

LITHGOW
COMMUNITY
CULTURAL
PROTOCOLS

Introduction

Lithgow City Council acknowledges Wiradjuri Elders past and present of the Wiradjuri nation - the original custodians of the land on which the Lithgow's communities reside. The Council also extends our respects to our neighboring nations.

Overview

The purpose of this document is to provide an understanding of the important protocols when working with, consulting with, and acknowledging local Aboriginal communities.

Vision Statement

Work together as one to protect and improve the best interests of all Aboriginal people. To create an Aboriginal community that fosters unity, ownership, participation, and leadership, while contributing to the social, cultural and economic activities of the wider community within Lithgow.

Values

- Family
- Respect
- Honesty
- Trust
- A secure community
- Transparency
- Respect for Culture
- Respect for people
- Working with and for Aboriginal people

These values are the core manifestations that govern all aspects of the way our Aboriginal community conduct business with others. It sets an unwritten foundation in respect to the way Aboriginal people will work in return with external stakeholders.

What are Cultural Protocols?

Cultural protocols are customs, values, and codes of behaviour that are important to a particular cultural group. Protocols are an important part of all cultures and provide guidance on how to treat and work with people in a respectful and useful way.

Observing Aboriginal cultural protocols demonstrates respect for the cultural traditions, history and diversity of that community and acknowledges that the protocols of this community are as equally valid and worthy of respect as the cultural protocols of other communities.

Understanding Aboriginal Identity

An Aboriginal or Torres Strait Islander person is someone who satisfies each of the following criteria:

- Is of Aboriginal or Torres Strait Islander descent;
- Identifies as an Aboriginal person or Torres Strait Islander; and
- Is accepted as such by the Aboriginal community in which he or she lives.

It is offensive to question the 'amount' of Aboriginal or Torres Strait Islander blood a person may possess. Rather, it is advisable to ask people how they would like to be described. This may include where they come from or which community or clan they identify with.

Aboriginal History

- The Wiradjuri people were known as the people of the three rivers: the Wambuul (now known as the Macquarie River), the Kalari (the Lachlan River, from which the electorate takes its name) and the Murrumbidjeri (the Murrumbidgee River).
- Wiradjuri country is the largest in NSW, stretching from the eastern boundary of the Great Dividing Range. Drawing a line from the present towns of Hay and Nyngan approximates the western boundary. While Gunnedah and Albury mark the northern and southern boundaries of Wiradjuri country.
- The migration history of Lithgow begins when Blaxland, Wentworth and Lawson crossed the Blue Mountains in 1813. The road across the mountains was completed by 1815, which allowed pastoral settlers into Wiradjuri land and begin a process of displacement.
- Initially, European intrusion into Wiradjuri country was restricted on the orders of Governor Macquarie. From the early 1820s the removal of these restrictions caused the Wiradjuri people to suffer major dislocation with the arrival of pastoral settlers and their herds in greater numbers, culminating in open conflict in 1823 and 1824. Windradyne, a Wiradjuri leader in this resistance, is one of the few Aboriginals of the settlement period of whom we have any certain knowledge as an individual. His grave is located on 'Brucedale' a property just north of Bathurst.
- Wiradjuri population numbers declined in the 19th century, mainly because of European diseases and disruption to hunting and food gathering generally. This effect spread westward and southward as pastoralists took more land as they moved beyond the original limits established by Governor Macquarie.
- From the 1890s, many surviving Wiradjuri were placed on reserves and missions outside the Bathurst area, particularly those located at Wellington and Cowra. No reserves or missions were identified within the Bathurst area. However, no matter where they might live, nearly all local Aboriginals in time came under the increasing control of government regulations and bureaucracy.
- The interaction of the area's Aboriginal inhabitants with European civilization was in most ways typical of such interaction in south-eastern Australia. Consequently, the area's history of this theme needs to be seen as part of the wider history of Aboriginal interaction in the Central West. In that wider context it is equally a story of Wiradjuri survival and regeneration.
- Aboriginal and European interaction is also a remarkable story of the Wiradjuri willingly sharing with the newcomers their ancient knowledge of the region, knowledge about the land, the plants and even the gold bearing rocks. This knowledge contributed directly to the successful settlement of the district.

