



BATHURST COMMUNITY CULTURAL PROTOCOLS

Introduction

Overview

The purpose of this document is to provide an understanding of the important protocols when working with, consulting with and acknowledging local Aboriginal communities.

Vision Statement

Work together as one to protect and improve the best interests of all Aboriginal people. To create an Aboriginal community that fosters unity, ownership, participation and leadership, while contributing to the social, cultural and economic activities of the wider community within Bathurst.

Values

- Family
- Respect
- Honesty
- Trust
- A secure community
- Transparency
- Respect for Culture
- Respect for people
- Working with and for Aboriginal people
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These values are the core manifestations that govern all aspects of the way our Aboriginal community conduct business with others. It sets an unwritten foundation in respect to the way Aboriginal people will work in return with external stakeholders

What are Cultural Protocols?

Cultural protocols are customs, values, and codes of behaviour that are important to a particular cultural group. Protocols are an important part of all cultures and provide guidance on how to treat and work with people in a respectful and useful way.

Observing Aboriginal cultural protocols demonstrates respect for the cultural traditions, history and diversity of that community and acknowledges that the protocols of this community is as equally valid and worthy of respect as the cultural protocols of other communities.

Understanding Aboriginal Identity

An Aboriginal person is someone who satisfies each of the following criteria:

- * Is a member of the Aboriginal race of Australia;
- * Identifies as an Aboriginal person; and

* Is accepted by the Aboriginal community in which they live in as an Aboriginal person.
(Amended from NSW Aboriginal Land Rights Act 1983)

It is offensive to question the 'amount' of Aboriginal or Torres Strait Islander blood a person may possess. Rather, it is advisable to ask people how they would like to be described. This may include where they come from or which community or clan they identify with.

The terms 'Aboriginal', 'Torres Strait Islander' and 'Indigenous'

In Australia, there are two identified cultural groups (people) who are the Australia's First peoples to the land – Aboriginal people and Torres Strait Islander people.

This document uses the term 'Aboriginal', rather than 'Indigenous' or 'Aboriginal and Torres Strait Islander' in recognition that Aboriginal people are the original Inhabitants of NSW. Aboriginal cultures vary from place to place.

Aboriginal and Torres Strait Islander cultures, while both First Nations of Australia, are very different cultures with their own histories, beliefs and values.

The term Aboriginal people in this document denotes Aboriginal people of this Region (Wiradjuri). Many Aboriginal people are opposed to the use of the term 'Indigenous' as it generalises both cultures. Organisations or Government bodies should be advised against using this term where possible.

Aboriginal History

- The Wiradjuri people were known as the people of the three rivers: the Wambuul (now known as the Macquarie River), the Kalari (the Lachlan River, from which the electorate takes its name) and the Murrumbidjeri (the Murrumbidgee River).
- Wiradjuri country is the largest in NSW, stretching from the eastern boundary of the Great Dividing Range. Drawing a line from the present towns of Hay and Nyngan approximates the western boundary. While Gunnedah and Albury mark the northern and southern boundaries of Wiradjuri country.
- Initially, European intrusion into Wiradjuri country was restricted on the orders of Governor Macquarie. From the early 1820s with the removal of these restrictions, the Wiradjuri in the BRC area Bathurst to suffer major dislocation with the arrival of pastoral settlers and their herds in greater numbers, culminating in open conflict in 1823 and 1824. Windradyne, a Wiradjuri leader in this resistance, is one of the few Aborigines of the settlement period of whom we have any certain knowledge as an individual. His grave is located on 'Brucedale' property.
- Wiradjuri population numbers declined in the 19th century, mainly because of European diseases and disruption to hunting and food gathering generally. This effect spread westward and southward as more land was taken by pastoralists as they moved beyond the original limits established by Governor Macquarie.
- From the 1890s, many surviving Wiradjuri were placed on reserves and missions outside the Bathurst area, particularly those located at Wellington and Cowra. No reserves or missions were identified within the BRC area in the research for this study. However, no matter where they might live, nearly all local Aborigines in time came under the increasing control of government regulations and bureaucracy.

