to identify and develop options for the protection of Aboriginal heritage. It also provides a more productive forum to engage with Aboriginal stakeholders and to provide them with meaningful input to the decision-making process. For further information see (d) below.

An additional important point for councils to consider in their land-use planning activities is deciding where municipal activities are to be located in relation to Aboriginal communities. These activities should be reviewed to avoid, minimise or manage existing conflicts. Some examples where conflicts have arisen include sewage treatment plants being built adjacent to an Aboriginal mission or waste management centres near Aboriginal villages.

(d) Aboriginal Heritage

A good way for a council to improve its planning and service delivery to Aboriginal communities is through a better understanding of the important Aboriginal heritage places within the local council area by way of an Aboriginal heritage assessment.

A heritage assessment is a process by which Aboriginal heritage values within a local council area may be identified. These values may be tangible, that is associated with particular objects—or intangible, including places where no physical evidence remains but that have particular meaning for the Aboriginal community.

Aboriginal heritage assessments provide an opportunity to involve Aboriginal people early in the planning process to identify any cultural issues or important places. This will reduce the prospects of lengthy delays in projects due to discovering Aboriginal cultural heritage down the track.

An Aboriginal heritage assessment can also further improve relations with the Aboriginal community by involving Aboriginal people collaboratively in identifying and mapping significant places.

This work can also inform Council of places of significance to Aboriginal communities that it may wish to protect, and assist with decision-making on development and location of services and infrastructure.

The Department of Environment and Climate Change has produced a guide entitled '*Aboriginal Cultural Regional Studies: an illustrated approach*' that can assist councils to formulate an assessment project.

(e) Development Control

Councils are required to consider the impacts of any development proposal on Aboriginal heritage and Aboriginal communities as part of an environmental impact assessment.

Development activities that will impact on an Aboriginal object or an Aboriginal place (gazetted under the NPWA) also require consent from the DECC under the integrated development assessment (IDA) process. It should be noted that an approval under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&AA) removes the need for Aboriginal heritage approvals from DECC.

Where an impact on Aboriginal heritage is identified it may be necessary for the developer to consult with the Aboriginal people or the community to be affected. This should be undertaken in accordance with DECC's Interim Community Consultation Requirements for Applicants. The link for the Interim Community Consultation Requirements for Applicants is:

http://www.nationalparks.nsw.gov.au/npws.nsf/Content/aboriginal_consultation_interim_guidelines.

The purpose of this consultation is to identify the significance of objects and places and to understand how the development may need to be altered or conditions that need to be placed on the development approval to mitigate or avoid impacts on those objects or places.

It may also be appropriate in these circumstances for the council to consult with the relevant Aboriginal people or community in relation to its role in this process.

Decisions made at the development application stage will be more robust if informed by a higher, strategic level of assessment that ideally has been incorporated in land-use planning (see section c). Such an assessment also offers opportunities for councils to streamline their assessment and approvals process.

(f) Cultural and Economic Development

Cultural and economic development supports the growth of strong sustainable communities. Councils are in a unique position to support this growth through leadership, direct sponsorship and the provision of expertise.

Local councils can play an active role in enhancing lifestyle and cultural opportunities for Aboriginal people in the local community. This will assist Aboriginal people in overcoming health and social disadvantage as well as adding to the robustness and cultural richness of the community.

Aboriginal people in many communities can be major contributors but have been significantly under-utilised. The inclusion of their contribution acknowledges and celebrates Aboriginal culture and initiatives, while at the same time contributing to the overall development of a community's social and economic fabric.

Significant funding opportunities are available to develop Aboriginal cultural and economic initiatives. Often all that is needed is for an organisation to take the initiative and councils are often in a prime position to do this.

Details of funding opportunities are provided in Chapter 8—Useful resources and publications.

(g) Aboriginal Languages/Dual Naming

Councils can play an important role in the promotion of Aboriginal languages. This role in creating broader community awareness of Aboriginal languages is recognised in the NSW Government's Aboriginal Language Policy and Strategic Plan. More information on Aboriginal languages, and language activities and materials available within Council's area, can be found on the Aboriginal Language Resource and Research Centre's website at www.alrc.nsw.gov.au. Councils are encouraged to consider the appropriate use of Aboriginal names for newly proclaimed public places and roads.

For new land developments it is important that the use of Aboriginal names is carefully negotiated with local Aboriginal communities.

Councils are also encouraged to consider dual-naming already named geographical features such as rivers, creeks, waterfalls, beaches, harbours, islands, mountains and caves. This is especially important for those cultural and environmental features of significance to the local Aboriginal community. Council's place-naming policies should include procedures for identifying and selecting the names of local places and features in the local Aboriginal language, and consultative mechanisms to verify the appropriateness of suggested names. Armidale Dumaresq Council's *Policy for Local Place Naming* is one possible approach: see: <http://www.armidale.nsw.gov.au/files/1375/File/POL071-Attachment.pdf>.

Further information is available from the Geographical Names Board of NSW. The policy on dual naming is available at the following website; *Dual Naming—Supporting Cultural Recognition*: http://www.gnb.nsw.gov.au/info/dual_naming.pdf.

4. ENGAGING ABORIGINAL PEOPLE IN LOCAL GOVERNMENT DECISION-MAKING

Since the European occupation of Australia in the eighteenth century, Aboriginal people were consistently denied the right to be involved in making the decisions that impact on their future. They were denied the right to vote and were not included in the Census until a referendum was passed in 1967.

Self-determination is a key issue for Aboriginal communities in ensuring the freedom to live well, according to their own values and beliefs, have ongoing choice about their way of life, and be respected by non-Aboriginal Australians.

Attempts at consultation during the later half of last century were often perceived by communities as tokenistic, as they often were. As a result Aboriginal people may be cynical in their attitude to all levels of government and question the genuineness of the consultation being undertaken.

The term “negotiation” is preferred to “consultation” as it suggests an equal relationship where parties work together to reach agreement on an issue. It is crucial to the success of council programs that Aboriginal people are involved through a process of negotiation.

WAYS COUNCILS CAN ENGAGE WITH LOCAL ABORIGINAL COMMUNITIES

Councils are better able to achieve their service delivery aims if they actively facilitate input from Aboriginal communities into policy development and service delivery. This is most effective when councils have an understanding of the particular issues that affect Aboriginal communities and can demonstrate genuine empathy. To facilitate this, councils should incorporate the following principles when engaging with Aboriginal communities:

- Acknowledging the hurt of the past as a result of the policies of all levels of government.
- Acknowledging the vitality and importance of Aboriginal culture and including relevant protocols in the business of councils.
- Protecting Aboriginal heritage, including objects and significant places.
- Acknowledging the existence and contribution of distinct Aboriginal communities, particularly those that appear to be small or “silent”.
- Acknowledging the Aboriginal custodianship of the land as traditional owners.
- Acknowledging ongoing Aboriginal spiritual relationship to the land.
- Acknowledging and supporting the rebuilding of Aboriginal languages through council naming policies.
- Developing procedures for Aboriginal involvement in land use planning, including agreement on when such involvement would be appropriate.
- Developing procedures for Aboriginal involvement in council service planning and provision, including agreement on when such involvement would be appropriate.

- Providing practical support for employment and development of skills within Aboriginal communities.
- Promoting active citizenship for Aboriginal people in both council and community affairs.
- Supporting the economic development of Aboriginal communities and viable Aboriginal business initiatives.
- Ensuring that council staff understand local Aboriginal culture, history and sensitivities.
- Working with Aboriginal people to enhance a region's cultural development, including the recognition and celebration of traditional Aboriginal days of significance and recognition of the ownership of Aboriginal intellectual property.
- Involving Aboriginal people in environmental projects that affect their communities. DECC have produced a useful package "Our Environment—Our Cultural Heritage" which can be accessed at the following link: <http://www.environment.nsw.gov.au/education/aboriginalcommunities>

5. KEY PROTOCOLS

All cultures have customs, values, and codes of behaviour that are important. These contribute to the cultural diversity now cherished by Australians.

For Aboriginal people this is just as important as it is for other cultures. But for Aboriginal people much of their culture has been lost as a direct result of previous policies of all spheres of government. It is important that this knowledge is rebuilt and acknowledged by all spheres of government.

The rebuilding and acknowledgement of Aboriginal culture shows respect and is vital in the building of strong and equal partnerships with Aboriginal people.

Following is a summary of key cultural protocols to guide councils in engaging with Aboriginal people. This is not a complete list and local Aboriginal communities should be consulted about the protocols that are particularly relevant to their land.

ISSUES FOR COUNCILS TO CONSIDER

There is significant benefit in councils formally adopting a negotiated protocol document with local Aboriginal communities. This sign of respect is important in developing productive partnerships and a number of councils have already done so. In developing such a protocol document councils may choose to consider the following issues.

