



Respect Culture;
Recognise Traditions;
Reconcile Past
and Present

The Swan and Canning Rivers are significant sites for Noongar people and as such are listed on the Register of Aboriginal Sites under the *Aboriginal Heritage Act 1972*.

Noongar people's country covers the entire southwestern portion of Western Australia. The boundary commences on the west coast at a point north of Jurien Bay, proceeds roughly easterly to a point approximately north of Moora and then roughly south-east to a point on the southern coast between Bremer Bay and Esperance.

Noongar are made up of fourteen different language groups:

Amangu, Yued, Wadjuk, Binjareb, Wardandi, Balardong, Nyakinyaki, Wilman, Ganeang, Bibulmun, Mineng, Goreng and Wudjari and Njunga Swan Coastal Plain Yued, Whadjuk, Binjareb/

Pinjarup and Wardandi

Avon Wheatbelt Balardong, Nyakinyaki,

Wilman

Jarrah Forest Whadjuk, Binjareb/

Pinjarup, Balardong,

Wilman, Ganeang/Goreng

Warren Bibulmun, Mineng

Mallee Wilmen, Goreng and

Wudjari

Esperance Plains Njunga

Funding Assistance for this project provided by Lotterywest

This report has been prepared by the South West Aboriginal Land and Sea Council

Warning: this report contains images of deceased persons

Introduction

Disclaimer: The term Noongar (alternative spellings include Nyungar, Nyoongar, Nyoongah, Nyungah, Nyugah, Yunga) is inclusive of all Aboriginal people in the South West region of Western Australia. Throughout this document the term Noongar has been used in accordance with the way in which the South West Aboriginal Land and Sea Council refer to the Aboriginal people of the South West region.



These Protocol Guidelines form a living document that will be adjusted over time in consultation with the Traditional Owners of the Perth Metropolitan Region.

These Protocol Guidelines have been developed as part of the Noongar Values project on the Derbarl Yerrigan and Djarlgarro Beelier. The project has been undertaken in partnership with Perth Region NRM with funding provided by Lotterywest.

The purpose of this document is to enable the Swan River Trust to more effectively engage with the Noongar community in relation to activities in and around the Derbarl Yerrigan and Djarlgarro Beelier. It is essential that the Noongar community has meaningful participation in caring for the Derbarl Yerrigan and Djarlgarro Beelier and has maximum opportunities to participate in policy and decision making for the river system.

This document will assist in the establishment of a strong partnership between the Noongar community and the Swan River Trust based on mutual respect, trust and acknowledgement of cultural difference. The core purpose of these Protocol Guidelines is to ensure full and effective Noongar engagement to fulfil the following key aspirations of the Noongar community – caring for country by restoring Noongar rights and obligations to country; and maintaining and recognising both Noongar men's and women's cultural connections to country.

There are several key elements to effective consultation with Noongars and this document sets out some of the important protocols for the Swan River Trust in consulting Noongars. It also outlines a guiding process to be followed to ensure full and proper participation by the Noongar community. These key elements include:

- Principles
- Protocols
- Process / Engagement Guidelines

The South West Aboriginal Land and Sea Council has established contacts throughout the Noongar community to enable meaningful participation to occur. There may be other organisations and Government Departments that can assist, however in recognition of the Traditional Owners of Noongar country the South West Aboriginal Land and Sea Council should be the first point of contact for consultation with the Noongar community.

Principles

Any consultation, dialogue, discussion, negotiation or conversation with the Noongar community should be based on fundamental principles to ensure their meaningful participation in decision making. These principles include:

Free, prior and informed consent

Consultation should include the provision of sufficient information for people to make an informed decision about the activity with sufficient time to consider options and discuss with other members of the community. Remember Noongars have the right to say 'no'.

Mutual respect

It is essential that the consultation process demonstrates respect for the views of both parties. Respect for consultation protocols and cultural values will build the respect of the Noongar community and establish a positive and long term relationship.

Nation building / relationship building – equal partnership between Noongar and non-Noongar communities

The purpose of consultation is to develop a relationship based on trust and understanding as well as mutual respect. Acknowledging the views and opinions of the Noongar community and actively adopting their ideas and suggestions, including demonstrating an understanding of

Noongar values, will lead to a richer community with beneficial outcomes for all.

Acknowledgement of Noongar country

Acknowledgement of Traditional Owners of Noongar country is fundamental to building a positive relationship. Statements acknowledging prior possession and occupation of country for at least 45,000 years are essential elements of understanding Noongar values.

Acknowledgement of Noongar culture

Acknowledging that Noongar culture has a unique place in the community is an essential building block for a positive relationship. The Noongar community can bring a different perspective to projects that will enrich and diversify the overall outcome.

Acknowledgement of Noongar knowledge and expertise

Noongars have at least 45,000 years of built up knowledge and expertise in having a harmonious relationship with the environment and country. By way of example, the Noongar community can bring a special expertise to managing the environment that can add value to any scientific and environmental management process.