- The interaction of the area's Aboriginal inhabitants with European civilisation was in most ways typical of such interaction in south eastern Australia. Consequently, the BRC area's history of this theme needs to be seen as part of the wider history of Aboriginal interaction in the Central West. In that wider context it is equally a story of Wiradjuri survival and regeneration. (See Read and Kabaila.)
- Aboriginal and European interaction is also a remarkable story of the Wiradjuri willingly sharing with the newcomers their ancient knowledge of the region, knowledge about the land, the plants and even the gold bearing rocks. This knowledge contributed directly to the successful settlement of the district.

Significant Ceremonies

Welcome to Country

A 'Welcome to Country' is where a Traditional Owner or descendant of the original Aboriginal clan welcomes people to their land at the beginning of a major event, ceremony or meeting. It was used to welcome people to visit and meet on the traditional area, set agreements of behaviour etc. It is an important mark of respect for Aboriginal people and history, and recognises respect for the land and culture.

A Welcome to Country should, where possible, be undertaken by a Traditional Aboriginal Elder of the land the Welcome is taking place on.

If a Traditional Aboriginal Elder of the land is not available, they can make recommendations or refer the role to another person.

The Local Aboriginal Land Council is able to recommend the best placed Traditional Aboriginal Elder or a descendant of the land to perform a Welcome to Country.

There is no exact wording for a Welcome to Country and how it is performed is dependent upon the individual undertaking the role. A 'Welcome to Country' should always occur in the opening ceremony of the event, preferably as the first item and may consist of a single speech or it can also include a performance, a traditional welcome song, a traditional dance, didgeridoo performance or a combination of any of the above.

As such, the content of the ceremony should be negotiated between the Council and the Elder or representative with reference to the nature of the event and community practices.

The Elder or representative of the Aboriginal community performing the "Welcome to Country" should always be seated alongside other dignitaries and speakers at the event. Traditional Aboriginal Elders should be asked how they would like to be referred to (e.g. Aunty or Uncle, etc.).

Recommended Practice

A 'Welcome to Country' should be performed at all significant or major Council events throughout the calendar year, including but not limited to Australia Day, as well as openings, launches or where it is appropriate to welcome people into the local community.

In general, a non-Aboriginal person, or an Aboriginal person from a different community, CANNOT do a 'Welcome to Country'. They should do an *Acknowledgement of Country /Traditional Owners*.

Acknowledgement of Country/Traditional Owners (Acknowledgement by a non-Aboriginal person or Non Traditional Owner)

An 'Acknowledgement of Country/Traditional Owners' is a way that non-Aboriginal people and Aboriginal people not from that land can show respect for the Traditional Aboriginal people & Aboriginal Protocols and Guidelines and heritage and the ongoing relationship of traditional owners with the land. A chair or speaker begins the meeting by acknowledging that the event or meeting is taking place in the country of the traditional owners.

NOTE: In the case of opening an important event, a "Welcome to Country" should be performed, not an 'Acknowledgement'.

Bathurst is quite a unique council area as it is intersected by three Aboriginal Land Councils, the Bathurst Local Aboriginal Lands Council, the Orange Local Aboriginal Lands Council and the Mudgee Local Aboriginal Lands Council. It is appropriate to acknowledge the Wiradjuri people of the Wiradjuri Nation.

Appropriate wording for an Acknowledgement to Country in the Bathurst Regional Council Area:

"I would like to commence by acknowledging on behalf of Bathurst Regional Council the original inhabitants of the lands and waters of the Shire – the people of the Wiradjuri nation and show our respect to elders past, present and future."

An Acknowledgement to Country can be performed by the Mayor, Councillors, Council Management or main dignitary at an event. It is recommended that Council staff perform an Acknowledgement to Country when running programs or events on Council's behalf and where there is no Councillor representation.