(a) Getting permission

Getting permission is essential before starting work on any council project that has an impact directly on Aboriginal communities. Aboriginal people have a strong sense of owning their history and knowledge and being in control of their future. This ownership has often been ignored in the past.

Getting permission involves forming strong partnerships with Aboriginal organisations. They can advise on the correct protocol for gaining consent. Permission will rarely be refused if the purpose of the work is clearly understood and the way of undertaking the work is properly negotiated. Where it is refused, the reason may relate to issues that are sacred or taboo, related to a death custom, or be specifically women's or men's business.

(b) Indigenous flags

The Aboriginal flag and the Torres Strait Islander flag were proclaimed as Flags of Australia under section 5 of the *Flags Act 1953* in July 1995.

(i) The Aboriginal flag

This is now well recognised as the flag of Aboriginal people. The black top half of the flag symbolises Aboriginal people. The red bottom half represents the earth, and the yellow circle in the centre represents the sun.

Mr Harold Thomas, an Aboriginal Elder, holds the copyright for the flag.

(ii) The Torres Strait Islander flag

This flag has three horizontal panels, the top and bottom are green and the middle one blue. The panels are divided by thin black lines. The green represents the land, the blue represents the sea, and the black represents the Torres Strait Islander people. In the centre is a white *dari* (dancer's head dress), which is a symbol of the Torres Strait Islander people. Undemeath the *dari* is a white five-pointed star. This represents the island groups in the Torres Strait and the white represents peace. Mr Bernard Namok of Thursday Island created this flag.

(iii) Flying Indigenous flags

The order in which flags should be flown is (from the left)

1. Australian flag
2. State Flag
3. Indigenous flags
4. Council flag

Always make sure that Indigenous flags are reproduced, hung and depicted in the correct way and are used for business relating to Indigenous communities.

Permission needs to be sought if councils intend reproducing either Indigenous flag for commercial use. Further information is available from the Department of Prime Minister and Cabinet, website: www.itsanhonour.gov.au

(c) Traditional Welcome to Country

A "Welcome to Country" is where an Aboriginal custodian welcomes people to their land at the beginning of a meeting, event or ceremony. An appropriate person such as a recognised Elder within the local area needs to conduct this welcome. Welcome to Country enables Traditional Custodians to give their blessing for the event. It is an important mark of respect for Aboriginal people.

(d) Acknowledgement of Country

Acknowledgement of Country is where other people acknowledge and show respect for the Traditional Custodians of the land on which the event is taking place. It is a sign of respect. The following is considered appropriate wording for this acknowledgement:

"I would like to acknowledge that we are here today on the land of the (insert local clan) people. The (insert local clan) are the Traditional Custodians of this land and form part of the wider Aboriginal nation known as the (insert name of Nation). I would also like to acknowledge the present Aboriginal and Torres Strait Islander people who now reside within this area."

It should be noted that the acknowledgement includes Aboriginal people whose origins are from other places.

(e) Signage

Councils are also encouraged to include Welcome to Country signs welcoming visitors and locals into towns and signposting major features that include some kind of acknowledgement of the traditional owners of that area. For example, "Welcome to _____Country—Traditional lands of the _____ People".

(f) Smoking ceremonies

Smoking ceremonies are undertaken in Aboriginal communities in order to cleanse a space. The Smoking Ceremony is a purification ritual and is always undertaken by an Aboriginal person with specialised cultural knowledge. Aboriginal people may request a Smoking Ceremony in a workplace where a death or other traumatic event has occurred. This request is of tremendous significance to them and should be respected. Failure to do so may cause significant distress.

(g) Ownership, copyright, cultural and intellectual property

In the past, non-Aboriginal people have appropriated Aboriginal stories, language, songs, dance and knowledge. Aboriginal people have not been recognised as the owners of this knowledge. In some cases non-Aboriginal authors, who have benefited from the knowledge given to them, have claimed copyright and profited from the information.

As a result copyright and the protection of intellectual property are vital issues for Aboriginal people. They are the custodians of their culture and have the right to own and control their cultural heritage.

Any access to and use of Aboriginal cultural information must have permission from relevant individuals or organisations. Rights to use Aboriginal material may be held by an individual, but most cultural material belongs to the traditional owners of that knowledge.

Councils are advised to reach formal agreement with the owner/s of the knowledge before commencing a project that uses Aboriginal material. In some cases this should be in the form of a written contract. Aboriginal people should be afforded proper legal representation in any such contract negotiations.

Copyright and moral rights are complex issues and not always clear in relation to Aboriginal culture. Councils and Aboriginal people should seek specific legal advice when these issues arise. The Arts Law Centre of Australia can provide further advice on these issues (website: www.artslaw.com.au).

(h) Fee for service

Aboriginal knowledge is complex and specialised, and is owned by Aboriginal people. As in Western culture, specialised knowledge is not something that is usually given away for free.

Aboriginal people who choose to work for councils in any capacity, including performing a traditional dance, giving a speech or traditional welcome, providing artwork or participating in a project, are entitled to be paid for their time and expertise.

The Department of Aboriginal Affairs has developed guidelines for agencies to consider when engaging Aboriginal people in cultural performances, or when conducting a Welcome to Country or other Aboriginal cultural protocol. These guidelines are available on the DAA website at:

www.daa.nsw.gov.au/data/files//AboriginalCulturalProtocolsandPracticesPolicyFINAL.pdf

(i) Gender protocols

Aboriginal society still regards some information as specific and sacred to either men or women. This knowledge is sacred and recorded in a way that only men or only women can access.

It is likely that a council will be unable to distinguish between men's and women's business. Councils need to be aware that such issues exist and seek advice from Aboriginal people about when they are likely to arise and how to manage such issues.

(j) Naming the deceased

In NSW, Aboriginal communities may have different protocols regarding naming deceased Aboriginal persons than that which is often raised with northern Australian Aboriginal communities. The best way for councils to use the appropriate protocol for their area regarding naming the deceased or showing photographic images is to consult the Local Aboriginal Land Council in the area.

In many Aboriginal communities in northern Australia it is offensive to refer to a deceased person by name or show photographic images of the person during the mourning period, unless agreed to by the relevant family. Many organisations are now using cultural warnings to avoid causing offence to the families of deceased persons.

6. STRATEGIES FOR LOCAL COUNCILS

(a) Promoting Aboriginal access to council services

The best way to promote Aboriginal access to services is to seek advice from Aboriginal people themselves. The following are some suggestions that may be useful to start discussion.

- The incorporation of Aboriginal protocols (such as displaying the Aboriginal flag) says to Aboriginal communities that their issues are an integral part of council business.
- The display of Aboriginal art, artefacts, posters and information in council premises and publications sends a clear message that Aboriginal culture is valued, and provides a welcoming atmosphere for Aboriginal people.
- Aboriginal cultural awareness training for all council employees and councillors provides the opportunity to understand issues of importance, clarify myths and adjust council policies and procedures as required.
- Council written material needs to be simple, concise, unambiguous and free from jargon and acronyms to promote trust. Aboriginal people are expert at identifying tokenism, avoidance of issues, hidden meanings and paternalism.
- An effective complaints management procedure is essential in establishing credibility with Aboriginal people.

- Good conflict resolution skills are critical. As a direct result of past and continuing injustices, Aboriginal people may present as aggressive or demanding. It is important to clarify the issues and desired solutions from an Aboriginal perspective. When this is done proper negotiation about acceptable solutions for all sides can be achieved. Aboriginal people want to be heard.
- The employment of Aboriginal people as council staff is an important recognition of local communities and provides councils with expert knowledge. But this does not replace the necessity for structured consultation and negotiation with local communities. No one person can represent all the views of local communities. To expect them to do so is unrealistic.

Aboriginal culture has at its core the principles of respect, dignity and honesty. When these principles are observed meaningfully Aboriginal people will forgive the most serious breaches of cultural values and views, as long as there is commitment to listen and change.

(b) Aboriginal resource development

The following are some of the ways councils can, in partnership with Aboriginal communities and organisations, support the utilisation of Aboriginal resources.

- Inclusion and support of days of significance for Aboriginal communities in the council events calendar. This is an opportunity to celebrate Aboriginal communities' achievements and enhance the Reconciliation process. Events also provide the opportunity for all local businesses to promote themselves.
- Promotion of Aboriginal arts and cultural expression through council publications, art galleries and council facilities.
- Development of Aboriginal sites of significance, and inclusion of local Aboriginal history in museums and other places of interest. Such strategies have huge potential to educate the community about important Aboriginal historical events and culture. They have great potential as tourist draw cards.
- Support of Aboriginal business ventures through the provision of leadership and specialist advice. Aboriginal communities have demonstrated initiative in identifying business opportunities. What they often do not have is the business expertise to take an idea and develop its potential.
- Maximising the opportunity to secure funding to promote Aboriginal specific programs, either directly through council operations or through leadership and sponsorship.