Respecting Traditional Protocols

Traditional Owners and Custodians

Traditional Owners and Custodians are the terms used to describe the original Aboriginal or Torres Strait Islander people who inhabited an area. Traditional Custodians today are descendants of these original inhabitants and have continuing spiritual, cultural, political, and often physical connection with particular land where their ancestors lived. The Traditional Owners and Custodians of the Lithgow Area are known as the Wiradjuri people.

Welcome to Country

A “Welcome to Country” or “Traditional Welcome” is where the traditional Aboriginal or Torres Strait Islander custodians welcome people to their land at the beginning of a meeting, event or ceremony. This welcome must be conducted by an appropriate person such as a recognised Elder from the local area. Welcome to Country enables the Traditional Custodians to give their blessing to the event and is an important mark of respect for Aboriginal and Torres Strait Islander people as Australia’s original inhabitants.

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. This acknowledgement is a sign of respect and should be conducted at the beginning of a meeting, event or ceremony. Acknowledging Country may also take place when traditional Elders are not available to provide an official Welcome to Country. It is important to note in the acknowledgement that Aboriginal and Torres Strait Islander people continue to live in the Lithgow area to which they have continuing spiritual and cultural ties. The following is considered

appropriate wording for an Acknowledgement of Country.

“I would like to commence on behalf of Lithgow City Council, by acknowledging the original inhabitants of the land, the people of the Wiradjuri nation and show respect to elder’s past, present and future. We would also like to acknowledge our neighbouring Gundungarra & Darug nations.”

Other Events and Ceremonies

An increasing number of people are Acknowledging Country in events and ceremonies undertaken by Council and in the community without Aboriginal and Torres Strait Islander involvement. It is becoming recognised that some acknowledgement should be given to the local Aboriginal people of the area. Representatives of Council should always consult with the Aboriginal community, Aboriginal Community Development Officer and or Local Aboriginal Land Council to make sure they have correctly identified the Traditional Owners and Custodians and have the correct wording for Acknowledging Country.

Elders

In traditional Aboriginal and Torres Strait Islander cultures, Elders are custodians of traditional knowledge and customs and are responsible for providing guidance to the community on cultural matters and cultural protocols. It is the Elders who hold the history, know the culture and pass on the laws that govern the community. The term “Elder” is used to describe people who have knowledge, wisdom, and the respect of the local community. Elders are not necessarily older people but must have the trust and respect of their community and be recognised as cultural knowledge keepers. Some Elders are referred to as Aunty or Uncle, but you should only use these titles if given permission by them to do so. Simply asking politely is the best way to find out if you can do so or not.

Acknowledgement of Elders

Acknowledging Elders is an important mark of respect for the Elders of the Aboriginal and Torres Strait Islander community including, but not limited to, Traditional Owners or Custodians. This acknowledgment can follow the Welcome to Country or Acknowledgment of Country with the speaker paying respect to Elders past and present. The acknowledgment of Elders statement for Council could be appropriately worded:

“I would like to pay respect to the Elders both past and present of Lithgow and extend that respect to other Aboriginal and Torres Strait Islander Australians who are present.”

Gender Protocols

Aboriginal and Torres Strait Islander society still regards some information as specific and sacred to either men or women. This knowledge is sacred and recorded in a way that only men or women can access. It is not likely that a council will be able to distinguish between men’s and women’s business. The Council needs to be aware that such issues exist and seek advice from Aboriginal and Torres Strait Islander people about when they are likely to arise and how to manage such issues.

Smoking Ceremony

Smoking ceremonies are undertaken in Aboriginal communities to cleanse the space in which the ceremony is taking place. The Smoking Ceremony is a ritual of purification and unity and is always undertaken by an Aboriginal person with specialised cultural knowledge. This is a very significant ceremony and is performed only at events deemed appropriate by the Aboriginal or Torres Strait Islander community.