Where the person doing an Acknowledgement of Country is an Aboriginal or Torres Strait Islander person, they are required to use the following format for their acknowledgement:

- Name
- Mention their Clan
- Where they come from
- Permission from local Elders
- Acknowledge local Aboriginal Peoples

Smoking Ceremony

Smoking ceremonies are a religious event conducted by Aboriginal people with specialised cultural knowledge, such as an Elder, Aboriginal people with the spiritual knowledge or cultural teacher. Most Aboriginal dance groups also provide Smoking Ceremonies as part of their services but it is a separate religious ceremony.

The smoking ceremony aims to spiritually cleanse the space in which the ceremony takes place, so as to allow peace and recognise the importance of a meeting. Given the significant nature of the ceremony, smoking ceremonies are usually only performed on special occasions.

or at major events and places of spiritual significance. It should also be noted that smoking ceremonies are also more appropriate for outdoor occasions due to ventilation requirements.

A smoking ceremony is a religious ceremony and should only be performed with permission from the Traditional Owners.

Other Traditional peoples perform other rituals such as water cleansing ceremonies with song and dance.

The Local Aboriginal Lands Councils can provide contact details for Traditional Owners and suitable Aboriginal people who can be engaged for performing smoking ceremonies.

Recommended Practice

A Smoking Ceremony should be performed on special occasions or at major outdoor events, such as Australia Day, and other culturally significant activities including Sorry Day, Reconciliation Week and NAIDOC Week when permission has been approved by the Traditional Owners

Fee for Service

In providing cultural services such as welcomes, artistic performances and other social ceremonies, it is important to acknowledge that Aboriginal people are using their intellectual property. For this reason it is appropriate that people receive payment for their services. The remuneration should take into account travel to the event, time and complexity of the service as well as the profile of the event.

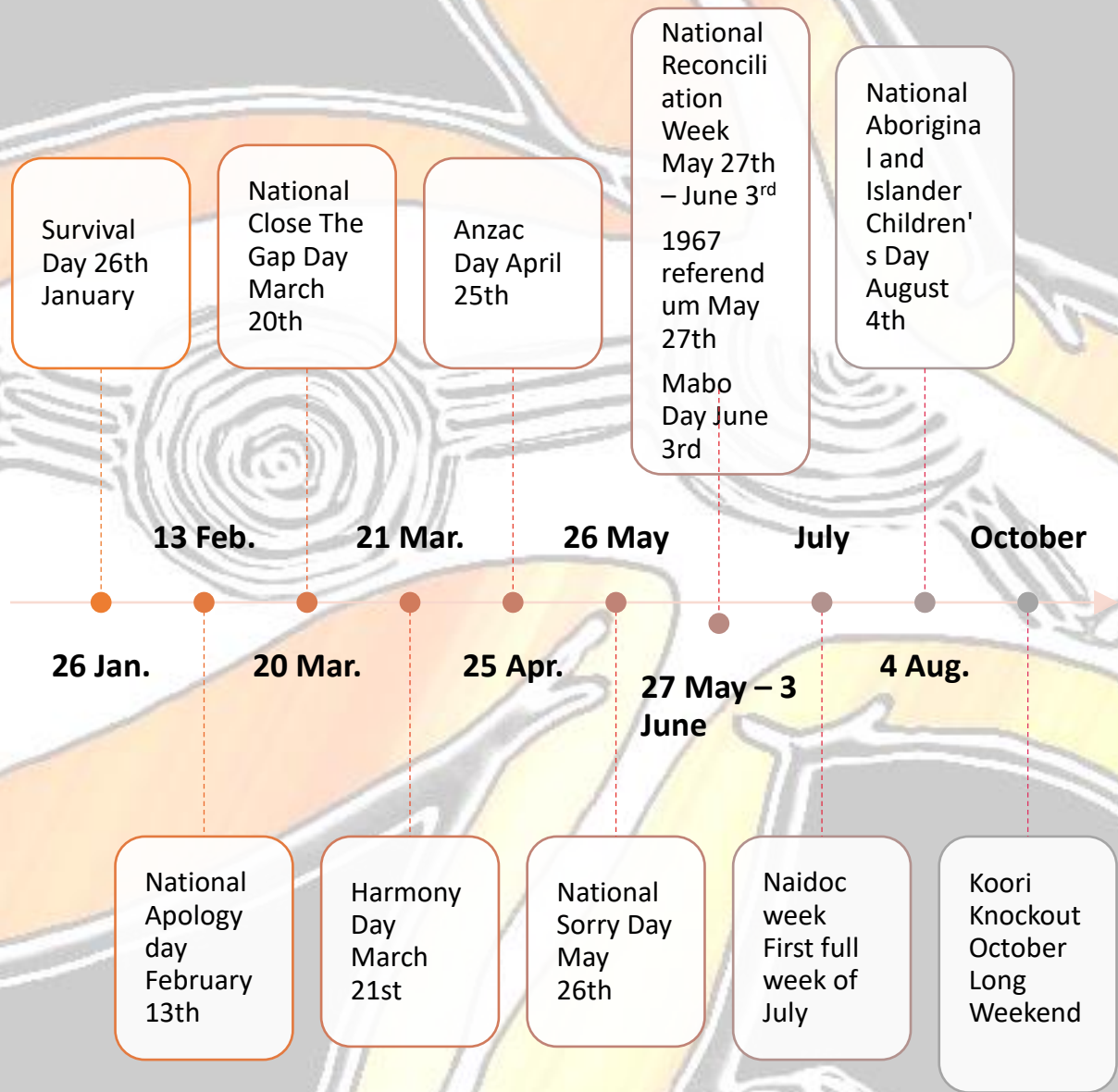
The Department of Communities: Aboriginal Affairs (NSW) has developed guidelines for government agencies to consider when engaging Aboriginal people in cultural performances, or other Aboriginal cultural protocols.

