



# ‘We’re a Dreaming Country’

*Guidelines for Interpretation  
of Aboriginal Heritage (2012)*





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of Aboriginal Heritage (2012)*

## **Disclaimer**

The information contained in this book is correct at the time of production, June 2011. Whilst it provides a general overview of Aboriginal heritage and matters related to interpretation of Aboriginal heritage, the information may not be factually, culturally or historically accurate for your location and local advice should always be sought.

## **Warning for Aboriginal and Torres Strait Islander People**

Aboriginal and Torres Strait Islander people are warned that this document may contain images of deceased persons.

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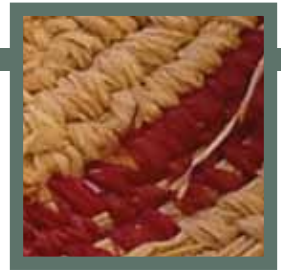
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Cover Photo: Burrup Peninsula. (NTWA / Gina Anne Brake, 2010)

Any errors that appear in this work are my own and will be amended in future versions of this document.

Sue Hanson  
June 2012



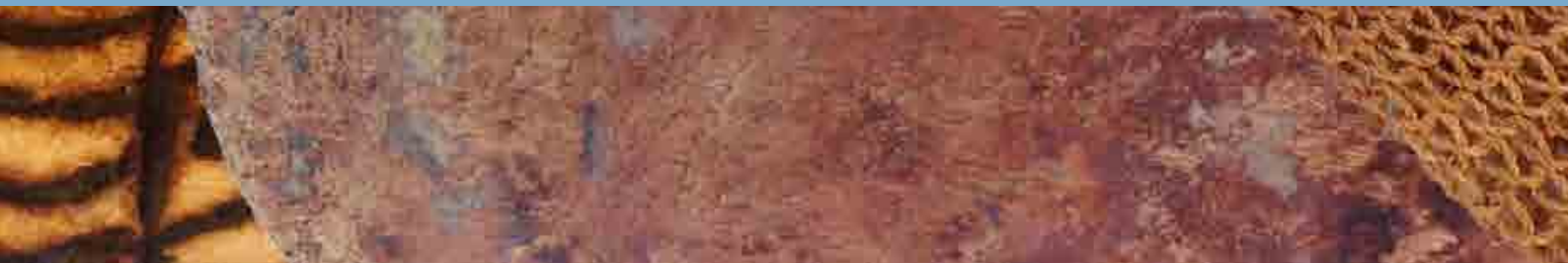


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# Introduction





## Introduction

*Connection to place is a fundamental aspect of Aboriginal culture. That connection continues to be as fundamental in contemporary times as it was prior to European colonisation.*

Traditional Aboriginal Law is centered on custodial responsibilities for Country. The land is cared for through customary duties, laws and obligations. Aboriginal people today, through the practices of Aboriginal lore, follow the Laws set by creation beings to maintain a harmonious balance between environment, elements, animals, Country and people, in an inclusive relationship.

Colonisation brought dispossession for many Aboriginal cultures as people were removed, relocated or perished. Relationships to Country, and therefore place, were strained as traditional Law practices were difficult to enact or were outright prohibited. Aboriginal lore, in the form of language and cultural practices, was often stifled and suffered, with many languages and cultures lost. However, the underlying spiritual connection to Country never faltered. That connection was, and is today, the central point in many Aboriginal people's lives.

The aim of the interpretation of Aboriginal heritage is for the material to be presented with an Aboriginal voice. This is Aboriginal people speaking for their own heritage, history, place, country and story. It is an opportunity to share heritage from the inside out rather than from the outside looking in. This can be achieved by establishing an environment in which people from Aboriginal and all other backgrounds feel equally respected and empowered throughout the interpretation process.

*The aim of the interpretation of Aboriginal heritage is for the material to be presented with an Aboriginal voice. This is Aboriginal people speaking for their own heritage, history, place, country and story.*

This document provides guidelines to ensure the respect, acknowledgment and ownership of Aboriginal place and story unfolds in a respectful and sensitive way for a variety of audiences. In this manner we can, together, acknowledge the past, reconcile the present and ensure custodianship for the future.



Sue Hanson, Kado Muir, Mark bin Barker, Kerry Churnside, Harley Coyne, Charmaine Green, 2012. (NTWA/Gina Pickering)

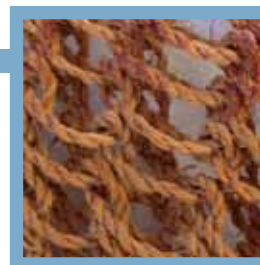
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August 2012

# National Trust (WA) CEO

## Foreword



In 2007, the National Trust of Australia (WA) working in partnership with Museums Australia (WA) produced a publication entitled *Sharing Our Stories*.

This document, which was sponsored by Lotterywest, provided guidelines for community groups, local government councils, government bodies and others for:

- Understanding the principles of interpretation for heritage places and the role they play in community development;
- The processes of heritage interpretation;
- The production of policies, strategies and projects for interpreting heritage places; and
- Writing applications to secure resources for heritage interpretation.

Now in 2012 the National Trust of Australia (WA) has produced a companion document to *Sharing Our Stories* entitled *Guidelines for Interpretation of Aboriginal Heritage* funded by Lotterywest and Department of Sustainability, Environment, Water, Population and Communities.

This document, directed and guided by Aboriginal people, is intended to:

- Provide a starting point for discussions between people involved in Aboriginal heritage;
- Prompt thought and debate about interpreting heritage places;
- Provide Aboriginal and non-Aboriginal people with a set of shared principles, protocols and guidelines to undertake interpretation at heritage places; and
- Utilise a base of Aboriginal values to guide interpretative work on heritage places.

Interpreting historic, natural and Aboriginal heritage values for places involves more than just respecting the traditional knowledge of Aboriginal culture and spirituality.

It is about a commitment of action that ensures an increase in knowledge, awareness, understanding and commitment in a shared journey on which the foundations of reconciliation and respect are based.

An opportunity exists for National Trusts across Australia to challenge visitors to their properties and others involved in their diverse programs, to recognise the importance of all heritage values – natural, Aboriginal and historic. In so doing, respectful relationships will be built, meaningful reconciliation will occur and the social, environmental and economic outcomes that follow will be delivered in an effective and efficient manner.

It is important to understand there is a real need for heritage organisations to reach out to the wider Australian audience rather than expecting the audience to contact them. This recognition of the equal importance of all heritage values not only signals the need for engagement but a commitment to action.

The National Trusts across Australia will use these guidelines to forge better relationships and as a consequence changes will occur. As change continues, both innovation and empowerment will follow resulting in a better understanding of what has been inherited from the past and what is valued enough today to leave for future generations.

The National Trust of Australia (WA) is indebted to those who contributed to this document and look forward to many shared projects with them.

Respectfully

Thomas E Perrigo  
CHIEF EXECUTIVE OFFICER



# The National Trust of Australia

The National Trusts of Australia are a group of eight individual state and territory trusts who collectively conserve interpret and promote Australia's cultural heritage (natural, historic and Aboriginal.)

For further information refer to [www.nationaltrust.org.au](http://www.nationaltrust.org.au)



## Interpretation

Interpretation Australia Association defines interpretation as:

*'Heritage interpretation is a means of communicating ideas and feelings which help people understand more about themselves and their environment. There are many different ways of communicating these ideas, including guided walks, talks, drama, displays, signs, brochures and electronic media.'* Interpretation Australia website June 2012

*Interpretation of Aboriginal heritage adds to these definitions by describing the layer of spiritual interconnectedness to the landscape.*

The National Trust of Australia (WA) further develops this definition in *Sharing Our Stories* <http://www.ntwa.com.au/content/publications> with:

*'Heritage interpretation is about sharing memories and experiences. It respects the connections between people and place whether a place is natural landscape or one modified by use...'* Sharing Our Stories National Trust of Australia (WA)

Interpretation of Aboriginal heritage adds to these definitions by describing the layer of spiritual interconnectedness to the landscape.

It is about listening and responding to the individual which requires sustained communication, trust and respect for cultural values.

*Aboriginal heritage is indivisible from the country.*

Aboriginal heritage is indivisible from the country. It is the past and the present connections to that landscape. It is living cultures imbued with cultural heritage through story, song, dance, language, kinship, custom, ceremony and ritual. It is living heritage given life through oral tradition and continued interaction with the landscape.

The task of interpreting Aboriginal heritage is impossible without mapping and celebrating cultural connection to Country. This connection provides the soul to interpreting Aboriginal heritage. An interpretive work that captures this multi-layered, rich and cultural connectedness to Country ensures the strength and power of the Aboriginal voice is heard.



Yaburara Trail, Karratha. (Wayne Young, 2010)

## Spirit of this Document

The intent of this document is to deal with existing tensions when people from a diversity of backgrounds begin to work together. It does this by providing a balanced perspective to debate and conversation about interpretation of Aboriginal heritage.

The principles in this document and the guidelines could be applied to any minority cultural group.

This document:

- Provides a starting point for discussion between people involved in the interpretation of Aboriginal heritage.
- Provides a first reference tool.
- Prompts thought and debate about heritage interpretation at a local level by local people.
- Provides a set of shared principles, protocols and guidelines with which to undertake interpretive work.
- Uses a basis of Aboriginal values to guide interpretive work on Aboriginal heritage.

*The intent of this document is to deal with existing tensions when people from a diversity of backgrounds begin to work together.*

*The best interpretation sensitively guides the viewer into sharing the Aboriginal experience and meaning of heritage and connection to place and Country.*

## History of this Document

For some time, the need has existed for a document to guide work undertaken by both Aboriginal and non-Aboriginal people, on the interpretation of Aboriginal heritage. The need exists for people to understand why and how to do this work. There is still reluctance in acknowledging Aboriginal history, sacrifice and contribution to Australia's heritage, and this reluctance largely comes from an inability to know how to embark on the process of interpreting such a tumultuous story.

Aboriginal people have a distinct place in Australian society. That place can be reflected through interpretation that demonstrates Aboriginal people's connection to Country. The best interpretation sensitively guides the viewer into sharing the Aboriginal experience and meaning of heritage and connection to place and Country.

*This document should be used to prompt thought and as a starting point for discussion.*

Aboriginal cultures are very diverse. This document is not just about understanding Aboriginal cultures but about demonstrating the diversity of cultures through interpretation.

This document also provides information and processes for Aboriginal people undertaking their own interpretative work.

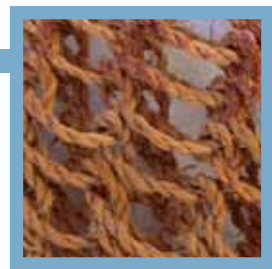
The section *Getting Started with Interpretation of Aboriginal Heritage* will provide the best starting point for Aboriginal groups undertaking interpretation.

Writing this document was a massive undertaking by the National Trust of Australia (WA) as the diversity of Aboriginal cultures and peoples across Western Australia dictates that a single document will not adequately represent or guide such diversity.



*Welcome by Richard Walley for people from the Roebourne community who were participating in the Burrup Archives and Collections Tour. (Mike Lefroy, 2010)*





However, the National Trust undertook the writing of this document as a way to start guiding the interpretative process through the provision of shared underpinning rights, guiding principles, protocols and guidelines.

This document provides a starting point for interpretive work on Aboriginal heritage. It provides guidance to stimulate discussion by those involved in the interpretation of Aboriginal heritage.

This document enables everyone involved in the interpretive work to recognize they are a single team working towards a common goal regardless of cultural background. The goal is the development of quality, accurate, representational interpretation of Aboriginal heritage which reflects the values of Aboriginal cultures, is owned by those people and speaks with an Aboriginal voice.

These guidelines are not intended to be prescriptive in any way, but simply a starting point for discussion between people and groups involved in the interpretation of Aboriginal heritage.

These guidelines are to be used in conjunction with *Sharing Our Stories*  
<http://www.ntwa.com.au/content/publications>

## Ways to use this Document

The best way to use these guidelines is to provide each person working on interpretation of Aboriginal heritage with a copy. Use it to prompt discussion, read and discuss the foundations of understanding, decide which of the guiding principles the group will adhere to and which of the protocols need changing to suit the local situation. Take the material contained in this and change it to suit your own purposes.

This document should be used to prompt thought and as a starting point for discussion.

## Disclaimer

Each Aboriginal cultural group has different needs, Laws, lores, languages, practices and beliefs. This document does not claim to represent all Aboriginal groups. Material found within this document may not suit at a local level, however the aim is for it to prompt discussion and in doing so, it has achieved its purpose.

*The goal is the development of quality, accurate, representational interpretation of Aboriginal heritage which reflects the values of Aboriginal cultures, is owned by those people and speaks with an Aboriginal voice.*

## Intended Audience of this Document

These guidelines act as a meeting place for all interpreters of environment, heritage and culture. A place of common ground and a place to develop shared values and understandings about the interpretive process and outcomes.

The audience for these guidelines is envisaged to be:

- Aboriginal people and organisations
- Researchers
- Academics such as historians, archaeologists, anthropologists, linguists
- Historical groups
- Museums
- Organisations with collections
- State and local government bodies and individuals
- Funding and philanthropic bodies
- Educational institutions
- Tourist bodies
- Cultural bodies
- Native Title bodies
- Statutory bodies
- Corporate sector
- Individuals with a heritage interest
- Interpreters of cultural heritage

## Terminology

Some of the terms used in this document come from Aboriginal English. These words best express Aboriginal perception. The appendix contains a list of definitions of terms including any ambiguous terms.

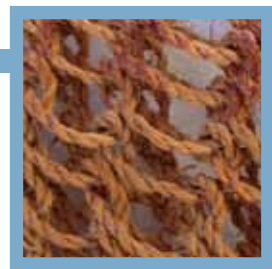
## Voice of this Document and English Used

This document was written in plain English to ensure the material is as accessible as possible for a wide audience. The document has also been written from a third person perspective; neither from a distinctly Aboriginal nor other Australian peoples perspective,

## Links to Sharing Our Stories Document

*Sharing Our Stories: Guidelines for Heritage Interpretation (2007)* is the companion book to these guidelines. Sharing Our Stories provides essential information about the processes of heritage interpretation and should be used along with this document to guide sound interpretive processes.

Sharing Our Stories is available as a download on the National Trust of Australia (WA) website at <http://www.ntwa.com.au/content/publications>



## Using this Document

This booklet contains several interlinked pieces of information and guidance. The accompanying flow chart provides a visual representation of the material in this document. Following is a written description of each section and its purpose.

### Underpinning Rights and Understandings:

The three Rights underpin all work on the interpretation of Aboriginal heritage. These are linked to the United Nations Declaration on the Rights of Indigenous Peoples.

*Sharing Our Stories: Guidelines for Heritage Interpretation (2007) is the companion book to these guidelines.*

Read through these, discuss and ensure all interpretive work protects these basic rights.

### Guiding Principles for Interpretation of Aboriginal Heritage:

This section expands the three Underpinning Rights and provides guiding principles for interpretive work to ensure the Rights are maintained and achieved.

These guiding principles are guides. They are not comprehensive in that they will not provide direct guidance in every situation. However, they expand the Rights by providing information about the spirit of the Right.

Read through these Guiding Principles and discuss how they unpack and guide all work to ensure the Rights are being maintained.

### Foundations of Understanding: Knowledge, Respect and Ownership

These three sections provide basic contemporary thought about a number of matters related to Aboriginal heritage and history.

Read through these foundations to familiarise yourself with contemporary thought and opinion. These provide your group with material to discuss and guide your work so that it is reflective of contemporary understanding.

### Protocols and Guidelines:

This section lists many protocols and guidelines. It provides broad statements that may or may not suit the local situation. Use this section as a reference and guide. If a matter arises and you are unsure how to address it, refer to the protocols as a means of guiding thought and action.

Use the protocols and guidelines to prompt local debate and thought as the need arises.

### Getting Started with Interpretation of Aboriginal Heritage

The last stage in the interpretive process is the practical 'getting started'. This section in the document assists in defining the intent of the interpretation, establishing an Aboriginal Reference Group and establishing processes with which to carry out the work.

A shared theoretical framework and adherence to solid principles and processes grounded in respect, knowledge and ownership will lead to the achievement of rich and meaningful outcomes for those who work on the interpretation project, those it represents and those who view and interact with it.

Refer to the flow chart at the end of this section to understand how to use this document.





NTWA staff visit the Burrup Peninsula with Vince Adams. (NTWA/Gina Pickering, 2010)

## Getting Started with Interpretation of Aboriginal Heritage

The final section of this document provides a practical guide for starting the process of interpreting Aboriginal heritage.

See the section *Getting Started with Interpretation of Aboriginal Heritage* at the end of this document.

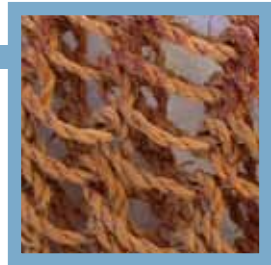
*Oral tradition and story, in this context, is therefore as validating as documented evidence.*

*Central to the process of developing material for the interpretation of Aboriginal heritage is the establishment of an Aboriginal reference group (ARG).*

### Aboriginal Reference Group

Central to the process of developing material for the interpretation of Aboriginal heritage is the establishment of an Aboriginal reference group (ARG). This group should be established early in the process.

See *'Getting Started with Interpretation of Aboriginal Heritage, Establishing a Local Aboriginal Reference Group'*



## Challenges to Interpretation of Aboriginal Heritage

The interpretation of heritage presents challenges. Most of these challenges are the regular type facing any interpretive work such as lack of documented evidence, verification of stories and conflicting opinions. Interpretation of Aboriginal heritage can bring with it unique challenges that are particular to working with oral cultures and those deeply affected and continuing to be affected by colonisation.

The regular day-to-day challenges facing any interpretive work are dealt with in the *Sharing Our Stories* document available from the National Trust of Australia (WA). This document addresses those matters that are particular to interpretation of Aboriginal heritage.

A significant challenge to the overall process of interpreting Aboriginal heritage is to address the ingrained bias that exists in Western knowledge systems and principles in that literate traditions are privileged over oral traditions such as those found in Aboriginal societies. These literate traditions are culturally bound and present bias when working within Aboriginal heritage which is most often orally presented rather than verified through documentation. Oral tradition and story, in this context, is therefore as validating as documented evidence.

*Aboriginal heritage can bring with it unique challenges that are particular to working with oral cultures and those deeply affected and continuing to be affected by colonisation.*



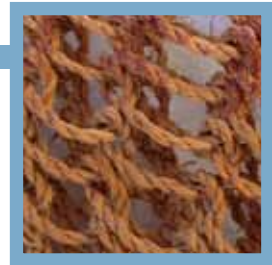
On 28 May 2009, the Hon Robyn Mc Sweeney, MLC, Minister for Child Protection presented a cheque to the Albany Heritage Reference Group Aboriginal Corporation (AHRGAC) for the development of a Community Management Plan for the Oyster Harbour Fish Traps on behalf of Lotterywest. Left to right: Dianne Coyne (AHRGAC), Hon Robyn Mc Sweeney (MLC) and Alex Campbell AM (Chair South Coast NRM). (National Trust, 2009)

Some of the challenges that may arise when working on interpretation of Aboriginal heritage include the following. There is no direct way of addressing these challenges other than being aware they, and others like them, may arise, and being prepared to work through them.

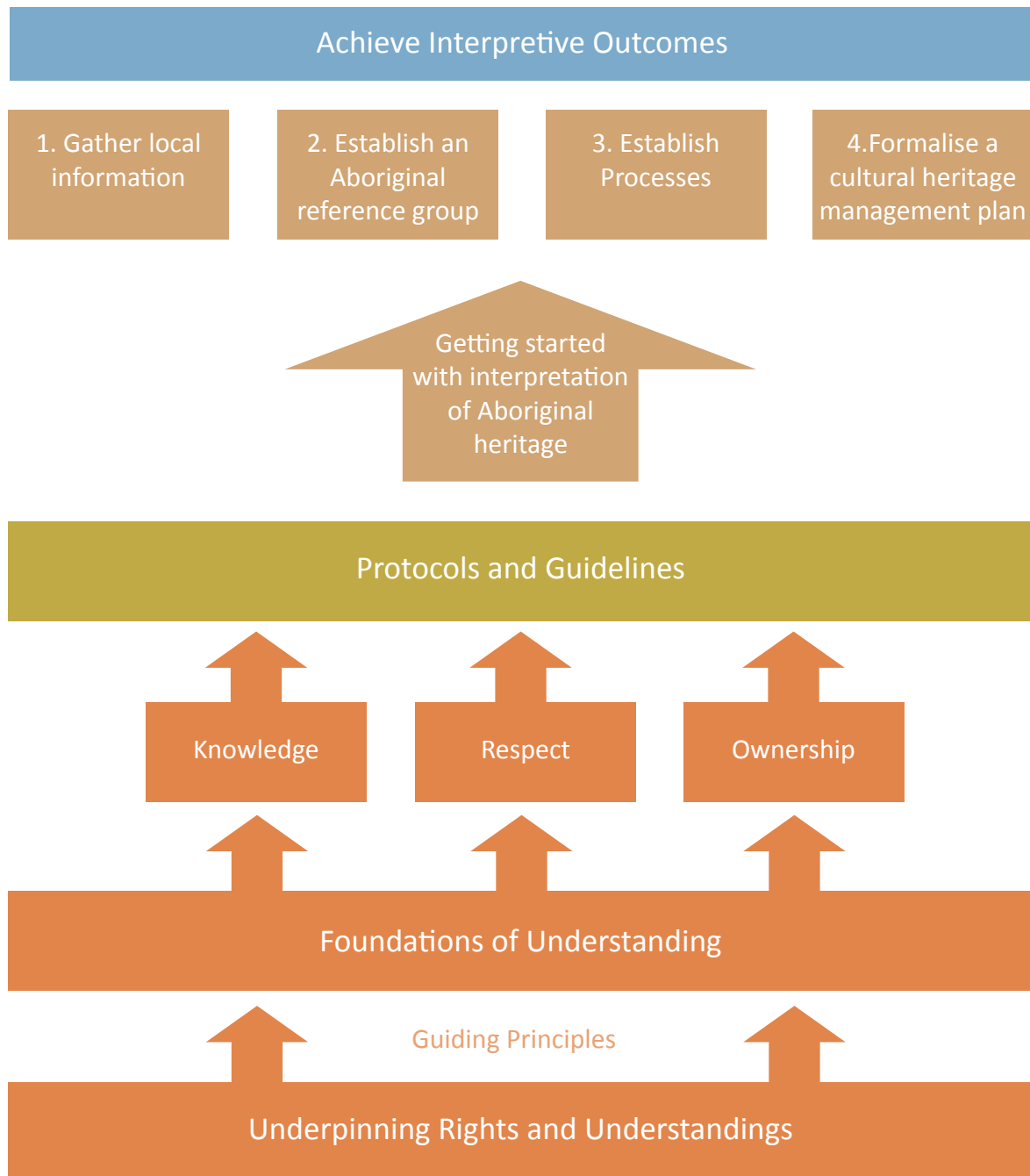
- a. Pre-recorded times and oral cultures- How can historical fact be validated without documentation?
- b. Urban myth- when working with oral heritage material, how can fact be determined and myth avoided? Is the European academic and document-based framework used to determine fact from myth appropriate for working with Aboriginal information?
- c. Multiple stories from multiple groups or people- the challenges of working with multiple cultural or family groups and conflicting stories.
- d. Principles and protocols- what guiding principles for interpretation should be used when working with Aboriginal heritage? What protocols should be developed and/or respected?
- e. Process- what sound processes should be used when working with Aboriginal heritage?
- f. Framework of interpretation to use- what frameworks should be used to best present Aboriginal heritage? Do the current frameworks adequately present material with Aboriginal values? E.g.: interpret by season, by land use, by spiritual connection etc
- g. Payments for time- What are some guiding principles to determine what work is done on a voluntary basis and what work is done with remuneration?
- h. Working with the 'right' people- who speaks for a cultural group and what guiding principles can be used to ensure correct process for identifying the right Elders to consult?
- i. Native Title environment- how do we work in a native title environment? How does Native Title affect interpretation?

*A shared theoretical frame work and adherence to solid principles and processes grounded in respect, knowledge and ownership will lead to the achievement of rich and meaningful outcomes for those who work on the interpretation project, those it represents and those who view and interact with it.*





## Underpinning Rights and Understandings





# Underpinning Rights and Understandings







## Underpinning Rights and Understandings

All people involved in the interpretation of Aboriginal heritage need a common basis from which to begin working together and a set of principles that guides the outcomes to be achieved.

These underpinning rights ground the work on the interpretation of Aboriginal heritage

1. Aboriginal peoples have the right to self-determination.
2. Aboriginal people have the right to full and fair participation in processes, projects and activities that impact on or portray them.
3. Aboriginal people have the right to control, maintain and celebrate culture, heritage and identity.

The UN Declaration on the Rights of Indigenous Peoples states:

### Article 11

1. Indigenous peoples have the right to practice and revitalise their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

*Right to self-determination.  
Right to full and fair participation in processes, projects and activities that impact on or portray them.  
Right to control, maintain and celebrate culture, heritage and identity.*

### Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

### Article 13

1. Indigenous peoples have the right to revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.'

*United Nations Declaration on the Rights of Indigenous Peoples (2007)*

<http://www.un.org/esa/socdev/unpfii/en/declaration.html>



*Case Study – Swan and Canning Rivers/Derbarl Yerrigan and Dyarlgarro Belier Heritage Audit*

*In 2011 the National Trust of Australia (WA) was commissioned by the Swan River Trust to undertake an audit of heritage values for the Swan Canning Riverpark to inform an interpretation plan for the proposed trails for the Swan River Trust.*

*Input for the audit was also sought from key stakeholders including 17 of the 21 local government authorities that share a boundary with the Swan and Canning Rivers (Derbarl Yerrigan and Dyarlgarro Belier), the Botanic Gardens and Parks Authority, WA Museum and Art Gallery of WA as well as historians who work in the field.*

*The heritage audit considered natural, Aboriginal and historic values of the River corridor. Both the Swan and Canning Rivers (Derbarl Yerrigan and Dyarlgarro Belier) are listed on the Department of Indigenous Affairs Register of Aboriginal Sites.*

*An Aboriginal Corporation was invited to contribute to the project and was subsequently offered a contract to undertake the audit of Aboriginal sites for the Rivers but was unable to provide it. The Trust had funds to acquit and milestones and time pressures to achieve so alternative arrangements were made. The National Trust of Australia (WA) sought advice from its Aboriginal Advisory Committee. A non-Noongar person undertook the project with endorsement from a Noongar representative from the Aboriginal Advisory Committee.*



*Depression era campsite, South Perth. (NTWA/Gina Pickering, 2011)*





*Canning River. (NTWA/Gina Pickering, 2011)*



*Minum Cove, Mossman Park. (NTWA/Gina Pickering, 2011)*

## Guiding Principles for Interpretation of Aboriginal Heritage

This section expands on the underpinning rights behind the interpretation of Aboriginal heritage. It provides statements that explain and expand on those rights.

These statements are based on Articles 11, 12 and 13 of the UN Declaration on the Rights of Indigenous Peoples.

### 1. Aboriginal peoples have the right to self-determination.

- Aboriginal people have the right to maintain, control, protect and develop all aspects of their cultural heritage including traditional knowledge, cultural expression, knowledge systems and intellectual property.
- The diversity of Aboriginal peoples' culture, language, history and Aboriginal knowledge is recognised and valued.
- Aboriginal peoples have the right to maintain, control, protect and develop customary law.
- Aboriginal peoples are recognised as researchers in their own right of their culture, heritage and also recognised for the knowledge they bring.
- Respect for traditional custodianship by Aboriginal peoples of their cultural heritage is implicit.

*Aboriginal peoples are recognised as researchers in their own right of their culture, heritage and also recognised for the knowledge they bring.*

### 2. Aboriginal peoples have the right to full and fair participation in processes, projects and activities that impact on or portray them.

- All participants in interpretation projects must be regarded as equal participants.
- Prior and fully informed consent are the foundations of

any interpretation work with or about Aboriginal peoples including explicitness about the nature and intent of the work.

- Aboriginal peoples have the right to co-authorship and recognition for contribution to interpretation materials.
- Protection of culturally restricted materials, places and knowledge is implicit.
- Aboriginal peoples need genuine, continued and sustained consultation and negotiation.
- The processes must demonstrate explicit acknowledgement of the rights of Aboriginal peoples.
- Processes must be founded on meaningful engagement and reciprocity.



3. Aboriginal peoples have the right to control, maintain and celebrate culture, heritage and identity.

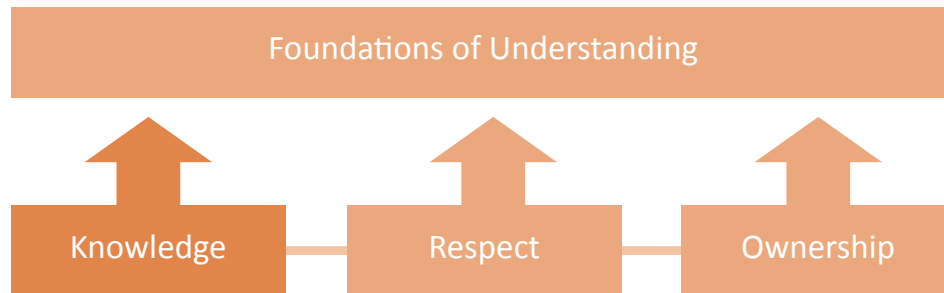
- Interpretation projects must include the Traditional Owners, Custodians and wider Aboriginal community at appropriate stages as a matter of process.
- Interpretation projects must enhance relationships, build resilience, cultural strength and partnerships, and strongly reflect reciprocity, which leaves all participants with enhanced empowerment.
- Interpretation projects will enhance, revitalise and rejuvenate Aboriginal association with place and heritage.
- Interpretation projects will reflect and celebrate the living and dynamic culture of the Aboriginal peoples associated with that place.



*Great Sandy Desert*



## Foundation of Understanding: Knowledge



The statements and information provided in this section are designed to assist with contemporary understandings about Aboriginal culture and heritage.

These statements are very broad and may not represent the situation in every setting. They may be used as a stimulus for discussion about the topic in your particular area.

A shared acknowledgement of history and historical events as they unfolded and impacted on Aboriginal and Torres Strait Islander peoples is still under development in Australia. These statements paint a general historical picture and provide a shared starting point to understanding and exploring local history.

### Knowledge of Aboriginal Heritage

Aboriginal heritage consists of those places and objects that contribute to the story of Indigenous people. It may be seen as the 'total ways of living passed from one generation to the next.' Aboriginal people moved around and passed on stories, information and knowledge by going to special places. These are places or objects that people have a connection to, both physically and spiritually. Aboriginal heritage can include natural features such as creeks or mountains, ceremonial or story places or areas of more contemporary cultural significance such as Aboriginal missions or post contact sites. They are of great significance to Aboriginal communities, providing links to culture, environment and knowledge. In Australia, indigenous communities traditionally passed knowledge through arts, rituals and performances from one generation to another, speaking and teaching languages, protecting cultural materials, sacred and significant sites and objects.



## Knowledge of Aboriginal Cultural Landscapes

Aboriginal cultural landscapes are landmarks which are both physical and metaphysical. Aboriginal spirituality lies in the belief in a *cultural landscape*.

Everything in the landscape has meaning and purpose. The land is both an external landscape and an 'in-scape', that is, an internal relationship with the creative beings present in the landscape.

Most Indigenous people are ancestrally related to the cultural landscape through their given totem which may be an animal, plant or other object. A totem can be represented in nature in the form of a large rock, tree, hill, river, or other landform. Much of Aboriginal art is connected with the imagery of totems. Many Indigenous cultures are divided into groups known as a *moiety system* based on connection with certain animals, plants or other aspects of the environment. A person is born into one or other group and this does not change throughout life. In some groups the division of moieties is extended to cover every aspect of life and the world including all animate and inanimate objects.

