



MUDGE LOCAL ABORIGINAL LAND COUNCIL

Cultural Protocols for Community Engagement

A guide for visitors & services

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1. Introduction

1.1 Acknowledgement

The Mudgee Local Aboriginal Land Council acknowledges the Wiradjuri people as the Traditional Custodians of the Country upon which we live, learn and work and their continuing connection to lands, waters and communities. We pay our respects to Aboriginal and Torres Strait Islander cultures and to Elders past and present. We recognise and value the work and teachings of Aboriginal and Torres Strait Islander peoples and their communities across this region.

We believe in raising awareness and sharing knowledge of Aboriginal and Torres Strait Islander histories and cultures, and that through ongoing learning and sharing we will strengthen connections and respect for Aboriginal and Torres Strait Islander peoples and Country.

Through working together, we can collectively build a better future, based on mutual respect and stronger relationships between all Australians.

1.2 Purpose

Why do we need Protocols?

Since colonisation, Aboriginal and Torres Strait Islander people have borne the brunt of extreme prejudice, discrimination and misunderstanding and their interests, rights and concerns have often been dismissed or ignored.

The introduction of cultural protocols represents an important step towards understanding, respecting and representing Indigenous world-views, encouraging culturally appropriate working practices and valuing the cultural diversity that enriches, motivates and drives our communities forward.

The aim of this document is to provide a resource for all Services, agencies and visitors to use when engaging with Aboriginal peoples within our community. This document acknowledges and asserts that the processes and procedures of one cultural community are equally valid and worthy of the same respect as one's own cultural protocols.

Protocols are an important part of all cultures and are in place to ensure peoples behave and interact in an appropriate manner. These cultural protocols provide guidance to ensure that people working in our communities respect Aboriginal and Torres Strait Islander cultural beliefs and practices as expected in our Community.

Observing cultural protocols of a Community demonstrates respect for cultural traditions, history, diversity and the continued connection to Country.

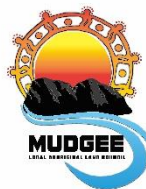
2. Working with our Community

2.1 Initial Contact

Before work begins on any project, program or service delivery that relates to Aboriginal people, culture and heritage matters or has implications for the Aboriginal community, it is important to engage the local Aboriginal Community.

We recommend that all staff to make contact with us before engagement and work begins in our community as a matter of respect.

The Mudgee Local Aboriginal Land Council is the first point of contact to start the process of engaging with our community.



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(outside of these hours by appointment only)**

2.2 Engagement with our community

We expect to engage with the wider community as equals working in partnership in a process where the Aboriginal community can openly share information about significant matters that may impact upon them, their family, culture, heritage and traditional lore. Working with our community will assist the wider community in becoming aware of the views, values, beliefs and sensitivities of the local Aboriginal Community.

Achieving satisfactory outcomes from engagement with our community involves forming strong, ongoing, mutual relationships with the Aboriginal community based on the fundamental principles of respect and readiness to learn, share and negotiate.

We wish to engage and work with people in the spirit of true partnership. We are not here to tick boxes or fulfill Reconciliation Action Plan goals. We assert our agency as Custodians and come to the table to work towards achieving the best outcomes for Culture, Community and Country.

We hope that this document provides you with a solid foundation for engaging and creating positive relationships with our local Aboriginal Community.

3. Background

The Mudgee Local Aboriginal Land Council was established under the NSW Aboriginal Land Rights Act (ALRA)(1983) .

Opening in 2003 the Mudgee Local Aboriginal Land Council has worked to fulfil its requirements under the ALRA and The Mudgee LALC Community Land and Business Plan (2018-2022).

We have established positive, respectful relationships and work in partnership with the wider community to achieve the best outcomes for our community. The Mudgee LALC continues to work towards expanding its asset base to allow it to fulfill its functions and achieve its economic, cultural and social goals.

