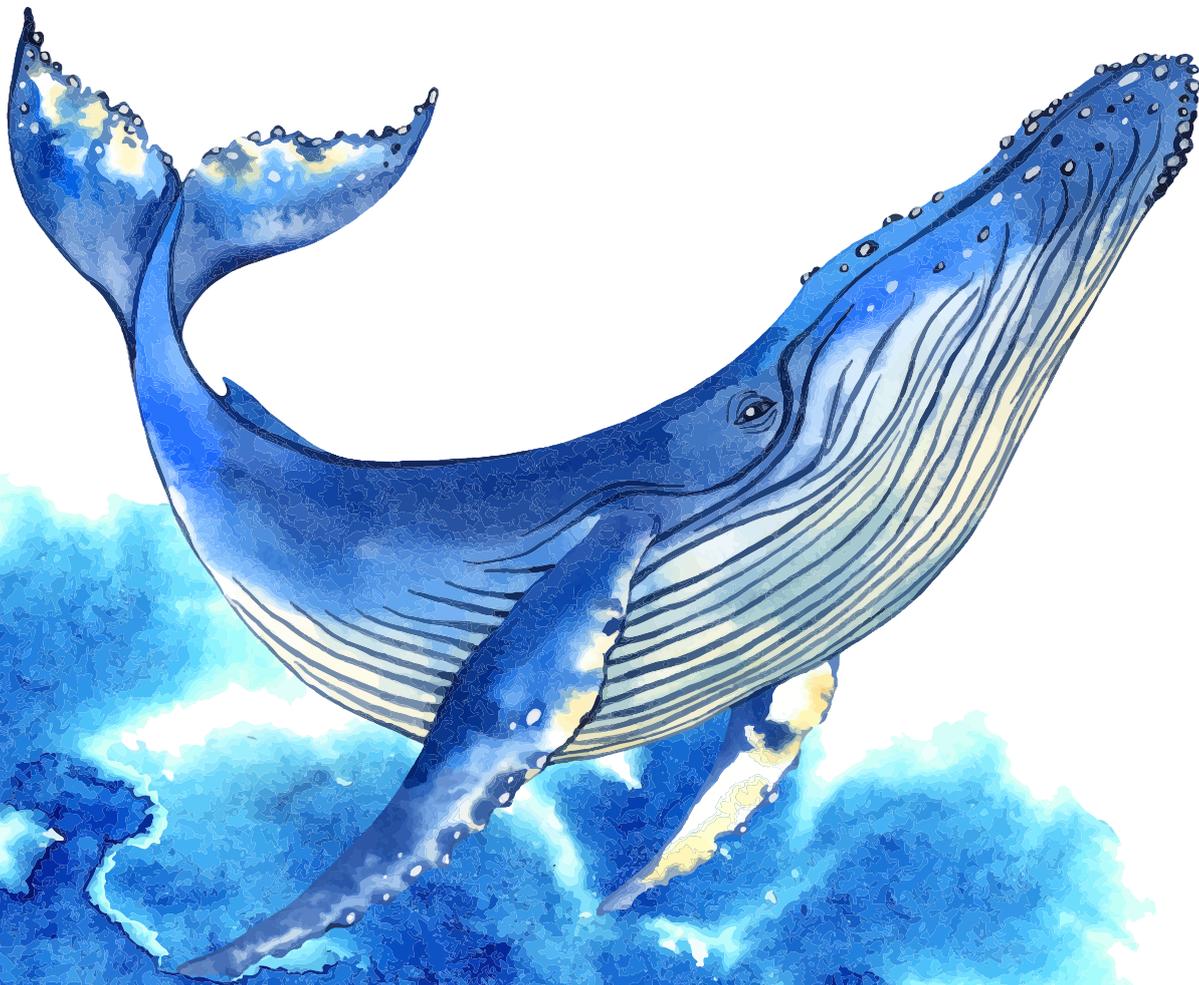


**ABORIGINAL
& TORRES STRAIT ISLANDER
CULTURAL PROTOCOLS**





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BACKGROUND

Shellharbour City Council recognises the unique status of Aboriginal and Torres Strait Islander Peoples as the First Australians. We acknowledge the special relationship that Aboriginal and Torres Strait Islander people have with their traditional lands and waters, as well as their unique history and diverse culture, customs and circumstances.

The rich languages, cultures and traditions of Aboriginal and Torres Strait Islander Peoples represent the world's oldest continuous cultural heritage. This unique legacy is recognised internationally and is one of the things that sets Australia apart from the rest of the world.¹

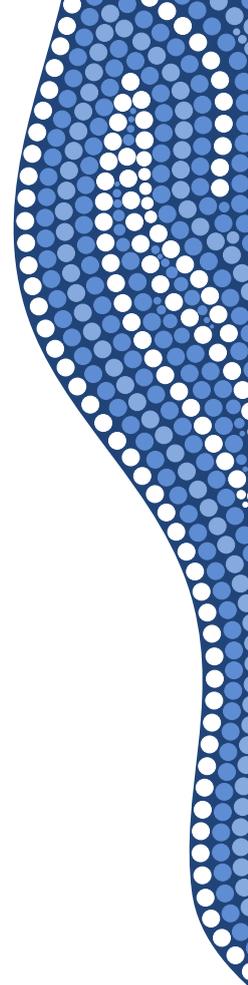
Shellharbour City Council (Council) endorsed a **'Statement of Commitment to Aboriginal Australians' on 1 July 1997**. The 'Statement of Commitment' is Council's flagship document, signifying the interest of the Council in its community and its enthusiasm to engage in work towards Reconciliation and its commitment to the process of genuine recognition of the truth of Australia's history.

Council has developed this cultural protocol to acknowledge the special position of Aboriginal people and incorporated this recognition into official events, meetings, conferences and Council meetings.



1 Oxfam Australia, 'Aboriginal and Torres Strait Islander Cultural Protocols'

History of Aboriginal People in the Illawarra



‘Pre-history’ is a term used by some archaeologists and historians to denote the time period before European recorded history. Aboriginal and Torres Strait Islander people have a long and valid history prior to invasion. A history that tells Australia was founded in 1770 or 1788 denies a respectful place for Aboriginal and Torres Strait Islander Australians.