*The statements and information provided in this section are designed to assist with contemporary understandings about Aboriginal culture and heritage.*

## Knowledge of the Diversity of Aboriginal Cultures

Aboriginal and Torres Strait Islander peoples identify culture through land, relationships to others, language, ceremony, songs and stories. Cultural heritage is passed on from one generation to the next. Each group therefore identifies themselves as a distinct culture.

There were believed to be more than 200 distinct languages across Australia when Europeans arrived, with countless dialects, many with distinctive cultures and beliefs. *Little Red Yellow Black Book, Aboriginal Studies Press 2012*

Groups developed different skills and built a unique body of knowledge based on their particular environment.

## Knowledge of Aboriginal Languages

Aboriginal languages are spoken across Australia today; some fluently and others as a smattering of remembered words and phrases. Aboriginal languages hold and communicate the Laws, knowledge, heritage, technology and survival of the world's oldest continuous cultures. In some places, however, Aboriginal languages are under threat, with only a limited number of speakers to pass on the language. Some languages are extinct with limited records of them.

There are variations in Aboriginal languages of the spelling, grammar and language use. These are often unique to a specific language identified with a particular territory or nation. Aboriginal communication systems also include observance of protocol, body language, verbal and non-verbal-language. *Aboriginal English* is the first or home language, of many Aboriginal communities.

*Aboriginal languages hold and communicate the Laws, knowledge, heritage, technology and survival of the world's oldest continuous cultures.*

## *Aboriginal Foundations*

*Foundations have been established with several Aboriginal groups to enhance opportunities for education, conservation and interpretation of Aboriginal cultural heritage values. The Foundations are a cooperative arrangement under the auspices of the National Trust of Australia (WA), to provide support for governance, policy and administration.*

*The Trust facilitates autonomy by empowering local groups to achieve cultural heritage outcomes that are meaningful to Aboriginal people.*

*Commencing early in 2000 three foundations were progressively established; Gabbie Kylie (Esperance), Dowark (South West) and Ngalia (North Eastern Goldfields). Each foundation operates within local frameworks to conserve and interpret the Indigenous heritage values of WA's coastal and inland regions and to facilitate connections with country. Based on a community model, projects are designed and delivered in collaboration with all stakeholders including Elders and Traditional Owners as well as specialists representing diverse fields from archaeologists to linguists.*

*To ensure an ongoing, sustainable business model that delivers practical outcomes for land and heritage management, a wide range of partnerships with government and private sector organisations have been established in conjunction with the foundations.*

*In partnership the Foundations present an exciting opportunity to enhance Aboriginal cultural heritage and environmental values. While investing in the development of livelihoods that address the social and economic marginalisation of Indigenous Australians.*



*Gabbie Kylie Foundation expedition to Tookle Jenna, near Israelite Bay Western Australia, January 2008. (David Guilfoyle)*





*Gabbie Kylie Foundation cultural workshop, Munghlinup, February 2012. (Lyn Rudder, 2012)*

## Knowledge about Land Dispossession

Since colonisation the indigenous peoples bore the brunt of land dispossession. The British perceived Australia as being uninhabited and land was taken from indigenous peoples to establish towns, station properties, farming districts and businesses. For the *Traditional Owners* and *Custodians* of this dispossessed land, the situation was catastrophic as the people were often forcibly relocated.

For those undertaking Aboriginal interpretation, understanding the impact of this situation is very significant as the *Traditional Owners* are those Aboriginal people who are recognised as belonging to or connected to a particular geographical area. The *Custodians* within a community are those individuals who are charged with maintaining and passing on particular elements of cultural significance, e.g. stories, songs, language, ritual and imagery. It is only through consultation with the Traditional Owners and Custodians that understandings and an accurate Aboriginal interpretation may be achieved.



## Knowledge about Aboriginal History

In Aboriginal history, there are two distinct periods; 'pre-contact' and 'contact'. Many refer to the contact period as being two periods of history as 'contact' and 'post contact'. However, for Aboriginal people who are still deeply affected by the colonisation of Australia by Europeans, the current period of time is still considered a period of 'contact'. Thus, a period of contact-related trauma still exists for many Aboriginal peoples and cultures.

Aboriginal history is controversial as it has not always been fully or factually recorded. In many Australian historical texts, greater emphasis has been placed on the achievements of the European explorer and the advances in European settlement with little or no significance given to the Aboriginal peoples who were dispossessed of their land or who were injured or killed in battles or massacres.

*It is only through consultation with the Traditional Owners and Custodians that understandings and an accurate Aboriginal interpretation may be achieved.*

Australian history often does not acknowledge an invasion of the lands of the Aboriginal people and the subjugation of its people. Over the first century of colonisation, a number of large battles occurred which were often referred to as the 'dispensing of natives' rather than an admission that an actual 'state of war' existed. Until very recently this was the version of events that was handed down in many history books. In the history of indigenous people many massacres also took place. Pockets of indigenous people did resist colonial settlement with force. Fearing being outnumbered by Aboriginal people, some settlers escalated low-level skirmishes to the atrocities we now know as Australia's massacres

of Aboriginal people. The essence of genocide is acting with the intention to destroy the group, not the extent to which that intention is achieved. A major intention of forcibly removing indigenous children was to 'absorb', 'merge' or 'assimilate' them so as a distinct group they would disappear. (Bringing Them Home Report, AIATSIS, Canberra, 1997, p.27)

## Knowledge about the Stolen Generation

The 1905 Aborigines Act (WA) placed all Aboriginal children, to age 16 under automatic care of the State. This Act was repealed by the *Native Welfare Act 1963*. Aboriginal children could be removed from their families for any reason. This practice continued into the 1970s. These children were raised in institutions or fostered out to non-Aboriginal families. These children are known as the Stolen Generation.

It is believed that the trauma, grief, pain and anger experienced by generations of Aboriginal people as a result of the assimilation, segregation and protection policies of the past are still present in the lives of Aboriginal people, contributing to *intergenerational trauma*.

*Aboriginal history is controversial as it has not always been fully or factually recorded.*



## Knowledge about the Acts of Parliament Related to Aboriginal People

A number of major historical Acts of Parliament have significantly contributed to the trauma, grief and loss of Aboriginal and Torres Strait Islander peoples.

Those with the greatest impact on the lives of indigenous people include:

1905 - The *Western Australia Aborigines Act* was passed making the Chief Protector the legal guardian of every Aboriginal and 'half-caste' child under 16 years old. Reserves were established, a local protector was appointed and rules governing Aboriginal employment were laid down.

1937 – *Assimilation Policy -Aboriginal Welfare - Conference of Commonwealth and State Authorities* called by the Federal Government, Aboriginal people were subject to an assimilation policy. Aboriginal people of mixed descent were to be assimilated into European society, those not living tribally were to be educated and all others were to stay on reserves.

In practice, assimilation policies lead to the destruction of Aboriginal identity and culture, justification of dispossession and the removal of Aboriginal children.

Segregationist practices continued until the 1960s with separate sections in theatres, separate wards in hospitals, hotels refusing drinks and schools were able to refuse enrolment to Aboriginal children.

1948 - The *Commonwealth Citizenship and Nationality Act* for the first time made all Australians, including all Aboriginal people, Australian citizens. But at state level Aboriginal people still suffered legal discrimination.

1967 - In the *Commonwealth 1967 Referendum* more than 90% voted to empower the Commonwealth to legislate for all Aboriginal people and open means for these people to be counted in the census. This change in the Act empowered the Federal Government to legislate for Aboriginal people regardless of which state they live in and share responsibility for Aboriginal affairs with state governments. The first census fully including Aboriginal people was in 1971.

*The first census fully including Aboriginal people was in 1971.*

1972 - Self-determination (self-management) policy *Aboriginal Heritage Protection Act* proclaimed in Western Australia. The Whitlam Government abolished the White Australia Policy and introduced a policy of self-determination. The change introduced the right to cultural and linguistic maintenance and management of natural resources on Aboriginal land.

1993 - The *Native Title Act 1993* provides a process for the negotiation of agreements, as it establishes a 'right to negotiate' for native title holders or registered native title claimants (traditional owners) in relation to certain proposed actions contemplated by government, such as the issue of mining leases to resource developers.

1995 - The *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* was established to examine the effects of separation, identify what should be done in response, find justification for any compensation and look at the laws of that time affecting child separation.

## Knowledge about Aboriginal Deaths in Custody

A Royal Commission into Aboriginal Deaths in Custody was established in 1987 to investigate the widespread perception that a disproportionate number of Indigenous Australians were dying in custody.

Further information may be found at [http://www.hreoc.gov.au/social\\_justice/publications/deaths\\_custody/index.html](http://www.hreoc.gov.au/social_justice/publications/deaths_custody/index.html)

## Knowledge about the Bringing Them Home Report

Publication of the *Report Into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* was published in 1997, more commonly known as the *Bringing Them Home Report*. An abbreviated version is called '*Bringing Them Home - Community Guide*'. The inquiry made 54 recommendations, e.g. reparations and an apology to Indigenous peoples.

Information can be found at [http://www.hreoc.gov.au/social\\_justice/bth\\_report/index.html](http://www.hreoc.gov.au/social_justice/bth_report/index.html)

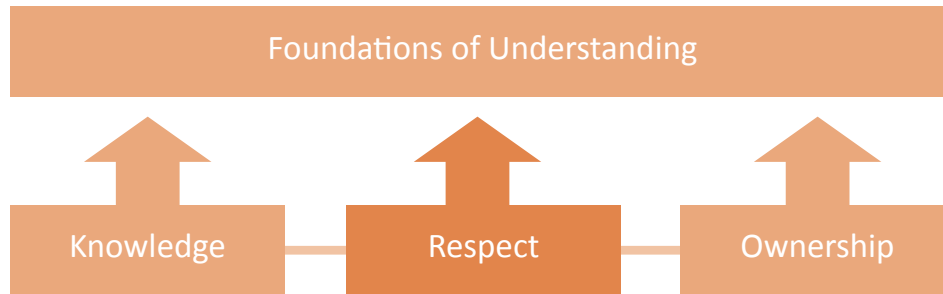
## Knowledge of the Apology

On 13 February 2008, The Australian Parliament apologised to the Stolen Generations. Both the government and the opposition supported the apology and said 'sorry' to Aboriginal people who were taken away from their families from 1900 to the 1970s. The apology has no legal effect on the ability of Aboriginal people claiming compensation.





## Foundation of Understanding: Respect



A shared respect for matters impacting on contemporary Aboriginal and Torres Strait Islander life is critical to a mutually respectful relationship between parties working towards the interpretation of Aboriginal heritage.

Mutual respect may be formalised in an agreement such as a memorandum of understanding or be of an informal nature relying on the goodwill and personal attributes of those involved.

### Informal Ways to Build Respectful Relationships

Some of the informal activities, which will assist in the development of a mutually respectful and trusting working relationship between groups, include:

- Openness and explicit sharing of information and outcomes to be achieved.
- Opportunity to regularly share knowledge.
- Opportunity to socialise.
- An understanding and appreciation of the continued impact of the colonisation of Australia on Aboriginal people.
- Adoption of a 'no-blame' approach to history.
- An appreciation of culturally driven timeframes.
- Ensuring all people involved are well informed and consulted regularly.
- Linking the interpretive work with Aboriginal organisations or other projects so that there is an understanding of the work being undertaken by the wider community.
- Opportunity to share achievements and rejoice in the baby steps.
- Plenty of opportunities for everyone involved to collaborate.
- Opportunities for everyone to be a leader at some point or in some way through the project.
- Opportunities to build on each individual's capacity.
- Meeting agendas reflect an Aboriginal meeting style.

## Formal Ways to Build Respectful Relationships

One method of formalising respectful relationships is through the development of an agreement or memorandum of understanding (MOU). See *Appendix 10 Example of a Memorandum of Understanding*.

An MOU is a formalised commitment for involved parties to work collaboratively on an agreed set of goals within a strategic framework. It lays out the explicit arrangements, obligations, responsibilities and ways the parties will work together. An example MOU can be found in the Appendix section of this document.

A charter, MOU or agreement can create a mutual sense of obligation and, if created through meaningful community consultation and debate, is likely to be adhered to and respected.

An MOU makes explicit the arrangements and expectations placed on each party.

In undertaking interpretation activities all parties need to be aware of charters and agreements regarding Aboriginal heritage as outlined in the *Aboriginal Heritage Act 1972* (AHA). The AHA was introduced in Western Australia to protect Aboriginal heritage. The AHA recognises Aboriginal peoples' strong relationships to the land. The AHA provides automatic protection for all places and objects in Western Australia that are important to Aboriginal people because of connections to culture. These places and objects are referred to as *Aboriginal sites*.

Other State and Commonwealth Acts may also impact on the interpretation work to be undertaken and should be consulted to ensure adherence. Find a list of these Acts in the appendix section of these guidelines.

Formal agreements *should* be developed when any of the following matters need to be taken into account.

### **Ethical rights**

Ethical rights are the rights of any individual or community, which conforms to, agreed professional standards of conduct. For example, interpretation activities should be designed to encourage all participants to contribute. The individual rights of all Indigenous people, as for all other people, should be respected. It is critical that a joint understanding of ethical rights underpins any interpretive work.

### **Moral rights**

Moral rights are personal rights belonging to the creators of copyright works and cannot be transferred, assigned or sold. Only individual creators have moral rights. Someone using copyright work may need to get consent from the creator as well as permission from the copyright owner. There are a number of defenses and exceptions to infringements of moral rights. Courts can award a range of damages for infringements of moral rights.

### **Intellectual Property and Traditional Knowledge Rights (IP and TK)**

Intellectual property is given to an individual's ideas. It has legal standing through Australian copyright laws. Traditional knowledge is the term given to traditional shared knowledge or information. Typically this is knowledge shared by a cultural, family or special interest group. Traditional knowledge does not have legal standing under Australia law but aspects of it are covered under a number of charters, the *Aboriginal Heritage Act* and the *Native Title Act*.



IP and TK do not encompass language or information that is widely known and recognised as being widely known.

### **Copyright**

Copyright is automatically bestowed on legally copyrightable material an individual creates regardless of whether it is registered or marked with the © symbol. There are no forms to complete to register something as copyrighted. Things that are not protected by copyright include ideas, concepts, styles, techniques, information, people and people's images. Some names, titles and slogans may also be too small to be copyrighted. In Australia, copyright law is set out in the *Copyright Act 1968 (Cth)*. This is federal legislation, and applies throughout Australia. Further information may be found at the Copyright Council's website on <http://copyright.org.au/> See Appendix 6 'Copyright and Intellectual Property'

### **Cultural Rights**

Under traditional Aboriginal customary Law, rights, responsibilities and obligations must be adhered to. These Laws are as binding on Aboriginal people as Commonwealth law is on all Australians.

*Under traditional Aboriginal customary Law, rights, responsibilities and obligations must be adhered to. These Laws are as binding on Aboriginal people as Commonwealth law is on all Australians.*

There may be need for discussion and a formal agreement developed determining cultural rights as part of the interpretation work. This is particularly pertinent when there is more than one Aboriginal cultural group involved. Discussing and detailing the agreed cultural rights in an agreement will assist Aboriginal people to clarify the matters for themselves and to formalise engagement for each cultural group involved. Assistance from an anthropologist, archaeologist or linguist skilled in this field may be required to determine cultural rights. Native title bodies and claimant groups may also assist in this area.

In 2008, Australia adopted the optional protocol to the International Covenant on Economic, Social and Cultural Rights as put forward by the General Assembly of the United Nations. This covenant will ensure the Australian Government will better protect cultural rights under UN agreement.

Another type of agreement that can be developed as a way of formalising the work between a number of bodies is a *Reconciliation Action Plan*. Further information on RAP may be found at the Reconciliation Australia website on <http://www.reconciliation.org.au/> This type of plan takes a reconciliation approach based on relationships, respect and opportunities.

### **Reconciliation Action Plan (RAP)**

A RAP is a business plan that uses a holistic approach to create meaningful relationships and sustainable opportunities for Aboriginal and Torres Strait Islander Australians. A RAP publicly formalises an organisation's contribution to reconciliation by identifying actions with realistic and measurable targets and is developed in consultation with Aboriginal and Torres Strait Islander communities, organisations and leaders. RAPs are also about embedding cultural change within a whole organisation through building good relationships, respecting the special contribution of Aboriginal and Torres Strait Islander peoples, and creating opportunities.



## *Burrup Stories Project*

*The National Trust of Australia (WA) Burrup Stories Project sponsored through Woodside's Conservation Agreement aimed to preserve and promote the heritage values of the Burrup nationally listed heritage area and surrounds. The Burrup Peninsula, part of the Dampier Archipelago in the Pilbara region of Western Australia, contains the largest and most diverse concentration of rock art in the world. The National Trust developed oral history programs to record precious stories connected to the Burrup as well as education programs and curriculum to foster understanding of this continuous cultural landscape.*

*There were challenges associated with running the project at a distance from the Pilbara with the need to have regular trips to maintain continuity and close contact with the community. Personal relationships needed to be built and organisational politics navigated. Focusing on common values achieved outcomes which strengthened trust. Collaborating with the community, listening and responding to community needs and respecting cultural values were important guiding principles.*



*Dorrie and Bevan Wally at Balmoral Station. (NTWA/Kate Gregory, 2010)*



*Dorrie and Bevan Wally with Kate Gregory at Balmoral Station to record an oral history. (Rodney Stratton, 2010)*

## A Matter of Respect

Some of the matters, which need to be considered when working towards respectful interpretation of Aboriginal heritage, include:

### Respect for Country

Respect for ownership of Country under Aboriginal Law is paramount. This ownership is recognised under Aboriginal cultural Law and may additionally be recognised under Commonwealth law through the Native Title process.

The *Native Title Act* provides a process for protection, recognition and future dealings with native title. It provides for negotiation of agreements, as it establishes a right to negotiate for native titleholders or registered native title claimants, referred to as *Traditional Owners*, in relation to certain proposed actions contemplated by government, such as the issue of mining leases to resource developers. The right to demonstrate dual ownership of land was established under this Act. More pertinent, it respects the right for traditional people to speak for their country.

*This ownership is recognised under Aboriginal cultural Law and may additionally be recognised under Commonwealth law through the Native Title process.*

## Respect for Terminology

In working on interpretation projects the use of terminology referring to race needs to be carefully considered as racially derived terminology litters historical reference material. Some terms are outdated while others need to be avoided.

In the 1900s, Aboriginal people were racially classified not in terms of their cultural or social ties but according to their degree of Aboriginal 'blood' with terms such as 'half-caste', 'quarter caste', 'full blood', 'buck', 'gin' etc. These terms are racist and offensive in a contemporary world.

*In working on interpretation projects the use of terminology referring to race needs to be carefully considered as racially derived terminology litters historical reference material.*

The regional terms Walmajarri, Yamaji, Wangkatja, blackfellas etc are used by Aboriginal people to describe each other according to their home country and as a way of expressing identity. The use of such terms recognises the changes to the original structure of language groups but acknowledges that cultural variations still exist within contemporary Aboriginal society. The term 'black' or 'white' should be avoided altogether. It is not a meaningful description and may be considered offensive by many indigenous peoples. Unless race reference is directly pertinent to discussion or material, it should never be used.

Torres Strait Islander people should not be confused with Aboriginal people. Although the two peoples often work together for political purposes, they do not have the same heritages and cultures. 'Indigenous peoples' is a term that covers both peoples, if needed. The abbreviation TI is never used to refer to Torres Strait Islander people, only the full title.

When using outmoded terms such as 'half-caste' in interpretation projects, an Indigenous person may be described as a man or woman of mixed heritage if it is necessary to refer to a person's heritage at all.

A good guide to appropriate Aboriginal terminology can be found at [http://www.health.nsw.gov.au/pubs/2004/aboriginal\\_terms.html](http://www.health.nsw.gov.au/pubs/2004/aboriginal_terms.html)

## Respect for Cultural Pain and Trauma

Respect for the trauma Aboriginal peoples and cultures experienced, and continue to experience, as a result of colonisation is essential when working on interpretation activities. For Aboriginal people, colonisation meant immense damage and loss of life, land, language, kin and culture. A great deal of cultural pain stems from these losses.

The forced removal of Aboriginal children through Government policy also involved a loss of identity, family and community. Unresolved or ongoing grief is commonplace in Aboriginal communities because of the continued effect of colonisation and the Stolen Generations. This ongoing trauma needs to be considered when consulting or negotiating with individuals who may require more time to resolve or reconcile their social pain.

*Respect for the trauma Aboriginal peoples and cultures experienced, and continue to experience, as a result of colonisation is essential when working on interpretation activities.*

A history of invasion, the ongoing impact of colonisation, loss of land and culture, racism within the wider Australian community, family separations and deaths in custody, are all examples of trauma and loss experienced by Aboriginal people that contribute to emotional distress.





Many Aboriginal people and communities are suffering ongoing trauma due to high mortality rates, the high degree of illness and mental health concerns and a wide variety of social issues. This ongoing trauma causes much stress and grief and at times can overwhelm individuals, families and the community. Respecting the need to put an interpretive project on hold when times of trauma are evident is critical for the emotional and social well being of the Aboriginal people involved.

### Respect for Deceased Person's Names

Respect for protocols when referring to a person who has passed away must be checked with local people and adhered to in research, interview, writing and publications. Some communities avoid referring to deceased people by name. Other people with the same name may change their name or be referred to in a different way. The family of the deceased will determine when the name may again be used.

### Respect for Deceased Person's Images

Many Aboriginal societies do not permit the image of a deceased person to be displayed. This is due to Law obligations and legal responsibilities under traditional Law. The family of the deceased will determine when photographs may again be used.

### Respect for Community Based Management Processes

Community based management and processes are an integral part of Aboriginal life today. Many Aboriginal peoples are involved in community based management bodies as a means of addressing issues affecting Aboriginal society at a local level.

Respect needs to be given to the time people need to participate in their ongoing community responsibilities.

### Respect for Communal Social Structures

Respect for the *communal nature* of Indigenous social structures is essential in the process of consultation, communication and consent. It is generally not sufficient to consult with one person. It is generally necessary to consult with a series of people, families or clan representatives to inform, consult and seek consent.

‘The complex relationships and obligations found in extended families of Indigenous Australians means that added responsibilities, not normally expected of non-Indigenous families are imposed on Indigenous group members. This can affect the ways deals or agreements might be achieved.’ (Lester Bostock, *The Greater Perspective: Protocol and Guidelines for the Production of Film and Television on Aboriginal and Torres Strait Islander Communities*, Special Broadcast Services, 2nd ed, 1997, page 12)

## Respect for Culturally Driven Timeframes

Respect for Aboriginal time frames and decision-making processes are essential during interpretation processes. Aboriginal people may take some time to consider an issue and may need to consult with others. Decision-making processes may require further consultation, further thought and discussion or further information. A group may have to wait until everyone can be present, meetings may need to be scheduled around cultural obligations or travel considerations in remote areas where weather determines travel.

*Respect for Aboriginal time frames and decision-making processes are essential during interpretation processes.*

Most often, decisions are not made by one single individual. A committee makes most decisions. It will take time. Do not leave permission for permits and interviews until the last minute. It can take months. Flexibility with timeframes is essential as well as being explicit with the essential timeframes such as those related to funding and events.

*Aboriginal cultures are living cultures.*

## Respect for Living Aboriginal Culture

People involved with interpretation of Aboriginal heritage need to understand the concept that Aboriginal cultures are living cultures. Aboriginal cultures are not an archaic relic of the past, rather, they are alive in many and varied forms throughout Australia. Many Aboriginal cultures have adapted to contemporary life however the beliefs, values and practices still underpin most Aboriginal people's lives.

## Respect for Cultural Renaissance

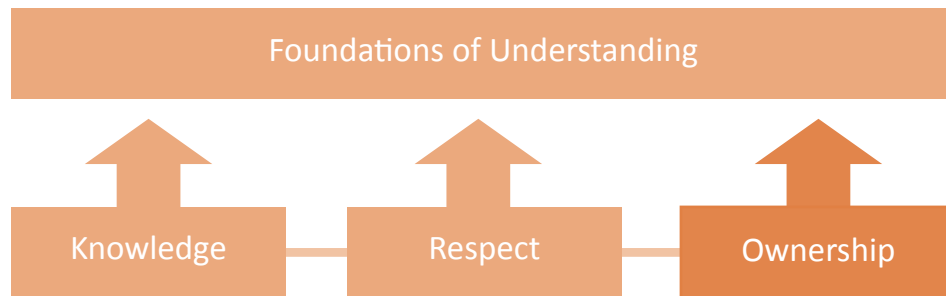
In recent decades Aboriginal and Torres Strait Islander people have been and are voicing an urgency to preserve, display and share their collective heritage for future generations in a range of public forums. This desire has led to many and varied forms of cultural renaissance. In many instances, a more contemporary form of Aboriginal culture is under development. From this vantage, the cultural renaissance includes all aspects of cultural heritage - history, sites, artefacts, language, art, music, stories, language, beliefs and values.



*Sue Hanson, Tootsie Daniels, Vince Adams and Kate Gregory in Roebourne. (Rodney Stratton, 2010)*



## Foundation of Understanding: Ownership



A shared ownership of events of the past and an understanding of their continued impact on the lives of present-day Aboriginal and Torres Strait Islander people enables interpretation to be reflective of the past. This sense of ownership directs interpretation work to head towards a more reconciled and respectful future.

Effective processes of interpretation of Aboriginal heritage embraces genuine partnership, ownership and management of the processes and can be achieved through an approach that is based on explicit, strong, sound principles.

Principles, which will lead to effective ownership of the interpretive process include:

- establishing relationships based on consideration, compassion, collaboration and participation, rather than power and control.
- care, respect, responsibility, understanding, inclusion and friendship.
- open and explicit outcomes and processes.
- actively promoting social and emotional competencies for individuals and groups.
- developing resilience as a group and as individuals.
- avoiding bias and working with all stakeholders regardless of political or personal biases existing in the community.
- putting positive and community psychology into practice.
- dealing respectfully with conflict, challenging situations and difficult behaviour, including using restorative approaches after conflict has occurred.
- personal and professional integrity and ethical behaviours.
- developing leadership capacities to maximise participation including the training of Aboriginal people in cultural heritage interpretation, heritage site protection and management skills.
- acknowledging the expertise and skills of culturally competent practitioners.
- acknowledging and respecting Aboriginal time frames.
- acknowledging and respecting past traumas that may arise during the interpretive process.



- understanding that the process of interpretation may lead to a cultural renaissance.
- understanding that Aboriginal people are part of living and dynamic cultures and as such, the cultures may grow as part of the interpretive process.
- recognising that Aboriginal people are part of mainstream society and their expertise and knowledge is part of the ‘norm’ in all consultative processes.

## Ownership of the Interpretive Process and Outcomes

Inclusive interpretation will ensure that all parties have a shared ownership of events, a sense of belonging and will draw everyone into the cultural and narrative history of the area. Through the development of genuine partnerships, interpretation supports the processes of reconciliation.

## Ownership of Past and Recognising Continued Pain

Interpretation may be recognised as *therapy* through sharing the facts and effects of past events and actions. It provides Aboriginal people with an opportunity to present history from their perspective, to expose the impact of that history and to identify the consequences resulting from historical events.

Conversely, the act of examining past events, places and documents may trigger traumas, negative feelings and experiences in those Aboriginal people participating in the interpretive process.

It is healthy to use the interpretive process as a therapy to enable those emotions to be expressed and old hurts to be reconciled.

Therapeutic interpretation activities may include:

- promoting strong self-esteem, confidence and well being.
- ensuring those involved in the interpretive work that they are in a safe environment where their feelings will be validated and respected.
- allowing people to feel free to have a voice and speak out.
- providing people with an opportunity to express hurt feelings about past events and places.
- building resilience and community capacity within the Aboriginal communities to address past hurts via the interpretive process.
- improve life skills and coping mechanisms.

Should trauma expressed through the interpretive process continue, it may be best to refer those involved to organisations that will assist in the management of those feelings. These include referring people to Link Up in WA <http://www.yorgum.com.au/home> as well as to counseling services through the local Aboriginal medical service or community health facility.



## Ownership and Community Control through Cultural Governance

Cultural governance refers to the processes, protocols and guidelines that are used by Aboriginal people to manage culture and cultural heritage. There are two types of cultural governance in operation; traditional Aboriginal cultural governance practises and contemporary cultural governance under State or Commonwealth law.

### a. Traditional Cultural Governance

Aboriginal people as traditional owners and custodians have existing processes, protocols and guidelines regarding cultural governance. These should be respected and every effort made to work with these existing processes.

### b. Contemporary Cultural Governance

The Department of Indigenous Affairs in WA manages contemporary cultural governance. Under the *Aboriginal Heritage Act 1972* DIA works with Aboriginal people to protect and manage places of significance. DIA provides advice to the public and private sectors and the community about Aboriginal heritage management and maintains a Register of Aboriginal sites.

As part of the State's project approval system, DIA works with developers to ensure that Aboriginal heritage and engagement with Aboriginal people is built into development planning process. It does this by assisting with the development of Aboriginal heritage management plans.

### *Abourna O'regenesis*

*Nyungar people approached the National Trust in 2008 to establish a partnership to contribute to the regeneration and enhancement of indigenous plants and animals through business initiatives and contributions.*

*Ultimately it is anticipated a sustainable Indigenous foundation will be established which will identify, foster and invest in cultural opportunities for Aboriginal people. The project will encourage and facilitate the employment of Aboriginal people to plant indigenous plants on their land for cultural and economic values.*

*Pilot projects have been initiated in the goldfields and the south west regions of Western Australia and plans are being put in place to expand throughout Western Australia.*





# Protocols and Guidelines







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Land Management  
Law Time  
Media  
Meeting and Greeting Country  
Meetings and Timeframes  
Memorandums of Understanding (MOU)  
Mixed Race Reference  
Multiple Aboriginal Cultures  
Native Title  
Negative Images and Stereotypes  
Nomads  
Orphaned Country  
Owning Our History  
Place Names  
Race Reference  
Sacred, Secret Material and Places  
Shared Management of Trust Properties  
Signage  
Significant Dates  
Skin system and Kinship system  
Smoking Ceremonies  
Spiritual Connection to Country  
Spokespersons  
Stories and Songs  
Terms of Reference and Aboriginal Terms of Reference  
Terra Nullius  
Totems  
Traditional Owners and Custodians  
Traditional Rights and Interests to Land  
Use of Personal Names  
Visiting Aboriginal Communities  
Water  
Welcome to Country  
Wilderness Country



## Protocols and Guidelines

Cultural protocols are the standards of behaviour that people of differing cultural heritage use to show respect to each other. They are the customs, lores and codes of behaviour of a particular cultural body. Each cultural group has their own ways of communicating and operating within their culture. Protocols tend to be invisible to people from another cultural background. This part of the guidelines lays bare some of those protocols for Aboriginal cultures.

In order to communicate and operate respectfully and effectively with Aboriginal peoples, there are a number of protocols that will assist working in ways that respect cultural history, traditions and the diversity that exists amongst the community. Working in this manner validates and respects one's own culture and ensures the establishment of an environment that equally respects and empowers people from other cultural backgrounds.

*Cultural protocols are the standards of behaviour that people of differing cultural heritage use to show respect to each other.*

As already noted elsewhere in this document, cultural protocols vary according to the location in which interaction takes place. No culture, Aboriginal or otherwise, is static but is subject to change over time. Cultures must be responsive to the changes taking place around them in order to adapt and survive. The protocols outlined in this document are generalisations only and should be used as a basis for groups to develop their own knowledge of local cultural protocols in order to promote positive interaction with and between Aboriginal people.

## Aboriginal Artwork and Commissioning Artwork

Aboriginal art includes a wide range of mediums including paintings on canvas, paintings on bark, rock carvings, leaf designs, sand paintings, and ceremonial clothes through to dance, song and theatre. There are traditional art forms that appeared to be mostly linked to cultural activities and contemporary art forms that encompass a wide range of mediums.