In addition to the LALC Objectives set out in the ALRA the Mudgee LALC provides services including Aboriginal Cultural Heritage Assessments, Cultural Awareness Training, On-Country cultural immersion experiences, cultural workshops, excursions and incursions and venue hire.

VISION

to develop corporate and social strategies to promote self sufficiency and economic development of our Council whilst maintaining and promoting cultural integrity, respect and pride for Aboriginal people within our society

VALUES

***Respect Culture Integrity Honour Understanding Cultural
 education Self sufficiency Pride***

(Mudgee Local Aboriginal Land Council Community Land and Business Plan 2018-2022)

3.1 Location

The Mudgee Local Aboriginal Land Council boundaries lie within the lands of the Wiradjuri people. The Wiradjuri nation is also known as the Land of three rivers.

The Mudgee LALC is located in the NE corner of Wiradjuri country and is 261 km north-west of Sydney in the Central West region of NSW.

The Mudgee LALC Boundaries include portions of the following Local Government areas:

- Mid-Western Regional Council
- Upper Hunter Shire Council
- Western Plains Regional Council
- Warrumbungles Shire Council

The Mudgee LALC Boundaries include the following larger towns and villages in addition other smaller localities:

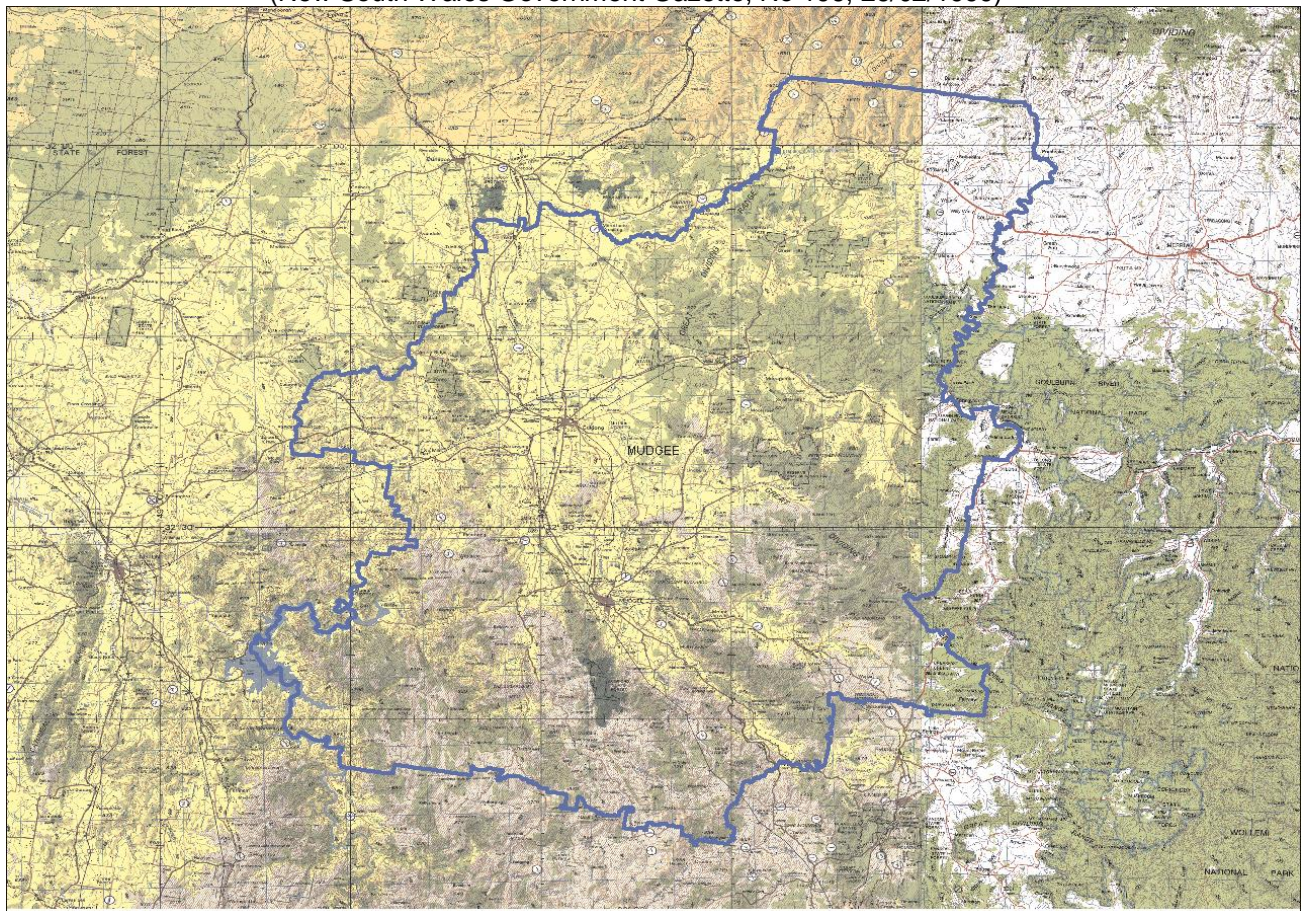
Mudgee, Gulgong, Ulan, Wollar, Lue, Hargraves, Goolma, Cassillis