(c) Aboriginal Advisory/Consultative Committees

Aboriginal Advisory/Consultative committees are an opportunity for councils to develop a structure for effective communication with Aboriginal communities and the opportunity for Aboriginal communities to inform and participate in council decision-making. These committees should be established by council resolution under section 355 of the *Local Government Act 1993*.

Many councils already have well established committees.

Such committees provide an opportunity for key issues to be identified and a common approach to their resolution negotiated within the resources available. They provide Aboriginal communities with a formal avenue to raise issues. They provide the council with an opportunity to bring issues to Aboriginal communities for their participation in making decisions about how to address them.

It must be remembered that such committees have a role restricted to advising council. They do not replace other existing Aboriginal forums and decision-making structures.

The following are important issues for councils to consider:

(i) Dignity and Respect

The past experience of many Aboriginal people is that they were considered to be lesser people needing protection and assimilation into Australian society.

It is critical to ensure that Aboriginal people are treated with dignity and respect. This is much more than attitude. It must include tangible recognition of Aboriginal history, heritage, culture and protocols. This Kit provides some baseline guidance, but it is important for councils to have a good understanding at the local level.

(ii) Focus

When seeking to engage with Aboriginal people, the issues must be clearly communicated, including priorities, limitations and benefits to the community. Care needs to be taken to cross check that all participants have understood these issues.

On any issue the limitations to negotiation need to be clearly articulated. There may be legal, financial or policy restraints that will limit what is achievable.

(iii) Terms of Reference

These should include a clear statement of the objectives of the committee and links with council decision-making. Terms of Reference should be negotiated with key Aboriginal leaders.

(iv) Leadership

The chair of the committee should be a council representative who is acknowledged and respected by Aboriginal communities, and perceived as a person with strong ability to influence council policy.

(v) Membership

Council membership should include elected representatives and key senior council employees. They must make a strong commitment to participate.

Community membership needs to be flexible and include key Aboriginal and non-Aboriginal leaders who have an interest in and commitment to Aboriginal issues.

Overall it is important to ensure that membership encompasses the diversity of opinions and issues within Aboriginal communities.

Aboriginal communities do not elect representatives in the same way as councils. There needs to be flexibility for different Aboriginal people to attend meetings. This will often be determined by what is on the agenda.

(vi) Meeting times

Meeting frequency and times should be fixed and regular. However, it is important that the schedule allows Aboriginal representatives the opportunity to go back to their communities and canvass opinions.

(vii) Meeting venues

Venues for meetings need to be negotiated with community representatives. In many areas council offices may be entirely appropriate and in fact expected by community members. However, in some areas there may be strong cultural and historical reasons why this is not the case. These should always be ascertained.

Symbolically it may be important for committees to meet within Aboriginal communities. It may be useful for council to see first-hand local conditions and hear local issues. However, such opportunities need to be by community invitation.

(viii) Resourcing

When seeking the input of Aboriginal communities it is essential to have a well-resourced committee, particularly in relation to administrative support.

Council should also consider the resource requirements for community members. Some Aboriginal members may need assistance with transport or childcare for example. This investment may be critical in getting the right people and commitment.

(ix) Agendas

Many Aboriginal people have become good at picking up hidden agendas or manipulation and these must be avoided.

Agendas for meetings should be open and reflect the issues raised by committee members.

Agendas should be distributed well in advance of scheduled meetings as this allows Aboriginal representatives sufficient time to consult with their communities. This will save councils time in the long run.

(x) Meeting procedures

It is important that the committee negotiate a code of meeting practice with Aboriginal representatives. It is important that they have a direct say as to how the meeting will be managed and that their views are given weight.

This code needs to be consistent with other council codes.

(xi) Decision-making

Community members must be clear from the start as to how the committee deliberations impact on council decision-making. It is important that false expectations are not created.

Decision-making practices may change according to the issue. Where this is the case it must be clearly articulated and reasons given for the change.

Participants need to know when decision-making is to take place and how their contribution will be incorporated where possible and acknowledged.

(d) Aboriginal Working Parties

Aboriginal Community Working Parties (CWPs or similar bodies) are being established in many areas for the delivery of Two Ways Together at the local level. CWPs aim to be representative of all groups within that Aboriginal community, and their role is to work with all levels of government in promoting and achieving Aboriginal economic and cultural development.

Councils have an interest in contributing to the work of CWPs. They are an important source of community information and provide an efficient structure for the development of specific council initiatives.

Some councils have opted to work with CWPs as an alternative to establishing their own Aboriginal Advisory/Consultative Committees. Where this approach is adopted, it is important to recognise that Council has little or no control of the agenda or operations. CWP's terms of reference are not limited to matters relevant to councils, and so Council's business may not be a priority for the CWP.

It is therefore critical that an effective communication mechanism, such as a written agreement, is negotiated between the council and the CWP that clearly states the roles of the parties, the communication process, and the process when communication problems arise.

(e) Aboriginal Liaison/Community Development Officers

Many councils have found the employment of Aboriginal Liaison Officers, or Community Development Officers, to be particularly effective in developing strong linkages with local Aboriginal communities. The following are some of the areas they have been engaged in:

- Creating links between the Aboriginal community and Council
- Ensuring from Council's end that the needs of the Aboriginal community are met
- Ensuring that mainstream services to the general community are accessible and culturally appropriate for Aboriginal people
- Assisting and enhancing the Reconciliation process
- Developing a local cultural protocols document
- Leading and facilitating projects that are Aboriginal-specific, giving greater awareness to the broader community of Aboriginal people and their culture
- Developing Aboriginal networks, including Aboriginal Land Councils and Aboriginal Elders, as sources of advice for councils
- Breaking down barriers between Aboriginal people and non-Aboriginal people
- Building partnerships between local councils and Aboriginal communities through Local Agreements
- Clarifying what services local councils should, and can, provide to the Aboriginal community
- Encouraging the Aboriginal community to work closely with local councils
- Providing sound knowledge of access pathways to Aboriginal organisations
- Facilitating Consultative Committee meetings on a regular basis

- Assisting in Aboriginal heritage impact assessments, interpretation of heritage values, and explanation of legislation relating to Aboriginal heritage etc.

(f) Statements of Commitment

Statements of Commitment have been prepared by a number of councils to demonstrate their recognition of Aboriginal traditional custodians and culture. They can also outline how councils will work with local Aboriginal communities.

A model Statement of Commitment is included in this Kit as **Appendix 3**.

Such Statements are often a useful precursor to more formal commitments such as a Memorandum of Understanding.

(g) Memoranda of Understanding

Memoranda of Understanding are more complex negotiated agreements about how councils will work with Aboriginal communities. They can be broad or very specific in the material they cover. They need to be respectfully negotiated in order to be successful.

The following Australian Local Government Association publications provide practical hands-on advice about how to negotiate such agreements.

- *Working Out Agreements between Local Government & Indigenous Australians. A Practical Guide*
- *Working with Native Title: A practical guide for local government*

Both publications are available for purchase together on-line at the following link:

<http://www.alga.asn.au/publications/index.php>

(h) Council staff cultural awareness training

Cultural awareness training is an important strategy in assisting council employees to understand local Aboriginal issues, culture and ways of doing business. This understanding is the first step in building productive, responsive working arrangements with Aboriginal communities.

There are many commercial Aboriginal Awareness Training packages available. Most include the capacity for local input. Aboriginal Liaison/Community Development Officers and other local Aboriginal leaders will have the expertise to assist councils in providing local input. The following are some of the issues a council may want to include in a local program:

- Local Aboriginal historical events and their impact on contemporary Aboriginal communities
- Local places of Aboriginal significance
- Local Aboriginal heritage
- Identification of local nations and clans
- Important demographic data
- Local Aboriginal organisations, their roles, their leadership
- Local Aboriginal communities, their make up, issues and leadership
- Contemporary Aboriginal culture, including art, music and drama
- Effective communication with Aboriginal people (including culturally sensitive problem solving)
- Council policies and procedures relating to engagement with Aboriginal people and the provision of services.

(i) Effective anti-discrimination and anti-harassment strategies

Putting effective anti-discrimination and anti-harassment strategies in place in the workplace is good practice which is good for business.

A productive and cohesive workplace helps to:

- increase your pool of potential employees—meaning you get the best person for the job
- build the morale and productivity of council employees
- minimise complaints, disruptions and legal wrangles—so you can get on with work
- add to Council's bottom line and build your reputation in the community.

For further information on developing effective anti-discrimination and anti-harassment strategies for your council, the Human Rights and Equal Opportunity Commission has prepared a number of fact sheets which are available on line at http://www.hreoc.gov.au/info_for_employers/index.html.

(j) Aboriginal Council Employees

It is important to recognise and embrace the benefits of a diverse workforce that reflects local communities. The Equal Employment Opportunity provisions of the Local Government Act require that councils have an EEO Management Plan that sets out council strategies on the employment and support of members of minority racial groups.