Aboriginal and Torres Strait Islander people were in Australia long before Captain Cook arrived hence it was impossible for Cook to be the first person to ‘discover’ Australia. The use of the word ‘discovery’ is not value-neutral and works to discount and disregard Aboriginal and Torres Strait Islander knowledge systems. A more inclusive history views Australia from our own shores rather than the shores of England.²

Shellharbour City Council falls within the traditional boundaries of the Wodi Wodi, an area which extends from approximately Stanwell Park in the north, to the northern banks of the Shoalhaven River in the South, and west as far as Picton, Moss Vale and Marulan. The Wodi Wodi is a subdivision of a larger Aboriginal Nation called the Dharawal which appears to have extended from the southern side of Botany Bay to around Jervis Bay. The Wodi Wodi spoke the Dharawal language. The local Aboriginal community prefer to be known as the Wodi Wodi, however some groups now identify as the Elouera, which is the pronunciation of Illawarra as ‘Eloura’. The Dharawal people are distinguished as fresh water, bitter water or salt water people depending on whether they occupied the coast regions, the swamps or the plateaus and inland river valleys.

The Aboriginal community in the Illawarra has a strong affinity with their cultural heritage and Aboriginal places are usually significant to the community. Aboriginal significance can be defined as cultural values of a place held by, and manifest within, the local and wider Aboriginal community. Places of significance may be landscape features as well as archaeologically definable traces of past human activity. The significance of a place can be the result of several factors including: continuity of tradition, occupation or action; historical association; custodianship or concern for the protection and maintenance of places; and the value of sites as tangible and meaningful links with the lifestyle and values of community ancestors.

The Illawarra Aboriginal community plays an active role in cultural heritage matters. Shellharbour City Council has recognised this by establishing an Aboriginal Advisory Committee, made up of local community members, employed an Aboriginal Community Liaison Officer and developed the Shellharbour City Council Aboriginal Cultural Heritage Management Development Assessment Toolkit, which informs the Aboriginal Chapter with Council’s Development Control Plan.³

2 Flinders University, “Appropriate Terminology, Representations, Protocols of Acknowledgement for Aboriginal & Torres Strait Islander Peoples”

3 Shellharbour City Council Area Aboriginal Heritage Study, Navin Officer Heritage Consultants

Using the correct terminology

The following guide is recommended for use by the non-Aboriginal community and Council staff. It clarifies appropriate language and the naming of Aboriginal Torres Strait Islander people, cultures, societies and histories.

Using the wrong terminology can be problematic and can cause or reflect discrimination and cause great offense. This section provides information on the do's and don't's of using the right words.

Aboriginal & Torres Strait Islander people – Aboriginal and Torres Strait Islander people are Australia's original inhabitants. The term Aboriginal is generally not inclusive of Torres Strait Islander people and conversely the term Torres Strait Islander is not inclusive of Aboriginal people. Therefore, the preference is for them both to be referred to collectively as Australia's original inhabitants or Aboriginal and Torres Strait Islander peoples. To describe Aboriginal and Torres Strait Islander people as ATSI or A&TSI is offensive and not acceptable (this doesn't include entities such as organisations who have abbreviated their name).⁴

At the heart of the continued practice of classifying Aboriginal and Torres Strait Islander peoples is the issue of 'authenticity' – the idea that the 'real' Aboriginal people live in Arnhem Land or the Central Desert and that only 'traditional' Aboriginal peoples and cultures are 'really Aboriginal'. Caution should be used with the terms such as 'rural', 'isolated' and 'remote'. These words should refer to geographical location and access to services only.

Use of terms as 'half-caste', 'quarter-caste', or 'full-blood' are not appropriate and have historically been used to oppress Aboriginal peoples according to racialized system of blood quantum.⁵

Aboriginal Person – a person who satisfies the following criteria:

1. Is a member of an Aboriginal race of Australia
2. Identifies as an Aboriginal Person; and
3. Is accepted by the Aboriginal community as an Aboriginal person

Torres Strait Islander – a person/descendant from the Torres Strait Islands. The 'T, S and I' in Torres Strait Islander must always be capitalized.

Indigenous – Term referring to people originating in and characteristic of a particular region or country. This term is not area specific and many people feel it can diminish Aboriginal and Torres Strait Islander peoples' unique identity. Therefore, the use of the word is discouraged. Preference is to use 'Aboriginal and Torres Strait Islander people'. Where the term is used, the 'I' should be capitalized: Indigenous. Shellharbour City Councils Aboriginal Advisory Committee have Resolved that the word 'Indigenous' should NOT be used and the full term 'Aboriginal and Torres Strait Islander peoples' should be used.

⁴ North Sydney Council, Aboriginal & Torres Strait Islander Cultural Protocol Guidelines 2014

⁵ Flinders University, Appropriate Terminology, Representations, Protocols of Acknowledgement for Aboriginal and Torres Strait Islander Peoples

PURPOSE

These cultural protocols provide guidance for Council staff and volunteers to ensure their work respects Aboriginal and Torres Strait Islander cultural beliefs and practices.

The purpose of this protocol is to assist Council to observe the appropriate protocols for the recognition of Aboriginal people at official events and at events where Council is a major sponsor.

The type of ceremony undertaken at an official event should be appropriate to the nature and size of each event in accordance with the procedures set out in Council's colour coded guide. Appendix 1

The inclusion of Aboriginal culture into an official protocol enables the wider community to celebrate and share in Aboriginal culture and facilitates better relationships between Aboriginal people and the general community.⁶

WHAT ARE CULTURAL PROTOCOLS?

Protocols are ethical principles that guide behaviour in a particular situation. These protocols are designed to protect Aboriginal and Torres Strait Islander cultural and intellectual property rights.⁷ The protocols pave the way for improving working relationships between Council and its Aboriginal and Torres Strait Islander community and consequently for achieving better program outcomes.