Understanding that Noongars live their culture

Noongar culture is not something that is 'practiced' when an opportunity presents itself. Culture is the lived and living experience of day to day life – an active relationship between people, families, family life, traditions and country. Noongar culture is constantly enriched through history and experience. It should be respected and acknowledged that Noongar culture has also been shaped by a unique history based on oppression, dispossession, disempowerment and racism.

Women's / Men's Business

Men and Women in the Noongar community have different cultural responsibilities. These different responsibilities have to be recognised and respected.

Protocols

It is important to follow certain protocols to ensure a successful consultation process. Proponents of projects should be mindful of these protocols and develop the consultation process with these in mind.

Early engagement

To ensure meaningful participation of the Noongar community, it is important to engage early with the relevant groups to ensure a more integrated and beneficial outcome. Ongoing contact with groups is important to ensure the relationship remains positive.

Create Realistic Timeframes

Noongar governance processes are complex with extended family networks needing to be kept informed as part of the consultation process. It is important to recognise that meaningful engagement will take time, and sufficient time for proposals will be required for consideration by the Noongar community. It is also important to remember that Noongar Elders and spokespeople often have competing commitments and are usually engaged in multiple projects.

Cultural Protocols

It is respectful to seek permission before taking photos of people as well as using their quotes and information. It is important to remember that attending funerals for sorry business will always take precedence over other commitments.

Resources

Full and effective participation requires fair and equitable resources to achieve beneficial outcomes. Noongar expertise is a commodity and should not be exploited. Generally, Noongars lack the personal resources to enable their constant involvement and therefore resources should be provided for services rendered. Resources may include:

- Welcome to Country expenses
- Consultation fees
- Meeting expenses
- Admin support
- Catering
- Transport / travel allowance



Welcome to Country / Acknowledgement of Country

It may be appropriate to engage a recognised Elder in their local community to conduct a Welcome to Country as a courtesy and acknowledgement of the Traditional Owners at meetings. The South West Aboriginal Land and Sea Council can assist in providing appropriate people to conduct such work. A statement of acknowledgement, as a sign of respect, should be made by the convenors at the start of each official meeting.

Intellectual Property Rights

Cultural and intellectual property rights should be recognised and protected. Approval must be given by an appropriate Noongar representative on the use and representation of Noongar heritage, language, cultural and intellectual property.

Essentially, Aboriginal cultural and intellectual property refers to Aboriginal peoples' rights to their heritage. 'Heritage' consists of the tangible and intangible aspects of the body of cultural practices, resources and knowledge systems that have been developed nurtured and refined (and continue to be developed, nurtured and refined) by Aboriginal people and passed on by Aboriginal people as part of expressing their cultural identity.¹

Confidentiality

The purpose for which information is obtained and used should be a source of constant negotiation and agreement. Confidentiality and privacy are serious issues for the Noongar community, particularly information that is culturally complex such as 'women's business' or 'men's business'. Such information should be acknowledged and recorded or stored in a respectful and culturally appropriate way.

Showing Results

Demonstrating that Noongar concerns, suggestions and ideas have been taken into consideration is critical to building an enduring and respectful relationship. Meaningful engagement also involves continual involvement of the Noongar community in processes and timelines. Noongars should share in any economic opportunities from the project and be able to take advantage of any future opportunities for participation.



1. Janke, T. and Quiggan, R. Background Paper 12: Indigenous Cultural and Intellectual Property and Customary Law. Law Reform Commission of Western Australia. http://www.lrc. justice.wa.gov.au/ 2publications/reports/ACL/BP/BP-12.pdf (accessed 2 December 2010).

Process / Engagement Guidelines²

- Contact the South West Aboriginal Land and Sea Council who will advise on the appropriate people to consult, ensuring that both men and women are included. SWALSC can also provide suggestions for meeting places and advice on any specific cultural protocols, including timing, upcoming events etc. SWALSC may be able to provide a specific mailing list of people who would be appropriate to talk to about your project.
- 2. Once the relevant people have been identified, arrange an initial meeting to outline the scope of the works or project that you wish to undertake. At the meeting ensure information is clearly set and all factual information is presented. Information could include:
 - Potential impacts of the project on the river and adjoining areas;
 - Any prior discussions with other stakeholders;
 - Any maps, data or technical information.
- 3. Ensure that Noongar groups are afforded sufficient time to consider the information. There may also be further consultation that participants need to do with other members of the community. Remember that Noongar governance processes are complex and time consuming therefore ensure you allow sufficient time for this to occur.

- 4. At this initial meeting establish the ongoing process for consultation and level of involvement of the Noongar community for the project. This may include establishing a specific working group or more broad consultation. Consider any employment opportunities for local Noongar people.
- Ensure the ongoing involvement of interested Noongars in the project. It is critical to actively illustrate that Noongar comments, concerns and suggestions have been taken into consideration.
- 6. The Swan and Canning Rivers are both registered Aboriginal sites of significance which may mean the project impacts on a culturally sensitive area. It may also be important to undertake relevant Section 18 clearances for the project. This may require Noongar involvement in monitoring, management and rehabilitation activities. Ensure that appropriate processes are undertaken to identify appropriate people to carry out these activities, recognising that time may be needed to reach a consensus on both appropriate methods to be used and the individuals to carry them out.