Fee for Services

It is important to acknowledge that Aboriginal people are using their intellectual property whenever they carry out a cultural ceremony or an artistic performance and it is appropriate that they receive payment for the service. The payment should consider travel to the event, time and complexity of the service and the profile of the event.

The Department of Communities: Aboriginal Affairs (NSW) has developed people in cultural performances, or other Aboriginal cultural protocols.

It is important to note that the schedule below is only a guide for a range of Aboriginal cultural services and the fees are indicative only.

| Cultural Practice | Suggested Fee |
|--------------------------------------------------------------|---------------|
| Welcome to Country | \$150 |
| Smoking Ceremony (Depending on accepted religious person) | \$500 |
| Didgeridoo Performance (Men Only) | \$300 |
| Dancer category 1 (basic) | \$300 |

Respecting Culture & Heritage

Sacred Sites

Sacred sites are places of cultural significance to Aboriginal people. They may be parts of the natural landscape such as hills, rocks, trees and springs that are not always spectacular or interesting to the non-Aboriginal eye. They may be places that are significant because they mark a particular act of a creation being. They also include burial grounds and places where particular ceremonies have been held.

In some cases, the act of identifying or talking about a site may in itself be a violation. Custodians have particular responsibilities to protect and maintain sacred sites. This may be done in various ways including holding ceremonies, visiting the places and singing the songs associated with them.

At present, under the National Parks and Wildlife Act, the National Parks and Wildlife Service is responsible for the care, control and management of all historic sites, reserves and Aboriginal areas (this is under review via the Culture and Heritage Reform). More information is available from the NSW Department of Environment and Heritage NSW Department of Premier Cabinet website under the National Parks & Wildlife Act.

Confidentiality

Aboriginal people have traditional customs, stories, and sacred information that may or may not be passed onto non-aboriginal people. If you are given this information/knowledge, remember, it is given in trust. That trust requires that you respect that confidentiality. This includes translating, reproducing or passing on any information, practices or cultural product without permission. You should assume that all information is confidential unless you have specifically negotiated permission to use it.

Naming the Deceased

Aboriginal communities in NSW may have different protocols regarding naming deceased Aboriginal persons than that which is often raised with northern Australian Aboriginal communities. In many Aboriginal communities in northern Australia it is offensive to refer to a deceased person by name or show photographic images of the person during the mourning period, unless agreed to by the relevant family. Cultural warnings are often used to avoid causing offence to the families of deceased persons.

The best way for Council to use the appropriate protocol for their area regarding naming the deceased or showing photographic images is to consult the Local Aboriginal Land Council regarding the background of the particular community member(s).

Dignity and Respect

The past experience of many Aboriginal people is that they were considered to be lesser people needing protection and assimilation into Australian society. It is critical to ensure that Aboriginal people are treated with dignity and respect. This is much more than attitude. It must include tangible recognition of Aboriginal history, heritage, culture and protocols.

Community Engagement

Getting permission is essential before starting work on any project that has an impact directly on Aboriginal communities. Getting permission involves forming strong partnerships with the Aboriginal community and Traditional Elders. They can advise of the correct protocol for gaining consent. Permission will rarely be refused if the purpose of the work is clearly understood and way of undertaking the work is properly negotiated. Where it is refused, the reason may relate to issues that are sacred or taboo, related to a death custom, or is specifically women's or men's business.

Consultation

It is important that Local Aboriginal Lands Council (LALC) uses a range of strategies to involve and consult with the local Aboriginal communities and provide opportunities for the communities to participate in LALC decision-making.

For ideas on appropriate consultation and engagement strategies with the Aboriginal community, contact LALC.

Ownership, Copyright, Cultural and Intellectual Property

In the past, non-Aboriginal people have appropriated Aboriginal stories, language, songs, dance and knowledge. Aboriginal people have not been recognised as the owners of this knowledge. In some cases non-Aboriginal authors, who have benefited from the knowledge given to them, have claimed the copyright and have profited from the information.