**** Please note that our cultural and LALC boundaries are not the same as town boundaries and as such we do not separate our community or cultural responsibilities based upon on them.***

3.2 Mudgee Local Aboriginal Land Council Boundaries

Commencing at the confluence of Krui River and Jemmys Creek; and bounded thence by that creek upwards to the generally southern boundary of the Parish of Nagora, County of Bligh; by that boundary and the southern boundaries of the Parishes of Bulga and Rotherwood generally westerly, and generally western boundary of the Parish of Turee generally southerly to Talbagar River; by that river downwards to the generally eastern boundary of the Parish of Wargundy; by that boundary generally southerly, the generally southern boundary of that parish generally westerly, part of the generally eastern boundary of the County of Lincoln generally southerly, the generally northern boundary of the Parish of Wondaby generally easterly, the generally northern, the generally north-eastern and the generally southern boundaries of the Parish of Rouse, County of Wellington generally easterly, generally south-easterly and generally westerly to Cudgegong River; by that river downwards and Macquarie River upwards to the southern boundary of the Parish of Walters; by that boundary and part of the generally eastern boundary of that parish easterly and generally northerly, the southern and part of the generally eastern boundaries of the parish of Kerr easterly and generally northerly, the generally southern boundaries of the Parishes of Hargraves and Windeyer generally easterly past of the western and the generally southern boundaries of the Parish of Toolamanang generally southerly and generally easterly and part of the generally north-western boundary of the County of Roxburgh generally north-easterly to the Cudgegong River, aforesaid; by that river upwards to the generally western boundary of the Parish of Tongbong, County of Phillip; by that boundary generally northerly, the generally northern boundaries of the last mentioned parish and the Parish of Dabee generally easterly, the eastern boundary of the Parish of Rumker northerly, the generally south-western, the generally north-western and part of the generally northern boundaries of the Parish of Growee generally north-westerly, generally north-easterly and generally easterly to Growee River; and by that river downwards and Goulburn and Krui Rivers upwards to the point of commencement.

(New South Wales Government Gazette, No 196, 26/02/1999)



4. Protocols for Community Engagement

These protocols give practical expression to a fundamental human rights principle that:

“Indigenous peoples have a right to own and control their Indigenous cultural and intellectual property”

Article 31, United Nations Declaration On The Rights Of Indigenous Peoples, 2007

that is, they have a right to protect their Indigenous heritage.

The following values and principles provide a general framework for following Aboriginal and Torres Strait Islander cultural protocols within our boundaries.

4.1 Respect

“Yindyamarra” is a core concept in Wiradjuri philosophy meaning to show respect, to go slowly, to take care and to think before acting.

Wiradjuri Council of Elders

Respect is very important in every social structure in Aboriginal communities. Respect for Elders, the land, animals and ancestors are fundamental aspects of Aboriginal culture.

