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**Developing Protocols
For
Engaging Aboriginal People
In
Natural Resource & Environmental Management
Planning
In The
Northern Rivers Region**

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Introduction

It is very important for Natural Resource and Environmental Management bodies and agencies within the Northern Rivers region to read and follow the guidelines set out in this document, this will ensure that future planning will benefit both parties with positive outcomes.

What are protocols? Protocols are based on two cultures (both Aboriginal and non-Aboriginal people) meeting face to face to discuss various options about planning and other issues that may seek approval and involvement from the Aboriginal community that they are dealing with.

Protocols implemented by the Aboriginal community involved in the development of a plan will determine the outcome if Government bodies and agencies are willing to understand and listen to the concerns that the Aboriginal community wish to discuss.

Over the last 10 to 20+ years NREM plans for the Northern Rivers region has had very little to no communication and consultation with the Aboriginal organisations and communities regarding areas of great significance and how these areas are to be managed.

As recently as 9 to 10 years ago Aboriginal organisations became fully and effectively involved in both the development and decision-making process of NREM plans

Aboriginal people involved in recent NREM planning have found it very difficult and frustrating when trying to address and implement the values and concerns of Aboriginal culture and their heritage

One question that need to be answered by NREM bodies during their past planning:

Aboriginal cultural heritage characteristics are always placed towards the bottom, back and/or last, why is this so?

Aboriginal community responsibilities

Aboriginal communities have their own protocols and priorities which are culturally appropriate.

Negotiating the level of involvement of the relevant Aboriginal people is an important part in the early negotiation process. Some people may wish to be actively involved or just to be kept informed of the progress of the project.

Local Aboriginal Land Council's have different processes put in place for dealing with issues and request, committees change on an annual basis and each LALC has differing levels of expertise in any one area.

The nature of projects and the complexity of the planning involved will to some extent dictate the level and nature of consultation.

On larger projects or activities where the project crosses cultural boundaries, consultation may need to be completed with several LALC's, Elders Groups and Traditional Owners. The LALC or Aboriginal community group consulted in the first instance should make your organisation aware of other groups with which you may need to consult.

It may not be acceptable or culturally appropriate for all of the Aboriginal interest groups associated with a project and to meet at the one time to discuss the project, for example, where there are conflicting traditional owners, knowledge holder groups, or where a project affects a gender Aboriginal sites or places such as men's or women's area of significance there may be gender restricted involvement in negotiations.

When commencing discussions with Aboriginal community groups in relation to a particular Project or plan, there needs to be a clear of understanding that Aboriginal community interests are not limited to Aboriginal sites or places, but may include all aspects of the landscape and its management.

The Local Aboriginal land Councils (LALC) set up under the Aboriginal Land *Rights* Act 1.983 are the main Aboriginal community organisations dealing with Aboriginal cultural heritage matters.

However, the LALC's are also responsible for managing and disposing of all property in the care of the LALC and establishing and running community enterprises on behalf of the LALC's members.

Government Bodies & Agencies responsibilities

When determining if a project or planning requires Aboriginal community involvement, do not rely solely on information included on heritage registers, as this information is rarely comprehensive.

A basic level of study in the planning phase of a project should include contact with the LALC and completion of the Aboriginal Heritage Information Management System (AHISM) database search currently held with the Department of Environment and Conservation (NPWS).

Aboriginal community involvement in projects may be the only means of identifying dreaming places, totemic obligations or traditional food gathering areas in the absence of physical evidence of past or present Aboriginal landuse.

Timeframes. Where possible allow roughly 6-12 months prior to commencement of a project to enable meaningful consultation with the Aboriginal community. For example LALC's meet a maximum of twice a month and your issue may only be discussed at one of these meetings if the issue is considered by the LALC members to be a high priority on the agenda for that meeting. Utilise established consultation protocols and processes, committees or working groups already established within the area where possible.

You may also wish to ask the LALC to call for an extra ordinary meeting to discuss your high priority issues, basically, this meeting with the LALC and your company will only discuss your issues only and no other agendas.