As a result, copyright and the protection of intellectual property are vital issues for Aboriginal people. They are the custodians of their culture and have the right to own and control their cultural heritage.

Any access to and use of Aboriginal cultural information must have permission from relevant individuals. Rights to use Aboriginal material may be held by an individual, but mostly cultural material belongs to the traditional owners of that knowledge as a community.

LALC should reach formal agreement with the owner/s of knowledge before commencing a project that uses it. In some cases this should be in the form of a written contract.

Copyright and moral rights are complex issues and not always clear in relation to Aboriginal culture. The Arts Law Centre of Australia can provide further advice on relevant legal issues (website: www.artslaw.com.au).

Communicating with the Aboriginal Community

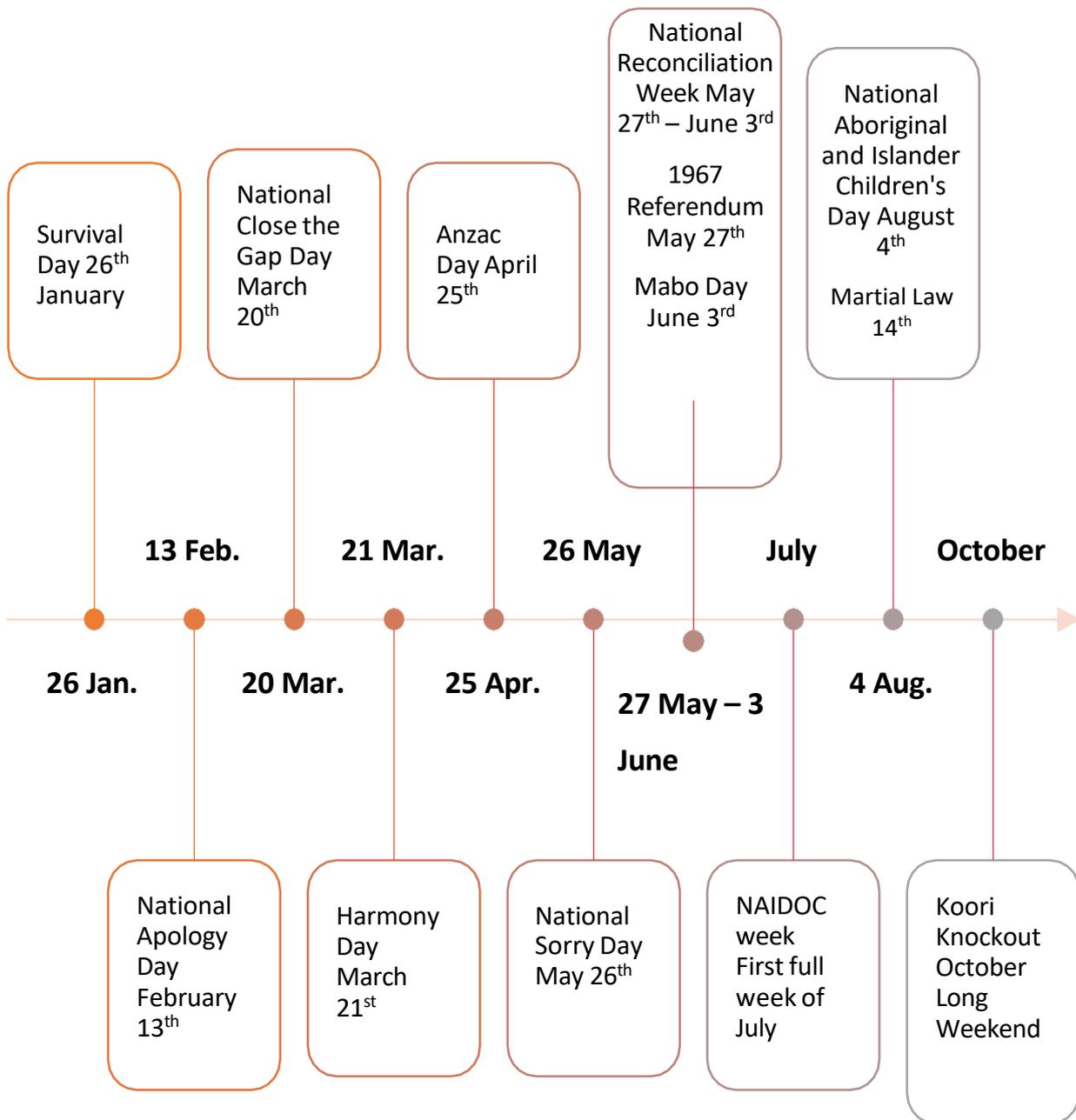
When seeking to engage with Aboriginal people, the issues must be clearly communicated, including priorities, limitations and benefits to the community. Care needs to be taken to cross check that all participants have understood these issues. On any issue the limitations to negotiation need to be clearly articulated. There may be legal, financial or policy restraints on Council that will limit what can be achieved.