The rights of Aboriginal and Torres Strait Islander people to own and control their cultural heritage, and their rights and interests in how they are portrayed (in images, text or the like), must at all times be respected and protected.

Proper consultation processes with appropriate cultural authorities should always be followed and approvals and permissions sought accordingly. Respect the communal nature of Aboriginal and Torres Strait Islander social structures, timeframes and decision-making processes: a group may have to wait for the “right” people to be present, and meetings may need to be scheduled around cultural obligations, Sorry Business, family or travel considerations. Understand that the consultation process may be lengthy as community needs time to consider and consult.

We expect that staff visiting from outside of our communities regarding Aboriginal service provision including Aboriginal staff make contact with the Mudgee LALC when they are planning to visit our community. This is not an onerous task and may not even result in face to face contact but it is essential to gain and maintain credibility in our community. This stems from traditional practices regarding crossing of boundaries into other peoples Country and is seen as a sign of respect in our community.

Like all genuinely mutual and productive relationships, engagements with Aboriginal communities need to be based on respect. We all need to offer and earn respect, particularly in dealings with community Elders and leaders.

“Indigenous Australians, the Aboriginal and Torres Strait Islander people, are the original inhabitants of Australia. It is [therefore] respectful to acknowledge country and custodians.”

Writing Cultures: Protocols for Producing Indigenous Australian Literature, Terri Janke, Commonwealth of Australia 2002

4.2 Terminology

Using the terms 'Aboriginal and Indigenous'

Locally, Aboriginal is the preferred term when referring to the Australian First Nations Peoples and should always be adjoined to people or community.

Recommended Practice is to refer to 'Aboriginal peoples and Aboriginal community' not Aborigines. Abbreviations of "Aboriginal and Torres Strait Islanders" to ATSI is deemed inappropriate and at all stages of the full words should be written.

It is also respectful to use a capital letter when using both Aboriginal and Indigenous in the written form.

Individuals may also identify as their nation or language group – such as Wiradjuri or Gamilaraay.

4.3 Welcome to Country

Traditional welcoming or Welcome to Country ceremonies range from speeches of welcome and traditional dance, to smoking ceremonies, and are performed at the beginning of a forum by an Elder or appropriate member of an Aboriginal or Torres Strait Islander community to welcome people who are visiting and/or meeting on their traditional land. Traditional Welcomes may be incorporated into the opening of major internal or public events, meetings, forums and functions on the advice of the community. Each community has their own unique way of welcoming visitors to their Country.

4.4 Acknowledgement of Country, Traditional Custodians and Elders

Country, Traditional Custodians and Elders should be acknowledged by the first speaker at any significant organisational forums with a range of internal and external stakeholders present as a mark of respect for the custodians of the land on which the event is taking place. Acknowledgement of Traditional Custodians can occur with or without a Welcome to Country and/or when a smaller or less formal gathering is taking place. Subsequent speakers may also choose to acknowledge Traditional Custodians.

Choosing the right words and forms of address is particularly important; always ask Aboriginal and Torres Strait Islander people how they wish to be addressed. Only use the terms 'Aunty' and 'Uncle' when invited to do so.

An example for the format for Acknowledgement is as follows:

"I would like to pay respect to and acknowledge the Wiradjuri people who are the Traditional Custodians of this land we stand/meet on today. I would also like to pay my respects to the Elders past and present and any Aboriginal people present here today"

or, following a Welcome to Country:

"Let me begin by acknowledging the Traditional Custodians of this land – the Wiradjuri people and extending a warm and sincere thankyou to them for welcoming us all to their country today.

I would also like to pay my respects to the Elders past and present and extend that respect to any other Aboriginal people here today."

We recommend an Acknowledgement to Country as a minimum requirement for services and Community events.

4.5 Smoking Ceremonies

Smoking ceremonies are undertaken to cleanse the space in which the ceremony is taking place. The Smoking Ceremony is a ritual of purification and unity and is always undertaken by an Aboriginal person with specialised cultural knowledge. It is not something that is done for show – there should be a reason to perform such as ceremony as advised by Community.