The following values and principles provide a framework for implementing Council's Aboriginal and Torres Strait Islander cultural protocols.

“Aboriginal and Torres Strait Islander people are the original inhabitants of Australia. It is [therefore] respectful to acknowledge Country and Custodians”

Respecting rights to culture includes recognition of traditional land. Therefore, Traditional Welcomes and acknowledging Traditional Owners should be performed at the outset of any meeting or event.

6 Ibid

7 In line with Article 31, United Nations Declaration On The Rights Of Indigenous Peoples, 2007

TRADITIONAL WELCOME OR WELCOME TO COUNTRY

Traditional welcoming ceremonies range from speeches of welcome and traditional dance, to smoking ceremonies and are performed at the beginning of an event 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.

Council attempts to use an appropriate person such as a recognised Elder within the local area and, where this is not possible, the co-Chairperson of Council's Aboriginal Advisory Committee (AAC). The Welcome to Country enables Traditional Custodians to give their blessings for the event and it is an important mark of respect for Aboriginal people.

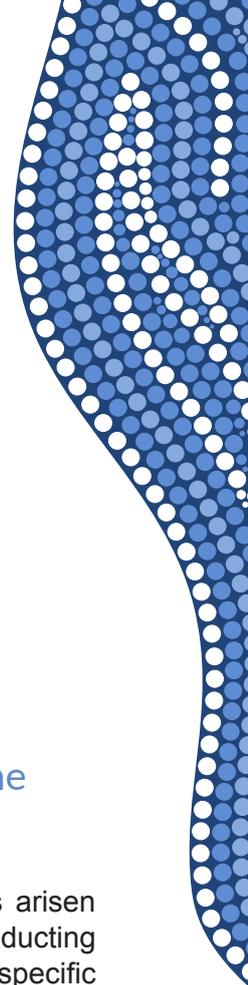
Shellharbour City Council's colour coded guide identifies major official events when a Welcome to Country should be conducted and appropriate wording, if required.

ACKNOWLEDGING TRADITIONAL OWNERS AND ACKNOWLEDGING ELDERS

Traditional Owners should be acknowledged by the first speaker at any significant Council event, with a range of internal and external stakeholders present as a mark of respect for the owners of the land on which the event is taking place. Acknowledgement of Traditional Owners 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 Owners.

An 'Acknowledgement of Country' is where non-Aboriginal people or Aboriginal people not from Country can show respect for Aboriginal heritage and the ongoing relationship of traditional owners with the land.

A Chair or speaker begins the meeting by acknowledging that the meeting is taking place in the Country of the Traditional Owners. Other people (this could be Aboriginal or non-Aboriginal 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 format for acknowledging is as follows:

“I would like to acknowledge the Traditional Custodians of Dharawal Country and recognise their continued connection to the land we meet on today. I pay my respects to Elders past, present and emerging and the contribution they make to the life of this city and this region and extend my recognition to their descendants who continue to live on Country”.

Alternatively, following a Welcome to Country:

“Let me begin my acknowledging the Traditional Owners of this land and extending a warm and sincere thank you to them for welcoming us all to their Country today. I would also like to pay my respects to the Elders past and present.”

On occasion, there may be disputes about who the Traditional Owners are and this has arisen within Shellharbour City Council’s Local Government Area. As a result Council, when conducting an Acknowledgement may ‘acknowledge the traditional owners of this land’ without naming specific groups.⁸

Shellharbour City Council’s colour coded guide identifies when an ‘Acknowledgement of Country’ should be conducted and appropriate wording, if required.

ACKNOWLEDGING LOCAL SITES OF SIGNIFICANCE

The first speaker at an event should recognise cultural or historical sites of significance when a Council event is held on or near such a site. Traditional Owners/Elders/Council’s Aboriginal Advisory Committee should be consulted for advice on how best to make such an acknowledgement.⁹

ACKNOWLEDGING COUNTRY IN COUNCILS DOCUMENTS, COMMUNICATIONS AND FACILITIES

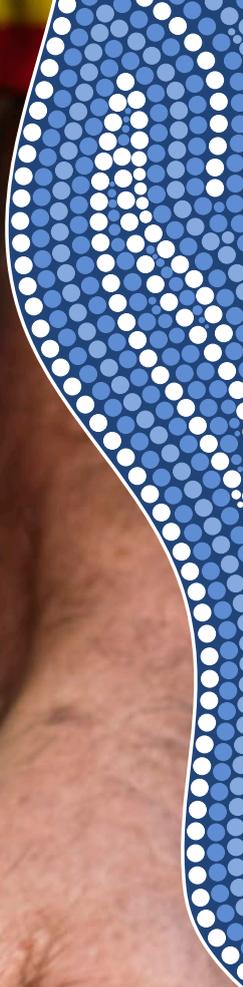
When an Acknowledgement of Country is required in Council’s documents, communications or facilities the following wording is recommended:

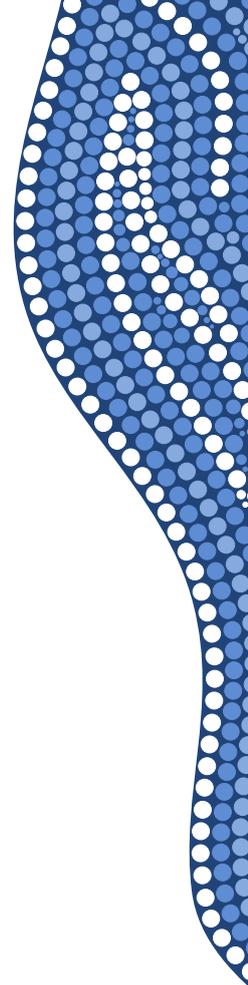
“Shellharbour City Council acknowledges the Traditional Custodians of Dharawal Country and recognises their continued connection to the land. We pay our respects to Elders past, present and emerging and the contribution they make to the life of this city.”