Aboriginal Community Contacts & Organisations

Most Local Aboriginal Lands Councils will have contacts of Traditional Aboriginal Elders, Knowledge Holders, Aboriginal community contacts that are suitable for engaging for Welcome Ceremonies, Smoking ceremonies, other cultural performances as well as Aboriginal media. (A local Koori directory is being developed)

Significant Dates and Events

Overview of significant dates



| SIGNIFICANT DATE | EVENT |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26 January | Survival Day – Aboriginal and Torres Strait Islander peoples choose to mark Australia Day as a day to highlight the invasion of Australia by Europeans and to acknowledge the survival of their cultural heritage. |
| 13 February | Apology Anniversary – On 13 February 2008, the then Prime Minister Kevin Rudd moved a Motion of Apology to Australia’s Indigenous Peoples in the House of Representatives, apologising for past laws, policies and practices that devastated Australia’s First Nation’s peoples. The anniversary of this event is now celebrated annually. |
| 20 March | National Close the Gap Day – Since 2006 this day has provided a way for all Australians to join together and remind our political leaders of their commitments to close the life expectancy gap between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians within a generation. |
| 27 May – 3 June | National Reconciliation Week – This week of celebration commenced in 1993 with a week of prayer celebrated by major religious groups in Australia. This week begins with National Sorry Day on 27 May and ends with Mabo Day on 3 June. The week celebrates and builds on the respectful relationships shared by Aboriginal and Torres Strait Islander peoples and other Australians and is an ideal opportunity to explore and engage in Reconciliation. |
| 27 May | Anniversary of the 1967 Referendum – Here Australians voted overwhelmingly to amend the constitution to include Aboriginal and Torres Strait Islander Peoples in the census and allow the Commonwealth to create laws. While by 1967 Aboriginal and Torres Strait Islander peoples had the right to vote (granted in 1962) and citizenship (by virtue of the repeal of relevant discriminatory federal and state laws by that time), the 91% ‘yes’ vote in the 1967 referendum launched Australia on the path to Reconciliation and to reforms which would eventually achieve better rights for Aboriginal and Torres Strait Islander people. |
| 3 June | Mabo Day – This day commemorates the anniversary of the 1992 High Court decision in the case brought by Eddie and others (Reverend David Passi, Ceuia Mapoo Salee, Sam Passi and James Rice), which recognised the existence in Australia of Native Title rights. Specifically, the case recognised the land rights of the Meriam people, traditional Owners of the Murray islands in the Torres Strait. On the tenth anniversary of this day in 2002 there were many calls for the day to become a public holiday, an official National Mabo Day. |
| 1 July | The Coming of the Light – Torres Strait Islander peoples of all faiths come together each year to honour the adoption of Christianity through Island communities during the late nineteenth century |
| First week of July | NAIDOC Week – The first Sunday of July sees the beginning of a week dedicated to Aboriginal and Torres Strait Islander Peoples to celebrate NAIDOC (National Aboriginal and Torres Strait Day Observance Committee) Week. It is a celebration for Aboriginal and Torres Strait Islander peoples’ survival. It is also a time for all Australians to celebrate the unique contribution of Aboriginal and Torres Strait Islander traditions and cultures and to bring issues of concern to the attention of governments and the broader community. |
| 4 August | National Aboriginal and Islanders Children’s Day – This day was first observed in 1988 and each year it has a special theme. The aim of the day is to raise awareness and strengthen family relationships for the health and well-being of Indigenous children. The Secretariat of National Aboriginal and Islander Child Care produce a poster to celebrate the day. |
| 14 August | Martial Law – Martial Law was declared across the region on August 14 1824, leading to a sharp rise in conflict between settler society and the Wiradjuri peoples. |