Benefits to councils include better representation, improved communication with diverse members of the community and increased understanding of the range of issues that affect different groups in local communities. This should result in councils providing services that better meet the needs of their communities.

The employment of Aboriginal people by councils is an effective way to tap into significant expertise and demonstrate a commitment to working effectively with Aboriginal communities. Whether Aboriginal people are employed in designated or generic positions, the following are important issues for councils to consider:

- Aboriginal oral history traditions support the ability of Aboriginal employees to access significant local knowledge and networks. They often have access to important local information that is not documented or may be difficult to find.
- Aboriginal employees should not be asked to work outside their job descriptions. The specialised contribution of Aboriginal people needs to be formally acknowledged.
- Despite their knowledge it cannot be assumed that an individual Aboriginal staff member can speak on behalf of all Aboriginal members of the community. They can provide advice about appropriate networks, facilitate access to information and advise about appropriate negotiation mechanisms.
- Aboriginal people often feel isolated when employed in government organisations. This is similar to the way a European person may feel if they were employed in a different culture. It is important that Aboriginal employees have access to an Indigenous support network and that this access is resourced.
- Many Aboriginal people and non-Aboriginal people have not had access to educational or training opportunities. Many have not had role models to support and encourage taking up the opportunities available. Council mentoring schemes, traineeships and scholarships are some of the ways councils can provide this support.

Note: As a result of the extensive nature of Aboriginal kinship groups and the small size of Aboriginal communities, Aboriginal people employed in councils (and other places) often find unavoidable conflicts of interest. They often have leadership responsibilities within their communities that call for an interaction with organisations that will be their employer. On occasion they will find themselves in conflict with their communities about decisions their employer has made.

The methods non-Aboriginal people use to manage conflicts of interest often do not work for Aboriginal people. Such methods may result in Aboriginal people being excluded from their communities or their employment being ineffectual.

There are a number of ways that this conflict can be managed including:

- ensuring that Aboriginal employees have access to an appropriate peer support mechanism that can assist them manage conflicts as they arise;
- ensuring that the supervisors of Aboriginal employees comprehensively understand Aboriginal cultural protocols and ways of doing business, and have the skills to develop alternative ways of managing such conflicts;
- respecting requests from Aboriginal employees not to take a public profile on particularly contentious issues;
- providing an internal climate where it is safe for an Aboriginal employee to declare an interest, but continuing to manage important issues with necessary safeguards; and
- using Aboriginal Advisory Committees or other formal structures to manage contentious issues, rather than an individual.

(k) Local Government Aboriginal Network

The NSW Local Government Aboriginal Network (LGAN) has been operating since 1988 to provide an information exchange and forum for discussion on local council issues relating to Aboriginal communities, businesses and the wider community. The Network is made up of Aboriginal Liaison Officers working in local councils, Aboriginal people who have been elected as Councillors and others who have an interest in Aboriginal issues. The Network provides support and information for its members.

The Network holds an annual conference. The conference is a key event in the local government calendar providing a forum for:

- Aboriginal and non-Aboriginal councillors and staff across NSW
- Enhancing the profile of Aboriginal communities, their skills and culture
- Providing an opportunity for local council professionals and elected representatives to discuss current issues affecting Aboriginal communities including health, education and employment strategies, enterprise and cultural development
- Raising awareness and developing networks and strategies to address the complex range of issues facing Aboriginal communities today
- Sharing success and good practice

PART C – RESOURCES

7. LINKS TO OTHER RELEVANT PROGRAMS AND PROJECTS

(a) Aboriginal Community Water and Sewerage Program

The provision of reliable water and sewerage services to discrete and remote Aboriginal communities is of major concern.

While the cost of providing water and sewerage infrastructure to remote Aboriginal communities does not lie with councils, under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* councils are responsible for managing the environmental and public health risks associated with sewage pollution from on-site systems.

An initiative under TWT is developing a strategy to address water and sewerage infrastructure and maintenance needs in remote Aboriginal communities which may also involve the participation of local councils to provide services and training support under funded arrangements.

(b) Promoting Diversity in Leadership in Local Government Project

The lack of diversity in leadership roles has long been and continues to be an issue within the local government sector in NSW and other jurisdictions. Many councils continue to be significantly under-represented by certain community groups, including Aboriginal people, in both councillor and senior management roles. The result is that these under-represented groups are less likely to have a 'voice' in decision-making about local issues in their local area.

The Department of Local Government, Local Government Managers Australia and the Local Government and Shires Associations of NSW have commenced a joint project in an attempt to address this issue so that council decision-makers are more representative of the communities they serve.

It is intended that the outcomes of this project will include a comprehensive and useful range of strategies to assist councils to increase diversity in positions of leadership.

(c) Aboriginal Participation in Construction: Implementation Guidelines

The *Aboriginal Participation in Construction: Implementation Guidelines* were first published in January 2001. The purpose of the Guidelines is to expand Aboriginal access to, and participation in, NSW Government-funded construction and related activities. The Guidelines require agencies and local councils to:

- Determine which projects are priorities for Aboriginal participation;
- Categorise such projects according to the extent to which Aboriginal people will benefit from the completed project;
- Include in tender documents specifications for both contractors and subcontractors regarding Aboriginal participation;
- Include Aboriginal participation as a criterion for assessing the merit of tender proposals; and
- Monitor and collect data on actual participation.

Project categories are allocated by agencies or councils according to the following criteria:

- *Category 1* Projects are primarily directed to one or more Aboriginal communities, or an Aboriginal community is the sole or predominant beneficiary.
- *Category 2* Projects have an Aboriginal community as one of the key user groups, or as a prominent project stakeholder.
- *Category 3* Projects are those that have the potential to benefit the Aboriginal community.

The revised Guidelines, now known as the *Aboriginal Participation in Construction Guidelines*, came into effect as of 1 January 2007. The Guidelines and a list of Aboriginal building and associated trades firms seeking tendering opportunities on NSW Government construction projects are available at NSW Department of Commerce website <http://www.dpws.nsw.gov.au/Tenders/Construction+Suppliers/Construction+Suppliers.htm>.

(d) Aboriginal Employment Programs

A number of funding programs are available to assist councils to increase employment opportunities for Aboriginal people. These programs include:

- Elsa Dixon Aboriginal Employment Program—funded by the Department of Education and Training:
<https://www.det.nsw.edu.au/eas/acomm/elsa/about.html>
- New Careers for Aboriginal People Program—another initiative of the Department of Education and Training which assists with access to useful networks, training resources and job monitoring to ensure high quality applicants for Aboriginal positions in councils.
<https://www.det.nsw.edu.au/eas/acomm/ncap/about.html>
- Aboriginal and Torres Strait Islander Cadetship Program—for public sector agencies to support Indigenous university students interested in combining study with employment.
<http://www.eeo.nsw.gov.au/indigenous/cadets/>

(e) Making It Our Business - NSW Government plan

Making It Our Business encourages greater involvement of Aboriginal people in the future of the NSW Public Service. It establishes a policy framework to guide public sector agencies to recruit and retain Aboriginal people, and provides strategies that offer flexibility in meeting current and future workforce needs.

Increasing Aboriginal employment builds the local government sector's capacity to deliver programs and services that are effective and appropriate for Aboriginal people. It also encourages support and respect for Aboriginal cultural values in the workplace and in the delivery of services.

Workforce planning research indicates that the public sector will face increasing workforce shortages because of the general ageing population. The Aboriginal population is young and growing, and this increasing pool of young people can support current and future public sector workforce needs.

The unemployment rate experienced by Aboriginal people is roughly 4 times higher than the general population. Improving public sector employment is one way of achieving an overall reduction in Aboriginal unemployment.

Broadening the diversity of the public sector workforce means that staffing reflects its client base and provides new ideas and fresh perspectives on the way governments work.

Aboriginal Employment Strategies are effective means of targeting and integrating Aboriginal employment and professional learning within a council. An Aboriginal Employment Strategy is a blueprint for the development, implementation and maintenance of specific actions by the agency. Every Aboriginal Employment Strategy is different—and the extent of the strategy will generally depend on the size of the organisation, potential for employment, the needs of the organisation and the Aboriginal community.

Aboriginal Employment Strategies work best where there is a senior designated Aboriginal person as the first point of contact for all Aboriginal employment, professional learning and career development initiatives.