8 Oxfam Australia, ‘Aboriginal and Torres Strait Islander Cultural Protocols’.

9 Ibid

AARI





APPROPRIATE CEREMONIES

Smoking Ceremony

Aboriginal people with specialised cultural knowledge conduct smoking ceremonies. The ceremony aims to cleanse the space in which the ceremony takes place. Given the significant nature of the ceremony, smoking ceremonies are usually only performed at major events. Please refer to the colour-coded guide.

Other Ceremonies

As mentioned above, other ceremonies may be undertaken along with those outlined above. Shellharbour City Council should consult with the local Aboriginal community on the best form of recognition for each event and ensure the ceremony reflects Shellharbour City Council's 'Statement of Commitment'.

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 free.

Cultural services provided by Aboriginal people such as Welcome to Country, artistic performances and ceremonies are using their intellectual property and as such, providers of these services should be appropriately remunerated.

Guidelines for a recommended Fee for Service for Aboriginal Cultural Performances

In Aboriginal culture, the land was created by the journeys of the 'Spirit Ancestors' during a period known as the 'Dreaming' or 'Dreamtime'. In song, story, poetry, art, drama and dance, the Dreamtime tells how the Spirit Ancestors (each symbolised by an animal which is the Totem of the Clan) gave life to the land and laid down the Law – the structure of society, rituals to maintain the life of the land and rules for human behaviour. The Dreamtime explains the origin of the universe, the workings of nature and of humanity, and the cycle of life and death. It shapes and structures Aboriginal life and the relations between the sexes, and prescribes a network of obligations to people, land and spirits.¹⁰

Despite the enormous impacts of European colonisation on Aboriginal ways of life, Aboriginal people have survived and Aboriginal culture is alive and strong.

10 Parbury N (1986) *Survival – A History of Aboriginal Life in New South Wales*. Ministry of Aboriginal Affairs New South Wales. Sydney

The following guidelines relate exclusively to Aboriginal cultural practices, which are unique to Aboriginal people. These cultural practices include:

- Welcome to Country
- Smoking Ceremonies
- Personal or Cultural Histories
- Dance or other Performance

Aboriginal protocols are increasingly being used in local Government and community events and ceremonies. This protocol should consider the value of the service being offered, the expertise required to deliver that service as well as the length of time taken for the delivery of the service.

A further consideration is the importance of the occasion (refer to Council's colour coded guide). That is, should a Welcome to Country for a school event attract the same fee as a Welcome to Country for a significant NSW Government event?

The protocol will provide recommended fee for service guidelines for adoption by the Shellharbour City Council Aboriginal Advisory Committee and Council.

The outcomes of including a Fee Schedule is to:

- Provide SCC with an acceptable fee schedule for Aboriginal cultural services
- Provide Aboriginal people with an acceptable fee schedule for their cultural services
- Assist SCC to properly remunerate Aboriginal cultural performers
- Provide consistency of fees for cultural performance across SCC's local government boundaries
- Encourage other organisations and sectors recognition and value of Aboriginal cultural knowledge and protocols
- Encourage the inclusion of Aboriginal protocols in government and other sectors events or ceremonies¹¹

Risk Management

- Resistance from some Aboriginal performers/speakers to setting a standard fee. This may be overcome by producing a recommended minimum fee that individuals can negotiate from
- Difficulty in measuring and assigning dollar values to cultural knowledge and performance
- Budget restrictions compelling organisations to reduce or omit Aboriginal performers from events and ceremonies.
- Resentment from the community about individuals being paid for cultural knowledge
- Formalising the process may result in payments no longer being made in cash
- Potential confusion for non-professional Aboriginal performers being asked to provide an ABN number to receive payment for services. Those community members not working professionally will be advised to complete a Statement by a Supplier Form.¹²

11 NSW Department of Aboriginal Affairs, 'Policy Guidelines for a recommended Fee for Service for Aboriginal Cultural Performance'

12 NSW Department of Aboriginal Affairs, 'Policy Guidelines for a recommended Fee for Service for Aboriginal Cultural Performance'

Payment

Payment for performers of Aboriginal protocols by SCC will be largely determined by Council procedures.

Professional performers will be asked to provide an ABN number before payment can be made.

Some Aboriginal people may not have been registered as a business and others may be receiving a pension or other government income support. In these cases, a Statement by a Supplier form must be completed to receive payment. This will ensure that earnings are not taxed at the highest margin.

Appropriate remuneration and/or assistance should be provided for the cultural ceremony provided. The following Fee Schedule has been approved by Council's AAC:

Cultural Practice	Certified Agreement	Minimum Fee
Welcome to Country	Nil	\$150
Smoking Ceremony	Performance Certified Agreement 2003-2005	\$530.00
Didgeridoo performance	Musicians Certified Agreement 2003-2005	\$360.00
Dance Groups Category 1 (Inexperienced)	Performer Certified Agreement 2003-2005	\$430.00
Dancer Groups Category 2 (Experienced)	Performers Certified Agreement 2003-2005	\$450.00
Basic Lecture (based on 2 hours preparation and 1 hour delivery)	Based on University of Western Sydney Academic Agreement 2006-2008	\$141.40

This fee schedule is a guide only and is subject to bi-annual review. Some of the fees detailed above are in line with the current NSW Department of Aboriginal Affairs Cultural Practices and Performance Fee Schedule.¹³



CALENDAR OF EVENTS/CHECKLIST

Council, through their calendar of significant events should identify which events require an Aboriginal ceremony and how this will be undertaken.

The checklist attached to this Protocol (Appendix 2) should be used to ensure that all cultural aspects have been fulfilled for any proposed Council event that requires a Welcome to Country or Cultural Ceremony or both. Shellharbour City Councils Event Strategy should also reflect the Aboriginal Cultural Protocol to ensure consistency when applying culturally appropriate ceremonies, Welcome to Country and Acknowledgement of Country.

SIGNIFICANT DATES

There are a number of significant dates in the Aboriginal and Torres Strait Islander annual calendar as outlined below. 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.