The Australian Aboriginal & Torres Strait Islander Flags

The Australian Aboriginal Flag

The Aboriginal flag is divided horizontally into equal halves of black (top) and red (bottom) and has a yellow circle in the centre. The black symbolises the Aboriginal people, the red represents the earth and the colour of ochre used in Aboriginal ceremonies, and the yellow circle represents the sun. Harold Thomas is recognised as having created the flag in 1970. It has now become widely recognised as the flag of the Aboriginal people.



The Torres Strait Islander Flag

The Torres Strait Islander flag has three horizontal panels, the top and bottom panels are green and the middle one blue. These panels are divided by thin black lines. The green is for the land, the blue is for the sea and the black represents the Torres Strait Islander people. In the centre of the flag is a white Dari (dancer's headdress), which is a symbol for all Torres Strait Islander people. Underneath the Dari is a white five-pointed star. These five points represent the island groups in the Torres Strait and the white stands for peace. The Torres Strait Islander flag was created by Bernard Namok of Thursday Island. It was formally adopted during the 1992 Torres Strait Islands Cultural Festival.



Flag Flying Protocols

The Department of Prime Minister and Cabinet provides protocols for the appropriate use and the flying of official Australian flags in the publication 'Australian flags - Part 2: The protocols for the appropriate use and the flying of the flag'. The flag order should follow the rules of precedence as follows, dependent upon the number of flag poles erected in any one location:

1. Australian National Flag (should always take precedence and be flown on the far left of the person/s facing the flags)
2. New South Wales State flag
3. Australian Aboriginal flag and Torres Strait Islander Flag (prescribed by the Flags Act 1953) (Source: Flying and Use of the Australian National Flag)

The hierarchy for flying flags on Council property should follow the rules of precedence outlined above.

<https://www.pmc.gov.au/resource-centre/government/australian-flags-booklet/part-2/order-precedence>

Definitions & Terms

Aboriginal and Torres Strait Islander

It is important to remember that while both are First Nations of Australia, Aboriginal and Torres Strait Islander cultures are very different. As with Aboriginal People, each Nation has its own cultural language and traditions with their own histories, beliefs and values. It is respectful to give each cultural group their own identity.

In written works it is considered offensive to include a footnote to the word Aboriginal stating that 'It includes both Aboriginal and Torres Strait Islander people', so it is advised not to do this. When specifically referring to both cultures, use the term 'Aboriginal and Torres Strait Islander people'. In all other circumstances, use Aboriginal peoples. Always capitalise the 'A' in Aboriginal. Lower case refers to an aboriginal person or indigenous people in any part of the world.

Indigenous

The term 'Indigenous' is generally used when referring to both Aboriginal and Torres Strait Islander peoples. 'Indigenous' is generally used by the Commonwealth Government as they have a charter of providing services and programs to both Aboriginal and Torres Strait Islander people at a national level. The term Aboriginal refers specifically to the Aboriginal people of the mainland and Tasmania and does not necessarily include Torres Strait Islander people. Many Aboriginal and Torres Strait Islander people are opposed to the term 'Indigenous' being used as it generalises both cultures. Council should be advised against using this term where possible.