This is a very sacred ceremony to be performed only at events deemed appropriate on advice of the Mudgee LALC as it needs to be performed by those who have the necessary cultural expertise and endorsement.

4.6 Aboriginal and Torres Strait Islander Control

Aboriginal and Torres Strait Islander peoples should be actively involved in all decisions affecting their cultural heritage and in particular, on the ways in which their history, community, stories and interviews, lives and families and cultural and intellectual property are represented and used.

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

United Nations Declaration on the Rights of Indigenous People: Article 31(1)

4.7 Culturally appropriate and community endorsed

We request that the Mudgee LALC be contacted prior to the engagement of any Aboriginal businesses or individuals to carry out cultural or community activities within our boundaries – especially if they are from outside of our community.

The Mudgee LALC should be involved in initial discussions to provide advice on culturally appropriate and preferred providers.

This is to ensure that the community endorses and supports that the people who will be working in our communities are culturally appropriate.

In the past a failure to do this has resulted in the local Aboriginal community not supporting events and programs because of a lack of respect in following cultural protocols and a lack of cultural credibility of people who are not part of our community and who have not followed basic protocols when coming in as a visitor to our community.

4.8 Consultation

Consultation refers to the process whereby people exchange views and information. Consultation is not just a one-way process, but a process of sharing knowledge and opinions.

Consultation means working together, listening to what the other party has to say and acting upon it. Consultation should be thorough and accessible and language used should be culturally appropriate.

Consultation is not consent. Consent is a process whereby permission is given, based on a relationship of trust.

4.9 Free, Prior Informed Consent

FREE - means no coercion, intimidation, manipulation, or undue influence or pressure. Sufficient time given. Not given impression that project will go ahead anyway.

PRIOR - implies that consent is to be sought sufficiently in advance of any authorisation or commencement of activities and respect is shown to time requirements of Indigenous consultation/consensus processes.

INFORMED - means that information is provided that covers a range of aspects, including the nature, size, pace, reversibility and scope of any proposed project or activity; the purpose of the project as well as its duration; locality and areas affected; a preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks; personnel likely to be involved in the execution of the project; and procedures the project may entail.

CONSENT - obtained in a manner that is free, prior and informed, means agreement to a business activity after a business has engaged in a good faith consultation with the affected Indigenous peoples. Consent can be understood as a formal, documented social license to operate.

Source: page 27 – 28, UN Global Compact, Business Guide

4.10 Interpretation and integrity

Aboriginal and Torres Strait Islander people should be recognised as the primary guardians and interpreters of their cultures. Representation of Aboriginal and Torres Strait Islander cultures should reflect their cultural values and respect their customary laws.

When writing about Aboriginal and Torres Strait Islander issues or choosing images to accompany text, it is important to consider how the work affects the Aboriginal and Torres Strait Islander people who are subjects of the story.

Before publishing, ensure the material does not depict or expose confidential, personal and/or sensitive information or reinforce negative stereotypes. Where possible ensure the material empowers Indigenous peoples and reflects their cultural identity.

Permission must be sought from the person who owns the story and any potential issues discussed with them prior to publishing.

4.11 Attribution

Aboriginal and Torres Strait Islander people should be given proper credit or appropriate acknowledgement for their achievements, contributions and roles in the development of media stories and/or use of cultural material.

Encourage Aboriginal and Torres Strait Islander perspectives in story-gathering projects and in interviewing. It is important to select Aboriginal and Torres Strait Islander people for comment on Indigenous issues rather than relying solely on self-appointed non-Indigenous spokespeople, as worldviews can differ.

When preparing acknowledgements and attributions, ask informants how they want to be described or identified - some may wish to be known by their clan group or by their place of origin and/or occupation – as this will ensure accuracy for the purposes of establishing an interviewee's authority to speak and avoid stereotyping.