The NSW Aboriginal Employment and Development Steering Committee has established the following Key Result Areas to assist public sector agencies to focus their strategies to facilitate the achievement of Aboriginal employment targets and recognise and enhance the valuable contribution that Aboriginal people make to the workforce of NSW:

- Increase the representation of Aboriginal people to 2% (minimum) employed in the workforce.
- Increase the permanent employment of Aboriginal people in the workforce.
- Provide opportunities within the workforce to enable Aboriginal people to gain skills and experience that may assist them in gaining permanent employment.
- Promote innovation and flexibility in the recruitment and selection of Aboriginal people into the workforce.
- Provide professional learning and career development opportunities for Aboriginal employees.
- Increase the number of Aboriginal people progressing to middle and senior management levels.
- Develop and foster support mechanisms and networks for Aboriginal employees.
- Build an environment that affirms and respects Aboriginal cultural values in the workplace.
- Develop and strengthen positive relationships and partnerships with Aboriginal communities and groups.
- Promote NSW public sector employment opportunities to Aboriginal people and communities.
- Identify skills shortages and provide appropriate training and support to Aboriginal people and communities to fill vacancies.

More information and copies of Making It Our Business are available on the Premier's Department website:

(<http://www.premiers.nsw.gov.au/WorkAndBusinessWorkingForGovernmentEqualEmploymentOpportunity/aboriginalprograms.htm>).

8. USEFUL RESOURCES AND PUBLICATIONS

(a) General Resources

AIATSIS Aboriginal Studies Press

Aboriginal Australia Map

www.aiatsis.gov.au/aboriginal_studies_press/aboriginal_wall_map

Australian Government Culture and Recreation Portal

www.culture.gov.au

Sorry Day www.acn.net.au/articles/sorry/

Aboriginal Heritage www.culture.gov.au/articles/indigenous/

Australian Local Government Association

Working Out Agreements between Local Government & Indigenous Australians. A Practical Guide: ALGA.

Working with Native Title: A practical guide for local government: ALGA

Available for purchases together on line for a small cost at

www.alga.asn.au/publications/index.php

Native Title Issues Papers

<http://www.alga.asn.au/policy/indigenous/nativeTitle/index.php>

Local Government and Shires Associations of NSW

Various Aboriginal policy documents for local councils

www.lgsa.org.au

Department of Communications, Information Technology and the Arts

Indigenous programs

Support for Indigenous arts, culture, language, broadcasting and sports, and for improvements to telephone and Internet services in remote communities.

http://www.dcita.gov.au/all_funding_programs_and_support/#indigenous

Department of Education and Training

Elsa Dixon Aboriginal Employment Program

<https://www.det.nsw.edu.au/eas/acomm/elsa/about.html>

New Careers for Aboriginal People Program

<https://www.det.nsw.edu.au/eas/acomm/ncap/about.html>

Department of Prime Minister and Cabinet

Flying the Flag

www.itsanhonour.gov.au

National Native Title Tribunal

Guide to Sources of Assistance and Funding for Prescribed Bodies Corporate

http://www.nntt.gov.au/research/files/guide_to_sources.pdf

Guide to Australian Government Funding Sources

http://www.nntt.gov.au/research/files/guide_to_funding.pdf

NSW Department of Aboriginal Affairs

Aboriginal Affairs Plan, Two Ways Together

<http://www.daa.nsw.gov.au/policies/policy.html>

Policy Guidelines for Aboriginal Performances

www.daa.nsw.gov.au/policies/policyreperformance.html

NSW Department of Commerce

Aboriginal Participation in Construction Guidelines

<http://www.dpws.nsw.gov.au/Tenders/Construction+Suppliers/Construction+Suppliers.htm>

NSW Department of Environment and Climate Change

Aboriginal Communities

Planning activities to protect our places

Aboriginal people protecting country—environmental sustainability success stories

Working with local Aboriginal communities on environmental projects

www.environment.nsw.gov.au/education/aboriginalcommunities.htm

DEC Interim Community Consultation Requirements for Applicants

http://www.nationalparks.nsw.gov.au/npws.nsf/Content/aboriginal_consultation_interim_guidelines

Our Environment—Our Cultural Heritage

<http://www.environment.nsw.gov.au/education/aboriginalcommunities>.

Environmental Trust's—Protecting Our Places funding:

<http://www.environment.nsw.gov.au/grants/envtrust.htm>

Aboriginal Cultural Heritage Regional Studies: an illustrated approach (DEC, 2006);

Protecting Aboriginal Cultural Heritage

<http://www.nationalparks.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+heritage>

NSW Department of Local Government

Anti-Discrimination Guidelines for Local Government Councillors

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/information/adbcoun.pdf>

Anti-Discrimination Guidelines for Managers of Local Councils

<http://www.dlg.nsw.gov.au/DLG/DLGHome/documents/information/adbmngr.pdf>

NSW Department of Planning

The NSW Comprehensive Coastal Assessment Toolkit, 2007 (Double DVD set)

www.planning.nsw.gov.au/plansforaction/cca.asp

NSW Department of Premier and Cabinet

Aboriginal Cultural Protocols and Practices Policy.

<http://www.premiers.nsw.gov.au/nr/rdonlyres/e1b0b30d-3e2b-486c-9bdb-deafd00b6dee/0/indigenouceremony.pdf>

Aboriginal and Torres Strait Islander Cadetship Program

<http://www.eeo.nsw.gov.au/indigenous/cadets/>

Making It Our Business

(<http://www.premiers.nsw.gov.au/WorkAndBusiness/WorkingForGovernment/EqualEmploymentOpportunity/aboriginalprograms.htm>)

NSW Geographic Names Board

<http://www.gnb.nsw.gov.au>

Dual Naming –Supporting Cultural Recognition

http://www.gnb.nsw.gov.au/info/dual_naming.pdf

Office of Indigenous Policy Coordination

Indigenous Coordination Centres (ICC) - home page

<http://www.indigenous.gov.au/icc/>

Reconciliation Australia

Reconciliation Action Plans: Turning good intentions into actions

http://www.reconciliationaustralia.org/downloads/3/Reconciliation_Action_Plans.pdf

University of Melbourne—Agreements, Treaties and Negotiated Settlements Project

The Agreements, Treaties and Negotiated Settlements (ATNS) project is an Australian Research Council Linkage project examining treaty and agreement-making with Indigenous Australians and the nature of the cultural, social and legal rights encompassed by past, present and potential agreements and treaties.

<http://www.atns.net.au/default.asp>

(b) NSW local council resources

Council of the City of Sydney

Aboriginal & Torres Strait Islanders

<http://203.147.135.212/Community/ServicesAndPrograms/AboriginalAndTorresStraitIslanders/Default.asp>

Barani Ingenuous History of Sydney City

<http://www.cityofsydney.nsw.gov.au/barani/main.html>

Aboriginal and Torres Strait Islander Protocols (2005)

<http://www.cityofsydney.nsw.gov.au/Community/documents/AboriginalAndTorresStraightIslanders/ATSIProtocol.pdf>

Manly, Warringah and Pittwater Councils

Resources: Sydney Northern Beaches Area. Web based page providing a range of information about Aboriginal issues and resources for Manly, Warringah and Pittwater council areas.

<http://www.asgmwp.net/ResourcesSydNB.htm#SydNB04>

Marrickville Council

Cadigal Wangai: Aboriginal history and resources site

<http://www.marrickville.nsw.gov.au/cadigalwanga/>

Marrickville Aboriginal Protocols:Marrickville Aboriginal Consultative Committee:

<http://www.marrickville.nsw.gov.au/livinginarea/aboriginalcommunity.htm>

Wagga Wagga City Council

Comprehensive Indigenous Strategy

http://www.wagga.nsw.gov.au/viewfile.aspx?article=OA9EW1WZ5JFZASH6C8YX&file=WWCCindigenou_s_strategy.pdf

Greater Taree City Council

www.gtcc.nsw.gov.au

Greater Taree City Council—Indigenous Heritage

Shellharbour City Council

Aboriginal & Torres Strait Islander Services

<http://www.shellharbour.nsw.gov.au/default.aspx?WebPage=170>

Mosman Municipal Council

Mosman Municipal Council, Sydney, Australia—Aboriginal Heritage

http://www.mosman.nsw.gov.au/library/aboriginal_mosman.html

Principles of Cooperation

Seven Principles of Cooperation agreements have been signed between Sydney Councils and the Metropolitan Aboriginal Land Council ('Metro') including the Principles of Cooperation between Metro and the City of Sydney and Principles of Cooperation between Metro and North Sydney Council.