Using traditional artwork either in design elements in interpretation or on display must be at the discretion of the Aboriginal Reference Group.

*Some work is only intended for viewing by one gender or age group and still more may be secret or sacred.*

Much artwork was linked to ceremony and will still carry significance related to that. Some work is only intended for viewing by one gender or age group and still more may be secret or sacred.

Creating new artworks must also be directed by the Aboriginal Reference Group as the work will need to be assessed for not only its suitability but for any cultural meaning or reference.



## Guidelines

- a. When an artefact or artwork of any type appears through the project, the most senior male Elder of the Aboriginal Reference Group (ARG) should view it in private first. His direction is to be sought as to the suitability of the artwork or artefact.
- b. If the male Elder has approved the artwork for viewing by the ARG, the members should be consulted and care taken to ensure women also view and comment on the work.
- c. The direction of the ARG must be followed as to the suitability of the artwork or artefact for inclusion in the interpretive material.
- d. If the artwork or artefact is deemed secret, sacred or not for public viewing, expert opinion from an archaeologist or museum specialist should be sought on what to do with the work.
- e. Photos should only be taken of the artwork or artefact with ARG permission and documentation made of it for depositing to the State Library (WA) and AIATSIS.
- f. If the artwork or artefact can be used in the interpretive work, ensure the artist is fully acknowledged.



### *Flinders Bay to Augusta Rail Trail*

*A world class walk and cycle trail is under development on the old rail formation that runs from Flinders Bay, Augusta, to Busselton, Western Australia. The railway was originally established in the Augusta area to transport timber and was later extended for passenger and general goods movement. It was abandoned in the 1950s.*

*The trail has the potential to attract a large number of visitors to the area.*

*The planning for the trail has included environmental, trail construction and interpretation reports as well as a study on the Aboriginal heritage values of the corridor through the DOWARK Foundation.*

*The project has engaged with Traditional Owners and local Aboriginal people and will be an integral part of the planning and development of the rail trail project. This was done through an Indigenous cultural heritage assessment of the proposed trail route and associated region and a series of site visits and workshops with the local Aboriginal people, heritage professionals and National Trust staff. As well as pre-colonisation history of the area, the project will identify and highlight the role Aboriginal people had in the construction, operation and maintenance of the railway. The corridor also provided an informal transport and communication link for Aboriginal people.*

*Through this process, the Wadandi Traditional Owners have been engaged with the project from the outset. The findings of the report will guide the development of the project and Traditional Owners will remain engaged with the trail in a range of ways including initiating programs to give access to the Indigenous cultural values of the place.*

*A particular interest in the long been flagged by the group; another way the project is providing a platform for the ongoing engagement of local Aboriginal people.*

*The Aboriginal Cultural Heritage Values report has three key components:*

*A plan for the incorporation of Aboriginal heritage values into the broader planning for the trail*

*Details of the aspirations of Aboriginal people for current and future involvement in the trail and recommendations for how these aspirations might be achieved, and*

*A preliminary report on any potential impacts that the trail construction may have on Aboriginal heritage values under Wadandi custodianship and the Aboriginal Heritage Act.*



*Carbunup River crossing. (NTWA/Lloyd Margetts, 2012)*

## Aboriginal Employment

The opportunity for Aboriginal people to be employed or contracted as part of the interpretive project is desirable. The project should leave behind more skills and knowledge than previously existed, as part of good process.

*The project should leave behind more skills and knowledge than previously existed, as part of good process.*

## Aboriginal Flag

Harold Thomas, a Luritja man from Central Australia, designed the Aboriginal flag in 1971. The flag consists of three colours; black representing the Aboriginal people, red represents the land and the yellow represents the sun. The flag became nationally representative in 1972. It became an official flag of Australia in 1995. The Aboriginal flag is protected by copyright and may only be reproduced in accordance with the provisions of the *Copyright Act 1968* or with the permission of Mr Harold Thomas. Contact details are: Mr Harold Thomas PO Box 41807 CASUARINA NT 0810. The flag is increasingly being flown by both Aboriginal and non-Aboriginal companies and organisations in recognition of its significance and meaning.

### Guidelines

- a. The Australian flag should always be flown to the far left of the person facing the flags.
- b. The State flag is flown to the immediate right of the Australian flag.
- c. The Aboriginal and Torres Strait Islander flags is/are flown next.
- d. Finally any other flag such as a local shire council flag are flown to the right of the other flags.
- e. Make sure all flags are reproduced and hung correctly.
- f. The Aboriginal flag should be used for business related to Aboriginal people and the Torres Strait Islander flag used for business related to Torres Strait Islander people.



## Aboriginal Heritage Management Plans



The Department for Indigenous Affairs, Western Australia defines Aboriginal heritage management plans as:

‘Aboriginal heritage management plans provide for the protection and preservation of an area with known and important heritage values. Such a plan identifies all of the resources, responsibilities and procedures available to prevent inevitable deterioration to what makes an area significant.

Aboriginal heritage sites are often at risk from impact through natural processes, such as erosion or from human action, such as regular visitation from tourists or development. Protecting a site requires some form of management if the site is to retain its integrity and be preserved for the future. Establishing an Aboriginal heritage management plan is a positive contribution to site protection.’ DIA website May 2012

The aim of an Aboriginal heritage management plan is to

*‘...maintain each site, or site complex in a way that is appropriate to the nature of attachment that the heritage objects and places have for Aboriginal people. Historical, aesthetic and scientific values are also important attributes to retain for future generations.’* DIA website May 2012

*‘Aboriginal heritage management plans provide for the protection and preservation of an area with known and important heritage values.’*

Further information about these types of plans may be found at the DIA website at

<http://www.dia.wa.gov.au/en/Section-18-Applications/Heritage-management/Aboriginal-heritage-management-plans/>

Detailed and practical information may be obtained from the federal government website of the Department of the Environment, Water, Heritage and the Arts, Australian Heritage Council. A very informative resource to be found on this site is ‘Ask First: A guide to respecting Indigenous heritage places and values’. This free download book may be found at

<http://www.environment.gov.au/heritage/ahc/publications/commission/books/ask-first.html>



*Burrup Peninsula. (Sue Hanson, 2009)*

## Aboriginal Heritage Material Sources

Possible sources for Aboriginal heritage material may include:

- Literary, performing and artistic works (including music, dance, song, ceremonies, symbols and designs, narratives and poetry)
- Languages
- Scientific, agricultural, technical, and ecological knowledge (including cultigens, medicines and sustainable use of flora and fauna)
- Spiritual knowledge
- All items of moveable cultural property including burial artefacts
- Aboriginal ancestral remains
- Aboriginal human genetic material (including DNA and tissues)
- Cultural environment resources (including minerals and species)
- Immoveable cultural property, including Aboriginal sites of significance, sacred sites and burials
- Documentation of Aboriginal peoples heritage in all forms of media, including scientific, ethnographic research reports, papers and books, films and sound recordings. {Frankel & Janke, 1998: xvii-xviii}

*Wherever possible, inclusion of Aboriginal language in the interpretations works should be encouraged. Appropriate Standard Australian English interpretation of the language enables a wider audience to share in a greater depth of understanding.*

## Aboriginal Languages

Traditional languages are the language of the land and culture. They are the true interpretation of the land and the Aboriginal story. Language is the voice of the land.

Some sites may be affiliated with more than one language group and therefore two or more languages may be used in the interpretative work.

Wherever possible, inclusion of Aboriginal language in the interpretations works should be encouraged. Appropriate Standard Australian English interpretation of the language enables a wider audience to share in a greater depth of understanding.

### Guidelines

- a. Ensure all language is written using the correct spelling.
- b. Consult with Aboriginal people literate in the language about written work. Or if not available, consult with the local Aboriginal language centre and/or linguist specialised in the language.
- c. Commit to using language wherever possible in the interpretation works.
- d. Should significant amounts of text or material require translation, consult with the Kimberley Interpreting Service (Broome) to locate suitably qualified translators and interpreters.
- e. Ensure all interpreters and translators are paid industry award rates for their work. Consult with Kimberley Interpreting Service for these rates.
- f. Ensure all written work is checked and edited by several people literate in the language.



### *Breakfast Language Club, Roebourne*

*The National Trust was approached to fund a trial program in Roebourne for a breakfast language club for Aboriginal school students. The program was suggested and coordinated by a local woman and involved children visiting the local diner (cafe) for breakfast two mornings a week for one term. A local community group offered its bus with driver to pick up the children from their homes and take them to school after breakfast. They also offered their premises for after school activities. The National Trust funded the breakfasts, monies for equipment for activities and payment for the local coordinator.*

*The purpose of the club was to deliver a before and after school program that would engage local children with speaking in language and engaging with cultural activities. The coordinator wanted a program that also promoted a healthy diet and culturally appropriate behaviours. The children were expected to greet each other and others and to ask for their food in language. Sometimes parents attended and ate breakfast with the children.*

*The local school Principal was approached prior to the Breakfast Language Club beginning and gave her approval of the trial. Local resource company, Woodside, was approached to ensure the trial program was not in conflict with an existing breakfast program funded by them, run through the school.*

*The coordinator also wanted to engage children in after school activities that would extend language and cultural activities. Follow-up after school programs were planned - painting and drawing the food the children ate and writing captions in language to display in the diner. Due to time constraints it was not possible to run the program during the term and efforts to run it as a holiday program also struck constraints.*

*The trial program concluded in December 2009 at the end of the school term. The Trust had funded the trial so that the community would have the opportunity to apply for funding from other sources if they wanted it to continue.*



*Students from Roebourne District High School eat breakfast at Ieramugadu Diner in Roebourne. (NTWA, 2009)*



## Aboriginal Migration Patterns

Traditionally, Aboriginal people travelled their country dependent on the resources available at different times of the year: food and water resources dictated the length of time and the number of people. Patterns of movement were not random but followed food and water availability. In addition, social and cultural obligations such as Law time and funerals led to the movement of groups to certain locations. Some people travelled well beyond the broadly defined boundaries of their country and those regions they are connected to in undertaking social or economic activities. The tracks that Aboriginal people followed through the landscape have been followed for millennium, based not only on the ecological resources available but also on the Dreaming inherent in those tracks. See: *The Dreaming: Dream Time*

*The tracks that Aboriginal people followed through the landscape have been followed for millennium, based not only on the ecological resources available but also on the Dreaming inherent in those tracks.*

With the impact of colonisation, traditional migration patterns were increasingly curtailed as settlers exploited natural resources and land. In the early days of exploration, Aboriginal people were often forcibly made to show settlers routes through the land. Many main roads today follow the traditional tracks of Aboriginal people.

With the institutionalisation of Aboriginal affairs by government, bureaucracy dictated Aboriginal peoples' movements. Aboriginal people were often forced to

live on government reserves or religious missions thus effectively ending the ability to move around their land.

Limited economic and educational opportunities, health matters and contact with the justice system are factors that have influenced the movement of many Aboriginal people to urban centres. As a result, many Aboriginal people now live in places far from their traditional country. Depending on access to transport, Aboriginal people today are still relatively more mobile within defined local areas or country than other Australian people as there is a need to travel frequently to fulfill kinship obligations and cultural activities.

## Aboriginal Non-Government Organisations

Many Aboriginal people are affiliated with non-government organisations (NGOs) in their area. The NGOs fulfill many social functions from providing family support to medical services through to independent schools.

Aboriginal resource agencies, native title bodies, language centres and cultural bodies would be interested about and provide information and possibly liaison for interpretive projects, or may be interested in hosting an interpretive project.

*Aboriginal people today are still relatively more mobile within defined local areas or country than other Australian people as there is a need to travel frequently to fulfill kinship obligations and cultural activities.*

### Guidelines

- a. Research the Aboriginal NGOs in the area and make contact about the project.
- b. Keep the NGOs in touch with progress on the project so the Board is aware of progress and may assist and inform when required.
- c. Invite the Boards of the NGOs to events.
- d. Explore opportunities for the NGO's to host the project.

## Aboriginal Sites



Aboriginal sites are places that are important and significant to Aboriginal people. They link place, land and people to culture. The two types of sites are archaeological sites (the physical aspects of a place) and anthropological (the human interaction with a place) sites. Sites are often denser around water sources than other areas.

In Western Australia, a Register of Sites must be maintained under the *Aboriginal Heritage Act 1972*. This Register is held at the Department of Indigenous Affairs. Important information is contained about each site and DIA maintains responsibility for the care and protection of these sites. Many sites are not yet registered. Just because a site is not on the register it doesn't mean it's not significant. Further information can be found at the DIA website on <http://www.dia.wa.gov.au/en/Site-Search/>

*The two types of sites are archaeological sites (the physical aspects of a place) and anthropological (the human interaction with a place) sites.*

### Guidelines

- a. Prior to any work occurring at a heritage site, an Aboriginal heritage survey must be conducted in order to ascertain the status of Aboriginal sites within the area.
- b. Copies of all heritage survey reports must be lodged with DIA.
- c. Once sites are identified, an Aboriginal Heritage Management Plan must be developed to protect and care for the sites. See *Aboriginal Heritage Management Plan*
- d. An archaeologist and/or anthropologist should be engaged for this work to ensure it is done thoroughly and according to the Aboriginal Heritage Act.



Oyster Harbour, Albany. (NTWA / Shelley Withers, 2009)

## Acknowledgment of Contributors

All contributors to the interpretation process should be acknowledged for their effort and contribution.

### Guidelines

- a. When listing contributors, place the knowledge holder (whether traditional owner, custodian or other) first, then others.
- b. Recognise contributors as co-authors.

## Acknowledgement of Country

An Acknowledgement of Country is made at the commencement of an event in recognition of the Traditional Owners' connection to the land where the event is being held. This process pays respect to the local Aboriginal community and acknowledges past and continuing connection to the land. If Traditional Owners or Custodians are not present, it is appropriate for the person opening the meeting to make an acknowledgement of Country.

A sample statement for an acknowledgment of Country is included in the appendix section of this document.

### Guidelines

- a. Ensure the Acknowledgement is at the beginning of the presentation before addressing the audience specifically. If there are a series of presentations, then each speaker may wish to reiterate the acknowledgement in their own words.
- b. If Elders are present at the event, they should be acknowledged specifically.
- c. Ensure correct pronunciation of names; seek assistance from local Aboriginal people for this purpose.
- d. If conflict exists within the community about who the Traditional Owners are, the term 'Traditional Owner' can be used without reference to a specific Aboriginal group.
- e. Make an acknowledgement sincere and relevant to local circumstances rather than scripted.
- f. Acknowledge the loss of land, cultures and life due to colonial settlement.
- g. Finish with a positive statement such as 'We meet today to head into the future together'.

*An Acknowledgement of Country is made at the commencement of an event in recognition of the Traditional Owners' connection to the land where the event is being held.*





### *Burrup Stories Project Archives and Collections trip with Roebourne community*

*For Aboriginal elder Tim Douglas, finding a photograph of his father taken in Roebourne over 50 years ago, was an incredible discovery. This was the only photograph Mr Douglas had seen of his father, and it was the first of many surprises that emerged from a national tour of archives and collections undertaken by Roebourne Aboriginal people with the Trust.*

*The National Trust Burrup Stories Project Archives and Collections trip, funded by Woodside Energy, aimed to connect Ngarluma, Wong-Goo-Tt-Oo and Yaburara-Mardudhunera people with cultural materials held in archives and collections around the country. Ten community representatives came on the trip to research cultural material and learn about the preservation and management of archives and collections. Photographs, drawings, maps, audio recordings and family genealogies were located relating to the Roebourne area. Access to cultural materials was sometimes sensitive, with secret/sacred material and gender specific material found within collections. Elders guided the group's access to materials with viewing restrictions required according to gender and age. The group requested copies of material to share with the wider Roebourne community as appropriate.*

*The trip prompted elder, Violet Samson, to think about the importance of sharing stories with the younger generation. Violet mused on the last day of the trip:*

*It's been a good trip... these things we need to teach our children...we must keep the history alive...we need to go back home and start teaching our kids about it – life stories, about how we survived in the old reserve, teach them about culture, the family tree, the language...and I thank you for bringing us here...it was sometimes tiring but it opened our eyes.*

*The trip was an opportunity to form relationships and connections across the community. It required flexibility and needed to adapt to shifting circumstances which ultimately produced unanticipated outcomes. The trip succeeded in ensuring Aboriginal people knew where and how to research archived material for themselves.*



*Kerry Churnside and Violet Samson in the Tindale Collection, South Australian Museum. (NTWA/Joy Lefroy, 2010)*

## Archiving Material

The interpretive project will produce a wide range of material from recordings and written document through to artwork and photographs. This material is very precious and should be deposited in State and Commonwealth archives for future reference. The State Library of Western Australia collects and preserves material related to Aboriginal heritage. Information of the State Library's collections can be found at [http://slwa.wa.gov.au/for/indigenous\\_australians](http://slwa.wa.gov.au/for/indigenous_australians)

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) is the Commonwealth repository for all Aboriginal and Torres Strait Islander cultural and heritage material. Information on AIATSIS can be found at <http://www.aiatsis.gov.au/>

### Guidelines

- a. Discuss archiving of material from the project with the ARG. Develop a protocol about this.
- b. Determine how and when material will be deposited into the State Library (WA) and AIATSIS.
- c. Store material in a safe place to ensure its security.
- d. Create two extra copies of all material ready for deposit to the State Library (WA) and AIATSIS.
- e. Complete State Library and AIATSIS deposit forms with the contributors of the material to ensure their wishes are respected.
- f. Provide a copy of all material for contributors, for their personal records.

*The interpretive project will produce a wide range of material from recordings and written document through to artwork and photographs. This material is very precious and should be deposited in State and Commonwealth archives for future reference.*



*Burrup Stories Archives and Collections Tour visit to the Roundhouse in Fremantle. (NTWA / Gina Pickering, 2010)*

## Art and Artefacts (including photographs)

Aboriginal artefacts include a wide range of items from the pre-contact era, the historical colonial period through to current times. Traditional artefacts are typically those made of stone or wood, bone or fibres such as hair and grasses. Some artefacts have gendered meanings based on the mode of their production and use e.g. women's baskets, and other artefacts can be restricted and therefore secret e.g. men's stone initiation tools. Some artefacts are considered inherently dangerous due to the power inherent within them e.g. ceremonial boards, and must be kept hidden to prevent harm.

Many traditional-styled artefacts are still being made today, some using more contemporary means of production and materials.

Artefacts can be significant based on a range of criteria: historical, aesthetic, scientific and social/spiritual. Items such as camp beds, cooking tools such as bits of wire and milk tin billy cans, remains of camps, clothing, saddles and ropes etc can be significant from different peoples' perspectives.

These kinds of generic items do not tend to be restricted as they are representative of people, their circumstances and their experiences. Historically, photographs of Aboriginal people are difficult to obtain. Some Aboriginal people were and still may not be comfortable with being photographed. When the subject of a photograph or recording has died, restrictions often apply to the use of that artefact.

*Artefacts can be significant based on a range of criteria: historical, aesthetic, scientific and social/spiritual.*

Copyright and the protection of intellectual property are issues to be aware of and address when working on interpretative material. Aboriginal people are the custodians of their culture and have the right to own and control their cultural heritage. The report *Our Culture, Our Future: Report on Australian Indigenous Cultural and Intellectual Property Rights (1998)* provides an important overview of the current issues surrounding the protection of Indigenous culture and heritage.

See 'Deceased Persons Images and Recordings'



When working with Aboriginal and Torres Strait Islander people it is imperative that intellectual property rights and copyright are observed and safeguarded in relation to all of the following:

- Literary, performing and artistic works (including songs, music, dances, stories, ceremonies, symbols, languages and designs)
- Languages
- Scientific, agricultural, technical and ecological knowledge
- Spiritual knowledge
- All items of moveable cultural heritage
- Indigenous ancestral remains and Indigenous human genetic material
- Immovable cultural property (including sacred and historically significant sites and burial grounds)
- Documentation of Indigenous peoples' heritage in archives, film, photographs, videotape or audiotape and all forms of media.

See *Appendix 6: Copyright and Intellectual Property*

Aboriginal artefacts, as defined by the Aboriginal Heritage Act 1972, are protected by law.

For further information and advice on observing Indigenous cultural heritage rights, the Aboriginal and Torres Strait Islander Arts Board of the Australia Council has developed a series of five Indigenous protocol guides. These may be downloaded from their website:

- Writing Cultures
- Performing Cultures (Drama/Dance)
- Visual Cultures
- Song Cultures
- New Media Cultures

Aboriginal and Torres Strait Islander Arts Board, Australia Council

Ph: 9215 9065

Fax: 9215 9061

Email: [atsia@ozco.gov.au](mailto:atsia@ozco.gov.au)

Web: [www.ozco.gov.au](http://www.ozco.gov.au)

#### Guidelines

- a. Ask if any restrictions exist associated with the use or presentation of an artefact, in particular, photographs.
- b. When taking photographs of people or places, request permission first.
- c.. Acknowledge the ownership of the artefact, if known.
- d. Return artefacts to Aboriginal owners where relevant/possible.
- e. Develop joint management policies for Aboriginal artefacts.
- f. Familiarise yourself with the *Aboriginal Heritage Act 1972*

## Audience for Interpretation of Aboriginal Heritage



The audience for interpreted Aboriginal heritage material will be made up of a wide range of people including:

- Aboriginal people and organisations
- The general public
- Researchers
- Interpreters and translators
- Academics such as historians, archaeologists, anthropologists, linguists, heritage interpreters
- Historical groups
- Museums
- Organisations with collections
- State and Local Government bodies and individuals
- Funding and philanthropic bodies
- Educational institutions, schools, students and teachers
- Tourist bodies
- Cultural bodies
- Native Title bodies
- Legal and statutory bodies
- Corporate sector
- Individuals with a heritage interest
- Local, state, national and international visiting public

*When working with Aboriginal and Torres Strait Islander people it is imperative that intellectual property rights and copyright are observed and safeguarded.*

*At times interpretation may be directly undertaken for an Aboriginal audience. At other times, material may be produced which will not be available for the public and may be available only for a particular intended Aboriginal audience.*

It is important to note that the audience for Aboriginal heritage interpretation will include a number of different types of audiences who will view the material for different purposes, such as personal interest, research and fact finding. This includes an Aboriginal audience.

At times interpretation may be directly undertaken for an Aboriginal audience. At other times, material may be produced which will not be available for the public and may be available only for a particular intended Aboriginal audience, such as only for Aboriginal women, or men or only for Aboriginal adults of a particular group.

Consequently, interpretation material may have a defined audience. It is important to clarify the audience for material prior to any interpretive work being undertaken.

The audiences for Aboriginal interpretive material may include:

- Aboriginal people interpreting for other Australian peoples
- Aboriginal people interpreting for adult and child Aboriginal tourists/visitors
- Aboriginal people interpreting for local Aboriginal adults
- Aboriginal people interpreting for local Aboriginal children
- Aboriginal men interpreting for Aboriginal men only
- Aboriginal women interpreting for Aboriginal women only
- Aboriginal people interpreting for other Aboriginal groups

## Authenticating Materials and Oral Stories

Autobiographical memory is an essential source of data about Aboriginal heritage. Aboriginal cultural history was passed on through oral story, song, dance and ceremony. Aboriginal people tell stories of their own past, sites, activities and histories as well as provide information about cultural heritage. An individual's memory is critical when obtaining data from an oral culture.

However, in terms of accuracy, an individual's memory can be faulty as it describes events from a personal perspective and people tend to sift through recollections both consciously and unconsciously. Misremembering and forgetting may impact on the reliability of an individual's story.

More reliable is collective or *social memory*. That is, events and cultural material that is consistently described by several people. Social memory is an ideal way of verifying and authenticating oral heritage material.

*Social memory is an ideal way of verifying and authenticating oral heritage material.*

### Guidelines

- a. In the first instance, no matter what the oral story or information provided, accept it as genuine to the teller. That story is authentic to that individual.
- b. Wherever possible, record stories and information from at least three people to capitalise on collective or social memory of an event, site or cultural matter.
- c. Cross reference oral material against documented material, where possible. Use good research skills in dealing with any oral testimony.
- d. Gently promote discussion and debate on unauthenticated aspects of historical recollection between Aboriginal contributors.
- e. If material cannot be authenticated in any way, ensure it is marked as 'personal recollection.'
- f. Use processes of cultural mapping of Aboriginal landscape to build a picture of the site. The richer the amount of information gathered, the easier it is to see if an oral recollection is consistent with the big picture.
- g. Use common sense and good judgment to decide which components of an oral story to leave out and which to include. Consider the degree of authentication that backs-up the information, should it be challenged.





## Bereavement and Funerals, Reburials, Naming the Deceased

‘Sorry business’ is a generalised term used to describe Aboriginal cultural practices when a death occurs in the community. Aboriginal families are extensive due to complex kinship systems therefore obligations to attend to sorry business are generally greater than in other Australian peoples lives. The whole community and not just the immediate family share the loss and sorrow. Sorry

*‘Sorry business’ is a generalised term used to describe Aboriginal cultural practices when a death occurs in the community.*

business includes activities such as sharing the grief through crying, sharing meals, visiting, participating in the extensive logistical funeral and ceremonial arrangements.

The length of time that sorry business is observed varies from community to community but is usually a minimum of two weeks and no other business is attended during this time.’

### Guidelines

- a. When engaging with an Aboriginal community, inquire whether any sorry business is being observed.
- b. Respect Aboriginal peoples’ need to participate in sorry business by observing the period of time when Aboriginal community members are unavailable.
- c. Observe the prohibition of using a deceased person’s name, image or voice unless with express permission by the family and community.
- d. Understand that the number of funerals Aboriginal people are obliged to attend is considerable.

## Capitalisation

Proper nouns such as people’s names, place names and race all must be capitalised. These include Aboriginal or Torres Strait Islander names and place names. Skin category name is often capitalised because these are used in place of people’s names. Many organisations are choosing to capitalise the word ‘Elder’ as it is being used as an abbreviation of ‘Aboriginal or Torres Strait Islander Elder’ and as a sign of respect. Language group’s names are also capitalised such as Walmajarri, Martu Wangka and Banyjima. The terms ‘Dreaming’, ‘Country’ and ‘Ceremony’ are also often capitalised to show respect when being used to refer to a particular dreaming, piece of country or ceremony.

*The terms ‘Dreaming’, ‘Country’ and ‘Ceremony’ are also often capitalised to show respect when being used to refer to a particular dreaming, piece of country or ceremony.*

### Guidelines

- a. Consult with local Aboriginal Elders about the use of capitals for words such as Elder, Country and Dreaming in interpretative material.
- b. Consistently use capitals, as directed by the local Elders.

## Ceremonies and Ritual: Material related to Spiritual Life

Ceremonies play an integral part of Aboriginal cultural life and link Aboriginal people to the Dreaming, the Law, the land and everything in it. Ceremonies are vital to sustaining the connections inherent in the Dreaming. Ceremonies can be simple and everyday ritual actions as Aboriginal people engage with their environment in different ways. Ceremonies can also be elaborate and complex taking weeks, if not months to arrange and involve hundreds of people. Examples ceremonies includes: smoking ceremonies for cleansing and healing, Welcome to

*Ceremonies play an integral part of Aboriginal cultural life and link Aboriginal people to the Dreaming, the Law, the land and everything in it.*

Country, initiation, increase rituals ensuring the vitality of natural species and phenomenon, and marriage and death rituals and ceremonies. In performing ceremonies, Aboriginal people are connecting with their spirituality, reinforcing their identities and beliefs and conforming to Aboriginal Law.

The performance of ceremonies requires knowledge of the cultural information related to that ceremony. For this reason,

not all Aboriginal people can direct or participate in all ceremonies. Some ceremonies are public and can be performed before a general audience. Others are restricted from non-Australian people and those Aboriginal people for whom it's not appropriate for them to view or participate. Often ceremonies involve both men and women who fulfill important complementary roles. Common features that may or may not be included in ceremonies are: song, dance, music, artefacts, paint/ ochre, dress and decorations and structures.

### Guidelines

- a. Ensure the relevant Aboriginal people lead the activity and indicate when other business can occur.
- b. Allow plenty of time and space for ceremony to take place.
- c. Provide support for the ceremony (e.g. logistical, refreshments, recording: photographic, video or sound, only if requested).
- d. Respect requirements for privacy and confidentiality.

## Communication

A history of misunderstanding and marginalisation of Aboriginal peoples has led to much mistrust of other Australian peoples and the organisations they may represent. Many Aboriginal groups feel under consulted and at other times, over consulted, with very little feedback or result to show for it. At times therefore, attempts to engage with the Aboriginal community can be difficult and it requires time and effort to establish working relationships.

Respect and the degree of adherence to the kinship system dictate the nature of much communication within Aboriginal communities. There are some notable features of the way in which Aboriginal people communicate with each other. Verbal communication is only one means of expression while there is also often an emphasis on nonverbal signs of communication such as facial and hand movements, manner of eye contact and the use of silence. Silence must not be construed as a lack of knowledge or information but may instead signal another issue such as the inappropriateness of the particular individual to speak on the matter or the inappropriateness of the audience or location. The discrete observation of other nonverbal signs may assist in indicating whom, what or where.



Surveying Lake Jasper. (Toni Webb)

*Mainstream society makes much use of written material (both electronic and paper) whereas much Aboriginal communication relies on spoken language.*

Group scenarios highlight the role of turn taking and listening among Aboriginal people. The positioning of each person or subgroup in relation to others may also indicate something of kinship and hierarchies. For some communities, gender will affect who can speak on what topics, where and with whom.

Information flow through an Aboriginal community is usually via a combination of formal and informal networks, with an emphasis on the informal. Mainstream society makes much use of written material (both electronic and paper) whereas much Aboriginal communication relies on spoken language. Some Aboriginal people have limited literacy and numeracy skills which mean that communication and engagement is most effective personally or by telephone. Aboriginal people are frequently mobile undertaking cultural and family business, 'going bush' and visiting. As a result, availability of participants is variable and addresses, telephones and numbers can change hands depending on shifting circumstances or multiple people may use the same number/address; rarely are phone numbers and names listed in phone books.



## Guidelines

- a. Make 'respect' the basis of interaction with Aboriginal people. Be open and honest.
- b. Respect turn taking when speaking and allow time for each person to have his or her say.
- c. Listen actively and observe.
- d. Use clear, plain English and avoid technical jargon.
- e. Respect differences between Standard Australian English and Aboriginal English; do not copy accents or language.
- f. Ask questions to clarify meaning if it is not clear; arrange an interpreter if needed.
- g. Ascertain limitations of literacy and numeracy with sensitivity and offer assistance if welcomed.
- h. Determine the most effective manner to present or elicit information once literacy and numeracy skills have been sensitively ascertained. Offer assistance.
- i. Determine the most appropriate setting for effective communication based on the purpose e.g. one-on-one interview, group meetings, at home or on location. In addition, take into account any transport requirements and consider appropriate refreshments.
- j. Have a genuine interest in the process of communication with Aboriginal people and provide timely feedback from the process to the Aboriginal participants.
- k. Ascertain and maintain confidentiality of information.
- l. Have an understanding of family structures and relationships (kinship) in order to track people down when having difficulty contacting someone. Personal contact is more effective than sending letters which may not reach the intended individual.
- m. Seek guidance and assistance from organisations or departments experienced in engaging with the Aboriginal community.

## Confidentiality

Confidentiality preserves the integrity of material shared by Aboriginal people as part of the interpretation project. All material related to or produced as a result of the project may need to be kept in a confidential manner. This material must be kept secure at all times and should be archived at AIATSIS and the Batty Library at the State Library (WA) at the finalisation of the project, or destroyed, as directed in writing by the contributors.

All members involved in the project must agree not to share information about the confidential material or make any media contact or comment, unless directed in writing by the contributor of the material. Should a breach of confidentiality occur, the group should manage that breach with sensitivity.