 Ensure ongoing feedback and review of the project with relevant Noongars. This is particularly important if there is a significant impact on the river system.



Phase II – Swan and Canning Rivers Iconic Trails Project

Phase II of the Swan and Canning Rivers Iconic Trails Project under the auspices of the Swan River Trust involves further consultation with the Noongar community to ensure agreement on the placement of signs. Further consultation needs to be done to reach consensus on the language, stories, artwork and placement of the signs along the Trail.

As outlined in the final report of the Swan and Canning Rivers Iconic Trails Project, the signs along the Iconic Trails should reflect Noongar values about the Swan and Canning River systems. Signs should include stories about Noongar culture, traditions and history as well as cultural responsibilities. Signs should also reflect Noongar concerns in relation to the environmental degradation of the river systems.

Through stories, the Noongar community have indicated a number of possible signage locations as significant areas that hold strong cultural value for our people. However, this is a preliminary indication of where signage should go and it is recommended that further consultation will need to be undertaken to ensure other sites have not been missed and that all community members are comfortable with those sites already highlighted.

It is also recommended in the report that an Advisory Group be established that includes members of the Noongar community to provide advice on the language, content and artwork for individual signs, consultation should occur particularly with Elders throughout the community. The South West Aboriginal Land and Sea Council will consult with the community about the most appropriate people to participate in the Advisory Group.

As outlined in the Report, key elements for the signage could include, but not be limited to:

Sense of Place:

- Noongar artwork a theme could be adopted for all signs along the trail;
- Noongar place names;
- Noongar Stories;
- Historical photos of people and places (signage at Success Hill as an example);

Ecosystem Health:

- Environmental significance of the area to the Noongar community including bush tucker (if acceptable);
- Environmental protection responsibilities (loss of habitat for Carnaby Cockatoos, death of river dolphins, pollution etc);

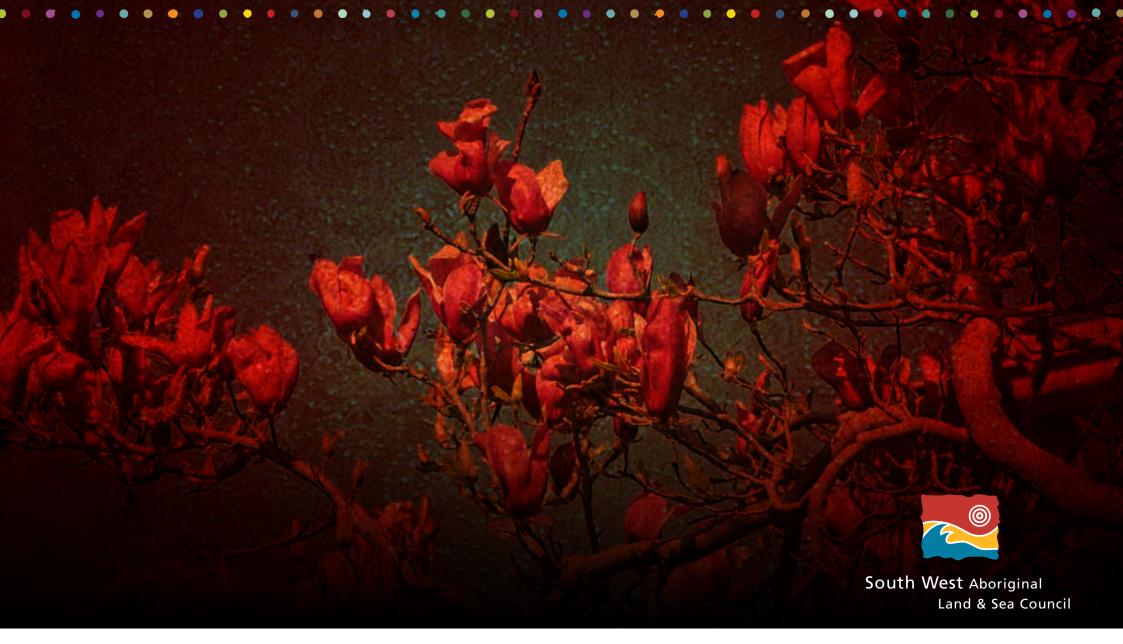
Community Benefit:

- Cultural and social significance for the Noongar community;
- Historical significance for the Noongar community;

Economic Benefit:

 Initiatives undertaken in that specific area that has included involvement of the Noongar community, i.e. employment of Noongar river rangers;

It is recommended that signage include particular stories, however where the information is culturally sensitive, such as women's stories, a cultural custodian could be listed on the sign. A final list of signage criteria should be developed through the Advisory Group.



Supported by:



Partners:





Produced by South West Aboriginal Land & Sea Council

1490 Albany Highway Cannington WA 6107 Ph: 08 9358 7400

Fax: 08 9358 7499