<http://www.atns.net.au/biogs/A003344b.htm>

<http://www.atns.net.au/biogs/A003313b.htm>

(c) Culture and Arts Resources

- **Cultural Protocols for Indigenous Reporting in the Media**, Message Stick Online, ABC, NSW, <http://abc.net.au/message/proper/>
- **Guidelines for Ethical Research in Indigenous Studies**, The Australian Institute of Aboriginal and Torres Strait Islander Studies <http://www.aiatsis.gov.au>
- **National Protocol for Filmmakers**—currently under development. As of November, 2004 the Indigenous Unit of the Australian Film Commission is currently developing a National Protocol for filmmakers working with Indigenous content in both drama and documentary, and this will provide a useful guidance for filmmakers. For information about the development of the protocols visit http://www.afc.gov.au/filminginaustralia/indigproto/fiapage_9.aspx.
- **New Media Cultures guide** Aboriginal and Torres Strait Islander Art Board of the Australia Council http://www.ozco.gov.au/arts_resources/publications/new_media_cultures/.
- **The Greater Perspective, Protocol and Guidelines for the Production of Film and Television on Aboriginal and Torres Strait Islander Communities**, SBS Television, a publication by Lester Bostock http://www.sbs.com.au/sbsi/sbs_booklet.pdf
- **Responsibilities and Responses**, Aboriginal and Torres Strait Islander protocols for libraries, archives and information services, National Library, Canberra <http://www.nla.gov.au/niac/libr/byrne.html>

APPENDIX 1

CONCEPTS AND DEFINITIONS

The following concepts and definitions may assist in understanding some of the terminology commonly used by Aboriginal community members and can be used as a starting point for seeking further information.

Aboriginal person

The NSW *Aboriginal Land Rights Act 1983*, defines an Aboriginal person as a person who:

- is a member of an Aboriginal race of Australia;
- identifies as an Aboriginal person; and
- is accepted by the Aboriginal community as an Aboriginal person.

Note that the term *Aborigine* has negative connotations for many Aboriginal people.

Some people prefer the term *Indigenous* when referring to individuals or communities. The terms can be used interchangeably, but it is wise to check individual preferences.

Always capitalize the “A” in Aboriginal or “I” in Indigenous. Lower case refers to aboriginal person or indigenous people in any part of the world.

Torres Strait Islander

A Torres Strait islander is a person/descendent from the Torres Strait Islands. There are many Torres Strait Islanders living in NSW.

Nation, Tribe, Clan, Mob

These are all terms referring to a culturally distinct group of Aboriginal people associated with a particular, culturally defined area of land or country. A number of “tribes” or “clans” comprise a larger grouping of Aboriginal people that identify as a “Nation”.

Mob is a term that is being increasingly used by Aboriginal communities as a generic term.

Aboriginal people will often refer to themselves as being Koori, Goori or Murri. These are terms drawn from Aboriginal languages.

Goori – is usually used by Aboriginal people in northern NSW coastal regions.

Koori – is usually used by Aboriginal people in parts of NSW and Victoria.

Murri – is usually used by Aboriginal people in north-west NSW and Queensland.

Care needs to be taken to check with local communities about local acceptable terminology.

Country

A term used by Aboriginal people to refer to the land to which they belong and their place of Dreaming. It has a much broader meaning than its meaning in English.

Community

A term used often by non-Aboriginal people to refer to Aboriginal people who live in a particularly geographic area. However, it is important to understand that as a result of the dislocation of Aboriginal people, a community may comprise Aboriginal people of different areas. What non-Aboriginal people see as one community may not be seen as such by Aboriginal people.

For Aboriginal people a community is first and foremost about country, extended family ties and shared experience. It is about interrelatedness and belonging. Aboriginal people may belong to more than one community. For example it can describe where they come from, where their family is or where they work.

Traditional Custodian

“Traditional Custodians” and “Traditional Owners” are terms that can be used interchangeably. However particular communities have specific preference about which term to use. Both terms refer to the Aboriginal people who are descendants of the original inhabitants of the land. They have a spiritual, cultural, political and often, physical connection with a particular part of the land.

Traditional Owners may be identified as being registered Aboriginal owners (see below), native title claimants or holders, or have organised themselves into incorporated (or unincorporated) groups. However, there may be several Aboriginal Corporations and groups asserting that they represent the Traditional Owners of that area. Preference must be given to Aboriginal groups with legally recognised rights and interests (that is, Aboriginal Owners and native title claimants and holders) on involvement in cultural and heritage matters.

Aboriginal owners are Aboriginal people who have been registered as having cultural association with certain lands (usually conservation reserves that are Aboriginal owned or earmarked for Aboriginal Ownership under Part 9 of the *Aboriginal Land Rights Act 1983*). Aboriginal owners have proven their cultural association through descent from the land’s original inhabitants and cultural connection through culture, custom, stories, laws, etc. The Registrar, *Aboriginal Land Rights Act 1983* also maintains the Register of Aboriginal Owners, and he or she must be satisfied with the applicant’s genealogical and anthropological proof of cultural association. Aboriginal Owners (and Traditional Owners generally) can also be members of the relevant Local Aboriginal Land Council. Not all areas have registered Aboriginal owners. For further information contact the Registrar, *Aboriginal Land Rights Act 1983*.

The Commonwealth *Native Title Act 1993* gives registered native title claimants and native title holders specific rights to be consulted on land uses or activities that may impact on their native title rights and interests. Native title are the rights and interests to lands or waters held by the community, a group, or an individual based on their traditional laws and customs that are recognised by the Australian law.

Registered native title claimants have, in the opinion of the National Native Title Tribunal, passed the administrative registration test. The registration test is that claimants have clearly identified the claimed area, the groups and individuals involved in that claim, the nature and extent of the claimed native title rights and interests and the factual basis for the claim; the claim makes a *prima facie* case that there is physical connection to the claimed lands; and there has not been extinguishment of the claimed native title (for example through the grant of freehold title to a third party).

Native title holders have been determined by the Federal Court (or High Court) to have particular rights and interests in the lands or waters subject to the determination. The determination may be made with the consent of the Government or through litigation. In addition to the right to be notified or consulted enjoyed by native title claimants, native title holders may also have rights to compensation.

Kinship

A term to capture large extended family groups often spread over different communities and geographic areas. Kinship groups are strong and trace their origins back to traditional owners.

Kinship is of fundamental importance in Aboriginal society, much more so than in Western society where it has lost many of its functions to other institutions such as the economy and the political system.

Kinship concerns the network of people who are related to a particular person. This network is unique to each individual, and every person has a different network. Everyone in Aboriginal society is part of a kinship network. Kinship categories extend to all aspects of life, including alliances, rituals and marriages.

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.

In some instances Aboriginal people above a certain age will refer to themselves as Elders. It is important to understand that in traditional Aboriginal culture age alone does not necessarily mean that one is recognised as an Elder.

Aboriginal people traditionally refer to an Elder as “aunty” or “uncle”. However it is recommended that non-Aboriginal people check the appropriateness of their use of these terms.

In some areas Elders meet together in Elders groups to share experience and reach common positions on important issues. There may be a number of Elders groups in a particular area reflecting local clans.

Culture

Consists of accepted and traditionally patterned ways of behaving shared by a community. It includes land, beliefs and spirituality, language, ways of living and working, artistic expression, relationships and identity.

Land Rights

To Aboriginal people, land is not only about hunting and gathering, it is also the basis of spiritual life.

The aim of the land rights movement is to counteract the land disposition of Aboriginal people that occurred with European occupation.

The *Aboriginal Land Rights Act 1983* gave the right for Local Aboriginal Land Councils to make claims on vacant land held under the *Crown Lands Act 1989*. The Aboriginal Land Rights Act also gave rights to Aboriginal people to seek agreement with any landowner on access to land to hunt, fish or gather.

Native Title

The *Native Title Act 1993* (Commonwealth) gave legal recognition to the existence of native title, reversing the concept of “terra nullius”, the legal premise that European occupation was based on, namely that the land was empty.

Aboriginal Villages

For the purposes of this kit Aboriginal villages are those discrete areas of land occupied by Aboriginal people, which are owned and managed by Local Aboriginal Land Councils. In effect this is private land. It needs to be respected as such to overcome the negative experiences associated with this land.

Some Aboriginal villages were previously missions established by Christian missionaries. In the late 1880s these areas were progressively taken over by the colonial government and run as stations or reserves.

Missions and reserves have bad connotations for Aboriginal people. It was such mechanisms that forced Aboriginal people from their land and destroyed families, culture and heritage. Animosity sometimes developed between various traditional groups forced to compete against each other to survive.

APPENDIX 2

SIGNIFICANT DATES FOR ABORIGINAL COMMUNITIES

There are a number of significant dates in the Aboriginal and Torres Strait Islander calendar. Depending on the occasion, these dates are marked by the Aboriginal and Torres Strait Islander communities in a variety of ways, including ceremonies, celebrations, events and activities.

Issues for councils to consider

Observance and contribution to these celebrations provides councils with a range of opportunities to:

- Formally acknowledge the impact of European occupation on Aboriginal Nations and their people.
- Celebrate Aboriginal history, identity, heritage, culture and customs as a vital part of diverse and sustainable local communities.
- Provide Aboriginal organisations and businesses with the opportunity to showcase their contributions to local economic and social development.
- Establish the credibility of councils as organisations able to work and negotiate meaningfully with Aboriginal people.
- Develop a better understanding of the diverse nature of local Aboriginal communities and establish balanced meaningful networks.
- Contribute to the development of a diverse council events calendar.
- Promote and develop councils' tourism profile.
- Identify other ways Aboriginal communities can take the initiative to contribute to their own sustainability and the overall economic and social development of communities as a whole.