*Confidentiality preserves the integrity of material shared by Aboriginal people as part of the interpretation project.*

Confidential material may be stories, images, Law business, women's business or any type of information that the contributor feels should be kept private.



#### Guidelines

- a. Ensure thorough discussion occurs between Aboriginal contributors of material for the interpretation project and project managers about which material is of a public nature and which should be kept private.
- b. Complete 'contributor' forms for all material collected as part of the project, recording how the material is to be used, stored and archived. Update the form if circumstances change during the life of the project.
- c. Ensure material is kept in a secure and safe location for the duration of the project.
- d. Consider archiving all material collected during the life of the project with AIATSIS and Battye Library at the State Library in Perth. Complete deposit forms with the contributor of the material.

## Conflict of Interest

A conflict of interest occurs when a person has a duty or obligation to a person or organisation that may impact on the affairs and business of a second person or organisation. This person's interests or concerns may be inconsistent or contrary to his/her loyalty to public business or impact on their ability to be impartial. It addresses the possibility of corruption of motivation and keeps things fair.

*A conflict of interest addresses the possibility of corruption of motivation and keeps things fair.*

This person must make full disclosure of their interests and business so that any conflict of interest may be known and documented.

#### Guidelines

1. Ensure all meetings have a written agenda circulated prior to the meeting so that attendees may consider whether they have any conflicts of interest.
2. Place conflict of interest as the first standing item on the agenda of any meeting. Ask for disclosure of conflicts of interest.
3. Record any conflicts of interest in the meeting minutes.
4. Decide, as a group, what level the conflicted person may participate in that agenda item. For example, if a person runs a catering business and tenders are being called for catering for an event, the person may choose to excuse himself or herself from the room while that item is discussed.



*Billie Webb, Vilma Webb and Mitchella Hutchins Webb speak with Anthony Coupe (interpretation consultant) at the Wardan Centre, Yallingup. (NTWA/Lloyd Margetts, 2012)*

## Consultants

Expert input into the interpretive project may be required at various stages. Consultants may be engaged for part or all of the work. Engaging the right consultant is critical for two reasons; to ensure the work is done in a professional, timely and ethical manner and to ensure the consultant works well with Aboriginal people to achieve the best outcome possible.

*Opportunities should be made to seek out Aboriginal consultants, if appropriate, with the local Aboriginal people.*

Opportunities should be made to seek out Aboriginal consultants, if appropriate, with the local Aboriginal people.

Some of the consultants who may be engaged include:

- Aboriginal knowledge holders
- Administrators
- Anthropologist
- Archaeologist
- Architects
- Archivist
- Auditor
- Bookkeeper
- Botanist
- Cartographer
- Cartographer
- Conservators
- Designers
- Historians
- Interpreters
- Linguist
- Musicologist
- Town planners
- Zoologist
- And other specialist experts

### Guidelines

- a. Look local- see which consultants are providing services locally.
- b. Consult with the Aboriginal Reference Group (ARG) when engaging consultants.
- c. Ask for examples of similar work to be tabled by the consultant and look through with the ARG.
- d. Be very clear about the role the consultant will undertake and work this through with the ARG.



## Consultation

Effective consultation should occur regularly and often through the life of the project. Good consultation empowers those consulted and creates strong mutually respectful and positive outcomes. Aboriginal people will often not make decisions at a meeting but will return to home and consult others before a decision is made.



*Good consultation empowers those consulted and creates strong mutually respectful and positive outcomes.*

### Guidelines

- a. Provide those consulted with an outline of the project, the consultation process, clear outcomes and expectations, ways to access the people involved and a timeframe.
- b. Provide this material in written plain English that enables people to take the material home and consult with others in their cultural group.
- c. Time must be made for two or more meetings when undergoing consultation to enable this Aboriginal consultation process to be undertaken.
- d. Literacy issues may exist amongst the group, ensure material distributed through the consultative process is in plain English and not too dense.



*Gabbie Kylie team uncover a cache of tools believed to be associated with early 19th century sealing and whaling activities on Middle Island, February 2010. Left to right Ross Anderson, Lyn Rudder, Jacinta Bauer, David Guilfoyle, Amy Dellasale. (Lincoln Baker, 2010)*

## Contested Knowledge and Contested Histories

See *Authenticating* for information on ways to address contested knowledge.

## Cultural Governance, Leadership, Decision Making Processes

Decision-making processes within Aboriginal communities are often different from other Australian peoples and communities. Traditional decision making and governance has had to contend with a landslide of changing conditions since colonisation and are continuing to develop and adapt based on the histories and circumstances of people and places. Decision-making and governance within Aboriginal communities today therefore are an amalgamation of traditional cultural practices with contemporary cultural and other practices.

Decision-making invariably involves a range of different people who hold different responsibilities related to multiple levels from the individual, to the family and extended kinship relationships and the community itself. Generally a hierarchy exists based on age, gender and status. In addition, the engagement of the Aboriginal community with the wider community has led to those that have the ability to negotiate both worlds skillfully.

It can be difficult to estimate how long decisions will take due to the number of people involved in decision-making and the potentially varied geographic locations of the participants. There may

*Decision-making and governance within Aboriginal communities today are an amalgamation of traditional cultural practices with contemporary cultural and other practices.*

be requests for additional information or clarification which may need to filter through the networks again. In areas without established Aboriginal organisations, there may be a need to determine the decision-making process and participants on a case-by-case basis. There is potential for conflict and division within a Community should it be felt that the 'right' people have not been involved in a project which will lead to invalid or incomplete outcomes. This area requires time and sensitivity to ensure positive outcomes for all parties.

### Guidelines

- a. Respect and support local leadership structures and different decision making processes allowing sufficient time for these to take place.
- b. Consult broadly and ask for references to others who may be able to contribute. Identify and involve Aboriginal community leadership whenever and wherever appropriate.
- c. Consult local Aboriginal organisations for guidance when engaging with the Aboriginal community.
- d. Involve community leaders early on in any project and provide feedback of progress.
- e. Be clear about the purpose of consulting.

## Cultural Heritage Mapping and Management



The idea of physically mapping a site is not a useful way to represent Aboriginal cultural heritage as it relates to a plot of land or building. A 'landscape as heritage' approach is required in order to sufficiently represent Aboriginal relationships to a site. Cultural heritage mapping records the intangible relationships between people, heritage and a site. The landscape itself and all that it contains: physically, spiritually and the relationship to it, ought to be considered heritage when it comes to Aboriginal sites.

This form of heritage appreciation leads to cultural mapping of an Aboriginal landscape in a way that provides deep richness and an interconnected understanding of the site from an Aboriginal perspective.

Cultural mapping of Aboriginal landscape is achieved by documenting the layers of connectedness to a site until an overall picture is obtained which will be thick with meaning and reflect the relationship Aboriginal people had and continue to have with the heritage landscape.

The process of cultural heritage mapping of a landscape truly provides opportunity for an Aboriginal voice to be heard.

*The landscape itself and all that it contains: physically, spiritually and the relationship to it, ought to be considered heritage when it comes to Aboriginal sites.*

Components of a cultural heritage map of a landscape would include:

- Place based oral histories
- Geo-biographical recordings (personal stories about the geographic location)
- Written records and archived materials
- Pre-contact activities in the landscape
- Contact activities in the landscape, sites of contact and contemporary activity
- Post-contact activities in the landscape, missions, reserves and dwellings
- Spiritual connections in the landscape
- Food and hunting in the landscape
- Water in the landscape
- Traditional Owners of the landscape
- Aboriginal migration patterns, custodians
- Contemporary cultural connection to the landscape
- Languages of the area
- Current native title status of the area
- Ceremony, ritual, dance, song of and related to the landscape
- Mythological sites
- Ceremony sites
- Traditional camp sites in the landscape
- Artefact production sites, quarries
- Rock art, galleries, built structures and stone sites, grinding patches/grooves
- Medicinal, disease and health related sites and activities in the landscape
- Increase or thalu sites in the landscape



- Funerals, burials, gravesites, skeletal material
- Trade routes
- Marine sites, fish traps
- Aboriginal farming practices and management of the ecosystem e.g. burning patterns, seed dispersal, leaving areas fallow
- Middens
- Repositories and caches
- Modified or scarred trees
- Caves, rock shelters
- Birthing sites

Aboriginal heritage management plans (see *Aboriginal Heritage Management Plans*) provide for the protection and preservation of an area with known and important heritage values. Such a plan identifies all of the resources, responsibilities and procedures available to prevent deterioration of a significant area.

Aboriginal heritage sites are often at risk from impact through natural processes, such as erosion or from human action, such as regular visitation from tourists or development. Protecting a site requires some form of management if the site is to retain its integrity and be preserved for the future.

The aim of Aboriginal site management is to maintain each site, or site complex in a way that is appropriate to the nature of attachment that the heritage objects and places have for Aboriginal people. Historical, aesthetic and scientific values are also important attributes to retain for future generations.

This list is not comprehensive and activities peculiar to an area may arise in the process of cultural mapping of the landscape.

#### Guidelines

- a. Commit to the cultural heritage mapping of a landscape.
- b. Engage an archaeologist or anthropologist to help with the techniques for cultural mapping, wherever possible.
- c. Obtain copies of cultural maps done elsewhere and share with everyone involved to develop a group understanding of the process.
- d. Start with a large aerial map of the site.
- e. Place clear layers of writeable plastic over the map on which to record information as it arises.
- f. Use a spreadsheet to collate data on each of the layers of interaction with the landscape.
- g. Aim for three references to a matter as a means of authenticating it, but do not discount a single reference.
- h. Record all interviews.
- i. Record as much as possible on-site
- j. Conduct follow-up interviews as people will have thought about the site and recalled further information.
- k. Integrate the cultural heritage mapping into the overall management plan for the site.
- l. Deposit all recordings and material to AIATSIS and State Library (WA).



*Traditional Owners and archaeologists explore a cave on Middle Island, off Esperance, as part of the Gabbie Kylie Foundation project. (Lincoln Baker, 2012)*



*Cultural Mapping Rails Trails project. (David Guilfoyle, 2011)*

## Culturally Inclusive Interpretation

Culturally inclusive interpretation includes the intangible elements of people's relationship to a site. It is inclusive of all cultural groups. This type of interpretation is infused with cultural nuances and identity as well as identifying the cross-cultural interactions.

## Cultural Storehouses

Cultural storehouses may be defined as an archive of information of Aboriginal life in the form of artefacts, photographs, films, audio tapes, diaries and other records. It is through these storehouses that information may be gathered and disseminated effectively for future generations. Museum and archiving skills are required for storage and archiving.

Further information and a downloadable document 'For Now and Forever: Cultural objects stores project' can be found at [http://www.collectionsaustralia.net/sector\\_info\\_item/101](http://www.collectionsaustralia.net/sector_info_item/101)

## Culture and Place Connection

The process of conducting interpretation of Aboriginal heritage may assist Aboriginal groups and individuals to reconnect with sites and Country. People may have become dislocated from a place or site due to past events. The interpretive process may prove to be an ideal conduit to rejuvenate, enhance and revitalise Aboriginal relationships with a place or piece of Country.

*The process of cultural heritage mapping of a landscape truly provides opportunity for an Aboriginal voice to be heard.*

### Guidelines

Ensure the Aboriginal Reference Group (ARG) has time to visit and reconnect, if necessary, with the site and Country, as part of the early stages of the process of interpretation.

Opportunity may be needed for the wider Aboriginal population to also reconnect with the site prior to interpretation work being undertaken. Take a lead from the ARG as to whether this is necessary and provide opportunity for local Aboriginal people to visit the site.





## Deceased Persons Images and Recordings

Photographs, recordings and references to deceased people of Aboriginal or Torres Strait Islander heritage may cause discomfort or distress when viewed or heard by people of Aboriginal or Torres Strait Islander heritage. All material to be used should be checked with an Aboriginal Reference Group (ARG) or Aboriginal community member before use, to check if it may be used.

Increasingly, Elders and/or family members are approving use of material containing deceased person's images. Should this be granted, this approval should be marked on the item or exhibit. A warning statement should be used at the entrance to an exhibit or at the start of a book, pamphlet or whatever material contains the deceased person's image, to alert people of an Aboriginal or Torres Strait Islander heritage of the fact. Attention should be made to collecting as much information as possible about the image from Elders and/or family at the time approval is given as, historically, little data is available on images for future reference. See also *'Bereavement and Funerals, Reburials, Naming the Deceased'* and *'Aboriginal Artwork and Commissioning Artwork.'*

### Guidelines

- a. Check with local Aboriginal people about their opinion of the photo, image or recording and whether it's for public use or should stay private.
- b. Ensure artwork or photographs are copyrighted correctly.
- c. Create a notice or sign to alert viewers to the fact the material has been deemed public by local Aboriginal people but contains images or voices of deceased Aboriginal people. This way other Aboriginal people can choose whether to view or not view the image or hear the recording.
- d. When referring to the deceased, it is advisable to call the person Mr., Mrs. or Miss So-and-so rather than use their first name. This way of using deceased people's names is generally less offensive.



*'Kate Gregory and Kerry Churnside at AIATSIS, Canberra (NTWA/Kate Gregory, 2010)*

*Reflections from Kerry Churnside on the Burrup Stories Archives and Collections Trip*

*Wayiba / Wanthiwa / Hello;*

*My name is Kerry Churnside and I am employed at The Ngarluma and Yindjibarndi Foundation Ltd in Roebourne. I am a Director of the Ngarluma Aboriginal Corporation in Roebourne.*

*Before I went on this trip I heard that there were Ngarluma and Yindjibarndi stories, artefacts and other cultural material that were taken away from this area by linguists, school teachers and other people that have worked in Roebourne and that they have housed many of these items in museums in these places. I wanted to go over to these places to have a look at the items belonging to the Ngarluma and Yindjibarndi people for a long time. This trip has opened the door for me to go and explore what is held in these places. During the trip the many places that I have visited have been very exciting for me when I looked and found many items of my old people. As I woke up each morning knowing that I was going to discover another part of my history of my old people as many of them who passed on now always spoke of the past and who took what items from our place.*

*We had a very busy schedule and again time was well spent by me at most of these places that I have been in and while in Canberra in the AIATSIS building I listened to audio recording of my grandfather Robert Churnside and other old people that were recorded by Dr Carl Von Brandenstein in the early 1960s. I put pen to paper and started translating some of the recordings from Ngarluma Language to English which I love doing as part of my history and as a Aboriginal Language Specialist. Every museum that I have been visited I have asked for digitised copies for most of the materials and will be sent to me in the next few weeks.*

*For the future I would like to apply for funding to do ongoing preservation work for the Ngarluma Language, Lore, Land and Culture for the future generations.*



*Kerry Churnside in Roebourne. (NTWA / Kate Gregory, 2010)*



## Dreaming: The Dream Time

The terms the dreamtime and the dreaming are often used interchangeably and generally only rarely by Aboriginal people themselves, who have their own language to describe this concept. The dreaming, and the body of knowledge surrounding it, are sometimes referred to as mythology, however the dreaming underlies Aboriginal spirituality and belief and consists of a holistic and meaningful belief system.

*Everything in the natural world is imbued with and represents the spirituality of the ancestral beings, which continues to exist today, and will continue to exist into the future.*

The dreaming describes the period of creation in which all things came into existence through the actions of ancestral beings or spirits; this includes the land, the sky and waters, the Aboriginal people and animals and all human activities both good and bad. As the beings travelled through the land, the landscape was formed and places were named. The routes taken by the beings across the land are called dreaming tracks. As a result, everything in the natural world is imbued with and represents the spirituality of the ancestral beings, which continues to exist today, and will continue to exist into the future.

Aboriginal Law is understood as handed down from the ancestral beings whose activities defined social rules, behaviour and skills. The exploits of the ancestral beings are recounted and relived through dreaming stories, songs, dances, ceremonies and art. This cultural life reconnects Aboriginal people with their ancestors and spirituality.

The spiritual beliefs and values of Aboriginal people must be accorded the same respect as all other religions and belief systems.

*The spiritual beliefs and values of Aboriginal people must be accorded the same respect as all other religions and belief systems.*

## Elders

Elders are those individuals, both male and female, recognised within the Aboriginal community as holding cultural knowledge and authority. Elders provide the community with guidance and leadership. Elders may be Traditional Owners, or also those who are long time residents and participants in the community. In contemporary times these individuals are not necessarily determined by age given the substantially lower life expectancy of Aboriginal people. Elders may nominate a spokesperson.

### Guidelines

- a. The status of Elders must be treated with respect. Different communities have different titles for Elders. It is best to ask locally for the most appropriate reference to use.
- b. When meeting a group of Aboriginal people it is important to acknowledge each Elder present, taking into account any gender or age restrictions. Again, asking local people for local protocols to follow.
- c. A younger person may be nominated by an Elder to speak on their behalf and attend as their representative.



## Engaging Aboriginal People in Interpretation

When undertaking interpretative projects with Aboriginal people and communities, it is important to select consultative methods that promote ownership of the processes and outcomes between everyone involved. The following principles should underpin cross-cultural consultation processes:

1. Recognise Traditional Owners and Custodians as possessing the right to speak for their Country and culture.
2. Recognise and respect Elders.
3. Recognise and respect community consultation processes.
4. Allow time for in-community consultation and decision-making to occur.
5. Provide clearly defined outcomes for the project.
6. Provide opportunity for significant input and change to the outcomes of the project, if necessary.
7. Provide material in plain English so that it is accessible by everyone.
8. Allow time for trust to develop and honour commitments.
9. Set clearly defined meeting dates and times and adhere to them.
10. Be respectful of all stories.

*The Aboriginal story is not a side story.*

## Equal Stories

Aboriginal story and other Australian people's stories should be developed and displayed in interpretation as equally important. The Aboriginal story is not a side story.

### Guidelines

- a. Ask local Aboriginal groups whether the stories should be integrated or told separately.
- b. Provide examples of both integrated and entwined stories for consideration.

## Exploration and Settlement

References to explorers and settlers need to be made with sensitivity as they imply Australia was not explored or settled by humans. This is not the case as Aboriginal or Torres Strait Islander people had been settled across all parts of Australia for thousands of years. Prefacing the 'settlers' statement with 'colonial' as in 'colonial settlement' or 'colonial explorers' clarifies this historical inaccuracy and reduces distress to people of Aboriginal or Torres Strait Islander heritage. The same sensitivity exists with terms found in historical material such as 'first woman in XXXX district/town', 'first human to step foot', and 'first baby born in XXX town.' The role Aboriginal or Torres Strait Islander played as guides to the colonial explorers and settlers should also be made whenever possible. See also 'Terra Nullius' and 'Wilderness Country'.

### Guidelines

- a. Check with local Aboriginal people about their opinion of the material.
- b. Create a notice or sign to alert viewers to the fact terms used are from historic material and do not reflect contemporary belief and thought.



*Aboriginal prospector on the Eastern Goldfields, no date. (EGHS 268/29)*



*Aboriginal people worked along the pipeline including in maintenance gangs for the water supply scheme. This photo was taken in the 1930s near No 7 Pump Station (Gilgai). (R Birss nee Wall, c. 1930)*

## Fee for Service

When deciding whether a fee for service is required, the rule of thumb is that if a person is required to use or share their intellectual property then a fee is appropriate. This fee should take into account costs such as travel, the length of time involved in preparation and the complexity of the material or service provided and the level of the event or material produced i.e. if it is for local, state, national or international use. The profile and size of the event or activity people are involved in should also be taken into account, whether it is a major event or a small gathering.

*When deciding whether a fee for service is required, the rule of thumb is that if a person is required to use or share their intellectual property then a fee is appropriate.*

When determining who should be engaged, it should be knowledge holders. That is, those people who have a background proving their knowledge. If unsure, check this by referring to an anthropologist, archaeologist or other consultant who has worked in the area. Consult with local Elders as to the appropriateness of the person to be engaged as a knowledge holder.

The type of roles Aboriginal people would be engaged for include identification of sites, monitoring of sites and/or activities, development of interpretative materials which is the process of knowledge transmission and interpretation.

Most of the Aboriginal land and sea councils maintain a fee schedule appropriate for their region for Welcome to Country ceremonies and events.

A general guide to the base fee for services as of 2012 is provided here. It is best to consult the local Department of Indigenous Affairs office, land and sea council or other local Aboriginal bodies with regards to local fee scales.

The fee may be shared by two or more people and is not intended as a per-person rate.

\*Fees developed with reference to the Performers' Certified Agreement 2002-2005, Entertainment and Broadcasting Industry - Actors - (Theatrical) Award, 1998

### Guidelines

- a. Clearly articulate in the project's budget when fees will be paid and the reason they will be paid.
- b. Be up-front in discussions with Aboriginal people about when fees will and won't be paid and the reasons.
- c. Be very clear about the use of and ownership of material produced when fees are paid.
- d. Ensure that budgeting for proper payment for Welcome to Country speeches is included at all necessary stages in the project.





### Not for Profit Organisations Rates

These tables are provided only as a general guide to base fee as of 2012. Expect to pay somewhere between the figures provided.

Activity	Event of local standing	Event of state standing	Event of national standing
Acknowledgment of Country	\$250-\$400	\$350-\$650	\$450-\$800
Welcome to Country	\$250-\$400	\$300-\$500	\$600-\$1000
Didgeridoo performance	\$250-\$400	\$300-\$500	\$750-\$1000
Smoking ceremony	\$250-\$400	\$300-\$500	\$750-\$1000
Song, dance performance	\$500-\$800	\$850-\$1000	\$3000-\$5000
Guest speaker	\$500-\$800	\$1000-\$1500	\$3000-\$5000
Attendance fee, sitting fee, oral history etc	\$30-\$50 per hour	\$80-\$100 per hour	\$250-\$300 per hour

### Industry Rates

Activity	Performer of local standing	Performer of state standing	Performer of national standing
Acknowledgment of Country	\$350-\$500	\$500-\$700	\$1200- \$1500
Welcome to Country	\$450-\$750	\$800-\$1000	\$1500-\$1800
Didgeridoo performance	\$450-\$750	\$800-\$1000	\$1500-\$1800
Smoking ceremony	\$500-\$700	\$800-\$1000	\$1500-\$1800
Song, dance performance	\$1000-\$1500	\$2000-\$3000	\$5000-\$8000
Guest speaker	\$2500-\$3500	\$4500-\$5500	\$7500-\$10000
Attendance fee, sitting fee, oral history etc	\$50-\$100 per hour	\$120-\$150 per hour	\$300-\$400 per hour

## Gender Protocols

Gender protocols are dictated by what is known as ‘men’s and ‘women’s business’ within the Aboriginal community. Traditionally certain cultural practices and customs were conducted separately just as particular knowledge and topics were held and discussed separately with taboos and sanctions imposed. Certain places in the landscape are also identified as men’s or women’s places with the opposite gender being prohibited there. This is still the case to differing degrees in many communities today. Certain objects also are regarded as ‘Men’s and ‘Women’s Business.’

*Gender protocols are dictated by what is known as ‘men’s and ‘women’s business’ within the Aboriginal community.*

### Guidelines

- a. Include both male and female Aboriginal participants in consultation.
- b. Have both male and female ‘facilitators’ available whenever possible to conduct consultation.
- c. Seek guidance from Aboriginal people to ascertain in advance whether any topics, places or objects are restricted to men or women and make arrangements accordingly, for example, separate rooms for discussion, select appropriate participants.
- d. Be aware that meetings for one gender may be appropriate at times.

## Human Remains and Restitution

In past centuries, it was common practice for Aboriginal skeletal material to be obtained for scientific use. As a result, significant amounts of skeletal material and other body products, such as hair, are held in museums and collections around the world.

Programs to repatriate and rebury Aboriginal skeletal remains and body products from around the world are underway.

It is possible that sites for interpretation contain human remains or that remains are uncovered as part of building works. Addressing the repatriation of remains or the processes involved in uncovered remains is specialist work that needs to be carried out by an anthropologist and archaeologist specializing in this work.

At times, Aboriginal people wish for remains to be reburied on the site they were found. This, again, is specialist work that needs experts to assist with.

## Identification as Aboriginal or Torres Strait Islander

An Aboriginal or Torres Strait Islander person is a person who is :

- a) of Aboriginal or Torres Strait Islander heritage,
- b) identifies as Aboriginal or Torres Strait Islander,
- c) is accepted by the Aboriginal or Torres Strait Islander community as an Aboriginal or Torres Strait Islander person.

*Reference to any person's racial background should only ever be made if it is directly pertinent to the discussion at hand.*

It is offensive to question the 'amount' of Aboriginal or Torres Strait Islander blood an Indigenous person may possess. The labels half-caste, quarter-caste and full-blood are considered inappropriate terms and should not be used. It is advisable to ask people how they would like to be described. Reference to any person's racial background should only ever be made if it is directly pertinent to the discussion at hand.



See also 'Race Reference', 'Mixed Race Reference' and 'Aboriginality'.

#### Guidelines

When assembling a local Aboriginal reference group for the purposes of interpretation work, follow the local Aboriginal people's directions on how this group should be assembled and who should make it up.

If there is any doubt as to a person's Aboriginality:

#### Guidelines

- a. Take direction from a respected Aboriginal Elder from the area.
- b. Accept that some people of other Australian peoples heritage may be referred to as Aboriginal through family lines, marriage or community consensus.
- c. Understand that not all people of Aboriginal heritage may refer to themselves as Aboriginal.
- d. Understand that the local community may identify people, who have a non-Aboriginal heritage, as Aboriginal.



*Cultural mapping Nornalup Inlet. (David Guilfoyle)*



## Indigenous and Aboriginal

There are many aboriginal cultures across Australia. An historical perspective has been to see all Aboriginal and Torres Strait Islander people as belonging to one cultural group called 'Aboriginal'. However this point is incorrect as there are hundreds of Aboriginal and Torres Strait Islander cultures across Australia. References should be made to the Aboriginal or Torres Strait Islander cultures (plural) which acknowledges this fact. See also 'Race Reference', 'Identification as Aboriginal or Torres Strait Islander' and 'Mixed Race Reference'.

### Guidelines

- a. Check with local Aboriginal people about whether they prefer to be referred to as 'Aboriginal' or 'Indigenous'.
- b. Use the plural form of 'peoples' when referring to multiple groups of Aboriginal or Torres Strait Islander peoples.

## Informed Consent

Individuals and organisations involved in interpretive work, or whose story the interpretive material represents, must give free, prior and informed consent. In order to do this, the relevant facts and information about the project must be given and people provided the opportunity to discuss and seek answers to questions.

*Individuals and organisations involved in interpretive work, or whose story the interpretive material represents, must give free, prior and informed consent.*

*Allow time for the information to be taken home, discussed and shared.*

Obtaining informed consent is part of good practice for consultation.

Ethical practice dictates that informed consent must be in writing with a copy of the agreement provided for the consentor.

### Guidelines

- a. Provide all Aboriginal people with a brief of the project, timelines, outcomes to be achieved and contact details for those involved.
- b. Allow time for the information to be taken home, discussed and shared.
- c. Conduct a second meeting to answer queries and sign the consent form.
- d. Should changes occur during the life of the project, again consult with those necessary and obtain explicit consent.
- e. Provide all consent forms in plain English.

## Interpretation as Reinforcement of Culture

The process of conducting interpretation of Aboriginal heritage may be used as a means to stimulate interest in Aboriginal culture, place, language and heritage. This may be done consciously by the local Aboriginal people themselves or occur as a result of the interpretive work and processes. Either way, the interpretive process should add local value through stimulating interest in Aboriginal culture and heritage.

Interpretation is a communication strategy along with community education and community involvement.



## Land

Land and its significance to Aboriginal people is key to understanding Aboriginal culture. Colonisation and the historical events since have both intentionally and inadvertently disconnected some Aboriginal people from their country. Dispossession of land for colonial economic and political purposes led to inevitable conflict as Aboriginal people fought to retain not only livelihoods but also cultural and spiritual connections and responsibilities to country. In contemporary times, country continues to be central to all Aboriginal cultures, including those who have long been dispossessed in heavily settled urban areas or those who live in different parts of the country. The legal process of Native Title can be seen as the ongoing struggle to achieve recognition and rights to country.

*Aboriginal people have rights in relation to country and conversely obligations to protect and look after the land, caring for country.*

Importantly, country provides the basis of the spiritual belief system of Aboriginal culture. For Aboriginal people the land is believed to be sentient, that is, imbued with the spirits of ancestors and dreaming beings. The land and its people came into being during the dreamtime which also established the way in which Aboriginal people must relate to the land and everything in it, each other and the ancestors: this is Aboriginal Law. Importantly, for Aboriginal people the dreaming is not a historical point in the past as understood by Western culture, it is a never ending omnipotent force with influence over peoples' lives.

Aboriginal people have rights in relation to country and conversely obligations to protect and look after the land, caring for country. These rights and obligations are passed from generation to generation and provide different people with different roles. The way in which Aboriginal people look after country is a complex of traditional land management practices involving both physical and spiritual aspects. Some examples of physical practices include maintaining water sources and fire management. Cultural practices include rituals and ceremonies, song and dance. Together, these practices demonstrate Aboriginal peoples' connections to land and in so doing reinforces the connection as well.

### Guidelines

- a. Look into and learn local and regional Aboriginal group names in order to understand references to people and places. Spellings may differ according to the source; it is best to ask local representatives for their preferred spelling of names.
- b. Incorporate Aboriginal names where possible and appropriate.
- c. Involve local Aboriginal people in this process.  
Include Welcome to Country and/or Acknowledgement of Country activities wherever possible and relevant.
- d. When consulting with Aboriginal people about the land, ensure that the 'right people speak for that country.'



*Yaburara Trail, Karratha. (NTWA / Gina Pickering, 2010)*

### *Yaburara Heritage Trail*

*The Yaburara Heritage Trail in the Karratha Hills is being redeveloped with the Shire of Roebourne, Karratha community and Ngarluma Aboriginal Corporation, the Traditional Owners of the land. The walking trail passes through country rich in stories with sweeping views of Karratha, the Burrup Peninsula and across Ngarluma country. This evocative landscape is an important place for the community – a place to reflect, walk, socialize and exercise. For visitors to the region of Karratha it provides wonderful vistas and an introduction to the unique history, geology, geography, archaeology and ecology of the region.*

*The trail was established in 1988, but it requires upgrading so that the heritage values of the hills will be protected and promoted and to meet the recreational needs of the growing Karratha community as it transforms with the Pilbara mining boom. The partnership between Ngarluma Aboriginal Corporation and the National Trust is ensuring that Ngarluma perspectives guide the interpretation of the hills, and the trail becomes a platform for sharing Ngarluma stories and language with the wider community.*



## Land Management

A form of Aboriginal farming referred to as ‘fire stick’ farming or ‘arid land farming’ was used by Aboriginal people to cultivate the land in a sustainable way. These farming methods formed part of the cultural landscape. See ‘Nomads’

## Law Time

Law time is a very important time for the Aboriginal community to reconnect with each other, their Law, and culture and customs. It takes place on an annual basis and can extend from November to February through the summer months however actual timing will vary from place to place and year to year. Usually, several Traditional Owner groups will come together based on connections through kinship and culture to undertake ceremonies and rituals associated with initiation. It is a time dedicated to Aboriginal culture, its survival and rejuvenation and the familial obligations it entails.

*Law time is a time dedicated to Aboriginal culture, its survival and rejuvenation and the familial obligations it entails.*

Ask local Aboriginal people of timing and location, if relevant, of this special period. It may affect the timing of your project work.

Avoid the place/s where activities take place

Law time activities can affect the availability of Aboriginal people during this time due to the need to fulfill their cultural and familial obligations.

Respect Aboriginal peoples’ need to participate in Law time by observing the period of time when Aboriginal community members are unavailable.

## Media

Identifying who will be the media contact person for an interpretive project is one of the first tasks. This way all media enquiries may be directed to that person and a consistent message and stream of information released. It may be useful to develop a media plan indicating when information about the project will be released and to which form of media.