Land Council

An Aboriginal Land Council is a community organisation organised by regions that are state legislated and are caretakers of the land on behalf of Aboriginal people. They are organised by Aboriginal people but (in some instances) they are not the Traditional Owners of the land they care for. They have historically

advocated for recognition of traditional land rights, and for the rights of Aboriginal and Torres Strait Islander people in other areas such as equal wages and adequate housing and basic human rights.

Land Councils aim to provide employment, training and to explore business and community development opportunities for members. Land Council regions can be reflective of Aboriginal clan boundaries.

Under the NSW Aboriginal Land Rights Act 1983, the function of a land council is to "to improve, protect and foster the best interests of all Aboriginal persons within the council' area and other persons who are members of that land council". This includes promoting the protection of Aboriginal culture and the heritage of Aboriginal persons in its area, conservation and land management of Aboriginal sites and relics, and promoting the protection of Aboriginal cultural heritage with other Government authorities by advising and educating the broader community about the significance of Aboriginal culture, heritage and sites.

Tribe, Clan, Mob

These are all terms referring to a culturally distinct group of Aboriginal people associated with a particular, culturally defined area of land or country. A number of 'tribes' or 'clans' comprise a larger grouping of Aboriginal people that identify as a 'nation'. Mob is a term that is being increasingly used by Aboriginal communities as a generic term. Aboriginal people will often refer to themselves as being Koori, Goori or Murri. These are terms drawn from Aboriginal languages. 'Koori' is usually used by Aboriginal people in parts of NSW and Victoria. 'Goori' is usually used by Aboriginal people in northern NSW coastal regions. 'Murri' is usually used by Aboriginal people in north-west NSW and Queensland. Koori is the term used by the local Aboriginal community in the Bathurst region. South Australian people are Nungas, western Australian are Noongars and Northern Territory are Yolmi people.

Local Organisations / Services contact details

- ▶ **Bathurst Aboriginal Land Council**
149 Russell Street, Bathurst | (02) 6332 6835 | bathlalc2@bigpond.com | <https://www.facebook.com/bathurstlalc>
- ▶ **Wiradjuri Cultural Care Indigenous Corporation**
wiradjuricc@gmail.com | 0438 279 021
- ▶ **One Mob Aboriginal Corporation**
onemobac@gmail.com | 0420 770 514
- ▶ **Mingaan Wiradjuri Aboriginal Corporation**
enquiries@mingaan.com | www.mingaan.com | (02) 6352 2473 or 0484 189 122 | www.facebook.com/Mingaan
- ▶ **Barrinang Aboriginal Corporation**
barrinang@gmail.com | www.facebook.com/Barrinang
- ▶ **Lithgow Aboriginal Education Consultive Group**

| Role | Name | Email |
|----------------|------------------|----------------------------------------------------------------------------------------|
| President | Therese Davidson | therese.davidson4@det.nsw.edu.au |
| Vice President | Kim Usher | kim.usher6@det.nsw.edu.au |
| Secretary | Tarni-Lee Cable | tarnilee.cable@det.nsw.edu.au |
| Treasurer | Adrian Williams | lrepink72@gmail.com |

Other Organisations

- ▶ **Wiradyuri Traditional Owners Central West Aboriginal Corporation**
gunhigal@gmail.com | www.facebook.com/WTOCWAC
- ▶ **Warrabinga Native Title Claimants Aboriginal Corporation**

| Role | Name | Contacts |
|------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chairperson | Darrel Fabar | dfabar@optusnet.com.au exec@warrabinga.com.au |
| Vice Chairperson | Jack Pennell | jackpennell@hotmail.com jack.pennell@warrabinga.com.au accounts@warrabinga.com.au 0407006097 |
| Public Officer | Kylie Manson | Warrabinga_kylie@outlook.com Admin@warrabinga.com.au 0400023483 |
| Secretary | Kim Spriggs | Klspriggs57@gmail.com admin@warrabinga.com.au |

Contact details in this document are current as of November 2022. However, we acknowledge they may be subject to change. Should contact details no longer be valid for local organisations it is suggested that Bathurst Land Council be contacted or office of the Registrar of Indigenous Corporations (ORIC) www.oric.gov.au/