It is important to note that the schedule below is only a guide for a range of Aboriginal cultural services and the fees are indicative only

Cultural Practice	Suggested Fee
Welcome to Country	\$150
Smoking Ceremony (Depending on accepted Religious person)	\$500
Didgeridoo Performance (Men Only)	\$300
Dancer category 1 (basic)	\$300

Significant Dates and Events

Overview of significant dates



Aboriginal Flag

About the Flag

The Aboriginal flag is divided horizontally into equal halves of black (top) and red (bottom), and has a yellow circle in the centre. The colour black symbolises the Aboriginal people, the colour red represents the earth and the colour ochre which is used in Aboriginal ceremonies, and the yellow circle represents the sun.

The Aboriginal flag should be flown at all times and at half-mast on Sorry Day. If the flag cannot be raised all the time, it should be raised on important Aboriginal calendar events such as Survival Day, Sorry Day, Reconciliation Week and NAIDOC Week.

Flag Flying Protocol

The Department of Prime Minister and Cabinet provides protocols for the appropriate use and the flying of official Australian flags in the publication 'Australian flags - Part 2: The protocols for the appropriate use and the flying of the flag'. The flag order should follow the rules of precedence as follows, dependent upon the number of flag poles erected in any one location:

1. Australian National Flag (should always take precedence and be flown on the far left of the person/s facing the flags)
2. New South Wales State flag
3. Australian Aboriginal flag (prescribed by the Flags Act 1953) (Source: Flying and Use of the Australian National Flag)

Recommended Practice

The hierarchy for flying flags on Council property should follow the rules of precedence outlined above.

http://www.itsanhonour.gov.au/symbols/docs/australian_flags_excerpt.pdf

Aboriginal Cultural Practices & Considerations

Gender Protocols - Men's and Women's Business

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 unlikely that officers will be able to distinguish between men's and women's business. Councils need to be aware that such issues exist and seek advice from the Traditional Owners and Aboriginal people about when they are likely to arise and how to manage such issues.

Sacred Sites

Sacred sites are places of cultural significance to Aboriginal people. They may be parts of the natural landscape such as hills, rocks, trees and springs that are not always spectacular or interesting to the non-Aboriginal eye. They may be places that are significant because they mark a particular act of a creation being. They also include burial grounds and places where particular ceremonies have been held.

In some cases the act of identifying or talking about a site may in itself be a violation. Custodians have particular responsibilities to protect and maintain sacred sites. This may be done in various ways including holding ceremonies, visiting the places and singing the songs associated with them.