The provision of information about the project via media ensures a wider audience, including the wider Aboriginal community, are aware of the project. This is useful as further stories, information or pieces of material may be forthcoming as a result.

There are a number of media publications and programs that have a large Aboriginal and Torres Strait Islander audience and an interest in any news to do with Aboriginal and Torres Strait Islander peoples.

The Aboriginal Reference Group (ARG) should be consulted on the development of media protocols. There may be restrictions on the information that may be released or there may be ways the ARG prefer themselves to be portrayed.

*It may be useful to develop a media plan indicating when information about the project will be released and to which form of media.*



The National Indigenous Times, Koori Mail, Gadigal (or Koori Radio) and the ABC's Messagestick are all useful media outlets to reach an ATSI audience.

93.7 FM Koori Radio  
Level 1, 26 Lilydale St  
Marrickville NSW 2204  
Ph: 9564 5090  
Fax: 9564 5450  
E-mail: [info@gadigal.org.au](mailto:info@gadigal.org.au)  
Website: [www.gadigal.org.au](http://www.gadigal.org.au)

National Indigenous Times  
PO Box 696  
Woden ACT 2606  
Ph: 1300 786 611  
Fax: 1300 786 622  
Email: [mail@nit.com.au](mailto:mail@nit.com.au)  
Website: [www.int.com.au](http://www.int.com.au)

The Koori Mail  
PO Box 117  
Lismore NSW 2480  
Ph: (02) 66 222 666  
Fax: (02) 66 222 600  
Website: [www.koorimail.com](http://www.koorimail.com)

#### Guidelines

- a. Discuss media with the ARG early in the life of the project.
- b. Develop a set of protocols such as nominating a spokesperson, the way information will be released and the way in which the group want themselves portrayed.
- c. Develop a media release email list so that local Aboriginal bodies, individuals and other organisations can keep abreast of the project's development. This may prompt more people to offer stories, information, photos and other material useful to the project.

## Meeting and Greeting Country

When visiting people or places, Aboriginal people may need time to meet and greet country in their own ways. People may be informing the beings in the land of their presence, asking for the right of passage, asking for forgiveness if the area has not been visited for sometime or asking for welcome for visitors. The types of meet and greet of country may include a prayer, a saying, song, calling out to spirits, creating smoke, spitting water over a place, drawing sweat from an armpit or a variety of other types of practices. When stepping onto country that has not been visited for a long period of time, these practices may take some time and form the major part of the first visit.

*When visiting people or places, Aboriginal people may need time to meet and greet country in their own ways.*

#### Guidelines

- a. Time must be provided for Aboriginal people to discuss and then attend to meet and greet responsibilities for Country.
- b. Visitors may be directed to hold back before entering a site while meeting and greeting is undertaken. Discuss the protocols prior to a visit to a site.

*Bringing people from different cultural backgrounds together to work on a project means each group brings with them their cultural perception of time and timeframes.*



*Gabbie Kylie team uncover a cache of tools believed to be associated with early 19th century sealing and whaling activities on Middle Island, February 2010. Left to right Ross Anderson, Lyn Rudder, Jacinta Bauer, David Guilfoyle, Amy Dellasale. (Lincoln Baker, 2010)*

## Meetings and Timeframes

Timeframes are culturally driven constructs.

Bringing people from different cultural backgrounds together to work on a project means each group brings with them their cultural perception of time and timeframes. There is potential for challenges and misunderstandings to arise.

### Guidelines

- a. Ensure timeframes for the project are detailed and available to everyone.
- b. Discuss timeframes with the ARG to identify those that are fixed and those that are flexible.
- c. Be prepared to review timeframes as the project unfolds.
- d. Ensure plenty of time is provided for Aboriginal consultation using Aboriginal timeframes.
- e. Ensure meeting times are well advertised in advance and adhered to.

## Memorandums of Understanding (MOU)

Memorandums of Understanding or MOUs are one method of formalizing commitment for involved parties to work collaboratively on an agreed set of goals within a strategic framework. MOUs lay out the explicit arrangements, obligations, responsibilities and ways the parties will work together.

An example MOU can be found in appendix 10.

## Mixed Race Reference

In historical material reference is made to mixed heritage in ways that is considered offensive today by Aboriginal people and wider society. A person's mixed racial heritage should never be referred to unless specifically required and acceptable to the individual. See *'Identification as Aboriginal or Torres Strait Islander.'*

### Guidelines

- a. Should heritage material being used or displayed contain mixed race references: check with local Aboriginal people about their feelings on the use of these terms.
- b. Create a notice or sign to alert viewers to the fact terms used are from historic material and do not reflect contemporary belief and thought.

## Multiple Aboriginal Cultures

Aboriginal people are culturally associated with a particular plot of land which is identified as their Country. The traditional view of Aboriginal people as wandering hunter and gatherers is not true as there were distinct hunting and gathering patterns that were followed from time immemorial on distinct plots of land.

Although each Aboriginal group lived on their plot of land, there were also connections with neighbouring groups for a variety of reasons. Ceremony and songlines connected many more groups across a wide region of land, in some instances over hundreds of kilometers.

Consequently, while a plot of land may have identified Traditional Owners from one group, other Aboriginal cultural groups may have association with the land through song lines, ceremony, trade routes, migration, marriage and the skin system.

*While a plot of land may have identified Traditional Owners from one group, other Aboriginal cultural groups may have association with the land through song lines, ceremony, trade routes, migration, marriage and the skin system.*

### Guidelines

- a. Consult with the Aboriginal Reference Group (ARG) about other Aboriginal cultural groups traditional and contemporary association with the site.
- b. Inform neighbouring Aboriginal organisations about the interpretive project, if advised by the ARG.



## Native Title

Native Title is the recognition through Australian law that Aboriginal people have rights and interests to their land through traditional Law and customs. This right was established under the Native Title Act 1993. Native title ownership may co-exist with other proprietary ownership. The National Native Title Tribunal manages the claims and determinations related to native title.

### Guidelines

- a. Check on the status of native title claims at the website <http://www.nntt.gov.au/Pages/default.aspx>
- b. Acknowledge native title in all instances.
- c. Ensure the Registered Native Title Body Corporate (RNTBC) is aware of and consulted on the project.
- d. Where possible, ensure the RNTBC is represented on the Aboriginal Reference Group.
- e. If conducive to the interpretive process, consider an MOU with the RNTBC.

## Negative Images and Stereotypes

Australian Aboriginal and Torres Strait Islander people have suffered under negative images and stereotypes since colonial settlement commenced. These images and stereotypes are often discriminatory and racist. They are often perpetuated through the media and by word of mouth and are very damaging to all involved.

There is a very wide diversity amongst the Aboriginal and Torres Strait Islander community of Australia. There are many cultural groups, languages, lores, Laws, traditions and ways of life. Generalised images and stereotypes of 'all Aboriginal' people do not reflect this diversity.

Much of the historical material that will be used or referred to in interpretation comes from a period of time before enlightened contemporary views and understandings were developed. This material needs to be used with a great deal of sensitivity, as it will be offensive to contemporary thinking and has the potential to reinforce negative stereotypes.

This historical material may cause distress to Aboriginal people who read it while undertaking interpretative work.

Historical material containing negative images and stereotypes should be labeled clearly as such, when used in interpretative work, to alert the viewer to the fact it is negative and to reassure that the views and images belong to a period in the past prior to enlightened contemporary times.

*Historical material needs to be used with a great deal of sensitivity, as it will be offensive to contemporary thinking and has the potential to reinforce negative stereotypes.*



Some of the stereotypes that may arise in the historical material and which need statements to identify that these are non-contemporary beliefs will be:

1. Reference to people of Aboriginal heritage by their skin colour.
2. Reference to people of Aboriginal heritage as being less intelligent or clever.
3. Mocking of Aboriginal ways of life, beliefs, Laws and practices.
4. Reference to Aboriginal people as criminally inclined.
5. Reference to Aboriginal people only being entitled to work for food and clothing, not needing or being able to handle their own earnings, or earnings needing to be controlled.
6. Reference to Aboriginal people as only being 'Aboriginal' if they choose to live a traditional Aboriginal life style.
7. Reference to Aboriginal people of mixed heritage as not being 'true' Aboriginals.
8. Reference to 'Aboriginal' characteristics such as laziness, ignorance, dirtiness etc
9. References to children of mixed heritage needing to be 'rescued' from Aboriginal families.
10. References to the 'noble savage' or 'dying race'.
11. Belittling statements and labels such as 'a picinnini', 'old Abo', 'gin and buck' and so on.

#### Guidelines

- a. Stereotypes and negative images need to be labeled as such in interpretative displays or when quoting from historical material.
- b. Should negative images and stereotypes arise as part of the work, they should be challenged in every instance.
- c. Avoid sweeping generalizations about Aboriginal people.

## Nomads

References to Aboriginal people being 'nomads' or 'nomadic' should be avoided, as this is incorrect. Aboriginal people lived on clearly defined territories of land which they traversed at clearly defined times of the year, hence the incorrectness of the 'nomadic' term. See '*Land Management*'

## Orphaned Country

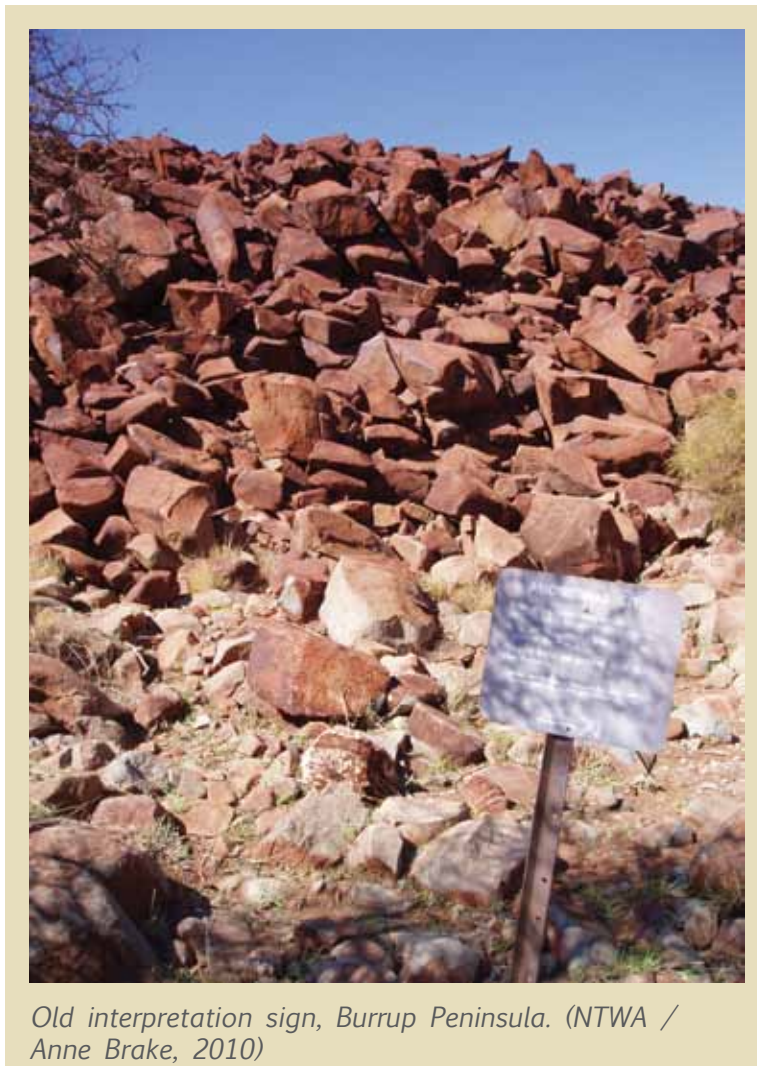
The concept of orphaned country is an accepted term for Aboriginal and Torres Strait Islander people. This indicates a territory where the traditional owners have left, are all deceased (such as from a massacre) or for some other reason and no longer look after that territory. Traditionally, a neighbouring group would adopt the orphaned country and become custodians.

*Orphaned country indicates a territory where the traditional owners have left, are all deceased (such as from a massacre) or for some other reason and no longer look after that territory.*



#### Guidelines

- a. Research to identify the Traditional Owners for the area and find out whether these people are still in the area.
- b. If Traditional Owners are no longer in the area and the land is orphaned country, research to identify the Custodians.
- c. Approach members of the Custodian group as Elders for that land.
- d. Check with local Aboriginal people as to the status of the Custodians for that land.



*Old interpretation sign, Burrup Peninsula. (NTWA / Anne Brake, 2010)*

## Owning Our History

Much of Australia's history can be viewed, retrospectively, as negative from the more enlightened modern perspective. Rather than judging history, presentation of a factual recount of history ensures disrespectful views are not presented of events. This also complies with good principles of reconciliation. Displaying different versions of a given story in history shows the nature of 'history' and how it's interpreted.

*Presentation of a factual recount of history ensures disrespectful views are not presented of events.*

### Guidelines

- a. Historical material may contain words, images, opinions and thoughts considered offensive in a contemporary world. When using such material: check with local Aboriginal people about their opinion of the material.
- b. Present material as factual as possible.
- c. Create a notice or sign to alert viewers to the fact the material is of an historic nature and does not reflect contemporary belief and thought.
- d. Local Aboriginal people may like to make a statement about the events or material reflecting current opinions and views.

## Place Names

Traditional Aboriginal names exist for most features in the landscape. Many of the stations and towns also have Aboriginal names. If these are not traditional names, they will be contemporary names or borrowed words from the English language. Dual naming of properties and dual signage acknowledges both the Native Title ownership and Aboriginal relationship to Country.

### Guidelines

- a. Consult with the Aboriginal Reference Group (ARG) about dual naming of the site.
- b. Record names of features and places as they arise during the interpretive process.
- c. Consider producing interpretive material that acknowledges the dual names for features in the site.

## Race Reference

Race refers to the anthropological, evolutionary origins of a person as well as their ethnicity or skin colour. Reference to people by their skin colour is inappropriate. If reference to a person's race is necessary, the race name should be used such as 'European', 'Aboriginal' or 'Asian'. Terms

*Localised names for referring to a race of people should also be avoided unless Aboriginal people specifically ask for the term to be used and it is not of a derogatory nature.*

such as 'blackfellow' and 'white people' are inappropriate unless specifically recognised as an accepted and preferred part of the local vernacular. Localised names for referring to a race of people should also be avoided unless Aboriginal people specifically ask for the term to be used and it is not of a derogatory nature. Reference to a person's racial heritage is inappropriate at any time, unless required specifically.



#### Guidelines

Should heritage material being used or displayed refer disparagingly to a person's race:

- a. Check with local Aboriginal people about their feelings on the use of these terms.
- b. Create a notice or sign to alert viewers to the fact terms used are from historic material and do not reflect contemporary belief and thought.

## Sacred, Secret Material and Places

Material may arise during the interpretation project that is classed as sacred or secret. Places may be considered sacred. It is important that the Aboriginal reference Group manages the handling and direction of this type of material, or the interaction with any type of sacred land.

#### Guidelines

- a. Maintain the confidentiality of any restricted information provided to you, whether it is in oral or written form.
- b. Places identified as sacred must be treated respectfully and local guidance sought on reference to them.



### *Oyster Harbour Fish Traps, Albany*

*The Oyster Harbour Fish Traps are an iconic site of Australia's heritage. The traps, possibly 7500 years old, are part of a larger area where Aboriginal people met for seasonal and ceremonial gatherings. The reserve adjacent to the fish traps is also an ancient site of gathering, and is currently an education and cultural tourism resource for local children, residents and visitors. The fish traps were documented before European colonisation, being noted by Captain George Vancouver who visited King George Sound in 1791 as part of an exploration expedition. The fish traps consist of eight weirs that extend along the north end of Oyster Harbour. They are made from thousands of stones in which branches were positioned vertically, then horizontally to trap fish when the tide receded. The fish were then speared.*

*This nine hectare site was under the custodianship of the National Trust from 1966 when the area was under threat of development. Since then the Trust has worked with local Aboriginal and community groups to encourage research of the site and for funding to develop and implement a management plan.*





*In its Golden Jubilee year, 2009, the National Trust of Australia (WA) was pleased to pass the responsibility for the site to the Traditional Custodians of Menang Country. A Community Management Plan for Albany's Oyster Harbour Fish Traps was completed by the Albany Heritage Reference Group Aboriginal Corporation with the support of the Department of Indigenous Affairs, City of Albany, South Coast Natural Resource Management (NRM), Green Corp. and the National Trust through a grant from Lotterywest. It is being implemented through additional government resources. This plan empowers the Traditional Custodians to care for this cultural landscape for both present and future generations.*



*The Oyster Harbour fish traps at low tide. (Michal Lewi, 2006)*

## Shared Management of Trust Properties

Opportunities exist for the development of shared management of National Trust of Australia (WA) properties. Whilst the Trust maintains full responsibility for the property, local Aboriginal reference groups or other organisations may negotiate for input into the management of the property. This needs to be addressed on a case-by-case basis with National Trust staff.



## Signage

The aim of identification signage is to show due respect to the names of place through the use of dual naming. Prior to colonial settlement, most, if not all, locations had an Aboriginal name. Dual signage respects both the traditional Aboriginal and the contemporary name for a place.

Caution is advised that Aboriginal place names may still be secret, sacred or not for public consumption. Caution is also advised that Aboriginal names of places may not directly correlate to the features in the landscape identified through contemporary mapping. For example, a hill, valley and plains area may not have three separate Aboriginal names but be referred to by the name of the spirit being that moved through or resides in the location. See *'Place Names.'*

Interpretation Australia Association (IAA) developed guidelines for the interpretation of Aboriginal heritage. These guidelines provide a good reference point when considering signage:

- a. The content of all copy and text and selection of images is subject to community advice.
- b. Develop proposals jointly with the community from the outset and observe protocols regarding written and visual resources.
- c. The whole design process should be subject to community advice. This includes lay out, colour, use of symbols and images.
- d. Observe intellectual property rights; safeguard copyright of stories and images.
- e. Language must be accurate, based on research and culturally sensitive. Ensure Aboriginal custodianship and culture is referred to in the present tense, unless the community wants it otherwise.
- f. Develop a glossary of words to be avoided.
- g. Ensure correct use of symbols and motifs.
- h. Consider using Aboriginal names as the norm, with colonial names as secondary.
- i. Use the present tense when discussing people and country.
- j. All signage located in natural or cultural settings should acknowledge the local Aboriginal people in accordance with their wishes. This should involve policies developed across agencies and ideally across the whole of Government.

## Significant Dates

There are a number of dates that are significant to Aboriginal people. These dates may be marked in a number of ways by Aboriginal people and the wider community with celebrations, walks, events, ceremony and a variety of other activities.

26th January	Australia Day/ Survival Day/Invasion Day
21st March	Harmony Day
1st May	Pilbara Indigenous Pastoral Worker's Strike anniversary (1946)
26th May	National Sorry Day
26th May to 3rd June	National Reconciliation Week
27th May	Amendment to the Constitution regarding Aboriginal People (Referendum)
3rd June	Mabo Day
1st July	Aboriginal birthday for people without a birth date
1st week in July	National Aboriginal and Islander Day of Celebration (NAIDOC) week

4th August	National Aboriginal and Islander Children's Day
9th August	International Day of the World's Indigenous People
10th December	Human Rights Day

#### Guidelines

- a. Consult with the Aboriginal Reference Group about whether these dates should be recognised and about the activities that should be undertaken.
- b. Check online the activities that are taking place in your area on these significant days and see whether your organisations can undertake other activities that compliment existing arrangements.

## Skin System and Kinship System

The kinship system is a central feature of Aboriginal cultural and family life.

It structures family and social relationships determining how each individual relates to every other family member. The kinship system encompasses more than what is generally understood in Western society as extended family as it includes how each individual relates to everyone else in the community on the basis of kinship. Kinship thus defines the roles, responsibilities and obligations of each individual within and across communities and in so doing structures moral, social and economic support structures. Reciprocity, importantly, forms the basis of many relationships ensuring that no person is left isolated within the community.

An integral part of the kinship system is the skin system.

Systems vary across the state and across Australia, however the basis of the system is to act as a social classifier defining social behaviour and interaction according to Aboriginal law. Importantly it determines who can marry whom, who can speak with whom and who cannot. Skin names are determined at birth based on the skin names of the parents. Skin systems are complex and all encompassing in that once an Aboriginal person's skin group is known, subsequent social interaction with other Aboriginal people is defined. This includes interaction which is permitted, and that which is not; a common example of this is the prohibition of mother-in-laws and son-in-laws to interact or even be present together.

*Kinship thus defines the roles, responsibilities and obligations of each individual within and across communities and in so doing structures moral, social and economic support structures.*

The historical disruption of Aboriginal society since colonisation has meant that the skin system is not always strictly followed in all places. Nonetheless, most Aboriginal people have an understanding of their system and how it applies to them therefore determining how they treat others within the community.

Kinship and skin system relationships are poorly understood or even recognised within mainstream society yet they are a reality for Aboriginal people for whom they are significant and have strong social and economic implications.





### Guidelines

- a. When holding group meetings, wherever possible determine in advance whether any participants are in a restricted relationship to any others. If so, separate meetings may need to be arranged.
- b. Understand that some information may only be viewed, handled and discussed by certain people.
- c. Understand that some story, song and ceremony may only be viewed, handled and discussed by certain people.



*Assessing the condition of Wooditchup (the Margaret River), Rails Trails project.  
(Myles Mitchell, 2011)*



## Smoking Ceremonies

Aboriginal groups may undertake smoking ceremonies as a cleansing process. The smoke may cleanse the area, a building or people. It may be undertaken after a death or a negative event in order to cleanse. People with specialist cultural knowledge will undertake smoking ceremonies.

*Aboriginal groups may undertake smoking ceremonies as a cleansing process.*

### Guidelines

- a. A smoking ceremony is not a necessity like a welcome to country or acknowledgment.
- b. Aboriginal people may choose to conduct a smoking ceremony when first visiting a space or building. This is not something that can be requested.
- c. If Aboriginal people wish to undertake a smoking ceremony, seek advise from an Elder about who should be present.



*Teaching youngsters about the importance of water, Mokidup, Ellensbrook. (David Guilfoyle)*



## Spiritual Connection to Country

Aboriginal or Torres Strait Islander spiritual connection to country should be acknowledged and respected where ever possible and at the request of local Aboriginal people.

### Guidelines

- a. The Aboriginal Reference Group should be consulted on all matters related to spiritual connection to country and whether this is used as part of the interpretative material.
- b. Some spiritual material may remain private and not form part of the interpretative material.

## Spokespersons

Spokespersons for an Elder or a cultural group may be nominated for to a number of reasons such as unavailability, ill health, lack of knowledge on the topic or to capitalise on a skill the spokesperson possesses. If a spokesperson has been nominated, they have therefore been ratified by that Elder or the group and should be accepted as such. Caution should be exercised when working with people who self-identify as a spokesperson for a group to ensure that the group provides ratification of that person.

### Guidelines

- a. Accept spokespersons nominated by an Elder understanding that the person has been chosen by the Elder to meet their needs.
- b. Ensure material is provided in written form so that the spokesperson may use it to brief Elders.

## Stories and Songs

As an oral culture, Aboriginal story and song represent a body of Aboriginal knowledge and culture. Information regarding identity, culture and the environment is passed on to Aboriginal people from a very early age through the medium of story and song. Different songs and stories are taught to different people dependent on their level of knowledge, gender and status; certain songs contain secret information which is only permitted to be sung by certain people at certain places at certain times. In this way, some stories and songs are owned by particular people who then pass them on to the next generation. Songs can also be shared, or given, to other groups as part of the conduct of cultural business.

Songs are considered spiritual in that they are believed to be given to Aboriginal people by the Ancestors, often while one is asleep through the medium of dreams. It is in this way that songs continue to be learnt and passed on. Music, song and dance are used in ceremonies as a means to re-enact and connect with the Dreaming. Some songs recount the activities and movements of Dreaming Ancestors thereby providing a body of knowledge regarding the tracks and resources across the land. These songs are sometimes called 'Songlines'. Music and song continues to play an important role in Aboriginal families lives however today for many Aboriginal people it also celebrates the survival of culture and provides strength in the face of ongoing adversity.

See *Art and Artefacts* for further information on copyright matters.

## Guidelines

- a. Consult with Elders about the appropriateness of using stories and songs.
- b. Obtain written permission from the person contributing the story or song for it to be used.
- c. Obtain written permission from Elders as well for the story or song to be used.
- d. Ensure the story or song is recorded on a good quality digital recorder and a copy made for the contributor to keep.
- e. Deposit copies of the story or song with AIATSIS and the Battye Library in WA, to ensure the material is kept for the future. Make sure permission is obtained from the contributor for these deposits and appropriate deposit forms completed for AIATSIS and Battye Library.
- f. Collect as much information as possible about the story or song such as the language used, a translation of the material into English if in language, the owners of this song, its use, the area of land it refers to if appropriate, the age of the song, who has the right to sing or tell the story and any other information possible.

## Terms of Reference and Aboriginal Terms of Reference

A terms of reference document describes the purpose and structure of a project in a very brief way. The terms of reference provides a group of people who will be working together with a collective understanding of what they will be doing, why and how they will do it.

A terms of reference document usually has information in the following areas:

1. Vision, objectives/aims, scope of the project.
2. Outcomes or deliverable to be achieved through the project.
3. Membership of the project team.
4. Role and responsibilities.
5. Stakeholders.
6. Meetings- time and frequency
7. Quorum- how many people constitute a quorum
8. Resources to be used and financial plan
9. Timeline, work breakdown and schedule for the project, including a meeting timeframe.
10. Risks to the project and risk minimisation plan.

*The terms of reference provides a group of people who will be working together with a collective understanding of what they will be doing, why and how they will do it.*

### Example Terms of Reference: Golden Pipeline Aboriginal Interpretation Project

#### 1. Vision and Scope of Project

- To develop Aboriginal interpretation of the Golden Pipeline.
- To provide advice and support on the interpretation, planning, implementation, monitoring and reporting of the Golden Pipeline project.
- To provide input into policy and protocols, as required.
- To provide a forum to consider matters arising from the Golden Pipeline project.
- To maximise opportunities for partnerships, networking and information sharing about the Golden Pipeline project.



## 2. Outcomes

- Aboriginal interpretation of the Golden pipeline.
- Development of policies and protocols for future interpretation of Aboriginal heritage story.

## 3. Local Aboriginal Reference Group Membership

The reference group comprises of internal or external persons invited to attend meetings at the request of the Chairperson to provide advice and assistance as required.

## 4. Role

- Provide specialist Aboriginal input into the Golden Pipeline Interpretation project.
- Respond to requests from the National Trust (WA) Committee on matters regarding Aboriginal policy and protocol, as arising.
- To ensure an Aboriginal voice is imbibed throughout the final interpretative materials.

*An Aboriginal terms of reference (ATR) document articulates how Aboriginal worldview will be incorporated into the research and development process.*

## 5. Stakeholders

Stakeholders for this project comprise:

- Local Aboriginal Traditional Owners and Custodians
- Department of Indigenous Affairs
- National Trust of Australia (WA)

## 6. Meetings

Meetings will be held on the second Tuesday of the month at 10 am in March, June, Sept and December.

At each meeting there will be a standard agenda consisting of:

- Brief updates of activities undertaken in the last quarter, including identification of emerging issues. Consultation on those issues.
- Feedback from stakeholders, peak body, consumer and other groups. Consultation on that feedback.
- Update on all Projects
- Future Planning for next quarter and for project completion.

## 7. Quorum

If unable to attend members may nominate another representative from their organisation to attend. A quorum of 4 is required for the meeting to proceed.

Should a quorum not be reached, the meeting will go ahead with all decisions made to be approved by absent members via meeting minutes and consultation by the Heritage Officer.

## 8. Resources and Financial Plan

- The Heritage Officer will administer and facilitate meetings.
- Funding enables four meeting to be held each year for the life of the project, including airfares, accommodation, meals allowances and catering for non-Perth based members.
- The budget provides for three meeting to be held between the ARG members and Traditional Owners and Custodians, on Country.



## 9. Timeline, work breakdown and schedule for the project

The project commences in February 2011 and concludes Dec 2012.

## 10. Risks to the Project and Risk Minimisation Plan.

Risk,Challenge, Issue	Rating	Risk Minimisation Strategy
1. Identifying and engaging TOs and Custodians	high	<ul style="list-style-type: none"> <li>• Researchers undertake significant desktop analysis and consultation to map all groups and individuals.</li> <li>• Researchers use consultative process to ensure all TOs/Cs are identified.</li> <li>• Researchers trawl through existing data to identify TOs/Cs</li> <li>• Researchers identify speakers through meetings and consultation.</li> <li>• TOs/Cs to be engaged informed and educated as part of the program, about history preservation processes.</li> </ul>
2. Non-engagement of TOs/Cs in project.	high	<ul style="list-style-type: none"> <li>• TOs/Cs to be engaged through strong consultative process.</li> <li>• TOs/Cs to be paid for their time.</li> <li>• TOs/Cs to be fully involved in all research, feedback and final interpretation plans.</li> </ul>
3. Unavailability or reluctance by TOs/Cs to be involved in project	medium	<ul style="list-style-type: none"> <li>• TOs/Cs to be involved in project medium TOs/Cs to be fully informed about the state of their heritage material, the possibility of it being lost and processes being undertaken to ensure it's preservation.</li> <li>• TOs/Cs to be given an 'Information Package' consisting of a project brief, Trust and project policies, consent form, complaints procedure and project terms of reference.</li> <li>• Concerns of TOs/Cs to be addressed one by one with due gravitas.</li> </ul>
4. Weather: Wet weather limiting site visits.	medium	<ul style="list-style-type: none"> <li>• Undertake site visits during dry months.</li> <li>• Plan visits to see TOs/Cs and site visits for recording purposes well in advance</li> <li>• Always plan for an alternative venue or site in case of wet weather closing roads.</li> </ul>



### Aboriginal Terms of Reference (ATR)

An Aboriginal terms of reference (ATR) document articulates how Aboriginal worldview will be incorporated into the research and development process.

A mainstream terms of reference document, as above, is a very Western defined document.

The ATR document states how Aboriginal people will research and articulate findings and how Aboriginal values and worldview will be expressed through the project. It states how outcomes will be achieved from within an Aboriginal cultural context.

An ATR effectively states how research will be undertaken in a cross-cultural setting and the ways in which Aboriginal values will be expressed through the process.

An ATR is a very powerful document as it directly articulates a high degree of Aboriginal involvement and direction in a project.

The ATR:

1. Encompasses cultural knowledge, understandings and experiences.
2. Encompasses Aboriginal ways of thinking, working and reflecting.
3. Incorporates specific and explicit cultural values, beliefs and priorities.
4. Reflects Aboriginal standards derived, validated and practiced.
5. Encompasses the diverse range of cultural values, beliefs and priorities within a local setting.
6. Specifies the context to reflect what is important to Aboriginal lives.

An ATR document may include some or all of the following, as they relate to the project and its outcomes:

1. Cultural elements:

- a. Information about Aboriginal heritage,
- b. Information about Aboriginal history.
- c. Information about Aboriginal values and beliefs,
- d. Information about Aboriginal aspirations.

2. Understandings, knowledge and practices:

- a. Aboriginal thinking,
- b. Aboriginal ways of working,
- c. Aboriginal ways of reflecting.

3. Aspirations:

- a. Aboriginal family structure,
- b. Aboriginal goals,
- c. Aboriginal priorities,
- d. Aboriginal future directions.

#### 4. Cultural elements:

- a. Aboriginal kinship,
- b. Aboriginal obligations,
- c. Aboriginal behavioural expectations.

#### 5. Experience:

- a. Aboriginal interaction,
- b. Aboriginal socialization,
- c. Aboriginal historical factors,
- d. Current situation for Aboriginal people,
- e. Current feelings of Aboriginal people.