Consider the resources required to maintain Aboriginal community involvement in a project (eg assistance with travel to meetings, hire of meeting rooms, copying and distribution of reports payment for contracted work. Even though LALC's may support this process, not all groups and individuals you consult with will have access to LALC resources.

Where written evidence of consultation with a community group is required but is not available a record should be kept of the times, dates and nature of discussions with community groups and individual representatives

To ensure meaningful consultation occurs, make sure the specifics of the project are expressed clearly including the actual physical works. Include representatives in a site inspection where possible. The organisation of several meetings to discuss a project will enable Elders and community representatives to digest and breakdown the different components of the project. A series of meetings will be much more productive in the long-term than one large project meeting.

This approach will enable greater involvement by as many interested people as possible with resulting meaningful feedback provided.

Utilise heritage registers and database information as well as early contact with the relevant Local Aboriginal Land Council, Traditional Owners and knowledge holders.

Allow as much time as possible for consultation prior to project commencement.

Resources of Aboriginal community members or assistance in the consultation process's in some cases does not involve LALC's, If no written evidence of consultation can be acquired, document consultation with Aboriginal community groups and individuals to date.

Discuss the specifics of the project including actual physical works. Site inspections are advisable. Several meetings may need to be considered to discuss the one project.

Communicating and Consulting with Aboriginal Communities

Some points to remember when communicating and consulting with Aboriginal communities

- To avoid confusion, mistrust and conflict do not present your proposed NREM plans or projects to the Aboriginal communities when it is half and/or nearly completed, consult at the early stages
- To avoid rudeness or inappropriate behaviour it is important to seek and listen to advice from Aboriginal people with experience and knowledge regarding cultural heritage and NREM concerns when and if it is offered.
- Each Aboriginal community is different and unique, and while there may be some common interests, what applies in one area of the community does not apply in another, for example, if an employee of a Government body or agency wishes to discuss health, education and housing issues they are automatically directed to that person with the understanding, experience and knowledge in that field of work
- It must be understood and respected for the protocol that an Aboriginal person cannot generally speak about and/or on behalf of another person's country, unless given permission by the custodians and/or traditional landowner to do so;
- Community members have the right to choose the time and place for a meeting. A visitor can of course state a preferred arrangement but it is ultimately up to the community to decide how, when and where a meeting takes place, however, in some cases Aboriginal people would prefer to hold meetings under a tree or on site of where the proposed NREM plan or project is to take place.
- When presenting your NREM plan to an Aboriginal community do not hurry your presentation and leave the decision for community members to decide upon, explain what the plan or project is about, do not use fancy jargons words when presenting your plan, if so define the terms, particularly if the language used is of a technical or complex nature
- Face to face meetings can help to overcome the lack of understanding and misinformation about Aboriginal ways of life and this will help in creating trust for future NREM agreements and effective engagement between both parties
- Be open when you are presenting your NREM plan or project, do not enclose any information that may be relevant to Aboriginal people involved
- Take time out to mingle and sit amongst the people you are consulting with
- Follow up preliminary contacts with letters or phone calls, as the request to consult may need to be put to other committees or members of the Aboriginal community regarding NREM plans or projects;
- Aboriginal organisations and community members plan is not based on timelines, therefore, allow time and place for discussion for meetings to be planned and for organisation of meetings whether they are small, large, indoors or outdoors