26 January – Australia Day/Survival Day

For Aboriginal people this is the day that represents European invasion, dispossession and loss of culture and sovereign rights. The day is characterised in some regions by Survival Day concerts, ceremonies and celebrations.

21 March – Harmony Day (UN Elimination of Racial Discrimination Day)

An Australian government initiative designed to build relationships and address racism. This initiative is primarily a community based education program. Commonwealth funding is sometimes available for specific initiatives. Further information is available at www.harmony.gov.au

26 May – National Sorry Day/National Day of Healing

The first National Sorry Day was held on 26 May 1998—one year after the tabling of the *Bringing them Home* report which was the result of an inquiry into the removal of Aboriginal and Torres Strait Islander children from their families.

In 2005 the National Sorry Day Committee renamed Sorry Day as a National Day of Healing for all Australians. The day focuses on the healing needed throughout Australian society to achieve reconciliation.

26 May to 3 June – National Reconciliation Week

National Reconciliation Week offers people across Australia the opportunity to focus on reconciliation, to hear about the culture and history of Australia's Indigenous people, and to explore new and better ways of meeting challenges in our communities. Resources are available from Reconciliation Australia at www.reconciliation.org.au

27 May – Amendments to the Constitution regarding Aboriginal people (Referendum)

Celebrates the 1967 referendum fully acknowledging Aboriginal and Torres Strait Islanders as citizens of Australia.

3 June – Mabo Day

This date marks the anniversary of when the High Court of Australia rejected the notion of "Terra Nullius", that Australia was not occupied before European colonisation. The Mabo Judgement states in law that Indigenous Australians have, due to prior occupation, ownership of land where native title has not been extinguished. It also states Indigenous people have legal rights not just symbolic rights to all Crown Land in Australia, as well as possible rights to pastoral leases.

1st week of July (Sunday to Sunday) – NAIDOC (National Aboriginal and Islander Day of Celebration) Week

NAIDOC celebrations are held around Australia in the first full week in July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander people. Further information is available from the National NAIDOC web site www.naidoc.org.au

4 August – National Aboriginal and Islander Children's Day

The aim of NAICD is to demonstrate how important children are to Aboriginal and Torres Strait Islander communities. Through focussing on a different theme each year NAICD draws attention to the needs of Aboriginal and Torres Strait Islander children. It is sponsored by the Secretariat of National Aboriginal and Islander Child Care, SNAICC, which is the national non-government peak body in Australia representing the interests of Aboriginal and Torres Strait Islander children and families. Further information is available at www.snaicc.asn.au/children/

9 August – International Day of the World's Indigenous People

Declared by the United Nations, the day is to celebrate the achievements and contributions of Indigenous people to the global community. More information is available at

www.un.org/esa/socdev/unpfii/en/news_internationalday2006.html

October long weekend – NSW Annual Aboriginal Rugby League Knockout

The Knockout is an annual tournament of Aboriginal Rugby League teams. It is an important social, networking and information sharing event for Aboriginal people.

10 December – Human Rights Day

Marks the adoption of the Universal Declaration of Human Rights by the United Nations.

APPENDIX 3

MODEL DOCUMENTS

(a) Model Statement of Commitment

Statement of Commitment

(Council Name) Council recognises the *(name of local Aboriginal people)* people as the traditional owners and custodians of this local government area. *(Council Name)* Council and the Aboriginal community are committed to working together in the process of reconciliation.

We support and advocate the cultural and economic advancement of the Aboriginal people of (local area) and will cooperate to ensure the preservation of cultural practices, traditional sites and significant places. Council supports expressions of cultural identity.

(Council Name) Council and the Aboriginal people of (local area) believe in a future characterised by social justice and community. Together, we seek to build a society free of racism and prejudice where Aboriginal people feel a strong sense of belonging and are able to participate fully in the life of the community.

(Council Name) Council and the Aboriginal community will engage in an active partnership to develop programs and services, which meet the needs of our citizens.

Note:

- The above is a general guide only as a starting point in developing an area specific statement in partnership with local Aboriginal communities.
- The Mayor, General Manager and key local Aboriginal leaders usually sign the statement of commitment.

(b) Advisory/Consultative Committee Terms of Reference

This is a suggested framework to guide development of terms of reference. It is based on the terms of reference currently being used by a range of NSW councils.

TERMS OF REFERENCE

1. Aim (suggested content)

To provide a vital link between Council and local Aboriginal communities, respecting their right to self-determination and community empowerment.

2. Objectives (suggested content)

- To provide advice on Council's programs, services, facilities.
- To participate on Council's committees/working parties to ensure they are accessible to and appropriate for local Aboriginal communities.
- To encourage Aboriginal people to become involved in local councils.
- To monitor and ensure that Council provides employment and career development opportunities for Aboriginal people.
- To provide guidance and assistance with the development and implementation of Council's Social Plan.
- To continue to promote Aboriginal & Torres Strait Islander culture into the everyday life of persons in the community, through the provision of appropriate signage, artwork, information and cultural awareness programs.
- To develop and promote appropriate celebrations of the Aboriginal & Torres Strait Islander culture.
- To provide advice on how particular Council works projects may identify, reflect and protect Aboriginal heritage and culture.
- To support and co-operate with Aboriginal and other organisations committed to increasing reconciliation and respect for Aboriginal culture, history, past and present.
- To support Council in obtaining and providing funding for programs which benefit the local Aboriginal community.

3. Chairperson (aspects to be determined)

- It is recommended that the chair of the committee be a councillor who is acknowledged and respected by Aboriginal communities, and perceived as a person with strong ability to influence policy.
- Alternatively, a number of committees have elected a community representative as chair. This approach facilitates participation by community representatives but may not be as effective in influencing council policy.

4. Membership (aspects to be determined)

- Council will need to decide the life of the committee. Most committees sit for two years, but some operate for the life of the council.

- The committee should comprise council and community members.
- Relevant council senior staff and the Aboriginal Liaison/Community Development Officer would normally sit on the committee as ex officio members, able to participate in discussion but not vote if a vote is required.
- Council will need to appoint councillor representatives. Normally two councillors would be appointed, one of whom will be the Chair.
- Council will need to determine the number of community members. Members participate in their own right, not as representatives of organisations.
- It is recommended that Council call for nominations for community members inviting them to provide a statement as to what they bring to the committee.
- It is recommended that a committee comprising two council senior staff and an independent Aboriginal person (who is not a nominee) make the recommendation to council about community membership. The following criteria are suggested to guide such a recommendation:
 - o People who live in the local government area
 - o Demonstrated knowledge, experience and skills in promoting Aboriginal development.
 - o A balance between Aboriginal and non-Aboriginal membership.
 - o An appropriate gender balance.

5. Resourcing the committee (aspects to be determined)

- Council should appoint a liaison officer to prepare agendas, record minutes and oversee the operations of the committee. The Aboriginal Liaison Officer often takes this role, where one is employed.
- Council should provide a budget for the committee and guidelines as to how this budget can be utilised.

6. Agenda and Minutes (suggested content)

- All agenda items to be submitted to Council's liaison officer at least two weeks prior to the scheduled meeting.
- A copy of the agenda and previous minutes will be distributed to all listed on the mailing list no later than one week prior to the next meeting date.

7. Conduct of meetings (aspects to be determined)

- Council will need to decide the frequency of meeting. It is recommended that this be no less than quarterly.
- Depending on need, project groups may be established to address specific issues. These groups meet and report as directed by the Aboriginal Advisory Committee.
- Meetings should be scheduled at a time that allows active participation by community members.
- Meetings should be scheduled in a place that is conducive to community member participation.
- Meetings should be conducted in a way consistent with other council meeting procedures. These procedures should be carefully explained to community members who in many cases will be unaware of such requirements.

8. Decision making (aspects to be determined)

- It is recommended that a quorum for a meeting be at least fifty percent of the community members.
- It is recommended that decisions be made on a consensus basis.
- On complex issues voting may be required in order to progress an issue.
- It is important to remember that as a council committee it is council that makes the final decision on any issue.

9. Conflict of Interest (aspects to be determined)

- As a result of the extensive nature of Aboriginal kinship groups and the small size of Aboriginal communities it is highly probable that conflicts of interest will arise.
- Committee members are to declare a conflict of interest with issues on the agenda at the commencement of the meeting or as soon as the relevant item is raised.
- All conflict of interest is to be declared and recorded in the minutes.
- The committee will need to decide how best to manage such conflicts of interest. Council senior staff need to be the final decision makers on such matters.

10. Dissemination of Information to the Community (aspects to be determined)

The committee will need to decide how best to distribute information to the community.

Options include:

- Distribution of minutes to key organisations.
- Publication of minutes on Council's website
- Regular newsletter

11. Changes to the Terms of Reference (aspects to be determined)

- The committee may recommend changes to its Terms of Reference. It is Council that makes the final decision about any changes
- Committees are encouraged to review their Terms of Reference annually.