## Terra Nullius

References to Australia being uninhabited must be avoided as Aboriginal and Torres Strait Islander peoples, prior to colonial settlement, inhabited Australia. Historical materials that suggest or represent the concept of terra nullius should always be used with reference to this incorrect historical fact.

*Historical materials that suggest or represent the concept of terra nullius should always be used with reference to this incorrect historical fact.*

### Guidelines

Historical material may have reference to Australia being uninhabited. When using this material:



- a. Check with local Aboriginal people about their opinion of the material.
- b. Present material as factual as possible and avoid using value-laden statements.
- c. Create a notice or sign to alert viewers to the fact the material is of an historic nature and does not reflect contemporary belief and thought.

## Totems

Totems are another aspect of Aboriginal identity linking Aboriginal people with their environment. Totems may be assigned to individuals as well as groups. Individuals become affiliated with their personal totem based on circumstances surrounding their mother's pregnancy. Totems based on ancestry may identify groups; they are passed down along a maternal or paternal descent line. A totem can be literally anything: animate or inanimate, environmental phenomena to manmade items. Totems can act as protectors and companions of those to whom they are affiliated. Rituals are undertaken as part of maintaining the spiritual vitality of the totem and the relationship between the totem and the individual or group. Where a totem is an animal or plant (physical form), sometimes taboos exist prohibiting any harm or use of it by the group or individual.

### Guidelines

Approach this topic with sensitivity if it's necessary; totems represent a personal relationship and may not be public information.



## Old Farm Strawberry Hill

Old Farm Strawberry Hill is located between King George's Sound and the harbour in Albany.

The site was used by Aboriginal people pre colonisation as a camping area. The place is also the site of the oldest government farm in Western Australia, which was later developed by Richard Spencer who employed Aboriginal people as agricultural labourers, cutting down trees and clearing land. They were paid wages or a pound of flour and two ounces of suet for a morning's work. The northern area of the Old Farm is now a registered DIA Site 22556.

Old Farm Strawberry Hill was the first property the National Trust acquired, in 1964.

In 2012 the National Trust commissioned a comprehensive master planning project for the property. The project included a review of the existing conservation plan, the landscaping setting and an interpretation plan. Tourist, business and visitor service opportunities were also considered in the plan.

Recognition and inclusion of Aboriginal cultural heritage values were an integral part of the project. Meetings were held with staff at DIA in Albany and with the Albany Aboriginal Heritage Reference Group. It is intended to link the project into broader interpretation and tourism plans in Albany including the Kinjarling Trail.

As part of the initial research for the master plan, Dr Malcolm Allbrook and Dr Mary Anne Jebb were commissioned to prepare a desktop review of documentary evidence relating to the Aboriginal history of the area. The preparation of this document included consultation with DIA staff and local Aboriginal people.

Investigations into the landscape values of Old Farm included consultation with Aboriginal people particularly with regards to issues such as the importance and rehabilitation of the waterway (lake and creek).

A framework for interpretation/visitor experience has been developed which outlines story lines and strategies for their implementation. The draft framework will be distributed for comment before progressing any of the ideas. Local Aboriginal people will be asked about how they would like to participate in the development and/or delivery of the interpretation. Consultation will continue as the plan is implemented particularly with relation to any ground disturbing works. Funding is now being sought for the implementation of the master plan.





*Old Farm Strawberry Hill, Albany, was built on an area used as a camp site for Aboriginal people prior to European settlement. It is also the site of the first government farm in Western Australia. (NTWA, 2011)*



*It is believed this water colour of Old Farm Strawberry Hill was painted in the 1840s. In the foreground is a group of Aboriginal people and a group of white settlers. The early days of European settlement in Albany have sometimes been referred to as the 'friendly frontier'. (NTWA, 2010)*



## Traditional Owners and Custodians

In addition to Elders, these are terms often used to refer to certain Aboriginal people. Traditional Owners (TOs) are those Aboriginal people that are recognised as ‘the right people for the right country’. That is, those people who are linked spiritually, socially and economically to a specific area of land according to Aboriginal tradition.

Being an Aboriginal Custodian implies that an individual or people hold responsibility for specific knowledge and/or places according to customary Law. TOs and Custodians may be young people, including children.

### Guidelines

- a. Elders, Custodians and Traditional Owners should be accorded recognition of their status.
- b. Ascertain the correct titles to use when referring to specific Aboriginal people. If in doubt, ask.
- c. Traditional Owners should be acknowledged as such at the beginning of events such as meetings, presentations, ceremonies etc.

## Traditional Rights and Interests to Land

Native Title ensures recognition of traditional native ownership of land. Many areas in Australia now have dual land title comprised of the freehold or crown title to the land along with native title. Each type of title confers ownership rights and responsibilities. References to ownership of land should always be made with acknowledgement to the native titleholder as well as the freehold or crown titleholder. See ‘*Native Title*’

### Guidelines

- a. Research native title rights in your area through desktop research, consulting local Aboriginal Elders or contacting local native title bodies.
- b. Consult with Aboriginal Elders about the phrasing acknowledging land title rights.
- c. Include recognition of Native Title rights where appropriate on interpretive material.

## Use of Personal Names

In most Aboriginal or Torres Strait Islander peoples cultures, the use of a deceased person’s name is strictly avoided. A deceased person’s name may cause offence. This protocol may last for a few or many years. This means people with the same or similar name may also not use their name. A substitute name or reference to the individual may be made. Guidance needs to be sought from local Elders as to which names are avoided and which names are in use. Secondly Aboriginal or Torres Strait Islander are often very sensitive to the use of the names and of spouse’s names in particular and may be reluctant to say their own name or the name of their spouse. Sensitivity needs to be made when asking people of their name. Using the surname of a deceased person such as ‘Mr. Smith’ is an accepted protocol when the deceased must be referred to. Asking a person to write their name down instead of saying it may also assist. See also ‘*Deceased Person’s Images and Recordings.*’

#### Guidelines

- a. Check with local Aboriginal people about their opinion of the name and whether it's for public use or should not be used.
- b. Ensure you ask the right people, preferably family members of the deceased if the name should be used.
- c. Create a notice or sign to alert viewers to the fact the name of the deceased was used by permission of the family.
- d. When referring to the deceased, it is advisable to call the person Mr., Mrs. or Miss So-and-so rather than use their first name. This way of using deceased people's names is generally less offensive.

## Visiting Aboriginal Communities

If it becomes necessary to visit a discrete Aboriginal community for the purposes of the interpretative project, the aim is to build rapport and establish credibility for the project and those involved in the work.

In order to achieve this, community protocols need to be observed. A liaison person or facilitator may be engaged to assist with the initial community visit. A liaison person is someone who already has credibility with the community members.

*If it becomes necessary to visit a discrete Aboriginal community for the purposes of the interpretative project, the aim is to build rapport and establish credibility for the project and those involved in the work.*

When visiting an Aboriginal community, either a discrete community in a location or a community of Aboriginal people within a town or city setting, the most important thing to do is to phone or email and ask permission to visit.

Aboriginal people lead very full lives, as do most people, and are often consulted on a wide range of matters. There may be things happening in the community that mean you will be turned down. Find out why this has occurred and use resilience to try again.

#### Guidelines

- a. Before requesting a visit to a community, prepare a flyer detailing why you are visiting, what the project is about and how the visit will progress the project.
- b. Be prepared to do ground work before even requesting a visit to a community. Disseminate the flyer, talk with key people such as at the Department for Indigenous Affairs and Aboriginal non-government bodies.
- c. Phone or email a formal request for a visit to the community suggesting a day and time to a person in authority in the community such as the Chairperson or CEO.
- d. Provide further information about the project.
- e. Clearly state whom it is you wish to consult with in the community.
- f. Be prepared to have to negotiate or even be knocked back and find out why this has happened.
- g. Clarify the reason for your visit, the processes you are using, and the outcomes to be achieved and try again.





## *Golden Pipeline*

*In its interpretation, education and learning work, the National Trust is committed to working with Aboriginal people to ensure people maintain control of stories while allowing for social and economic benefits to flow back into the community. There were several ways that this was pursued as part of the Golden Pipeline project. Bringing benefits to all communities was one of only two objectives for the project.*

*The Golden Pipeline is the water pipeline built in the 1890s and running 560kms from Mundaring Dam in Perth to Kalgoorlie in the eastern goldfields.*

*Aboriginal Land and Sea Councils and other Aboriginal Corporations representing relevant Native Title claimants were contacted regarding the 25 sites on the Golden Pipeline Heritage Trail. Feedback was sought on the sites chosen, the layout and nature of the infrastructure (car parks, trails, etc) and the content of interpretive signage. In several instances, groups contacted the Trust for further information and, when and where appropriate, meetings and or site visits were held. Some groups did not respond. Unfortunately, some contact was made after the project was completed and this will be followed up when funding allows for redevelopment of relative areas.*

*The Trust employed an Aboriginal researcher to engage with Aboriginal communities along the pipeline. The aim was to introduce the project and to discuss ways Aboriginal people could participate, either directly, through activities and events at specific sites, or indirectly, through the establishment of tourism facilities and businesses. While a number of groups showed interest in this approach, none to date have taken this up. There is opportunity for this to happen in the future.*

*The National Trust is hopeful that the pipeline experience will continue to be enriched by additional stories, Aboriginal and other. The experience of attempting to engage Aboriginal people, organisations and community with the project proved to be one the Trust has learnt from. It is hoped that the stories and language captured in other projects can be used to capture stories about the pipeline and lead to more inclusive interpretative works.*





*Jureen Mission near Doodlakine, was established on a traditional Aboriginal camp site and meeting place by the United Aborigines Mission in 1939. Aboriginal people, displaced by the establishment of farms, moved into missions like this or into camps near towns. The construction of the pipeline provided security of water for small farms to flourish and limiting the ability for people to move freely or hunt. (M Rowley nee Langley, c.1940)*



*Aboriginal Tourism students from the CY O'Connor TAFE in Northam lead a tour to sites in the local district. (NTWA / Anne Brake, 2004)*



## Water

Water bodies in Australia vary from permanent to impermanent and seasonal. Water holds significance for Aboriginal people for both physical and spiritual reasons. For Aboriginal people water and waterways are held to be imbued with the spiritual essence of dreaming beings; the continued presence of water representing the continued presence of the spiritual being which formed the source and waterway in the Dreamtime.

*‘Aboriginal people may undertake ritual activity on approach to certain water sources’.*

During the colonial period water sources and Aboriginal peoples’ knowledge of them was exploited with the result that Aboriginal people were thenceforth excluded from them both physically and spiritually. As a result, many sources were destroyed.

Aboriginal people may undertake ritual activity on approach to certain water sources. This may be subtle or overt depending on the occasion, place and those present. Allow the time and space for such activity to take place.

## Welcome to Country

The Welcome to Country ceremony is an important ceremony that acknowledges the spirits inherent in Country and identifies those who are coming onto it. It is undertaken by a local Aboriginal person in order to formally welcome those at the event to the land on which it is taking place. These are held only when people from outside the piece of country attend the event for the first time. It is an important mark of respect for Aboriginal people. Not all ceremonies are the same and vary in content from place to person; it may consist of a single speech or it may also include dance and music. The ceremony acknowledges spiritual connection to country. It also ensures engagement of local Aboriginal people in the event so they are aware of what is happening on their traditional land.

An acknowledgement is performed when local people attend the meeting. The premise being that countrymen should not be welcomed to their own country, but acknowledgment should be made of the traditional custodians of the land.

Aboriginal or Torres Strait Islander spiritual connection to country should be acknowledged and respected where ever possible and at the request of local Aboriginal people.

Sample statements are included in this document in appendix 5. See Appendix 5 ‘Sample Statements’.

*‘The Welcome to Country ceremony is an important ceremony that acknowledges the spirits inherent in Country and identifies those who are coming onto it.’*

#### Guidelines

- a. Consult with local Aboriginal people on local protocol, whether a welcome or acknowledgement is necessary, who gives a welcome, the cost and process.
- b. Engage an appropriate person based on the responses given from locals. Make enquiries to ensure the person making the Welcome is recognised and authorised by the local community to do so. It may be an Elder, Traditional Owner, Custodian or community representative; the local community determines this.
- c. Inform the representative undertaking the Welcome of the event details including but not limited to: the topic/program, the audience, timing, venue location and services etc. Seek feedback from the representative as to appropriateness of the above.
- d. After opening the meeting or event, before any proceedings, introduce the Welcome to Country or give the Acknowledgment.
- e. The Welcome to Country ceremony is a service by a recognised person and as such may require payment and expenses. Negotiate these details in advance.

## Wilderness Country

Differing world views and values mean that Aboriginal or Torres Strait Islander do not possess the concept that a particular plot of land is ‘wilderness’ or has ever been classed as such. All land was within the territory of an Aboriginal or Torres Strait Islander group and was managed using cultural practices. See also ‘*Terra Nullius*.’

#### Guidelines

- a. Consult with local Aboriginal Elders about whether the term ‘wilderness’ is appropriate to be used, if found in historical material.
- b. Take direction from Elders on whether to continue using the term ‘wilderness’.

*All land was within the territory of an Aboriginal or Torres Strait Islander group and was managed using cultural practices.*





# Getting Started with Interpretation of Aboriginal Heritage





# Getting Started with Interpretation of Aboriginal Heritage

The process of interpreting Aboriginal heritage starts with the gathering of local information before establishment of a local *Aboriginal Reference Group*. This section guides the process of getting started with interpretation of Aboriginal heritage.

The steps in this process are:

1. Gather local information
2. Establish or Work with an existing Aboriginal Reference Group (ARG)
3. Establish Processes for the Interpretive Work
4. Formalise a Cultural Heritage Management Plan

In instances where local Aboriginal people are driving the interpretive process, some of the steps may not be required. However, it is good practice and good intent to assemble and document the information for future reference.

The process described below is not about how to do interpretation, but how to start the processes and communication for Aboriginal interpretation. For information about interpretation see the National Trust document '*Sharing our Stories*' located on the National Trust of Australia (WA) website.

## 1. Gather Local Information

- Literature review - conduct a desktop study on heritage for the area to find relevant reports, studies and documents. For people from outside the local area, this process may assist in identify the local Aboriginal peoples and groups.
- Engage with DIA - Engage with the local Department of Indigenous Affairs (DIA) office and consult with DIA officers about the intended project to seek local advice and gather data. DIA will assist with a site register search and heritage files. DIA website is [www.dia.wa.gov.au](http://www.dia.wa.gov.au)
- Native title review - Conduct desktop research to identify the status of Native Title in the area. Information on this status may be found at the Native Title Tribunal website on <http://www.nntt.gov.au/Pages/default.aspx>
- Existing Aboriginal heritage surveys - Conduct a desktop research of Aboriginal heritage surveys done on the site. For people from outside the local area, consult with Native Title bodies and DIA to identify the Aboriginal people involved and the surveys that have been conducted. Some surveys may be of a private nature.
- Local Aboriginal heritage group – Identify if a local Aboriginal heritage group exists and whether your interpretation project falls within the scope of their activities. Consider running the project through this group.

*Gather local information*  
*Establish or Work with an existing Aboriginal Reference Group (ARG)*  
*Establish Processes for the Interpretive Work*  
*Formalise a Cultural Heritage Management Plan*

## Checklist before Working on Interpretation of Aboriginal Heritage

Prior to commencing any work on interpretation of Aboriginal heritage, there are some questions to ask of the project.

1. What is your intent?
2. Have you gathered the necessary local information?
3. Is the project of genuine interest to local Aboriginal people?
4. How does the project meet broad community needs and aspirations?
5. How does the project work towards the aims of reconciliation?
6. How does the project improve Aboriginal skills and knowledge?
7. How does the project meaningfully engage Aboriginal people with their heritage?
8. How does the project meaningfully engage Aboriginal people with interpretation?
9. Are there a local Aboriginal corporation and organisations that represent Elders and Owners on heritage matters who you could work with?
10. Are there Native Title bodies and if so, how should they be involved?
11. How do we decide which body or bodies to work with?
12. Has desktop research been done on the Aboriginal population of the area?
13. Are there appropriately qualified and skilled anthropologists, Indigenous knowledge holders, Aboriginal researchers, archaeologists, historians or linguists in the area who could offer advise?
14. Who are the Traditional Owners and/or Custodians?
15. Who are the appropriate Elders to work with?
16. How will information be released about the project?
17. How will Aboriginal Elders be invited onto an Aboriginal Reference Group?
18. What time commitment are you expecting?
19. Will there be payment for time?
20. How much of the work is to be of a voluntary nature?
21. Who is the expected audience for the interpretation?
22. Are you knowledgeable about cultural heritage management plans and master site management plans?



## 2. Establish or Work with an existing Aboriginal Reference Group (ARG)

Once local information has been researched, the pertinent questions regarding the project answered, it is time to assemble an Aboriginal Reference Group (ARG) made up of local Aboriginal persons or develop a working relationship with an existing Aboriginal heritage body.

The ARG may be a different group of people to a project management or steering body. The ARG provides specialist Aboriginal input into the project.

An ARG is a collective of people who provide knowledge and advice rather than a group of individual experts or representatives. The ARG does not manage the interpretative process or outcome but provides input into all stages of the project.

*The ARG's role is advocacy. The groups need to feel empowered to actively advocate for sound interpretation of local heritage rather than waiting to be 'consulted'.*

The ARG's role is advocacy. The groups need to feel empowered to actively advocate for sound interpretation of local heritage rather than waiting to be 'consulted'.

Determining the membership of this group means balancing the need for the appropriate Elders and spoke persons to be on the group with the need for skills, knowledge and heritage understanding. See *'Elders' for identifying the appropriate Elders to work with.*

In cases where local Aboriginal people are driving the interpretative process, careful consideration will need to be given to ensure all appropriate people are involved in the project.

For people outside the local area who are driving the interpretative process, local advice is essential.

Some questions to ask before assembling the ARG:

1. Should the ARG be voluntary or in a paid capacity? *See Fee for Service*
2. Who are the appropriate Traditional Owners and/or Custodians to invite onto the ARG?
3. Are there local Aboriginal people with skills, knowledge and understanding of heritage matters who could add to the group?
4. What are local expectations with regards to the establishment of an ARG?
5. What is the role of the ARG?
6. What is the role of the ARG members?
7. How often will the ARG meet?
8. Where and when will the ARG meet?
9. Are there local pressures that may affect the performance of the ARG?
10. Should formal contracts be offered to the ARG members?
11. Are there confidentiality matters to be considered?
12. Is there a gender balance to the ARG?
13. Are any groups or a gender disenfranchised by the ARG membership?
14. Is there opportunity to include younger Aboriginal community members as apprentices to the Elders?
15. Is the ARG's role clearly articulated and understood?
16. How can members of the ARG actively advocate and be involved in the project?





*Charmaine Green, Sue Hanson, Kado Muir, Thomas Perigo, Irene Stainton, Harley Coyne, Kerry Churnside., 2011. (NTWA / Gina Pickering)*

### *National Trust Aboriginal Reference Group*

*An Aboriginal Reference Group (ARG) was assembled for the National Trust (WA) with an Aboriginal person from each of the six regions of Western Australia (Metro, Kimberley, Pilbara, Goldfields, Gascoyne and Mid-West, South West) invited to participate. The purpose of the group is to comment on the snap shot of existing practices and provide reference and direction to future practice for the National Trust. Members of the ARG were invited based on their long-term commitment to cultural heritage knowledge and expertise.*

*The ARG was assembled specifically to guide the development of the Trust's Reconciliation Action Plan. The process of developing this plan began with staff providing information on existing respect, relationships and opportunities the Trust has for Aboriginal people, heritage and processes. This information was collated to gain a snap shot of the existing situation and practices at the Trust.*

*The process the ARG undertook to do this was to examine the Trust's existing relationships, respect and opportunities and then to examine five case studies involving a relationship between the Trust and an Aboriginal heritage site or property. This process provided an opportunity for the ARG to identify current good practice, policy and process, and provide direction for future development in these areas.*

*The Trust appointed the members of the ARG as a permanent committee of the Trust's Committee. Since the Reconciliation Action Plan's approval in September 2011 the ARG has advised on the development of the Aboriginal Interpretation Guidelines, conducted cultural awareness training and consulted on a range of National Trust projects and programs.*



### 3. Establish Processes for the Interpretive Work

Once initial information has been gathered about local Aboriginal people and the Aboriginal Reference Group has been established, decisions need to be made about the processes that will be used to drive the interpretive work.

These decisions need to be made by those people involved in the interpretive work in consultation with the Aboriginal Reference Group.

Obtain copies of this booklet as well as *Sharing our Stories* from the National Trust of Australia (WA) website for everyone involved. These booklets are good reference material and will make sure everyone involved shares an understanding of interpretation and process.

*In cases where local Aboriginal people are driving the interpretive process, careful consideration will need to be given to ensure all appropriate people are involved in the project.*

Some questions to ask here are:

1. How will the interpretation represent a living culture?
2. How can the interpretive process reinforce culture?
3. Could the interpretive work bring old traumas and grief to the surface? Cultural pain?
4. How will emotions, traumas and grief be managed?
5. How can the interpretive work bring resolution and healing to old trauma?
6. Who are the spokespersons for the project?
7. Who will manage media and media released for the project?
8. Do the processes and protocols underpinning the work need to be formalised?
9. Are there languages that should be used in this project? See *Aboriginal Languages*.

### 4. Formalise a Cultural Heritage Management Plan


After desktop research has been conducted, an Aboriginal Reference Group established and processes for conducting the interpretive work have been discussed and agreed on, it is time to develop a cultural heritage management plan.

If a cultural heritage management plan for the site already exists but does not include management of the Aboriginal heritage, an additional 'Aboriginal Heritage Management Plan' may need to be developed as a complimentary document. See '*Aboriginal Heritage Management Plans*' and '*Cultural Heritage, Mapping and Management*.'

An Aboriginal heritage management plan is an agreement between the sponsor of the plan and an Aboriginal party about how a project is to be managed to avoid harm to Aboriginal cultural heritage. In circumstances where harm cannot reasonably be avoided, the plan minimises harm to Aboriginal cultural heritage. A plan integrates use of the site with preservation of heritage.

The plan may also include elements of celebrating and reinforcing Aboriginal connection to the site.

At this stage in the process, specialist assistance may be required from a consultant who is skilled in the development of Aboriginal cultural heritage management plans. See '*Consultants*'.



## Avondale

Avondale was one of the earliest pastoral properties established east of the Darling Scarp in the 1830s. It was bought by the government in 1910 for agricultural subdivision and transferred to the Department of Agriculture in 1924 and run as a research station until 1979. Over the last 30 or so years it has run as an educational centre for school children and the general public focusing on farming practices in the Wheatbelt.

Avondale is currently managed by the National Trust of Australia (WA) in partnership with the local community. The Trust has worked with the local community and other stakeholders to prepare a master plan for the site to create a sustainable future for the property which protects the heritage values. The steering committee established to oversee the development of the master plan included representation from the local Aboriginal community.

In addition to the steering committee, an Aboriginal Reference Group was established with the assistance of a consultant who identified those who should be consulted and invited to be part of the reference group. A meeting of the Ballardong people was organised as part of the process and ten local Aboriginal people were invited to sit on the reference group. All work was voluntary. Out of pocket expenses were paid. From this group two senior persons were nominated to sit on the master plan steering committee.

As well as the master plan, an interpretation plan was prepared for Avondale. The interpretation plan was written as an inclusive document covering all heritage values – natural, Aboriginal and historic. To date, work has focused on the capturing of oral histories. Five community members were trained as volunteer oral history interviewers. Unfortunately no Aboriginal people were available to participate in the project. One Aboriginal person expressed an interest but a death in the family prevented her involvement. More than ten stories have been recorded so far however no Aboriginal stories have been recorded as yet. The Trust has re-invited Aboriginal people to undertake the training with some interest being expressed.

The initial consultants report recommended Aboriginal people be paid for this work and there are matters of intellectual property to be resolved. It's anticipated that once these matters have been resolved, work can recommence on recording the Aboriginal story for the property. The Trust is committed to facilitating ways to ensure the Ballardong stories are recorded.





*Avondale was established east of the Darling Scarp in the 1830s and was one of the earliest pastoral properties in the state. It was bought by the government in 1910 and became a research station and experimental farm in 1924. (NTWA/Gina Pickering, 2011)*



*Research at Avondale included wheat and sheep. (NTWA/Gina Pickering, 2010)*



Steps to take to develop this plan include:

1. Cultural heritage management plan -  
Develop a cultural heritage management plan for the site, which includes identifying interpretive needs. This plan would encompass all cultural connection to the site.  
Refer to DIA for advice. [www.dia.wa.gov.au](http://www.dia.wa.gov.au)
2. Master (operational) site management plan -  
Develop a master site management plan.
3. Interpretation -  
Commence work on interpretation.  
In some cases it may be necessary to develop an  
Indigenous land use agreement or other consideration of Native Title.

*An Aboriginal heritage management plan integrates use of the site with preservation of heritage.*

## Ensuring the Interpretation is spoken with an Aboriginal Voice

Today the aim of interpretation of Aboriginal heritage is for the interpretation to be presented with an Aboriginal voice. In the past, Aboriginal heritage interpretation was dominated by the non-Aboriginal voice. This is Aboriginal people speaking for and about their own heritage. It is an opportunity to share heritage from the inside out rather than from the outside looking in.

Genuine consultation, genuine partnerships, good will and intent will place the interpretive work on a steady foundation. Openness, respect, ownership and attention to relationships will drive the work in the right direction. Ensuring the final interpretative material is spoken with an Aboriginal voice will make the experience of viewing and interacting with it a rich and meaningful experience for the viewer.

Some questions to ask to check whether the interpretive work is reflective of an Aboriginal voice are:

1. Is the ARG enthusiastic, engaged and contributing freely to the work?
2. Is the project igniting recollections, further information and a desire to share with others?
3. Is the project drawing in more Aboriginal people and stories?
4. Are Aboriginal people re-writing, checking and changing material produced?
5. Are the ARG members excited about the final products?
6. Are the ARG members proud of what is being produced?
7. Is local Aboriginal enthusiasm and interest evident?
8. Is the project igniting more interest in culture, language and history?

*Ensuring the final interpretative material is spoken with an Aboriginal voice will make the experience of viewing and interacting with it a rich and meaningful experience for the viewer.*



# Appendices





## Appendix 1 - Definitions

**Aboriginal** – refers to the Indigenous people of Australia except those of the Torres Strait region.

**Aboriginal English** – A non-standard form of Standard Australian English often spoken by Indigenous people. May be different in each town or district. Often influenced by the vocabulary and grammar of the local Indigenous languages. It differs from other varieties of English in systematic ways, including sounds, grammar, words and their meanings, and language use. In subtle ways Aboriginal English is a powerful vehicle for the expression of Aboriginal identity.

**Aboriginal knowledge** – Aboriginal knowledge encompasses the intellectual property and traditional knowledge of a language group. Aboriginal knowledge is only partially protected under Australian copyright law.

**Aboriginal object** – has the same meaning as ‘Aboriginal object’ in the *National Parks and Wildlife Act 1974 (NPW Act)*: ‘any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of other Australian peoples extraction, and includes Aboriginal remains’.

**Aboriginal trauma** – The consequence of settlement of Australia by Europeans, massacres, removal of Aboriginal people from traditional lands, forced habitation in missions and reserves, intense poverty, the Stolen Generation, disease and high mortality rates, racism, discrimination and the loss of language, culture and heritage has led to a great deal of trauma amongst the Aboriginal population. Some of the effects of this trauma include high levels of engagement with the judicial system by youth and men, low self-esteem, depression and mental illness, vulnerability to physical, emotional and sexual abuse, rejection of Aboriginality and Aboriginal culture, a disengagement with traditional land, loss of role in the cultural and spiritual life of their former communities, inability to be able to establish rights to native title as well as the more obvious high rates of social diseases such as drug and alcohol abuse, domestic violence, child neglect and abuse and a general disengagement with society.

**Acknowledgment of Country** – is a way that other Australian peoples people can show respect for Aboriginal and Torres Strait Islander heritage and the ongoing relationship of traditional owners with the land. An acknowledgment states that the people present recognize the country they are on and the Traditional Owners of that land.

**Apology** – On the 13th February 2008 The Prime Minister, Kevin Rudd offered a broad apology to all Aborigines and the Stolen Generations for their ‘profound grief, suffering and loss’. This event is referred to as the Apology.

**Artefacts** – spears, spear-throwers, clubs, boomerangs and shields for the men; digging sticks, carrying dishes and grindstones for the women; while both sexes utilised hair belts. The most common stone tools included hammerstones [usually river stones], choppers, knives and blades, points and spearheads, backed blades, geometric microliths, adze flakes, burins and chisels [engraving tools], axes, grindstones and millstones.

**Astral travel** – Many Aboriginal cultures believe that the spirit travels during dreams to other locations through astral travel. At times, stories will be told that include these wanderings to other locations and link those locations with a current site.



**Battles** – Although much of the conflict between the Indigenous people and the settlers consisted of tit-for-tat attacks and ambushes, a number of bigger battles did occur over the first century of settlement. The British like to refer to these incidents as ‘dispersing of natives’ or ‘the murder of peaceful settlers’; they never admitted that an actual ‘*state of war*’ existed. This version of events was handed down over many years and existed until very recently in many history books.

**Ceremonies** – Most ceremonies practised in Aboriginal communities cannot be openly discussed due to their sensitive and sacred nature. When discussing specific ceremonies it is important to have a local Aboriginal person present. There are many ceremonies and reasons for ceremonies in Aboriginal society, all have a firm place with The Dreaming.

**Clan** – a division of Aboriginal society. Members of a clan trace their relationship in a number of ways, primarily emphasising a common mythical ancestor. Members of a clan generally have special districts or sites within the group’s territory, and normally they are responsible for performing ritual duties and obligations in connection with their clan ancestor.

**Colonisation** – a process by which a different system of government is established by one nation over another group of people. It involves the colonial power asserting and enforcing its’ sovereignty, or right to govern according to its’ own laws, rather than by the laws of the colonised.

**Community** – community is about interrelatedness and is central to shared conceptions of belonging. Aboriginal people may belong to more than one community. Important elements of community are identification with country or location, family ties and shared experience.

**Conflict site** – means a site where confrontation occurred between Aboriginal and non- Aboriginal people or between different Aboriginal groups.

**Contact site** – means a site relating to the period of first contact between Aboriginal and other Australian peoples people.

**Country** – an area that an Aboriginal language group or community or certain people within that group have custodianship over. The term may indicate more than simply a geographical area; it is also a concept that can encompass the spiritual meanings and feelings of attachment and connectedness associated with that area. Country means a sense of belonging to an area of land. The term is increasingly capitalised as Aboriginal people wish to demonstrate respect and importance given to the term.

**Cultural Heritage Management Plan** – A cultural heritage management plan is an agreement between the sponsor of the plan and an Aboriginal party about how a project is to be managed to avoid harm to Aboriginal cultural heritage. In circumstances where harm cannot reasonably be avoided, the plan minimises harm to Aboriginal cultural heritage. A plan integrates use of the site with preservation of heritage.

**Cultural landscapes** – A cultural landscape describes a landscape of intertwined physical and social heritage as opposed to separate and discrete sites. It describes the relationship between objects in the landscape, people and culture. It may describe a network of places linked through social or cultural activities or beliefs. Cultural landscapes may extend further than a defined plot of land and involve pre-contact, settlement and contemporary time periods. Landmarks are both metaphysical and physical. It may present relationship to land as both an external landscape and an ‘in-scape’, that is, an internal relationship with the Creative Beings in the landscape.



**Culturally modified tree** - means a tree that has been scarred, carved or modified by an Aboriginal person by the deliberate removal, by traditional methods, of bark or wood from the tree, or by the deliberate modification, by traditional methods, of the wood of the tree.