- Do not target an individual and/or one organisation within an Aboriginal community of your NREM activities that you wish to carry out, allow information to filter to other community members who for various reasons cannot be at the meeting but still has an interest in your activity.
- Make an effort to give on the spot feedback and follow up feedback reports at consultations or meetings
- Agree to a feedback or follow up process at the meeting or consultation, and confirm decisions of the meeting in writing.
- Be careful about 'forcing' outcomes; take a break to review and allow discussion before returning to pursue an agreed agenda;
- Don't expect an immediate answer to questions and don't be disappointed or dismissive if the consultation doesn't meet expectations because cultural heritage issues is very sensitive; in some cases Aboriginal communities hold monthly and/or quarterly meetings, make sure that actions that your agency agrees to are actually carried out.
- Stick with agreements made at a meeting, if this do not happen, this can cause distrust that could determine future planning between both parties.
- It is not unheard of for a government employee to turn up at an Aboriginal community with high expectations that a meeting has been properly arranged, but find nobody there, or that the word has not got out that a meeting was set for a specific time. This may not mean that people are not interested, so go and seek some advice and guidance of who would be the appropriate person/s to speak to in the within community, to avoid discomfort and disappointment make sure that you confirm before arrival at a community about whether a meeting is expected to proceed as planned.
- Aboriginal communities can be very busy, even in places that might seem isolated and remote to a visitor. As well as all the day-to-day community business, some communities, particularly in the winter months, can be in an almost constant state of meeting overload, with a continuous and seemingly never ending procession of government and other people wanting to engage the time and concentration of members.

In addition, there may be occasions such as when a community member has died or when other important cultural business is taking place that the whole community is shut down for external business. In such instances, community business takes precedence, regardless of what meetings have been previously arranged, or the importance of the matters to be discussed.

Field Work

What would you expect to find and what safety measurements would need to be undertaken to protect an Aboriginal object

Possible Aboriginal objects that can be identified and/or unearthed during the removal of vegetation, topsoil and excavation works are fractured stone, bone, unusual scars on a tree, earth mounds, stone cairns (piles of rock), shell out of its natural context.

What to do if an object is identified or discovered during groundwork

Flag or fence off the Aboriginal object. Include a buffer that will be determined by significance of the object and Aboriginal people involved around the object within the fencing to assist in avoiding inadvertent damage.

Contact your nearest DEC Office and Local Aboriginal Land Council, they will commission their Aboriginal Sites Officer or direct you to the appropriate people in Aboriginal community such as and Elder, Traditional Owner and/or knowledge holder.

Inspection is arranged to determine if the find represents an Aboriginal object (previously Aboriginal relic) which may include stone tools, ceremonial sites such as raised earth mounds or stone arrangements, scarred/carved trees, quarry sites, bone material thought to be human in origin or any other site types.

If the find is not an Aboriginal object, as determined by NPWS, work may continue as proposed although continued monitoring (regular checking by an agreed person experienced in Aboriginal object identification) may be recommended to determine if Aboriginal objects have been disturbed in the area of works.

If the find is an Aboriginal object a decision must be made between the company and the Aboriginal community on how work is to proceed.

On this basis, a decision will then be made on whether a license application should be submitted enable work to proceed in the area where the object has been identified. If it is decided a license is required (under s87 or s90 of the NPW Act 1974), application must be made in writing to the DEC by the Company Director or Project Manager.

Work must not proceed which is likely to result in further disturbance to the object until such time as the DEC license if appropriate has had the opportunity to review the application and issue.

Any resulting license may contain conditions requiring further work such as monitoring of works by experienced Aboriginal community members and/or salvage of the objects for reburial in another area or for use in educational activities.

One on One Personal protocols

The general rule for effective dealing with personal protocols is the two principles, one is politeness and two is respect.

Although to a non-Aboriginal person unfamiliar with Aboriginal people, personal and cultural protocols might seem complex and in some cases unfathomable, a person can in most cases be reasonably confident that by treating people with respect they will not go far wrong, and if they do, they will soon be corrected. Hopefully in most cases, an officer inexperienced in working with Aboriginal people will be accompanied and advised by an Aboriginal officer of the agency. Although as stated, there are no hard and fast rules in personal protocols, the following suggestions may be handy:

A visitor should behave as a visitor and only go where invited or given permission

It is important to respect confidentiality about issues relating to other communities;

At meetings take your indication from the Chairperson who will in most situations introduce the subject the officer wishes to discuss, and generally manage the discussion. The chair will tell a visiting officer when the subject is closed for discussion, and will outline what follow up action is considered appropriate;

Many communities prefer to remain alcohol free, and thus alcohol should not be brought into in any Aboriginal community, even if a visitor is not certain of its status.