At present, under the National Parks and Wildlife Act, the National Parks and Wildlife Service is responsible for the care, control and management of all historic sites, reserves and Aboriginal areas (this is under review via the Culture and Heritage Reform). More information is available from the NSW Department of Environment and Heritage NSW Department of Premier Cabinet website under the National Parks & Wildlife Act.

There are a number of significant Aboriginal sites in the Bathurst Regional Council, i.e. (Windradyne Grave and Black fullas hands)..

Confidentiality

Aboriginal people have traditional customs, stories, and sacred information that may or may not be passed onto non-aboriginal people. If you are given this information/knowledge, remember, it is given in trust. That trust requires that you respect that confidentiality. This includes translating, reproducing or passing on any information, practices or cultural product without permission. You should assume that all information is confidential unless you have specifically negotiated permission to use it.

Naming the Deceased

Aboriginal communities in NSW may have different protocols regarding naming deceased Aboriginal persons than that which is often raised with northern Australian Aboriginal communities. 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. Cultural warnings are often used to avoid causing offence to the families of deceased persons.

The best way for Council to use the appropriate protocol for their area regarding naming the deceased or showing photographic images is to consult the Local Aboriginal Land Council regarding the background of the particular community member(s).

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.

Community Engagement

Getting Permission Getting permission is essential before starting work on any project that has an impact directly on Aboriginal communities. Getting permission involves forming strong partnerships with the Aboriginal community and Traditional Elders. They can advise of the correct protocol for gaining consent. Permission will rarely be refused if the purpose of the work is clearly understood and 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 is specifically women's or men's business.

Consultation

It is important that LALC uses a range of strategies to involve and consult with the local Aboriginal communities and provide opportunities for the communities to participate in LALC decision-making.

For ideas on appropriate consultation and engagement strategies with the Aboriginal community, contact LALC.

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 the copyright and have 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. Rights to use Aboriginal material may be held by an individual, but mostly cultural material belongs to the traditional owners of that knowledge as a community.

LALC should reach formal agreement with the owner/s of knowledge before commencing a project that uses it. In some cases this should be in the form of a written contract.

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

Communicating with the Aboriginal Community

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 on Council that will limit what can be achieved. Aboriginal Community Contacts & Organisations Most Local Aboriginal Lands Councils will have contacts of Traditional Aboriginal Elders, Knowledge Holders, Aboriginal community contacts that are suitable for engaging for Welcome Ceremonies, Smoking ceremonies, other cultural performances as well as Aboriginal media. (A local Koori directory is being developed)

Definitions & Terms

Aboriginal and Torres Strait Islander

It is important to remember that while both are First Nations of Australia, Aboriginal and Torres Strait Islander cultures are very different. As with Aboriginal People each Nation has its own cultural language and traditions with their own histories, beliefs and values. It is respectful to give each cultural group their own identity.

In written works it is considered offensive to include a footnote to the word Aboriginal stating that 'It includes both Aboriginal and Torres Strait Islander people', so it is advised not to do this. When specifically referring to both cultures, use the term 'Aboriginal and Torres Strait Islander people. In all other circumstances, use Aboriginal peoples. Always capitalise the 'A' in Aboriginal. Lower case refers to an aboriginal person or indigenous people in any part of the world.

Elders

Elders are custodians of knowledge. They are chosen and accepted by their own communities and are highly respected. An Elder is a member of a particular Aboriginal and/or Torres Strait Islander community, male or female, who is respected and has the authority within the community to give permission, advise others, and pass on knowledge. Elders are usually the holder of traditional knowledge and customs and are the only ones who have the authority to talk about it or not, and to pass it on or not.

An Elder is usually, but not always, an older person. Young people may also be given permission to talk on behalf of an acknowledged Elder not a 'self-proclaimed Elder'.

You must also be aware of addressing an Elder in the appropriate way. Some Elders are referred to as Uncle or Aunty, but you should only use these titles if given permission by them to do so. Simply asking politely is the best way to find out if you can do so or not.