**Cultural storehouses** - a vast archive of information of aspects of Aboriginal life in the form of photographs, films, audio tapes, diaries, artefacts, paintings and other records. Often cultural storehouses are situated on the country the material is associated with and are managed by Aboriginal people in private.

**Culture** – The social practices of a particular people or group, including shared language, beliefs, values, knowledge, customs and lifestyle.

**Custodian** – in Indigenous communities, an individual charged with maintaining and passing on particular elements of cultural significance, e.g. stories, songs, language, ritual and imagery.

**Dreaming** – This is thought by Aboriginal people as the beginning of their existence, of their heritage and of their cultural life. The Dreaming was the period in which dramatic events took place which shaped the environment, its inhabitants and their life. Aboriginal people trace their ancestry to the beings which participated in these events. The *Dreaming*, the *Dreamtime* has become a term used to describe what is in fact a sophisticated and interconnected mosaic of knowledge, beliefs and practices concerning the creativity of Ancestral Beings, and the continuity and values of Aboriginal life.

**Dreamtime** – According to Aboriginal belief, all life as it is today – Human, Animal, Bird and Fish is part of one vast unchanging network of relationships which can be traced to the great spirit ancestors of the Dreamtime. The Dreamtime continues as the “Dreaming” in the spiritual lives of Aboriginal people today. The events of the ancient era of creation are enacted in ceremonies and danced in mime form.

**Elders** – those who are custodians of knowledge and lore. They are chosen and accepted by their own communities as people who have the permission to disclose cultural knowledge and beliefs. Recognised Elders are highly respected people within Aboriginal communities. Accept general community endorsement of a person as an Elder.

**Identity** – belief in, and acceptance of, who you are as determined by your culture, an awareness of being an individual and a member of a group / groups.

**Indigenous** – internationally recognised term for the first people of a land. The word is used as a proper noun ‘Indigenous’ when referring to people who are aboriginal to Australia.

**Indigenous Land Use Agreement** - is an agreement between a native title group and others about the use and management of land and waters. These agreements allow people to negotiate flexible, pragmatic agreements to suit their particular circumstances. An Indigenous land use agreement can be negotiated over areas where native title has, or has not yet, been determined to exist. They can be part of a native title determination, or settled separately from a native title claim.

Indigenous land use agreements can be formed on the following topics:

- native titleholders agreeing to a future development
- how native title rights coexist with the rights of other people
- access to an area
- extinguishment of native title
- compensation.



**Indigenous language** - A communication system used by a group of people of indigenous heritage. May include a non-verbal system of communication. There may be two or more dialects of a language. A dialect is a version of the same language. May sound similar to the other dialects. Dialects may perform a more social than linguistic function.

**Invasion** – the forced takeover of land and the subjugation of its people.

**Kinship** –The family relationships between people. Particularly extensive for Indigenous people as a complex kinship system extends to include people who are not blood related, but related through moiety or a ‘skin system’. It includes the importance of all relationships, and of being related to and belonging to the land. May include relationships to animals and plants, as determined by the particular Aboriginal culture.

**Land** - The specific area [and its physical, linguistic and spiritual features] to which a nation or community belongs. It is a profound spiritual basis of Aboriginal heritage. ‘Land’ is widely used to include the land, sea, water and air.

**Landforms** - are the units of land description explained and defined as ‘landform elements’ in The National Committee on Soil and Terrain (eds) *Australian Soil and Land Survey Field Handbook*. Landforms have a characteristic dimension of about 40 m. There are 70 landform elements defined in the *Australian Soil and Land Survey Field Handbook* (Speight 1990: 16; 17–44).

**Language** – the common language, both verbal and non-verbal, use of hands, facial expressions, tone of voice as identified with an Aboriginal community and identified with a particular territory.

**Living culture** - generations have lived on and cared for this country for tens of thousands of years. Art, Language, ceremonies, kinship and caring for country are all aspects of cultural responsibility that have passed from one generation to the next, from the Creation time. Culture is not something from the past but is alive and living today.

**Massacres** - In 1838 European people had settled Australia for just 51 years. Pastoralists were pushing into Aboriginal land, dispossessing Indigenous people from the land that nurtured them physically and spiritually. Aboriginal people did not give up their land that they had looked after for millennia without a fight. European settlers engaged in many clashes with Aboriginal people at the frontier. Fearing to be outnumbered by Aboriginal people some settlers escalated low-level skirmishes to the atrocities we now know as Australia’s massacres of Aboriginal people.

**Men’s Business** - Traditional Indigenous men’s ceremonies and business, usually associated with initiation but may include a wide range of activities that are kept private or secret. Laws reserved for initiated males only.

**Missions** – Missions were institutions, usually church run, established to care for Aboriginal people. Missions were set up to protect Aboriginal people from being killed; teach Aboriginal people European ways; teach Aboriginal people Christianity; provide Aboriginal people with food and somewhere to live; as a place to put people after removal from traditional land. Often life was very harsh with rules and a lack of privacy, respect for language and culture and interference in everyday life. Many people were not permitted to leave a mission and were forcibly returned when they did. Often children were placed in dormitories as a way of removing the influence of their family during their formative years.

**Mob** – term used to describe extended family, relations or community. Also used to describe a large number of any items. Derived from initial contact between Aboriginal people and pastoralists in early European settlement times.

**Moiety** – The moiety system divides all the members of an Aboriginal group into two groups, based on a connection with certain animals, plants, or other aspects of their environment. A person is born into one or other group and this does not change throughout their life. A person belonging to one moiety has to marry a person of the opposite moiety. In some groups the division of moieties is extended to cover every aspect of life and the world including all animate and inanimate things. In some cases the moieties are divided into sections and/or sub-sections, primarily to provide marriage rules and kinship ties.

**MOUs** – A Memorandum of Understanding - are a formalised commitment for involved parties to work collaboratively on an agreed set of goals within a strategic framework. An example MOU can be found in appendix 10.

**Music, songs and dance** – songs and formal dance patterns are an integral part of the most sacred rituals. These are carefully planned and rehearsed and handed down from generation to generation. Non-sacred forms concentrate on entertainment, depicting events of current interest to the group. Most songs are short and repetitious.

Aboriginal music and songs exist for a variety of occasions: songs of the creation and heroic figures, songs of birth and death and songs for trade and taboo. The songs or chants are mnemonic – a memory aid to serve an education purpose. The words are repeated to remember the facts and are brief, rhythmic and communal to ensure the accurate transmission of the information.

**Nation** – group of people having common descent, language and history. It is a preferable term to ‘tribe’. Nation is an all-encompassing term referring to the common and shared sense of identity of a group of people. There may be some linguistic variation within a language nation.

**National Sorry Day** - is held on the 26th of May each year since 1988, in commemoration of the *Bringing Them Home* report being handed to the federal government on 26 May 1997.

**Native Title Act 1993** - (the Act) provides a process for the negotiation of agreements, as it establishes a ‘right to negotiate’ for native title holders or registered native title claimants (*traditional owners*) in relation to certain proposed actions contemplated by government (such as the issue of mining leases to resource developers), referred to in the Act as future acts. Since the passage of the Act in 1993 the National Native Title Tribunal has made over 2450 future act determinations.

**Realia** – objects, artefacts, concrete examples of daily life.

**Reconciliation** - A capitalised ‘Reconciliation’ is used to refer specifically to the Commonwealth Government initiative to promote reconciliation between Aboriginal and Torres Strait Islander peoples and the wider community and to address Aboriginal and Torres Strait islander disadvantage. More generally it is an ongoing process between Indigenous and non-Indigenous people in working together with a view to reconciling the dispossession and ongoing inequalities suffered by Indigenous people and communities.



**Reconciliation Action Plan** - This type of plan sets in place specific priorities including the promotion and provision of access to justice, enhanced employment opportunities for Indigenous Australians, positive cultural change; and the development and extension of relationships with local Aboriginal and Torres Strait Islander peoples, representative bodies and businesses. The plan was developed and is monitored by Reconciliation Australia.

**Reserves** – Reserves were plots of Crown land nominated as places for Aboriginal people to congregate and live. Some reserves became missions where as some missions later became reserves. Many Aboriginal communities today are on land that was originally a reserve or mission.

**Resistance** – one of the responses of Aboriginal people to invasion, including violent and/or political opposition.

**Respect** – a term used commonly to refer to the way an individual treats others. Showing respect occurs in many ways, such as waiting to speak, listening and demonstrating understanding, not asking too many direct questions, ensuring that people are not made to feel uncomfortable or uneasy and generally showing regard for others' ideas, beliefs and culture.

**Sacred/ secret** - All beliefs and stories of The Dreaming are individually owned and kept secure by individual members of a language group ensuring that they are protected for all people. These members of a language group had and continue to have the great task of ensuring that these stories are correctly remembered and passed on, and that the correct practice of rituals and ceremonies are performed to do this.

**Self-determination** - People's control over all aspects of their lives. Aboriginal self-determination is the stated policy of the Commonwealth. Self-determination is defined by involving people's effective participation in all decisions affecting them.

**Sites** - is sometimes used as another name for Aboriginal objects and material which contain traces of past Aboriginal land use. The term is commonly used in archaeological assessments and discourse.

**Skin system** – also referred to as the family system. In the Aboriginal family system, or kinship system, relations are recognised “by blood” and by marriage as in other societies. Aboriginal people also regard themselves as being related (although not biologically or by marriage) to all the people within a cultural or linguistic region. The kinship system groups various categories of relations together as a sort of “mental map” so people know whom they are related to, and how they should behave towards each other. The whole cultural group may be divided into two, four, six or eight sections.

**Smoking** - 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.

**Song lines** - A song comprising many short verses, each of which tells about a particular event or place associated with the ancestor; or the performance may be a full ceremonial one which includes portrayal of relevant events in the performance of dances accompanied by the singing of the appropriate verses.



The song associated with any *one totemic 'line'* will have the one melodic form throughout. This means, in the case of very long 'lines' of songs, where the ancestor is reputed to have crossed thousands of miles of territory, that the characteristic melodic form will be found in areas with different languages and musical techniques.

Song lines are often a form of mapping. Sung as a person walked through an area of land, each verse described an aspect of the landscape and indicated where the walker should head. Therefore they mapped the landscape and directions through song.

**Sorry time** - Aboriginal ways of grieving means that when someone has passed away people will come to pay their respects. It may take some time for everyone to arrive. This is called '*sorry time*', and is how communities 'cry together' for their lost loved one. Regular life is put in hold during sorry time as those grieving are cared for and ceremonies or rituals undertaken. This may take some weeks through to some months.

**Spiritual** – Aboriginal spirituality is derived from and through the Dreaming and relationship to Country and the continued presence in the landscape of Spiritual Beings. This sense of spirituality ties the land, the past and the present together through obligations, ceremony, culture, language and belief.

**Standard Australian English** - The form of English spoken through Australia, with some local variation.

**Stolen Generation** - From 1905 Governments, churches and welfare bodies were permitted to take Aboriginal children away from their families without consent under a variety of Acts. In WA, the *Aborigines Act of 1905* gave unprecedented power over Aboriginal people to the Chief Protector and was used to remove many children. This practice continued into the 1970s. These children were then brought up in institutions or fostered out to European families. These children are known as the Stolen Generation. Often there is trans-generational trauma found in families where children were removed and sent away.

**Symbols** – written representations of a language, such as letters, characters, marks, accents; identifiable aspects of culture such as flags, artefacts, costumes, landmarks.

**The Aboriginal flag** – a strong symbol of a distinctive identity. Harold Thomas, an Arrernte person from Central Australia, designed the black, red and yellow flag in 1971. The black part represents all Aboriginal people; the red band symbolises the earth and people's spiritual relationship with it; and the yellow circle is the sun, the source of all life.

**The Torres Strait Islander Flag** – this symbolises the unique identity of the Torres Strait Islander people. Bernard Namok from Thursday Island designed it in 1992. Its' green bands represent the land; the blue area is the sea; and the black part represents the people. The five-pointed star represents the five island groups. The *white dhari* is a traditional headdress – a symbol of all Torres Strait Islander people.

**Torres Strait Islander** - refers to the Indigenous people of the Torres Strait region.



**Totem** - An animal, plant or other object believed to be ancestrally related to a person. A totem can be represented in nature in the form of a large rock, tree, hill, river, or other landform. It may have a man made emblem such as when a wooden pole, ceremonial board or other decorated object represents it. Much of Aboriginal art is connected with the imagery of totems.

**Traditional Aboriginal Law** - Traditional Indigenous rules that make up the law of that society. Taught by the Elders to young people as a model of adult behaviour. Often contained in lore through story, song, dance and ceremony. Lore is the medium and Law is the rule.

**Traditional Owner** – these are Aboriginal people who are recognised as belonging/connected to a particular geographical area. Aboriginal community members acquire ownership of their language/s at birth. Language proficiency is not essential for ownership.

**Welcome to Country** – This is a welcoming ceremony or statement that gives Traditional Owners, or their nominated Custodians, the opportunity to formally welcome people to their land. The welcome is to also inform the spiritual beings in the land that others are on the land but are welcome to be here and therefore are made safe from their possible harmful effects.

## Appendix 2: Acts of Parliament

A number of Legislations impact on Aboriginal people, culture and lives. Some Acts had great significance in the past. Current and past Acts may have significance when undertaking interpretation and should be referred to as required.

Commonwealth Acts are available at:

[http://www.austlii.edu.au/au/legis/cth/consol\\_act/](http://www.austlii.edu.au/au/legis/cth/consol_act/)

Western Australian state Acts are available at:

[http://www.austlii.edu.au/au/legis/wa/consol\\_act/](http://www.austlii.edu.au/au/legis/wa/consol_act/)

### Commonwealth

*Aboriginal And Torres Strait Islander Heritage Protection Act 1984 (Comm).*

Protection of places of significance to Indigenous Australians is provided under this Act. The Act offers protection for significant places or objects through ministerial decision.

*Environmental Protection and Biodiversity Conservation Act 1998*

This Act protects the environment, particularly matters of National Environmental Significance.

*Native Title Act 1993*

Native Title describes the rights and interests of ATSO people in land and waters, according to their traditional laws and customs that are recognised under Australian law. It recognizes that Aboriginal Australians may continue to hold native title. ATSI people may apply to the courts of Australia to have their native title rights recognised under Australian law.

*Protection of Movable Cultural Heritage Act 1986*

This Act protects the environment, particularly matters of National Environmental Significance. It protects Australian biodiversity and integrates management of important natural and cultural places.

*Australian Heritage Commission Act 1975*

An Act to establish the Australian Heritage Council and for related purposes.



## State of Western Australia

### Heritage Of Western Australia Act 1990

An Act to provide for, and to encourage, the conservation of places which have significance to the cultural heritage in the State, to establish the Heritage Council of Western Australia, and for related purposes.

### Conservation and Land Management Act 1984

An Act to make better provision for the use, protection and management of certain public lands and waters and the flora and fauna thereof, to establish authorities to be responsible thereof, and for incidental or connected purposes.

### Fish Resources Management Act 1994

An Act to share and conserve the State's fish and other aquatic resources and their habitats for the benefit of present and future generations.

### Bush Fires Act 1954

An Act to make better provision for diminishing the dangers resulting from bush fires, for the prevention, control and extinguishment of bush fires, for the repeal of the Bush Fires Act 1937 and for other purposes.

### The National Trust of Australia (W.A.) Act 1964

An Act to establish and incorporate and confer powers upon The National Trust of Australia (W.A.) and for incidental and other purposes.

### Aboriginal Heritage Act 1972

Was introduced in WA to protect Aboriginal heritage. Provides automatic protection in WA for all places and objects that are important to Aboriginal people because of connection to their culture. Those places and objects are referred to as Aboriginal sites.

### Aboriginal Heritage (Marandoo) Act 1992

An Act concerning the application of the Aboriginal Heritage Act 1972 and for related purposes.

### Environment Protection Act 1999

An Act to provide for an Environmental Protection Authority, for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.

### Native Mission Stations Act 1923

### Native Title (State Provisions) Act 1999

### Aboriginal Affairs Planning Authority Act 1972

### Aboriginal Communities Act 1979



## Past Acts of Significance

### Aborigines Act 1889

Amended the 1886 Act to allow Crown lands to be reserved and set aside 'for the use and benefit of the Aboriginal inhabitants' and vested existing 'Native Reserves' in the Aborigines Protection Board. Repealed by Aborigines Act 1905.

### Aborigines Act 1905

Gave unprecedented power to the position of Chief Protector who was the legal guardian of 'every aboriginal and half-caste child' to the age of 16 years. The freedom for Aboriginal people was severely curtailed under this Act. Regional protectors were appointed with power to grant permits for employment of Aboriginal males less than 14 years and Aboriginal females. The Minister could exempt 'aboriginals' from the Act but an exemption could be cancelled at any time. Regulations were made for the care, custody and education of the children of aborigines and half-castes and 'enabling any aboriginal or half-caste child to be sent to and detained in an aboriginal institution, industrial school or orphanage.' Systematic exclusion of Aboriginal people from European society had drastic consequences for Aboriginal people. Repealed by Native Welfare Act 1963.

### Aborigines Act Amendment Act 1911

Chief Protector made the legal guardian of all illegitimate 'half-caste' children 'to the exclusion of the rights of a mother of an illegitimate half-caste child.' Aboriginal institutions to exercise the same powers as State institutions in respect of State children. Repealed by Native Welfare Act 1963.

### Native Administration Act 1936 [Also known as the Aborigines Act Amendment Act 1936]

Changed the title of Chief Protector to Commissioner of Native Affairs. The expansive definition given to 'native' extended the reach of the Commissioner's powers. Commissioner of Native Affairs made the legal guardian of all legitimate and illegitimate 'native' children to the age of 21 'notwithstanding that the child has a parent or other relative living'. Repealed by Native Welfare Act 1963.

### Native Welfare Act 1954

Commissioner and Department of Native Affairs changed to Commissioner and Department of Native Welfare. The Commissioner remains the legal guardian of 'native' children except where the child has been made a ward under the Child Welfare Act 1947. 'The Commissioner may from time to time direct what person is to have the custody of a native child of whom he is the legal guardian, and his direction shall have effect according to its tenor'. Repealed by Native Welfare Act 1963.

### Native Welfare Act 1963

Commissioner ceased to be the guardian of 'native minors'. Duties of Department of Native Welfare include providing for 'the custody, maintenance and education of the children of natives' and to assist in the 'economic and social assimilation by the community' of 'natives'. Only 'natives' and specified persons to enter or remain on reserves. Regulations may be made for 'the control, care and education of the children of natives'. Repealed by Aboriginal Affairs Planning Authority Act 1972.

### Community Welfare Act 1972 [also known as the Community Services Act 1972]

Established the Department of Community Welfare that was an amalgamation of the Child Welfare Department and sections of the Department of Native Welfare.



## Appendix 3: Milestones in Indigenous History

1. 1829 Colonisation of WA by British
2. 1834 Pinjarra massacre
3. 1839 Establishment of Rottnest Island as an Aboriginal prison
4. 1868 Massacre of around 60 Yapurarra people, Dampier Peninsula. 'Flying Foam Massacre'
5. Early 1900s  
Establishment of lock hospitals used for the treatment of Aboriginal people suffering from leprosy, tuberculosis and venereal disease.
6. 1905 *Aborigines Act* enables removal of children
7. 1909 Aborigines Dept name change to Aborigines and Fisheries.
8. 1926 Forrest River massacre
9. 1944 *Native (Citizenship Rights) Act (WA)*
10. 1946 Pilbara station and stockmen go on strike for wages and better conditions
11. 1967 Commonwealth Referendum, Aboriginal people recognised as citizens of the Commonwealth of Australia
12. 1968 Federal Pastoral Industry Award amended- equal wages for equal work including Indigenous people
13. 1969 Weebo dispute
14. 1975 *Racial Discrimination Act*
15. 1987 Royal Commission into Aboriginal Deaths in Custody
16. 1991 to 2000  
Council for Aboriginal Reconciliation
17. 1993 (Mabo) *Native Title Act* (Commonwealth), a practical coexistence between Indigenous and non-Indigenous land use
18. 1997 *Bringing Them Home Report*, a report on Stolen Generations
19. 2000 Reconciliation Australia Incorp takes over the work of Council for Aboriginal Reconciliation
20. 2008 National Apology to Stolen Generations
21. 2009 Feb  
Closing the Gap strategy launched

## Appendix 4: National Days of Significance for Aboriginal People

26 January	Australia Day/Survival Day/Invasion Day
21 March	Harmony Day (UN Elimination of Racial Discrimination Day)
1 May	Pilbara Indigenous Pastoral Worker's Strike anniversary
26 May	National Sorry Day/National Day of Healing
26 May - 3 June	National Reconciliation Week
27 May	Amendments to the Constitution regarding Aboriginal People (1967 Referendum)
3 June	Mabo Day
1 July	Aboriginal birthday for people without a birth date
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



## Appendix 5: Sample Statements

### Acknowledgement of Country

Acknowledgement of country is where other people acknowledge and show respect for the Traditional Custodians of the land on which the event is taking place. It's a sign of respect. This statement is used at the start of public and significant internal events. It is preferred that Traditional Owners give a welcome to country, but if not available, an acknowledgment should be delivered.

The following are two examples of wording considered appropriate for this acknowledgment.

1. *'I would like to acknowledge that we are here today on the land of (insert appropriate name) people. The (insert appropriate name) are the Traditional Custodians of this land form part of the wider Aboriginal nation known as (insert name of nation). I would also like to acknowledge the present Aboriginal and Torres Strait Islander people who reside in this area.'*
2. *'We would like to begin by acknowledging the traditional custodians of the land where we are meeting, the (insert appropriate name). We pay respect to all Aboriginal and Torres Strait Islander people and recognize they were the first people of Australia.'*

### Welcome to Country

A 'Welcome to Country' is where an Aboriginal custodian welcomes people to their land at the beginning of a meeting, event or ceremony where people from outside the land attend. An appropriate person such as a recognised Elder within the local area needs to conduct the welcome. Welcome to Country enables Traditional Custodians to give their blessing to the event. It is an important mark of respect for Aboriginal people. It also ensures engagement of local Aboriginal people in the event. It is preferred that Traditional Owners give a welcome to country, but if not available, an acknowledgment should be delivered.

The following are two examples of wording considered appropriate for this acknowledgment.

1. *'Welcome to (insert appropriate name) country, traditional lands of the (insert appropriate name) people.'*
2. *'The (insert appropriate name) people who are traditional custodians of this land on which we meet, welcome you onto their country.'*

### Recognising Torres Strait Islander and Aboriginality Heritage

An Aboriginal or Torres Strait Islander is a person who:

1. Is of Aboriginal or Torres Strait Islander descent.
2. Identifies as an Aboriginal or Torres Strait Islander.
3. Is accepted by the Aboriginal or Torres Strait Islander Community as an Aboriginal or Torres Strait Islander.



## Wording for Photographs and Information about Deceased Aboriginal or Torres Strait Islander People

In many Aboriginal and Torres Strait cultures, it is taboo to name a deceased or display photographs of deceased persons. In order to name a person or display a photograph, it is good practice to consult with and obtain permission from a significant Elder in the local community.

Once permission has been obtained, a statement will draw attention to the fact that a deceased's name or photo is displayed and that local Elders have given permission for this.

Sample cultural warning statement:

Persons of Aboriginal or Torres Strait Islander descent are advised that the names of and/or photographs of deceased persons are included in this (insert genre such as display, book, poster, photographic exhibit etc). Permission for inclusion/display of these photographs/names has been obtained from the (insert name of local group).



## Appendix 6: Copyright and Intellectual Property

According to the World Intellectual Property Organisation (WHO), copyright is a legal term describing rights given to creators for their literary and artistic works. Copyright laws govern the use, production and dissemination of original artistic works. The kinds of works covered by copyright include novels, poems, plays, reference works, newspapers, computer programs, databases, films, musical compositions and choreography, paintings, drawings, photographs, sculpture, architecture, advertisements, maps and technical drawings.

Copyright and the protection of intellectual property are significant matters to resolve when working with the Aboriginal community and cultural material. Aboriginal people are the custodians of their culture and have the moral right to own and control cultural heritage. However current legal frameworks provides limited recognition and protection of cultural and intellectual rights. The report *Our Culture, Our Future: Report on Australian Indigenous Cultural and Intellectual Property Rights* (1998) provides an important overview of the current issues with regards to the protection of Indigenous culture and heritage.

The Aboriginal and Torres Strait Islander Commission (ATSIC) defined a working definition of “Indigenous Cultural and Intellectual Property” which lists some of the key components of Aboriginal and Torres Strait Islander heritage as outlined below. When working with Aboriginal and Torres Strait Islander people it is imperative that intellectual property rights and copyright are observed and safeguarded in relation to all of the following:

Literary, performing and artistic works (including songs, music, dances, stories, ceremonies, symbols, languages and designs)

- Languages
- Scientific, agricultural, technical and ecological knowledge
- Spiritual knowledge
- All items of moveable cultural heritage
- Indigenous ancestral remains and Indigenous human genetic material
- Immovable cultural property (including sacred and historically significant sites and burial grounds)
- Documentation of Indigenous peoples’ heritage in archives, film, photographs, videotape or audiotape and all forms of media.

For information and advice on observing Indigenous cultural heritage rights, the Aboriginal and Torres Strait Islander Arts Board of the Australia Council has developed a series of five Indigenous protocol guides on the following topics:

- Writing Cultures
- Performing Cultures (Drama/Dance)
- Visual Cultures
- Song Cultures
- New Media Cultures

These protocol guides can be obtained by contacting the Australia Council or they can be downloaded directly from their website.

### Aboriginal and Torres Strait Islander Arts Board, Australia Council

Ph: 9215 9065

Fax: 9215 9061

Email: [atsia@ozco.gov.au](mailto:atsia@ozco.gov.au)

Web: [www.ozco.gov.au](http://www.ozco.gov.au)

Other resources agencies to consult are:

Aboriginal Legal Service of WA: <http://www.als.org.au/>

Community Legal Centres Association (WA) <http://www.communitylaw.net/>

Australian Copyright Council <http://copyright.org.au/>



## Appendix 7: Sources of Material for Aboriginal Interpretation

Material for the interpretation of Aboriginal heritage may be sourced from a wide variety of places and people. This will most likely include the use of oral stories and information as much of Aboriginal culture and heritage is not documented.

Sources of heritage material may include:

- Academic papers
- Newspapers
- Articles written by Aboriginal people
- Collections
- University collections
- Private collections
- Linguist's records
- Archaeologist's records
- British records
- Police records
- Station records
- Native welfare records
- Maps
- Place names
- Songs
- Songlines
- Explorer's journals
- Nurses and hospital records and journals
- Births, deaths and marriage records
- Department of Indigenous Affairs records
- Native Title bodies records
- Indigenous land use agreements
- State Library of Western Australia <http://slwa.wa.gov.au/>
- Batty Library in Perth [http://www.liswa.wa.gov.au/find/wa\\_information/batty\\_library](http://www.liswa.wa.gov.au/find/wa_information/batty_library)
- Berndt Museum of Anthropology <http://www.berndt.uwa.edu.au/>
- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) <http://www.berndt.uwa.edu.au/>
- Roman Catholic archives <http://www.perthcatholic.org.au/about-us/index.cfm?loadref=69>
- Anglican Archives <http://www.perth.anglican.org/>
- Local historical collections
- Place based oral histories
- Geo-biographical recordings (personal stories about the geographic location)
- Pre-contact activities in the landscape
- Contact activities in the landscape, Sites of contact and contemporary activity



- Post-contact activities in the landscape, Missions, reserves and dwellings
- Stories of spiritual connections in the landscape
- Food and hunting in the landscape
- Water in the landscape
- Traditional Owners of the landscape
- Custodians
- Languages of the area- local Aboriginal language centre  
Native Title Tribunal website <http://www.nntt.gov.au/Pages/default.aspx>



## Appendix 8: Sites in the Aboriginal Cultural Heritage Environment

Aboriginal heritage sites may consist of one or more of the following types of sites. This list is not comprehensive.

- Rock art
- Culturally modified trees
- Middens
- Burial sites
- Human remains
- Repositories of artefacts or human remains
- Conflict site
- Contact site
- Landforms
- Tool making area
- Place of habitation
- Resting place of Creation or Spiritual Beings
- Increase sites
- Dreaming sites
- Flora sites
- Hunting sites
- Fishing sites
- Spiritual sites
- Ochre site
- Event site
- Meeting place
- Law place
- Mythological sites
- Ceremony sites
- Traditional camp sites in the landscape
- Artefact production sites, quarries
- Rock art, galleries, Man-made structures and stone sites, grinding patches/grooves
- Medicinal, disease and health related sites and activities in the landscape
- Increase or thalu sites in the landscape
- Funerals, burials, gravesites, skeletal material
- Trade routes Marine sites, fish traps Aboriginal farming practices and management of the ecosystem e.g. burning patterns, seed dispersal, leaving areas fallow
- Repositories and caches
- Modified or scarred trees
- Caves, rock shelters
- Birthing sites
- Weather and sites of natural events
- Sky, stars and moon

# Appendix 9: Department of Indigenous Affairs Cultural Heritage Due Diligence Guidelines

## **PART 1 – Information to assist in using these Guidelines**

### **1.0 Preamble**

The *Aboriginal Heritage Act 1972* (**Heritage Act**) is the Act which protects Aboriginal heritage on behalf of the community of Western Australia.

### **Purpose of the Heritage Act**

1.2 The Heritage Act was enacted to ensure that all Aboriginal cultural heritage within Western Australia could be properly protected and preserved. The Heritage Act applies to various places and objects which are culturally, spiritually or ceremonially significant to Aboriginal people.

1.3 Under section 10 of the Heritage Act, the Minister's role is to ensure that, as far as reasonably practicable, all places in Western Australia which are of traditional and cultural significance to Aboriginal people are properly recorded and their importance evaluated. This is to assist in the protection and preservation of Aboriginal cultural heritage.

### **Purpose of the Cultural Heritage Due Diligence Guidelines (Guidelines)**

1.4 Land users are obliged to comply with the provision of the Heritage Act and failure to do so may result in prosecution. These Guidelines provide guidance to assist in meeting this statutory obligation and they are intended to help identify activities which may impact adversely on Aboriginal heritage.

1.5 Compliance with these Guidelines will not of itself guarantee compliance with the Heritage Act, but it will provide a useful starting place for consultation and engagement on these issues.

### **Distinction between Aboriginal heritage and native title**

1.6 The common law of Australia and Commonwealth legislation recognise a form of native title that reflects the entitlement of the indigenous inhabitants of Australia, in accordance with their laws and customs, to their traditional lands.

1.7 In Western Australia, the protection of Aboriginal sites of significance is derived from the operation of the Heritage Act. The Heritage Act is a statute that provides automatic protection for all places and objects in Western Australia that are important to Aboriginal people because of connection to their culture.

### **Definition of Aboriginal site**

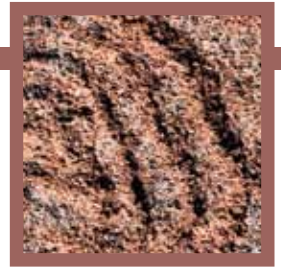
1.8 The Heritage Act provides a comprehensive list of the types of places to which the Act applies. As defined in section 5 of the Heritage Act, an Aboriginal site can be

- a. any place of importance and significance where persons of Aboriginal descent have left any object used for any purpose connected with the past or present traditional cultural life of the Aboriginal people;

b. any sacred, ritual or ceremonial site, which is of importance and special significance to Aboriginal people;

c. any place the Aboriginal Cultural Material Committee (Committee) thinks is or was associated with Aboriginal people and is of such historical, anthropological, archaeological or ethnographic value that it should be preserved; and

d. any place where objects are traditionally stored or places from which objects to which the Heritage Act applies have been removed.



### **Consultation with Aboriginal People**

1.9 The Heritage Act states that anyone has an obligation to report anything that they believe could be an Aboriginal site. However, the Heritage Act also provides that Aboriginal people cannot be compelled to disclose information if to do so would be contrary to customary law.