Date	Event / Celebration
26 January	Australia Day/Survival Day (Yabun Festival)
21 March	Harmony Day (Elimination of Racial Discrimination Day)
26 May	National Sorry Day (Recommendation of Stolen Generations Report)
26 May to 3 June	National Reconciliation Week
27 May	1967 Referendum (Amendments to the Australian Constitution)
3 June	Mabo Day
1st Full Week in July	NAIDOC Week
4 August	National Aboriginal and Islander Children's Day
9 August	International Day of the World's Indigenous People
October Long Weekend	NSW Annual Aboriginal Rugby League Knockout
10 December	Human Rights Day

Survival Day (Yabun Festival – Sydney)

Australia Day is a day of celebration for most Australians however, for Aboriginal and Torres Strait Islander people it is a day that represents invasion, dispossession and loss of culture and sovereign rights. For this reason many Aboriginal and Torres Strait Islander people choose to refer to Australia Day as Survival Day.

The Survival Day concept was born out of the 1988 Bicentenary Australia Day celebrations in Sydney. These celebrations were marked by a large gathering and protest march by the Aboriginal community, many of whom had travelled to Sydney from all over Australia. Significant numbers of non-Aboriginal people also participated in the march from Redfern Oval to Hyde Park, with an estimated crowd of around 40,000 people.

The first Survival concert was held in 1992 and reflected a major shift away from the traditionally named Australia Day to Invasion Day. The Survival Concerts, now one of the biggest of Aboriginal cultural events of the year, have been entirely initiated and coordinated by the Aboriginal community. La Perouse hosted the concerts for many years and now many Aboriginal and Torres Strait Islander communities across New South Wales host their own local Australia/Survival Day ceremonies and celebrations.¹⁴

Harmony Day

Living in Harmony is an Australian Government initiative designed to promote community harmony, build relationships between people and address racism where it occurs in Australia. The initiative is primarily a community based education program that aims to enhance our appreciation and understanding of the society in which we live. There are three components to the program including:

- A community grants program
- A partnership program
- A public information strategy incorporating Harmony Day.

Harmony Day is held on March 21 each year, which is also the United Nations International Day for the Elimination of Racial Discrimination. The purpose of Harmony Day is to provide an opportunity for us to celebrate our successes as a culturally diverse society, re-commit ourselves to harmony and say “no” to racism. Harmony Day was first held in 1999 and has since developed into Australia’s largest annual multicultural event.¹⁵

Shellharbour City Council hosts a community based event to celebrate Harmony Day annually with a wide range of activities and also includes the Cultural Treasures Festival.

National Sorry Day

National Sorry Day was held for the first time on 26 May 1996, a year after the release of the *Bringing Them Home Report*. This report followed the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their families, and recommended that a National Sorry Day be declared. The purpose of Sorry Day is to publicly acknowledge the pain suffered by many Aboriginal and Torres Strait Islander people as a result of previous government policies and practices of removal.¹⁶

14 **1988 Onwards, a Turning Point**, www.australiaday.com.au/Indigenous

15 **You Me Australian – Living in Harmony**, www.harmony.gov.au

16 **Sorry Day**, www.acn.net.au/articles/sorry

National Apology to the Stolen Generations

National Sorry Day should not be confused with the National Apology to the Stolen Generations. The national Apology was a recommendation of the *Bringing Them Home Report* 1997 (section 5(a)). The Report identified that a national Apology would contribute to the proper recognition of Aboriginal and Torres Strait Islander Australians as our first nations' peoples and to validate the need for national healing and reconciliation.¹⁷

Ten years after the release of the report on 13 February 2008, Prime Minister Kevin Rudd apologized on behalf of all Australians for the laws and policies which afflicted pain, suffering and loss on the 'Stolen Generations' of Aboriginal peoples. The Apology was adopted by the Commonwealth Parliament with the support of all political parties.

To signify recognition and respect, the national Apology should be spelt with a capital 'A'.

National Reconciliation Week

In 1991, the Commonwealth Parliament voted unanimously to establish the Council for Aboriginal Reconciliation and a formal reconciliation process. Reconciliation Week was established in 1995 and is held each year from 26 May to 3 June. During this week Aboriginal and Torres Strait Islander communities celebrate National Sorry Day, the 1967 Referendum and the High Court Mabo decision.

According to Reconciliation Australia¹⁸, "Reconciliation among Aboriginal and non-Aboriginal Australians is about finding new and better ways of tackling problems and of connecting with one another. Reconciliation involves justice, recognition and healing. It's about helping all Australians move forward with a better understanding of the past and how the past affects the lives of Aboriginal and Torres Strait Islanders today. Reconciliation involves symbolic recognition of the honoured place of the Australians, as well as practical measures to address the disadvantage experienced by Aboriginal people in health, employment, education and general opportunity".

Shellharbour City Council conducts a annual Reconciliation event with all schools in Shellharbour's local government area and is valued by all schools who participate.

1967 Referendum, Australian Constitution Amendments

On the 27 May, 1967 a Referendum was held in Australia to determine whether the Australian constitution should be changed to remove clauses considered discriminatory against Aboriginal and Torres Strait Islander Australians. The two questions asked in the Referendum were:

1. Should the Commonwealth Government be allowed jurisdiction over Aboriginal people, a right hitherto given to the States?
2. Should people of Aboriginal descent be counted in the national census?

An overwhelming 90% of Australians voted yes to these questions. The changes meant that Aboriginal and Torres Strait Islander people, like white Australians, would be counted in the national census and be subject to Commonwealth rather than just State laws. This was a significant turning point in Australian history as it meant Aboriginal and Torres Strait Islander people were finally being truly acknowledged as citizens of the nation.¹⁹

¹⁷ Commonwealth of Australia, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, (1997) http://www.hreoc.gov.au/social_justice/bth_report

¹⁸ Reconciliation Australia, *What is Reconciliation*, www.reconciliationaustralia.org

¹⁹ *1967 Citizens at Last...* www.abc.net.au/time/episodes/ep5.htm

Mabo Day

Mabo Day is a significant day for Aboriginal and Torres Strait Islander people as it marks the anniversary of the landmark Mabo judgement. On 3 June, 1992 the High Court of Australia rejected the notion of “Terra Nullius”, which claimed that Australia was unoccupied prior to European settlement. For the first time in 200 years it was recognised by law that Aboriginal Australians have, by prior occupation, ownership of land where native title has not been extinguished. It states Aboriginal people have legal rights, not just symbolic rights to all Crown land in Australia, as well as possible rights to pastoral leases. Mabo Day is held in recognition of Eddie Mabo, a Torres Strait Islander man who led a ten year legal battle that ultimately led to the historic Mabo judgement.²⁰

NAIDOC Week

National Aboriginal and Islander Day of Celebration (NAIDOC) week is a way of celebrating and promoting a greater understanding of Aboriginal and Torres Strait Islander people and culture.