4.12 Secrecy and confidentiality

Secret and sacred material refers to information that is restricted under customary law and which may be unsuitable for dissemination or publication. Some Aboriginal and Torres Strait Islander material is unsuitable for public scrutiny.

Indigenous peoples have the right to keep secret their sacred and ritual knowledge in accordance with their customary laws.

There may be extenuating circumstances where prior written permission has been granted following extensive consultation with the relevant parties. Any approvals granted for the use of sensitive materials in a particular instance, should be prominently displayed.

Likewise we expect that all parties maintain confidentiality where requested – particularly in relation to family, financial and legal issues and in accordance with confidentiality policies of all parties involved.

4.13 Gender Issues

(Men's and Women's Business)

It is important to be aware that there are many matters where the Aboriginal community view specific knowledge as sacred to and the responsibility of either men or women.

For example: care for certain sacred sites are the cultural responsibility of men or women.

Traditional stories may also be gender specific and will only be passed down to those in the appropriate gender.

Consultation should occur when organising meetings and conferences to determine if it is appropriate to allow for Men's and Women's Business to be placed on the agenda. In this context the group will split by gender and discuss issues separately.

4.14 Representation of deceased people

In many Aboriginal and Torres Strait Islander communities, the reproduction of a deceased person's name and image is offensive to cultural beliefs. Consult with the deceased's family or community so that the appropriate protocols are observed.

Communications with images or names of Aboriginal and Torres Strait Islander peoples should have the following warning displayed in a prominent position:

“Aboriginal and Torres Strait Islander people should be aware that this document / website may contain images or names of people who have since passed away.”

Remove any references to deceased people from the public arena (e.g. websites, photographic databases, publications, community service announcements) as soon as you are alerted to their passing. If you wish to use the name, image or voice of a deceased person, you must seek permission in writing. Include reference to the permission having been granted for this particular use in a highly prominent position.

4.15 Sharing of benefits

Aboriginal and Torres Strait Islander people have the right to share in the benefits from use of their culture, especially where it is being commercially applied.

Consider how Aboriginal and Torres Strait Islander people from or endorsed by the local community can be included in your work, for example:

- engage with local Aboriginal and Torres Strait organisations in the area you are working, provide opportunities for them to meaningfully participate and acknowledge their contribution
- employ Aboriginal and Torres Strait Islander consultants
- disseminate information and research to Aboriginal and Torres Strait Islander communities, provide copies of images or published works to the people involved.
- properly reimburse Aboriginal and Torres Strait Islander people for the contributions they have made

4.16 Visiting Aboriginal places

There are many places of cultural significance to Aboriginal peoples in our region. These include rock art sites, grinding grooves, scarred trees and campsites where the physical evidence of Aboriginal occupation can be seen. Cultural places can also be hills, rocks, trees and waterways that are not always spectacular or as interesting to the non- Aboriginal eye.

We regard the intangible is being just as important as the tangible.

Sometimes organisers of conferences and other meetings decide to include a site visit in their agenda. This needs to be considered and discussed with the local Aboriginal Community first.

It is respectful to be invited to visit these places by the local Aboriginal Community rather than assuming that you have the right to do so. There may be gender or other issues associated with these places – even if the location of such places is known in the public domain.

Discussions with the Mudgee LALC to determine the appropriateness of a site visit will ensure that any visits to places of cultural significance are conducted in accordance with cultural protocols to ensure the cultural safety of all involved.

This discussion needs to take place in the planning phase of any project to ensure that there is sufficient time to gain approvals from custodians and to arrange an appropriate community endorsed guide to lead visitors.

4.17 Elders and Community Leaders

Elders and community leaders not only hold key community knowledge but they also have a great deal of influence over when, how and if a community will work with those from outside. This is also true for other representatives of the local community.

An Elder or leader may not necessarily be an older person. They may also be a younger person who is well respected within their community and holds significant community knowledge. Many Aboriginal people acknowledge Elders and leaders as Aunty or Uncle, even if that person is not blood-related or kin as this is a sign of respect in Aboriginal culture.