12. Training Opportunities (aspects to be determined)

- Due to the complexity and nature of local councils, a workshop on local government should be conducted for the Aboriginal & Torres Strait Islander Advisory Committee.
- A cross-cultural awareness workshop should also be conducted for non-Aboriginal committee members on local Aboriginal & Torres Strait Islander issues and culture.

(c) Memorandum of Understanding - Dubbo City Council model

In May 2007 Council of the City of Dubbo and the Dubbo Aboriginal Working Party signed the following MOU as an alternative to establishing a Council Aboriginal Advisory Committee.

This provides a useful guide to issues that other councils may wish to consider in framing similar agreements as an alternative to, or complimentary to the establishment Aboriginal Advisory Committees.

MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNCIL OF THE CITY OF DUBBO AND THE DUBBO ABORIGINAL COMMUNITY WORKING PARTY

Introduction

The development of a MOU with the Dubbo Aboriginal Community was endorsed by Dubbo City Council on 2007 and the Dubbo Aboriginal Community Working Party on 2007. The MOU seeks to achieve common goals to advance reconciliation and to apply the citizenship rights of the Dubbo Aboriginal Community.

The City of Dubbo recognises and acknowledges the Tubba Gah People as the traditional caretakers of the majority of the Wiradjuri land within the Dubbo local government area. Dubbo City Council acknowledges the Dubbo Aboriginal Community Working Party as the representative body for the Dubbo Aboriginal Community. It is also recorded that the Dubbo Aboriginal Community Working Party has membership from many different Aboriginal Nations and Language Groups.

Whilst Dubbo City Council and the Dubbo Aboriginal Community Working Party are committed to this Memorandum of Understanding, both are autonomous bodies and retain their autonomy.

The MOU was a joint initiative of Dubbo City Council and the Dubbo Aboriginal Community Working Party. The assistance of the NSW Department of Aboriginal Affairs in developing this MOU is officially recorded.

This MOU details the approach to be taken by both Dubbo City Council and the Dubbo Aboriginal Community Working Party to work together to fulfil the aspirations of Aboriginal people in the Dubbo community.

This MOU will be reviewed one (1) year after the date of endorsement and thereafter at the request of either the Dubbo City Council or the Dubbo Aboriginal Community Working Party.

Commitment

Signatories to the Memorandum of Understanding

Mayor, Dubbo City Council

.....

Councillor

General Manager, Dubbo City Council

.....

Chairman and Members of the Dubbo Aboriginal Community Working Party

.....

.....

.....

Understandings

The City of Dubbo has demonstrated a commitment to working collaboratively with the Aboriginal community in striving to improve its service outcomes and thus the quality of life of the Aboriginal community.

This document details a set of principles with a strategic framework that ensures Council is action-oriented towards its goals.

Key characteristics of this document are based on the principles of human rights, equity and fairness and social justice.

The Dubbo City Council and the Dubbo Aboriginal Community Working Party commit to working closely and supportively together for the term of this MOU.

Principles

Dubbo City Council

Acknowledges that Aboriginal people were the first people on this land and that the Tubba Gah People are the traditional caretakers of the majority of the land within the Dubbo City local government area;

Is committed to establishing a formal process for the Aboriginal Community to have an input on Council decisions;

Is committed to working with the Aboriginal community and supporting the efforts of non Aboriginal Australians in understanding Aboriginal culture and values;

Will continue to demonstrate commitment to change in response to its evaluations of programmes and services;

Will take a leadership role in facilitating change within the general community towards services and programmes that impact on the Aboriginal community.

The Dubbo Aboriginal Community Working Party

Is committed to working with Council in the development process of providing accessible and appropriate local council services for the benefit of the whole community;

Is committed to working together so that its programmes and services have a greater opportunity to create sustainable change.

Culture

Council will refer matters of Aboriginal Cultural Heritage to the Working Party. Aboriginal Cultural Heritage deals with more than just the tangible artefacts that have resulted in long-term Aboriginal settlement of the area. It is also about the importance and significance of flora (e.g. food and medicinal), fauna (e.g. totemic significance), landforms, landscapes, and language to the Aboriginal people of the area.

The Working Party will provide Aboriginal people to perform "Welcome to Country" ceremonies at official events. In the absence of a representative of the Dubbo Aboriginal Community Working Party at official functions, Council will acknowledge the traditional caretakers of the Wiradjuri Country.

Council will provide advice and support to the Dubbo Aboriginal Community Working Party in its aspirations to develop an Aboriginal Cultural Centre.

The Dubbo Aboriginal Community Working Party will assist Council to develop and maintain a 'Dubbo Aboriginal Cultural Protocols Manual' to assist Council staff to be culturally aware of Aboriginal issues.

The Dubbo Aboriginal Community Working Party will provide advice to Council for the programming of significant cultural and reconciliatory events.

Council will provide advice and support to the Dubbo Aboriginal Community Working Party to stage Aboriginal cultural events and ceremonies.

Council will develop a formal Aboriginal Cultural Heritage Management and Protection Protocol in accordance with legislation and the Dubbo Aboriginal Community's aspirations.

Communication

Council acknowledges the Dubbo Aboriginal Community Working Party as the representative body of the Dubbo Aboriginal Community and that it will communicate with the Working Party on matters affecting the Dubbo Aboriginal Community.

Council representatives will attend meetings of the Dubbo Aboriginal Community Working Party every three (3) months.

Council will invite the Dubbo Aboriginal Community Working Party to provide Aboriginal representatives on all Council Committees and Working Parties which have a position for an Aboriginal community representative.

The Mayor of Dubbo and the Chairman of the Dubbo Aboriginal Community Working Party are committed to dialogue on Aboriginal issues which are urgent and/or critical.

Prior to any public and/or media comment on major and/or critical issues impacting on the Aboriginal community, the Dubbo City Council and the Dubbo Aboriginal Community Working Party will make every effort to consult.

All relevant planning documents, including the Council's Corporate Strategic Plan and Annual Management Plan, will be referred to the Dubbo Aboriginal Community Working Party for input when such documents are being drafted.

Employment

Council and the Dubbo Aboriginal Community Working Party will work collaboratively to further enhance employment, training and economic development strategies to create more employment and business opportunities.

Social Justice

Council will provide advice and support to the Dubbo Aboriginal Community Working Party for its involvement in the '2020 Vision for the City of Dubbo: Strategic Directions 2007–2020' and the NSW State Government's 'State Plan : A New Direction For NSW.' .

(d) Acknowledgement of Country—model wording

The following is considered appropriate wording for this acknowledgement:

“I would like to acknowledge that we are here today on the land of the [insert local clan] people. The [insert local clan] are the Traditional Custodians of this land and form part of the wider Aboriginal nation known as the [insert name of Nation]. I would also like to acknowledge the present Aboriginal and Torres Strait Islander people who now reside within this area.”

(e) Welcome to Country signage—model wording

Welcome to Country signs welcome visitors and locals into towns and signpost major features that include some kind of acknowledgement of the traditional owners of that area. For example,

“Welcome to _____ Country—Traditional lands of the _____ People”.

APPENDIX 4

STRATEGIC PLANNING CHECKLIST FOR ENGAGING WITH ABORIGINAL COMMUNITIES

In developing a strategic approach to engaging with Aboriginal communities, councils may choose to use the following planning checklist:

- What is known about the Aboriginal communities in the local area and what do we need to learn?
- What has been council's past experience in addressing the issues for Aboriginal constituents? What has and has not worked?
- Has council considered the impact on Aboriginal communities of all its policies and programs?
- Is there an understanding of what constitutes Aboriginal cultural heritage, and a shared understanding of how it should be protected and managed?
- Do all Aboriginal communities have adequate and equitable access to council services? Does this include discrete Aboriginal Villages? How do we know?
- Who are the local key Aboriginal leaders and other stakeholders who can advise council? Do "silent" communities have a voice?
- Is there a capacity for strategic resource partnerships with other councils in developing a common approach?
- What are the best methods of engaging Aboriginal communities in determining council priorities?
- What are the priority issues for Aboriginal communities?
- Of these issues, which are the important ones for council to address within the next planning cycle?
- What is the best method for council to use in partnership with Aboriginal communities to progress these issues within the constraints of the resources available?
- To progress these issues what do Aboriginal communities need in terms of information and resources to make an effective contribution?
- What is a realistic timeframe to develop a strategic approach? What time constraints do councils and Aboriginal communities have?
- What will be the decision-making process and how will Aboriginal communities participate?
- How will the decision-making be documented with achievable and measurable outcomes, in a meaningful way for Aboriginal people?
- How will the decisions made be distributed meaningfully to Aboriginal communities?
- How will Aboriginal communities participate in the evaluation of policies and decisions made that impact directly on their communities?