In January 1940, the Sunday preceding Australia Day became the first official “Day of Mourning” for Aboriginal people known as Aboriginal Sunday. The first Day of Mourning was held on Australia Day in 1938, which marked the 150th anniversary of the First Fleet landing at Sydney Cove. In 1955, the National Missionary Council (NMCA) suggested that Aborigines Day should become a National Day, and it was officially changed to the first Sunday in July. In 1957, the National Aborigines’ Day Observance Committee (NAIDOC), with the support and co-operation of the Federal and State Governments, the churches and major Aboriginal organisations, was formed. In the same year, an Aboriginal Pastor, Sir Douglas Nicholls, persuaded the NMCA to nominate the second Sunday in July to be a day of remembrance of Aboriginal people and heritage.

NAIDOC Week is held between the first Sunday (National Aborigines Day) and the second Sunday in July and has evolved into a week of religious and cultural events to commemorate Aboriginal and Torres Strait Islander culture and heritage. The wider community now joins with the Aboriginal and Torres Strait Islander community in this commemoration.²¹

Shellharbour City Council acknowledges the importance of NAIDOC Week and this is reflected in Council’s Community Strategic Plan (CSP). One of Council’s primary tasks is to organize the local NAIDOC Community Day which opens NAIDOC celebrations in the Illawarra Region. Shellharbour City Council is also one of four Councils which includes Wollongong, Kiama and Shoalhaven who provides funds to hold the Local Government Regional NAIDOC Awards Dinner which acknowledges the contribution of Aboriginal and Torres Strait Islander peoples to their local communities. The NAIDOC Awards Dinner is a replica of the National NAIDOC Awards Dinner and is a prestigious and valued event within the South Coast of NSW covering four local government areas from Ulludulla to Helensberg.

20 **June 3 Mabo Day**, www.takver.com/history/ph_maboday.htm

21 **NAIDOC History**, www.atsic.gov.au/Events/NAIDOC/history.asp

National Aboriginal and Islander Children’s Day

National Aboriginal and Islander Children’s Day is held annually on 4 August. The day was initiated in 1998 by the National Aboriginal and Islander Child Care (SNAICC), a non-government advocacy body for Aboriginal and Torres Strait Islander children. The purpose of the day is to promote the needs of Aboriginal and Torres Strait Islander children and to demonstrate the importance of children in Aboriginal and Torres Strait Islander communities.²²

International Day of World’s Indigenous People

In 1994 the United Nations declared 9 August International Day of the World’s Indigenous People. This date marks the day (9 August 1992) of the first meeting of the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights. The purpose of this day is to celebrate the achievements and contributions of Indigenous people to the global community and to highlight many of the problems faced by Indigenous communities particularly in regards to human rights, the environment, development, education and health.²³

NSW Annual Aboriginal Rugby League Knockout

The NSW Aboriginal Rugby League Knockout (aka the Koori Knockout) started in 1971. It has developed into a major event on the Aboriginal and Torres Strait Islander calendar and is held each year over the October long weekend. As many as 60 teams compete in the Knockout and over 10,000 spectators attend the event. Traditionally the winning team hosts the following year’s Knockout Tournament.²⁴

The Illawarra enters Teams both Mens, Womens and Youth each year and they are called the Illawarra Titans.

Human Rights Day

Every year on 10 December, Human Rights Day marks the adoption of the Universal Declaration for Human Rights. The United Nations adopted the Declaration, which has become a universal standard for defending and promoting human rights.

22 **National Aboriginal and Islander Children’s Day – August 4th**, www.snaicc.asn.au/children/index.html

23 **International Day of the World’s Indigenous People**, www.un.org/depts/dhl/indigenous

24 National Indigenous Times (Issue 62) **NSW Knockout: a brief history of a great event**, www.beta.nit.com.au

CONSULTATION WITH ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

Shellharbour City Council established an Aboriginal Advisory Committee pursuant to section 355(b) of the NSW Local Government Act (1993). The SCC AAC held its first meeting on the 25 November 1998.

The purpose of the SCC AAC is to provide professional and strategic advice to Council on issues affecting Aboriginal and Torres Strait Islander People, and guidance in relation to the implementation of strategies to achieve the objectives of the:

- *Statement of Commitment 1997*
- *Shellharbour City Community Strategic Plan 2013-2023*

The committee is run by Council to discuss a wide variety of issues and recommend solutions specifically relating to Local Government and the local Aboriginal & Torres Strait Islander community.

The objectives of the Aboriginal Advisory Committee are to:

1. Achieve the outcomes towards Reconciliation specified in Shellharbour City Council's *Statement of Commitment*.
2. To establish Shellharbour City Council as a leader in reform and innovation in relation to Aboriginal issues in which the efforts and presence of Aboriginal and Torres Strait Islander People are valued and accepted.
3. To discuss issues of mutual concern so that they can be resolved for the common good of the Shellharbour local government area.
4. To strengthen the diversity of Shellharbour City's community, developing a contemporary culture of respect, peace, unity, acceptance, energy and trust.
5. To recognise, preserve and promote the importance of Council's Indigenous Heritage, whilst embracing opportunities to develop the City's contemporary culture.
6. Identifying and prioritising local Aboriginal needs for community services, facilities and activities.
7. Selecting representatives to attend when requested by other levels of government/non-government agencies to represent the Shellharbour City Council as Aboriginal Community Representatives.
8. Support and promote important celebrations within the Aboriginal & Torres Strait Islander Community.