4.18 Confirmation of Aboriginality

It is important to note that only Aboriginal people can determine who is Aboriginal. Aboriginality is not defined by a person's skin tone or where they live. Aboriginal people both individually and collectively as a community, define themselves by their culture — not the colour of their skin.

At times people may be required to provide a Confirmation of Aboriginality to access benefits such as services or programs. Confirmation of Aboriginality is normally done through incorporated Aboriginal organisations using the Aboriginal Land Rights Act 1983 definition for Aboriginality.

The Registrar of the Aboriginal Land Rights Act (the Registrar) and the New South Wales Aboriginal Land Council (NSWALC) agree that LALCs have no function to confirm that a person is an Aboriginal person other than by way of a LALCs consideration of an application for membership. Once a person is accepted as meeting the criteria for membership of a LALC and entered on the membership roll; a LALC may issue a letter to the person or any other person, saying that the

person is a member of the LALC and therefore the LALC is satisfied that they are an Aboriginal person.

If a person is not a member of a LALC no letter or other evidence can be provided to them or any other person by a LALC asserting that they are an Aboriginal person.

Please note that Aboriginal community organisations operate as autonomous bodies and have the right to determine their own procedures for confirming Aboriginality. They also have the right to refuse to provide a confirmation to those people that do not satisfy their organisations requirements.

Section 136 of the Criminal Code Act 1995 makes it an offence punishable by imprisonment for 12 months for a person to make a statement to a Commonwealth entity in a document knowing that statement to be false or misleading.

5. Cultural and Intellectual property rights

Cultural and intellectual property rights include the right for Aboriginal and Torres Strait Islander Peoples to:

- own and control their cultural and intellectual property
- ensure that any means of protecting their cultural and intellectual property is based on the principle of self-determination
- be recognised as the primary guardians and interpreters of their cultures and so regulate how stories and information is presented
- authorise or refuse the use of their cultural and intellectual property according to customary law
- maintain the secrecy of their knowledge and other cultural practices
- be given full and proper attribution for sharing their heritage
- control the recording of cultural customs and expressions, the particular language which may be intrinsic to cultural identity, knowledge, skill and teaching of culture

Indigenous peoples have a right to maintain, control, protect and develop their Indigenous Cultural and Intellectual Property Rights (ICIP)

Article 31 of the Declaration on the Rights of Indigenous People

6. Fees for service

In providing cultural services such as welcomes, artistic performances, workshops, training and other social ceremonies, it is important to acknowledge that Aboriginal peoples are using their intellectual property and transmitting cultural knowledge.

For this reason, it is appropriate that people receive payment for their service – just as the providers of any other good or service are.

Aboriginal organisations, businesses or individuals may have their own set fees for their time, goods and services whilst others may not so it is very important that discussions regarding remuneration take place prior to engagement and the provision of any goods or services.

We ask that Government agencies and service providers seek advice regarding schedules of fees, payment processes and budget accordingly in their planning process to factor in costs for goods and services provided by Aboriginal people.

7. Enhancing your knowledge

This document has been designed to give a basic understanding of how to respectfully engage with our local Aboriginal community and work effectively in our region.

Aboriginal cultures are dynamic and evolving and protocols within each group and community change. Consultation is an ongoing process and is essential to establishing and maintaining culturally safe positive relationships into the future.

The Mudgee Local Aboriginal Land Council offers a number of workshops including Cultural Awareness Training and Cultural Immersion Programs which are specific to our community and Country. Information about Mudgee LALC activities and events can be obtained from our office.

We provide opportunities to extend your knowledge and enhance your understanding of how to establish authentic relationships and work in partnership with our people. Participants gain a deeper understanding of the history of our area, our community, culture and Country.

Please contact our office for further information on participating in an existing workshop or booking a workshop specifically tailored to your service.



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UN Global Compact, Business Guide

City of Wagga Wagga Aboriginal and Torres Strait Islander Cultural Protocols - A Guide for Councillors and Council Staff.