Indigenous

The term 'Indigenous' is generally used when referring to both Aboriginal and Torres Strait Islander peoples. 'Indigenous' is generally used by the Commonwealth Government as they have a charter of providing services and programs to both Aboriginal and Torres Strait Islander people at a national level. The term Aboriginal refers specifically to the Aboriginal people of the mainland and Tasmania and does not necessarily include Torres Strait Islander people. Many Aboriginal and Torres Strait Islander people are opposed to the term 'Indigenous' being used as it generalises both cultures. Council should be advised against using this term where possible.

Land Council

An Aboriginal Land Council is a community organisation organised by regions that are state legislated and are caretakers of the land on behalf of Aboriginal people. They are organised by Aboriginal people but (in some instances) they are not the Traditional Owners of the land they care for. They have historically advocated for recognition of traditional land rights, and also for the rights of Aboriginal and Torres Strait Islander people in other areas such as equal wages and adequate housing and basic human rights.

Land Councils aim to provide employment, training and to explore business and community development opportunities for members. Land Council regions can be reflective of Aboriginal clan boundaries.

Under the NSW Aboriginal Land Rights Act, the function of a land council is to "to improve, protect and foster the best interests of all Aboriginal persons within the council' area and other persons who are members of that land council". This includes promoting the protection of Aboriginal culture and the heritage of Aboriginal persons in its area, conservation and land management of Aboriginal sites and relics, and promoting the protection of Aboriginal cultural heritage with other Government authorities by advising and educating the broader community about the significance of Aboriginal culture, heritage and sites.

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. 'Koori' is usually used by Aboriginal people in parts of NSW and Victoria. 'Goori' is usually used by Aboriginal people in northern NSW coastal regions. 'Murri' is usually used by Aboriginal people in north-west NSW and Queensland. Koori is the term used by the local Aboriginal community in the Bathurst region. South Australian people are Nungas, western Australian are Noongars and Northern Territory are Yolmi people.

Traditional Owners/Custodians ‘

Traditional Owners/Custodians’ is the term to describe the original Aboriginal or Torres Strait Islander people who inhabited an area. Traditional custodians today are descendants of the original inhabitants and have ongoing spiritual and cultural ties to the land and waterways where their ancestors lived.

Acknowledgement

- Wiradjuri Council of Elders
- Bathurst Regional Council
- Bathurst Police
- Department of Aboriginal Affairs
- Prime Minister & Cabinet
- Bathurst Local Aboriginal Land Council
- Bathurst Aboriginal Interagency Group
- Bathurst Wiradjuri Aboriginal Elders Group
- Wattle Tree House
- Towri Aboriginal Multicultural Centre
- AECG Bathurst
- Kelso Community Centre
- Aboriginal Women’s Group
- Goanna Good Years
- Jill Bower

Local Organisations / Services contact details

- Bathurst LALC - 149 Russell Street Bathurst NSW 2795. Ph: 02 6332 6835
E: bathlalc2@bigpond.com
<https://www.facebook.com/bathurstlalc>
- Centacare Bathurst – Mitre Street, Bathurst NSW 2795 Ph: 02
- AECG rep
<https://www.facebook.com/groups/1554962978088022>
- Elders Group
<https://www.facebook.com/Gunhigal-Mayiny-Wiradyuri-Enterprises-225135698068781>
- ACLO - Bathurst Police Station, Rankin Street Bathurst NSW 2795 Ph: 02 6332 8699
- Womens/men’s
Women’s Group – Kelso community Centre, Bathurst NSW 2795
- Playgroups
Goanna Good Years – 149 Russell Street, Bathurst NSW 2795
Galloping Gumnuts – Kelso Community Centre, Bathurst NSW 2795
- Aboriginal Legal Service – 284 Howick Street, Bathurst NSW 2795 Ph: 02 6330 7900
- Wattle Tree House – Rankin Street, Bathurst NSW 2795 Ph: 1800 851 858
<https://www.facebook.com/wattletreehouse>
- Kelso Community hub – 24 Bonnor Street, Kelso NSW 2795 Ph: 02 6331 2407