When consulting or giving information to the Aboriginal and Torres Strait Islander community, the most appropriate protocol is to first approach the Shellharbour City Council Aboriginal Advisory Committee then to approach Traditional Owners and Custodian groups, Aboriginal and Torres Strait Islander community based working organisations and community representatives.

Shellharbour City Council currently have a registered Native Title Claim over crown land in Shellharbour's local government area and it is important that Council consult with the South Coast Native Title claimants through their legal representative the NSW Native Title Services Corporation.

Aboriginal and Torres Strait Islander Community organisations will often pass on information to their members about consultations. However, individual organisations cannot represent the interests of the whole community, therefore it is an appropriate protocol to consult with as many local organisations as possible.

Broader consultations will be more appropriate for significant issues because not all Aboriginal and Torres Strait Islander community members belong to organisations. It may be necessary to hold community information sessions on such issues with follow up individual or small group consultations for community members who have expressed interest in a particular matter, their self-determination should be encouraged.

It is also important, as part of the community profile, to be aware of community politics. That is, know or get to know through networking what issues are priorities and which people are the community power brokers associated with a particular issue. Council's Aboriginal Advisory Committee is the ideal environment to obtain an understanding of these matters.

Council usually have time constraints which may impact on Council's ability to consult extensively with the local Aboriginal and Torres Strait Islander community. Therefore any community consultation needs to be recognised as an ongoing and essential element of the policy making process within Council and consultation needs to commence straightaway to ensure successful consultation and this should be reflected in all Council's policies/strategies.

Illawarra Community Based Working Group (Aboriginal Interagency)

The Illawarra Aboriginal Community Based Working Group (IACBWG) operates in the region of Illawarra. This region includes the local government areas of Wollongong, Shellharbour, Kiama and Wingecarribee.

The IACBWG was established in 2003 by Aboriginal Elders and community members. The group is made up by members of the Illawarra region's Aboriginal community as well as government representatives and Aboriginal and non-Aboriginal agencies. It is intended to enhance community participation in local government by fostering a culturally sensitive partnership between governments and Aboriginal people.

The IACBWG is an excellent resource and can provide valuable guidance on issues relating to the Aboriginal and Torres Strait Islander communities. The IACBWG meets on the first Wednesday of each month except for July and January. The IACBWG meetings are hosted by the Illawarra Aboriginal Corporation and are held at Warrigal Employment, Windang.

SORRY BUSINESS/REPRESENTATION OF DECEASED PEOPLE

Sorry Business 'is the time after the death of someone who is from the Community'. As with many cultures and communities around the world, death in a community is respected in different ways.

Council pays respect and acknowledges the death of a prominent community Elder or community representative by flying the Council flags at half-mast during the time of the funeral. Council's Aboriginal Community Liaison Officer (ACLO) will contact Communications when this should occur.

In many Aboriginal and Torres Strait Islander communities, the reproduction of a deceased person's name and image is offensive to cultural beliefs. There may be some local and regional differences between Aboriginal communities for the period of mourning, although broadly speaking, it is common courtesy and respectful not to mention the name of the deceased, to now show photographic images of a deceased person unless agreed to by the relevant family.

If Council wishes to use the name, image or voice of a deceased person, you must seek permission in writing from the family. Include reference to the permission having been granted for this particular use in a highly prominent position. It is important that consultation with the deceased's family or community be undertaken to ensure that the appropriate protocols are observed.²⁵

“Shellharbour City Council communications with images or names of Aboriginal and Torres Strait Islander people 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.”

25 Oxfam Australia, 'Aboriginal and Torres Strait Islander Cultural Protocols'



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.

Copyright, cultural ownership and intellectual property rights are important issues to have awareness of when working with the Aboriginal community. Aboriginal and Torres Strait Islanders are the rightful custodians of their cultures and cultural expressions, and have ownership and control of their cultural heritage. This is highly significant, as in the past many Aboriginal stories, language, songs, imagery and knowledge have been appropriated by non-Aboriginal people. Historically it was not recognised that knowledge held by Aboriginal people belonged to them, with cases of non-Aboriginal authors financially benefiting and claiming copyright over information that had been shared with them.²⁶

Moral rights protect the personal relationship between a creator and their work even if the creator no longer owns the work, or the copyright in the work. Moral rights concern the creator's right to be properly attributed or credited, and the protection of their work from derogatory treatment.

Moral rights are personal rights contained in the *Copyright Act 1968* that connect creators to their work. Moral rights exist in relation to artistic, literary, dramatic and musical works and films but not sound recordings.

Moral rights are distinct from the economic rights included in copyright. Thus, an employed artist who does not own copyright in the visual artworks created as part of his/her employment nevertheless has moral rights in those artworks. A musician who has sold his copyright to a record label still has moral rights in his musical compositions.²⁷

Shellharbour City Council ensures that any use of, reference to, commissioning or purchase of Aboriginal cultural products complies with copyright, attribution and remuneration best practice, as set out in Council's Public Art Policy.

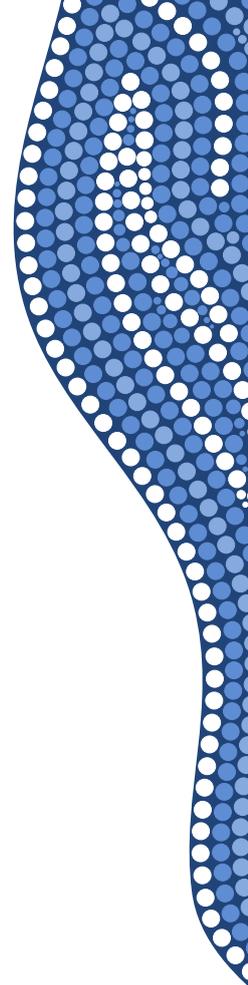
Place Naming/Aboriginal Language

Following European colonisation, Aboriginal people were forbidden from speaking traditional languages and Aboriginal languages suffered enormous erosion as a result. Aboriginal languages and cultures is a unique component of Australia's heritage. It is a fundamental element of the Aboriginal culture which reaffirms Aboriginal identity, spirituality and connection to Country.