1.10 Information about the Aboriginal heritage of a particular area is best obtained in consultation with the relevant Aboriginal people for that area. Whilst there is no definitive list of Aboriginal people who should be consulted for an area, the ACMC suggests that the following people at least should be consulted:

- a. those who are determined native title holders;
- b. those who are registered native title claimants;
- c. persons named as informants on Aboriginal site recording forms held in the Register at Department of Indigenous Affairs (DIA); and
- e. any other Aboriginal persons who can demonstrate relevant cultural knowledge in a particular area.

1.11 Consultation in this context means engaging meaningfully with the relevant Aboriginal people. The purpose of such consultation could be:

- a. to identify sites in the area;
- b. to identify any damage that the proposed land use might cause to sites of significance; and
- c. to identify possible means of heritage management for the immediate land use and any longer term disturbance that might occur as part of the land use activity (e.g. construction of power poles and later periodic maintenance).

1.12 Consultation includes providing clear, simple, jargon free information about the proposed land use and its impact and seeking responses from the relevant Aboriginal group. Consultation might not lead to consensus, but provides a basis upon which decisions can be made.

1.13 Under the Heritage Act the DIA maintains a Register of Aboriginal sites and works with Aboriginal people to protect and manage places of significance. DIA facilitates engagement with Aboriginal people by providing advice to the public and private sectors and the community about Aboriginal sites and heritage management.

1.14 Under the Heritage Act the ACMC advises the Minister for Indigenous Affairs on the management of sites of significance.



## **Consent to disturb a site**

1.15 Under section 17 of the Heritage Act, a person who excavates, destroys, damages, conceals or in any way alters any Aboriginal site commits an offence, unless he or she acts with the authorisation of the Registrar of Aboriginal Sites (Registrar) under section 16 or the consent of the Minister of Indigenous Affairs (Minister) under section 18.

## **Obtaining consent**

1.16 Consent or authorisation is usually given in one of three ways:

- a. Section 18 of the Heritage Act consent, which may follow from a notice submitted by a proponent. The ACMC considers the notice and makes a recommendation to the Minister for Indigenous Affairs. The Minister considers the recommendation and makes the decision whether or not to consent to the disturbance or destruction of the site. If consent is granted, the Minister can also impose conditions.
- b. Section 16 of the Heritage Act authorisation, which is authority from the Registrar on the advice of the ACMC.
- c. Regulation 10 of the *Aboriginal Heritage Regulations 1974 (WA)* authorisation, which is authority from the Registrar or Minister.

## **Aboriginal cultural heritage due diligence**

1.17 The Heritage Act provides a defence to a person who can prove that he or she did not and could not reasonably be expected to have known, that the place or object which was damaged or destroyed was a site of Aboriginal heritage significance. Whilst each case will turn on its own facts, a person who complies with the Guidelines set out in Part 2 may be able to use the steps undertaken to assist in establishing that he or she did not, and could not reasonably have known, that the site was an Aboriginal heritage site.

1.18 Due diligence will vary according to the nature of the activity undertaken and the area in which it is being carried out. It can involve one or all of the following steps:

- a. consultation with the relevant Aboriginal group;
- b. search of the Register of Aboriginal Sites and the Aboriginal Heritage Inquiry System;
- c. a heritage survey; and
- d. cultural heritage

1.19 Part 2 of these Guidelines provides further practical advice on heritage due diligence and management when undertaking different land uses.

## **The role of the Guidelines**

1.20 There is no statutory obligation to comply with these Guidelines. However, they can provide practical guidance on heritage matters. There is also a defence under the Heritage Act in circumstances where a person can prove that he or she did not and could not reasonably be expected to have known, that the place or object which was damaged or destroyed was a site of Aboriginal heritage significance. Whilst each case will turn on its own facts, a person who complies with the Guidelines set out in Part 2 may be able to use the steps undertaken to assist in establishing that he or she did not, and could not reasonably have known, that the site was an Aboriginal heritage site

## Other information

2.2 Should you require assistance in determining what your responsibilities under these guidelines or under the Heritage Act, you should contact the DIA on 9235 8000 or through their website: <http://www.dia.wa.gov.au/contact-us/>



## PART 2 – Cultural Heritage Due Diligence Guidelines (Guidelines)

### 2.0 Introduction

2.1 These Guidelines have been published by the State to assist land users in complying with the Heritage Act, and in identifying reasonable and practicable measures for ensuring that activities are managed to avoid or minimise harm to Aboriginal sites

2.2 The purpose of these Guidelines is to assist land users to work out for themselves whether they can proceed with their project without the need for heritage avoidance strategies or, if such strategies are indicated, what those strategies should be. As is explained in Part 1 of these Guidelines, if there is no likelihood of damage or destruction to an Aboriginal heritage site, it is not compulsory for a land user to have any consent under the Heritage Act. However if there is such a possibility, then land users ought to assess the degree of likelihood and consider the need for consultation with Aboriginal groups, or heritage surveys, or even applying to the ACMC for the Minister's consent.

2.3 Where these Guidelines are followed it is less likely that Aboriginal sites, all of which are protected by the Heritage Act, will be harmed. In no circumstances do the Guidelines permit harm to Aboriginal sites protected by the Heritage Act.

2.4 The Guidelines are intended to provide clarity to land users and are not intended to be legal advice. All interested persons should always obtain their own legal advice on the application of the Heritage Act to their own particular circumstances.

2.5 Any questions regarding the Heritage Act can be put to the DIA who are contactable on 9235 8000 or through their website: <http://www.dia.wa.gov.au/contact-us/>.

### 3.0 Definitions

3.1 The definitions used in the Heritage Act apply in relation to these Guidelines.

3.2 In addition to the definitions used in the Heritage Act the following definitions are used within these guidelines:

“Consultation” means a process of enquiry and response between a land user and relevant Aboriginal persons and/or groups to provide information or assistance in identifying any requirements for site identification, heritage survey and/or land use activity proposal modification. Consultation should include details of proposed land use activity.

“Developed Area” means an area which is developed or maintained for a particular purpose such as a park, garden, farming land, railway, road or other access route, navigation channel, municipal facility, or infrastructure facility, such as powerlines, telecommunication lines or electricity infrastructure.

“Ground Disturbance Works” means any activity which will disturb the surface of land or waters.

“Aboriginal Heritage Survey” is conducted once initial consultation has occurred and the need for a survey has been determined. It means further consultation and, if necessary, fieldwork, with the relevant Aboriginal people for an area with a view to determining whether sites exist and, if they do, the nature of the site. Relevant Aboriginal people include:

- a. those who are determined native title holders;
- b. those who are registered native title claimants;
- c. persons named as informants on Aboriginal site recording forms held in the Register at DIA; and
- d. any other Aboriginal persons who can demonstrate relevant cultural knowledge in a particular area.

“Heritage Risk Assessment Matrix” means the document attached at Schedule Two (as amended from time to time).

“Land Use Activity” means any activity on the land or water initiated by a land user of either a low impact activity or ground disturbing nature.

“Land User” means the State of Western Australia operating on its own behalf or third parties operating by grant of interest, right or title by the State of Western Australia.

#### **4.0 The nature of the proposed activity and the likelihood of it contravening section 17 of the Heritage Act**

##### **Introduction**

4.1 The likelihood of a proposed land use activity damaging or destroying an Aboriginal site arises from two factors:

- a. the likelihood of the existence of an Aboriginal site (“likelihood of a site”); and
- b. the nature of the proposed land use activity (“nature of activity”).

4.2 The likelihood of the existence of an Aboriginal site can range from positive knowledge that there is no Aboriginal site on the land in question, to positive knowledge that there is an Aboriginal site. In between these two extremes there is a range of likelihoods, from low to high. What follows is intended to assist land users in determining the likelihood of there being an Aboriginal site on their land.

4.3 The nature of the intended land use activity can range from an aerial survey, which will not cause any ground disturbance, to actual blasting and excavation, which will of course cause extensive ground disturbance.

4.4 Thus, for example, if the proposed land use is an aerial survey of an area where it is known that there is no Aboriginal site, there will be no disturbance of any site, and the land use can proceed without the need for any further heritage survey or consent under the Heritage Act.

4.5 On the other hand, if the proposed land use is the blasting and excavation of an area where an Aboriginal site is known to exist, then it is clear that the proposed land use will destroy the site. In such cases, it is imperative to have the consent of the Minister for Indigenous Affairs (Minister) pursuant to section 18 of the Heritage Act.



4.6 Between these two extremes, there can obviously be any number of permutations of the factors of likelihood of a site and nature of activity. These Guidelines are intended to assist land users in assessing for themselves the need to take action, and the type of action which may need to be taken, in order to comply with the Heritage Act.

## **5.0 Strategies available to assist compliance with section 17 of the Heritage Act**

5.1 Once a land user has established the intended use of the land, the next step is to establish the degree of likelihood of the existence of an Aboriginal site, or sites, on the land. There are several tools available to assist land users in this task.

### **The Register of Aboriginal sites (Register)**

5.2 The Register is established under section 38 of the Heritage Act and must include:

- a. all protected areas (section 19);
- b. all Aboriginal cultural material; and
- c. all Aboriginal sites and objects to which the Heritage Act applies.

5.3 The Register lists all Aboriginal sites reported to the Registrar pursuant to section 15 of the Heritage Act and all areas protected under section 19 of the Heritage Act. It obviously cannot record undiscovered sites – which are nonetheless protected under the Heritage Act – and therefore is not an exhaustive list of sites. However it is an essential reference tool which can assist land users in identifying those locations in which heritage is an issue.

5.4 Conducting a search of the Register is a fundamental part of a land user's Aboriginal heritage due diligence.

### **The Aboriginal Heritage Information System (AHIS)**

5.5 The AHIS enables members of the public to search areas in Western Australia for Aboriginal sites and previously conducted surveys known to DIA. The AHIS can be accessed online through DIA's website - [www.dia.wa.gov.au/AHIS/default.aspx](http://www.dia.wa.gov.au/AHIS/default.aspx).

5.6 Conducting a search of the AHIS is a fundamental part of a land user's Aboriginal heritage due diligence.

5.7 The current electronic search functions enable users to search both the Register and the AHIS in a single search.

### **Consultation**

5.8 Aboriginal persons and groups with traditional connections to the area of the proposed land use should be consulted with a view to establishing the location and importance of any Aboriginal sites. Aboriginal persons and groups are not obliged to divulge this information, and in some cases Aboriginal custom may prohibit such disclosure.

5.9 As a general note, if a land use activity is likely to impact upon Aboriginal heritage, it is best that heritage management strategies are implemented early in the land use activity planning process. Early engagement and consultation can help to identify ways to minimise and avoid damage or disturbance of Aboriginal heritage sites. Leaving heritage management to the later stages of project planning might lead to delays whilst obtaining the relevant information and, where necessary, the relevant consents.



5.10 If at any time it is likely that the activity will in any way impact on a registered Aboriginal site or suspected Aboriginal site the activity should not commence, or if already commenced, should cease immediately, and Land users should contact the DIA on 9235 8000 or through their website: <http://www.dia.wa.gov.au/contact-us/>.

5.11 It is an offence under section 17 of the Heritage Act to damage, destroy, etc an Aboriginal site. However section 62 of the Heritage Act provides that if a person charged with such an offence can prove that he or she did not know, and could not reasonably be expected to have known, that the place or object to which the charge relates was a place or object to which the Heritage Act applies, then the person is not guilty of the offence.

5.12 All land users who wish to use land for a purpose which might contravene section 17 of the Heritage Act must exercise due diligence in trying to establish whether or not their proposed use of the land will damage, destroy etc an Aboriginal site. The steps outlined in paragraphs 5.4 and 5.6 to 5.9 above will assist in showing that a land user has exercised due diligence, and may therefore assist in making out the section 62 defence should an Aboriginal site be damaged or destroyed. This is not an exhaustive list of possible precautions, and does not remove the need for land users to ensure for themselves that they will take all available steps to establish the location and identity of any Aboriginal sites on the relevant land or waters.

### **Risk Assessment Graph**

5.13 Schedules 1 and 2, which follow, have been designed by the State to assist land users in assessing for themselves:

- a. the degree of likelihood of an Aboriginal site existing on the relevant land;
- b. the degree of likelihood of the proposed land use damaging or destroying any Aboriginal site which may exist, or is known to exist, on the land; and
- c. whether or not precautionary strategies will be sufficient to avoid Aboriginal sites, or avoid damaging Aboriginal sites, or whether it is necessary to apply to the ACMC for the Minister's consent under section 18 of the Heritage Act.

It is emphasised that Schedules 1 and 2 are provided for guidance only. Whilst conscientious application of Schedules 1 and 2 should provide land users with a reasonable degree of clarity on the above issues, the land user's conclusions cannot be guaranteed by the State and, in case of doubt, land users should contact DIA directly for further information and/or assistance.



## Schedule 1

### Explanatory

The following list of activities is intended to be used in conjunction with the matrix which appears at Schedule 2.

Users are invited to assess the likelihood of them damaging or destroying Aboriginal sites on their land by identifying their intended use of the land, and the likelihood of Aboriginal sites existing on that land (see types of sites and landscape features at page 15), and plotting the likely risk on the graph at Schedule 2. The Assessment & Action Required Guide provides a guide as to suitable actions to undertake in order to minimise the impact of activity on Aboriginal sites.

The following categories of activities are broad descriptions of usual, or typical, activities. Land users should use their own initiative to equate their intended activities with those described below. In cases where a land user's intended use does not correspond identically with those uses listed below, the land user will have to equate the intended use as closely as possible with one or more of the listed activities.

### **Category 1 - Activities involving no ground disturbance that are unlikely to disturb an Aboriginal site**

Where an activity, such as those listed below, involves no surface disturbance of an area, it is generally unlikely that the activity will disturb any Aboriginal site which may be in the area, and the activity will comply with these Guidelines.

In these circumstances, it is reasonable for the activity to proceed without further cultural heritage assessment.

The following list of examples is not an exhaustive list, but it sets out activities that may proceed under category 1:

- a. walking;
- b. aerial surveying/ aerial- magnetic surveys;
- c. traversing on existing tracks or water courses;
- d. activities on land previously cleared and used for either intensive or extensive
- e. development;
- f. environmental monitoring;
- g. water and soils sampling;
- g. fossicking or other exploration activity using hand held instruments;
- h. spatial measurement;
- c. ommercial biological activities;
- j. scientific research surveys, using hand held tools;
- k. light vehicular access and camping; and
- l. photography.

### **Category 2 - Activities causing no additional surface disturbance or minimal ground disturbance that are unlikely to disturb an Aboriginal site**

Where an activity is a low impact activity or causes no additional surface disturbance of an area, such as the examples listed below, it is generally unlikely that the activity will disturb an Aboriginal site.

In these circumstances, subject to the measures set out in paragraphs 5.4 and 5.6 to 5.9 and the Heritage Risk Assessment Matrix, it is reasonable for the land use activity to proceed.

The following examples include (but are not limited to) activities that may generally proceed under category 2:

- a. cultivation of an area which is currently, or has previously been, subject to cultivation;
- b. grazing cattle on an area where cattle are currently, or have previously been, grazed;
- c. maintenance of existing roads, tracks and powerlines within the existing infrastructure alignment, or other infrastructure footprint;
- d. maintenance and protection of services and utilities (such as electricity infrastructure, water or sewerage disposal) on an area where such services and utilities are currently being provided;
- f. maintenance and protection of services and utilities (such as electricity infrastructure; water or sewerage disposal) on an area immediately adjacent to where such services and utilities are currently being provided providing the activity does not involve additional surface disturbance;
- f. low impact land management activities including feral animal eradication, weed, vermin and pest control, vegetation control and fire control; and
- g. tourism and visitation activities on an area where such activities are already taking place.

### **Category 3 - Activities causing ground disturbance that will possibly disturb an Aboriginal site**

Where an activity is of moderate impact and causes ground disturbance, it is possible that the activity will disturb an Aboriginal site, if present.

In these circumstances, subject to the measures set out in paragraphs 5.4 and 5.6 to 5.9 and the Heritage Risk Assessment Matrix, it is reasonable for the land use activity to proceed. It should be noted that as the likelihood of an Aboriginal site being present increases, consultation with DIA is recommended and applications under section 16 or section 18 of the Heritage Act may be required.

The following are examples of activities classified as ground disturbing activity:

- a. exploration work program clearance;
- b. drilling using hand held rig or rig mounted on any vehicle; and
- c. new fire breaks.

### **Category 4 - Ground disturbance that is likely to disturb an Aboriginal site including areas previously subject to significant ground disturbance**

Activities including medium to high impact ground disturbance and extensive land use are likely to disturb an Aboriginal site, if present. These activities are classified as being of Category 4 and are likely to require consultation with DIA and Aboriginal people and are likely to require section 16 or section 18 applications to be made.



Subject to the measures set out in paragraphs 5.4 and 5.6 to 5.9, it is reasonable that compliance with the Heritage Risk Matrix will substantially mitigate the likelihood of damage to an Aboriginal site.

Where an activity is proposed in an area which has previously been subject to significant ground disturbance it is generally unlikely that the activity will disturb an Aboriginal site and the activity will comply with these guidelines.

The following are examples of activities classified as having significant ground disturbance likely to disturb an Aboriginal site:

- a. using mechanical equipment;
- b. low impact, ground disturbing extensive land use;
- c. mechanised soil and core sampling;
- d. geophysical-technical surveys; and
- e. creation of roads or tracks.

### **Category 5 - Ground disturbance that will disturb an Aboriginal site**

If an Aboriginal heritage site is present, activities which cause major ground disturbance and/or extensive land use are highly likely to disturb the site. At a minimum, they will require consultation with DIA. Applications under section 16 or section 18 of the Aboriginal Heritage Act are highly likely if Aboriginal sites are present and site avoidance measures are impossible.

The following are examples of activities classified as having significant ground disturbance likely to disturb an Aboriginal site:

- a. drilling;
- b. mechanical digging, blasting, earthmoving;
- c. land cultivation; and
- d. construction works.

Where an activity is proposed under category 5 there is a real risk that it could impact on an Aboriginal Site.

### **Activity likely to impact upon an Aboriginal site**

In these circumstances, the activity should not proceed without the conduct of an Aboriginal Heritage Survey. Any activity should then proceed on the basis of the Aboriginal Heritage Survey and consultation with DIA. Where necessary this also includes seeking the authorisation of the Registrar under section 16 to excavate the site(s) or the consent of the Minister under section 18 for particular land uses notwithstanding that they will damage or destroy a site.

Particular care should also be taken where land users propose to undertake activities causing additional surface disturbance in the vicinity of a registered Aboriginal site, sites which are yet to be assessed by the ACMC or which includes features that are set out under the heading 'Types of Aboriginal Sites' and 'Landscape features likely to contain a site', below (see page 15 below).

It is important to be informed about the likelihood of an area containing an Aboriginal site. Extra care must be taken prior to proceeding with any activity that may cause disturbance to a Aboriginal site or the area immediately surrounding a Aboriginal site.



Where an activity is proposed and it does impact upon an Aboriginal site or suspected Aboriginal site it is necessary to contact the relevant Aboriginal group and to:

- a. seek advice as to whether the feature constitutes an Aboriginal Site; and
- b. if it does, identify how best the activity may be managed to avoid disturbing the Aboriginal site;
- c. where necessary, conduct of an Aboriginal Heritage Survey; and
- d. seek the authorisation of the Registrar under section 16 or the consent of the Minister under section 18.

DIA can also assist and can provide useful information. They can be contacted on 9235 8000 or by email through their website: <http://www.dia.wa.gov.au/contact-us>.

### **Reaching Agreement about doing an Aboriginal Heritage Survey**

Where a licence or permit is issued which triggers the ‘future act’ provisions under Division 3 of the *Native Title Act 1993 (Cth)*, particularly where the grant of the licence enables holders to undertake significant ground disturbing activity, it is likely that a form of Aboriginal Heritage Agreement with the Native Title Group for the area (such as the State Government Standard Heritage Agreement or other nominated agreement) will be required to provide for the conduct of Aboriginal heritage surveys of the area likely to be impacted upon by the land use activities.

An Aboriginal Heritage Agreement cannot disapply or modify the operation of the Heritage Act. All parties are bound by the provisions of the Heritage Act.

### **Failure To Reach Agreement about doing a Aboriginal Heritage Survey**

Where agreement cannot be reached with the Native Title Group for the area to undertake an Aboriginal Heritage Survey, land users continue to be bound under the Heritage Act.

If at any time it is likely that the proposed activity will in any way impact on a registered Aboriginal Site or suspected Aboriginal site the activity should cease immediately and land users should contact the DIA on 9235 8000 and the relevant Aboriginal group.

### **Likelihood of sites**

Whilst the only way of ensuring that there are no sites in an area is to consult the relevant local Aboriginal group, the State provides the following list of the types of sites and the landscape features with which sites are often associated as a guide or early indicator of the need to carry out further investigations. The lists are not exhaustive and are only guides. Land users are encouraged to obtain their own advice on the impact of their activities.

### **Types of Aboriginal Sites**

The following is an overview of the various types of sites that can be found in Western Australia. This list is not intended to be exhaustive.

**Artefacts:** An artefact site is a place where human activity is identifiable by the presence of a portable object/s (e.g., stone, glass, bone, shell) utilised or modified by Aboriginal people in relation to traditional cultural life past or present.

**Fish Trap:** A stone, wood, or other similar structure made by Aboriginal people for catching fish. Such structures are generally found on the coast of Western Australia, and in its lakes and rivers.

**Man-made structure:** The placement or arrangement, by Aboriginal people, of stone, wood or other material made into a structure for ceremonial or utilitarian purposes.



**Mythological:** A place that is connected to the great spirit ancestors, in their various manifestations, of the 'Dreamtime' which continues to be important and of special significance to persons of Aboriginal descent.

**Repository / Cache:** A place where cultural or utilitarian objects are/were taken, or stored, by Aboriginal people, either past or present.

**Ceremonial:** A place used for a formal act or series of acts prescribed by ritual, belief in a mythological manifestation, religious belief or observance, protocol or convention that is connected with the traditional cultural life of Aboriginal people past or present.

**Grinding patches/Grooves:** A place where grinding patches or grooves can be found. Grinding patches or grooves are smoothed areas or grooves on rock surfaces (non-portable) that have been created by grinding activity associated with food production such as seed milling, preparation of pigments, tool manufacture and/or maintenance and ritual.

**Midden:** A place where there is an accumulation of shell refuse that is derived from exploitation of a mollusc resource by Aboriginal people. Such sites may also contain artefacts, fireplaces, burnt shell and bones.

**Painting:** Places where Aboriginal people have painted on surfaces. Paintings (including daubings, drawings, stencils, prints) can be figurative or non-figurative markings or motifs on surfaces such as rocks, rock walls and trees at fixed locations that are produced by adding pigments and or mediums, such as ochre, blood, beeswax, animal fats, vegetable dyes, tree saps.

**Skeletal material/Burial:** A place where Aboriginal skeletal material is buried and/or where mortuary practices occurred.

**Engraving:** A motif (either figurative or non-figurative) on a rock surface produced by percussion or abrasion. Engravings are also often referred to as petroglyphs.

**Historical:** A place that has historical associations with Aboriginal people and may or may not contain physical evidence of those associations.

**Modified or Scarred tree:** A place with one or more tree(s), living or dead, that has been modified by Aboriginal people by removing the bark or wood resulting in the formation of a scar. This sort of modification was and is frequently done for the making of implements, tools or other materials that were used in traditional cultural practices.

**Quarry:** Places where there is evidence for the extraction of stone or ochre.

#### **Landscape features which may contain sites**

Landscape features, which may contain Aboriginal sites and should therefore be approached with some caution, include but are not limited to:

- a. rock outcrops;
- b. caves;
- c. foreshores and coastal dunes;
- d. ranges and hills;
- e. areas of bio-geographical significance, such as natural wetlands;
- f. permanent and semi-permanent waterholes, natural springs, gnammas holes, and
- g. watercourses;
- h. some hill and mound formations; and
- i. areas with potential archaeological deposit, such as rock shelters, caves, alluvial terraces, dune deposits and other relevant geo-morphological features.

The views of relevant Aboriginal people are a key factor in identifying and assessing sites. Appropriately qualified persons such as anthropologists, archaeologists and historians can also provide valuable assistance.

## Appendix 10: Example Memorandum of Understanding

### Example Memorandum of Understanding (MOU)



Your Company Logo



Other Company Logo

### **MEMORANDUM OF UNDERSTANDING**

between the

---

(name of organisation)

and

---

(Your Company name)

in relation to a project to

CONSERVE, PROTECT AND INTERPRET CULTURAL VALUES IN WESTERN AUSTRALIA

---

(date)



## **1. Introduction**

This Memorandum of Understanding (“MOU”) records the understanding between (insert Your Company name and (Other Company name) in relation to co-operation between the two parties to facilitate the conservation, protection and interpretation of indigenous cultural values in Western Australia (“the project”) by the (Name) Foundation. This understanding will aim to benefit and further increase the knowledge, awareness, understanding and commitment of national, state and local community members in the conservation, protection and interpretation of indigenous cultural values in Western Australia (WA). It is acknowledged by both parties that Your Company has State-based heritage objectives and that these will be well addressed by Your Company being part of the project.

## **2. Background**

Both the Company and (Your Company name) have similar objectives in conservation, protection and interpretation of indigenous cultural values in Western Australia.

Your Company wishes to promote these values and believes being part of the project provides an opportunity to do this. (Your Company name) has the knowledge, skills and ability to assist in implementing this project and will provide resources, support, monitoring and evaluation of the outcomes.

Your Company and (Your Company name) have discussed a co-operative partnership arrangement whereby opportunities are created through the (Name) Foundation for the conservation, protection and interpretation of indigenous cultural values in Western Australia.

The (Name) Foundation has been established under the auspices of Your Company to facilitate Indigenous engagement driven by Traditional owners in the conservation, protection and interpretation of indigenous cultural values in Western Australia, focusing mainly on the south coast region.

## **3. Intention of the Parties**

Your Company agrees to co-operate with (Your Company name) in facilitating and implementing the project by:

- Facilitating access to land for the project where possible;
- Providing a conservation and interpretation service;
- Providing administrative, financial and governance support;
- Using its experience to promote the project;
- Establishing a tax deductible defined purpose account if required; and
- Enabling (Your Company name) to market the project using Your Company’s logo.

(Your Company name) agrees to co-operate with Your Company by:

- Using its knowledge, skills and ability to engage public, private and corporate citizens to assist with the project;
- Providing advice, support and access to resources for the project where appropriate;
- Providing monitoring and evaluation of the project effectiveness; and
- Enabling Your Company to market the project.



#### **4. Governance**

The parties will individually monitor the activities, timelines and financial management of the project and be responsible for their own governance.

#### **5. Financial Management**

Your Company will provide administrative support to the project and will retain any interest arising from the account and will direct any interest arising into the project.

The account will be audited in accordance with standard Trust practices.

#### **6. Consultation**

Your Company and (Your Company name) will liaise to resolve any issues that may arise as a consequence of this MOU.

#### **7. Administration**

With the exception of the provision in Clause 5 each party will bear its own costs of administration or other items in support of this MOU.

#### **8. Confidentiality**

Your Company recognises that, in the course of activities contemplated by this MOU, it may be provided with information by (Your Company name) in confidence, or in which (Your Company name) has or may be acquiring intellectual property rights. Your Company acknowledges an obligation to keep confidential, and to take reasonable steps to ensure that its employees, agents and contractors keep confidential, all such information as is provided in confidence to it or them.

Your Company will, at the request of (Your Company name), enter into a legally binding confidentiality agreement (“Confidentiality Agreement”) with (Your Company name) to protect any confidentiality and intellectual property that might arise from activities contemplated by this MOU, relating to practices and outcomes that have commercial potential. The Confidentiality Agreement will provide for any presentation or provision of shared information to an external party to be approved in writing by the signatories to this MOU, or their delegates, in accordance with the Confidentiality Agreement.

(Your Company name) will, at the request of Your Company, enter into a legally binding confidentiality agreement (“Confidentiality Agreement”) with Your Company to protect any confidentiality and intellectual property that might arise from activities contemplated by this MOU, relating to practices and outcomes that have commercial potential. The Confidentiality Agreement will provide for any presentation or provision of shared information to an external party to be approved in writing by the signatories to this MOU, or their delegates, in accordance with the Confidentiality Agreement.

#### **9. Intellectual Property**

Intellectual Property that has been developed by each of the parties prior to the signing of this MOU remains the property of that party.

Intellectual property of a general nature developed as a combined effort through the joint partnership will become joint property of the partnership.



**10. General Review**

This MOU sets out the current intentions of Your Company and (Your Company name), but does not imply any legal obligations other than the obligation of confidentiality referred to in clause 8 and intellectual property referred to in clause 9. This MOU may be varied at any time with the agreement of the Chief Executive Officer of (Your Company name) and the Chief Executive Officer of Your Company pending acceptance of any changes by the relevant boards. There will be review and refinements as circumstances warrant, with planned reviews 6 and 12 months after the signing of this MOU.

**11. Term**

This MOU begins on the date shown below and ends on 31 December 2010, unless earlier terminated under this MOU or extended by mutual written agreement.

**12. Agreement**

This Memorandum of Understanding is made on this day,  
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between:

\_\_\_\_\_

\_\_\_\_\_

Chief Executive Officer  
The National Trust of Australia (WA) AND

Chief Executive Officer  
(Your Company name)

## Appendix 11: National Trust of Australia (WA)

The National Trust of Australia (WA) works to raise knowledge, awareness, understanding and commitment to Western Australia's natural, Aboriginal and historic heritage. The Trust achieves this objective through the conservation and interpretation of heritage places it manages on behalf of the community and government of Western Australia, and through its education and learning programs.

### a. Vision

The National Trust of Australia (WA) will be the pre-eminent independent organisation promoting the conservation and interpretation of Western Australia's unique heritage and educating the community about the use of cultural heritage (historic, natural and Aboriginal and Torres Strait Islander) for the long-term social, economic and environmental benefit of the community.

### b. Mission

The National Trust of Australia (WA) will conserve and interpret Western Australia's heritage (historic, natural and Aboriginal and Torres Strait Islander) for present and future generations.

### c. Values

## Sound Governance

To maintain diverse professional and corporate expertise and best practice procedures for the strategic governance of the National Trust.

To sustain the founding vision of the National Trust, through engagement of members, stakeholders and government in common purpose through strong, cooperative governance.

## Corporate Identity

To expand the National Trust movement locally, nationally, and internationally through exploitation of branding and cooperative ventures.

To exercise with confidence a role of community leadership and empowerment consistent with our broad heritage vision.

## Sustainable Operations

To achieve a balance of revenue sources to sustain independent operations today and for the future as an entity and in cooperation with the overall National Trust movement.

## Leadership

To act in a leadership role in support of positive heritage outcomes for individuals, communities, stakeholders, businesses and governments.



## **Partnering**

To promote active heritage partnering with individuals, communities, stakeholders, businesses and governments at all levels.

## **Planned Giving (Donations and Appeals)**

To utilise the National Trust's reputation and legislated powers to promote planned giving (including appeals and donations) through individuals, communities, stakeholders, business and governments for community benefit.

## **Our People (Staff and Volunteers)**

To develop, maintain and enhance activities which match the needs and objectives of the Trust with the skills, knowledge, expertise and enthusiasm of volunteers.

To attract, retain and develop skilled professional staff committed to effective implementation of the Trust's objectives.

To work cooperatively, internally and externally, to exploit interconnections and reduce territoriality in the pursuit of positive heritage outcomes.

## **Accountability**

To report the National Trust output of Conservation of Western Australia's cultural and natural heritage through the key areas of Properties and Collections, Education and Learning and Natural Heritage in an open and transparent manner in concise and plain English.



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