The Naming and Addressing (Roads, Public Reserves, Parks, Sportsfields, Assets) was endorsed by Council on 3 July 2018. This policy is designed to encourage and promote recognition of the local Aboriginal cultural heritage by registering place names given by Aboriginal people so that they can be assigned as geographical names alone or used alongside existing non-Aboriginal names.

26 Blue Mountains City Council, *Aboriginal Cultural Protocols 2010*'

27 Arts Law Centre of Australia, 'Arts Law Information Sheets'



Council's Aboriginal Advisory Committee (AAC) strongly supports the names of Aboriginal origin associated with a place, or a name that recognised the cultural history of any area and the opportunity to recognise all aspects of a place's history. The AAC hopes that proposing an Aboriginal name for Roads, Public Reserves, Parks, Sportsfields and Assets would provide an opportunity for the wider community to participate in the revitalisation of the Dharawal language and acknowledges the symbolic links to the local Aboriginal people.

Council should ensure that where an Aboriginal name is to be used, approval has been gained through the Shellharbour City Council AAC. This process ensures that consideration where an Aboriginal name may create recognition of a physical heritage site that may generate exposure to the site and an inherent risk of damage to the heritage property as to whether the Aboriginal name is in the best interests of the community.

A decision to proceed with the proposed Aboriginal name will be made by Resolution by Council after consultation with the AAC.

This protocol aims to ensure that using Aboriginal language for the naming of roads, parks, reserves and public spaces within Shellharbour's local government area (LGA) are not only uniform with relevant legislation and the guidelines of the Geographical Names Board (NSW) and Council policy but also consistent with the wishes and protocols of the local Aboriginal community.

The inclusion of this protocol within Council's policy for road and place naming will provide an opportunity for the local Aboriginal community to reclaim, revitalise and maintain their traditional Aboriginal language.

Where possible, easily pronounced names should be used and the phonetics on how to pronounce an Aboriginal name/word should accompany any proposed use of Aboriginal words to avoid destroying the sound of the name or changing its descriptive application.

FLAG PROTOCOL

In 2001 Council Resolved to fly the Aboriginal and Torres Strait Islander flags on a permanent basis outside and inside Council Chambers.

When flying the Australian flag with the Aboriginal, Torres Strait Islander and Shellharbour City flags, the flag order should follow the rules of precedence. The Australian flag should always be flown on the far left of a person facing the flags. The Aboriginal flag and Torres Strait Islander flags are flown next and finally the Shellharbour City flag. The Australian national flag will always be given precedence (Australian Flags, 1998).

Always make sure that both flags are reproduced, hung and depicted in the correct way and that the Aboriginal flag is used for business relating to the Aboriginal community and that the Torres Strait Islander flag is used for business relating to the Torres Strait Islander community.

Permission needs to be sought if you are reproducing either flag for commercial use. The copyright license for the manufacture and marketing of the Aboriginal flag has been awarded by Mr Harold Thomas to Carroll and Richardson Flags. Permission to reproduce the Aboriginal flag for commercial use can be sought from:

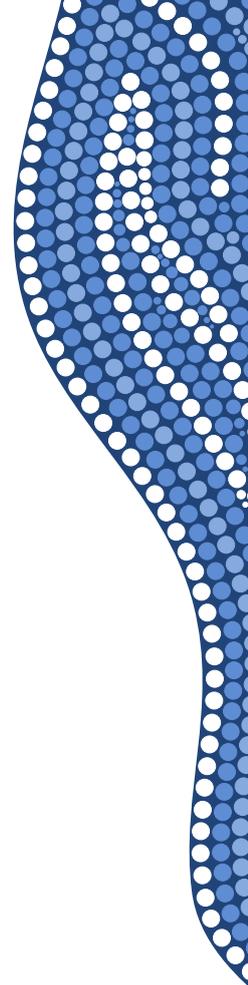
Carroll and Richardson Flags
188 Whitehorse Road
BALWYN VIC 3103
Tel: (03) 9221 2919

OR

Mr Harold Thomas
PO Box 41807
CASUARINA NT 0810

Permission to reproduce the Torres Strait Islander Flag should be sought from:

The Secretary
The Island Co-ordinating Council
PO Box 501
THURSDAY ISLAND QLD 4875
Tel: (07) 4069 1446
Fax: (07) 4069 1868.²⁸



ACKNOWLEDGEMENTS

Shellharbour City Council would like to acknowledge the number of sources that provided valuable information and helpful examples of Aboriginal and Torres Strait Islander protocols that other organisations, both government and non-government have adopted. Some of these protocols are in use at a State and Local Government level and some have been in existence for a number of years. The following documents provided insight and a guiding framework in how Shellharbour City Council conduct business with their local Aboriginal and Torres Strait Islander communities:

- Sydney of City Aboriginal Protocols 2005 and 2012
- Blue Mountains City Council Aboriginal Cultural Protocols (2010)
- North Sydney Council, Aboriginal & Torres Strait Islander Cultural Protocol Guidelines 2014
- Department of Local Government NSW and the Local Government and Shires Association of NSW (2007), *Engaging with local Aboriginal communities – A resource kit for Local Government in New South Wales*
- NSW Department of Aboriginal Affairs, *'Policy Guidelines for a recommended Fee for Service for Aboriginal Cultural Performance'*
- Oxfam Australia (2007), *Aboriginal and Torres Strait Islander Cultural Protocols*
- Parbury N (1986) *Survival – A History of Aboriginal Life in New South Wales. Ministry of Aboriginal Affairs New South Wales, Sydney.*

Shellharbour City Council's Aboriginal and Torres Strait Islander Cultural Protocol was reviewed and Council's Aboriginal Advisory Committee made valued contributions to the development of this protocol and was endorsed by Shellharbour City Council's Aboriginal Advisory Committee on 5 May 2020 and Shellharbour City Council on 19 May 2020.



Enquiries and feedback should be made to:
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