

Aboriginal and Torres Strait Islander Protocols

Adopted 1 August 2005

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1. Introduction

The City of Sydney values its culturally diverse community and is deeply committed to working in partnership with our Aboriginal and Torres Strait Islander residents. Council seeks to ensure that this is a partnership based on respect, trust and a spirit of openness.

An important part of showing respect for different cultures is acknowledging and accepting that we all have different codes of behaviour and ways of interacting. Council recognises that to consult and work with Aboriginal and Torres Strait Islander people effectively requires sensitivity to, and respect for, the cultural protocols of these communities.

The purpose of this document is to provide Council staff with an understanding of some of the important protocols of the Aboriginal and Torres Strait Islander communities. This is not a complete list of protocols and staff should continue to consult with Aboriginal and Torres Strait Islander representatives about how and when to observe these and other protocols, in the most appropriate manner. Observing Aboriginal and Torres Strait Islander protocol includes allowing time for traditional decision making and discussion.

Working across cultures is not always easy and requires the patience, understanding and commitment of both parties. While mistakes will inevitably be made, the attempt to observe the protocols of Aboriginal and Torres Strait Islander communities is appreciated by these communities, and demonstrates Council's genuine commitment to and respect for Indigenous culture and heritage.

2. What are Cultural Protocols?

Cultural protocols refer to the customs, lores and codes of behaviour of a particular cultural group. Protocols are an important part of all cultures and are in place to ensure people behave and interact in an appropriate manner.

Observing the cultural protocols of a community demonstrates respect for the cultural traditions, history and diversity of that community. It also shows a willingness to acknowledge that the processes and procedures of one cultural community are equally valid and worthy of the same respect as one's own cultural protocols.

3. Aboriginal & Torres Strait Islanders

The City of Sydney acknowledges the Indigenous people who reside within its Local Government Area. The two Indigenous groups are the Aboriginal and Torres Strait Islander peoples. Aboriginal and Torres Strait Islander people are distinct from each other both ethnically and culturally. While there are some similarities between the cultural protocols of Aboriginal and Torres Strait Islanders, it is important to remember that the history, culture and traditions of each, are distinct and unique.

This document focuses on some of cultural protocols that are relevant to both the Aboriginal and Torres Strait Islander communities. These protocols are intended as a guide only, as there is enormous diversity amongst Aboriginal and Torres Strait Islander communities. For this reason, it is always important to verify any questions/issues regarding procedure with the local Aboriginal or Torres Strait Islander communities before proceeding.

The following regional terms are used by Aboriginal society to identify the Aboriginal people who come from a particular area of Australia:

New South Wales - Koori/Koorie; Murri; Goorie

Victoria - Koori/Koorie

South Australia - Nunga

Western Australia -Nyoongah

Northern Territory (top end) - Yolngu

Northern Territory (central) - Anangu

Queensland - Murri

Tasmania - Palawa

These terms are used by Aboriginal people when referring to themselves and are generally not to be used by non-Aboriginal people. It is important for non-Aboriginal people to use these terms only when they have sought permission from the relevant people in the community, except when using recognised industry names such as “Koori Mail” or “Koori Radio”.

4. Aboriginality

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 Indigenous community in which he or she lives.

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 now considered racist terms and should not be used. 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.

5. Brief History

There is still some disagreement as to the exact time that Aboriginal and Torres Strait Islander people first arrived in Australia. There is general consensus that the first humans came to the continent from South-East Asia between 50,000 and 70,000 years ago, although there is some evidence to suggest they arrived up to 150,000 years ago. It is thought that around 3,000 Aboriginal people lived in the area now known as the City of Sydney just prior to colonisation¹.

The original Aboriginal inhabitants of the City of Sydney are the Gadigal people. The territory of the Gadi (gal) people stretched along the southern side of Port Jackson (Sydney Harbour) from South Head to around what is now known as Petersham. Their southern boundary is unknown.

The Gadigal people are part of the Eora Nation, of which there are approximately 27 clans. In occupying the area around Sydney Harbour, they were one of the first groups to be directly affected by colonisation. There has been extensive debate regarding the correct group or nation to which these clans belong. It is generally acknowledged that the Eora are the coastal people of the Sydney area, with the Dharug people occupying the inland area from Parramatta to the Blue Mountains. The Dharawal people's lands are predominantly confined to the area south of Botany Bay, extending as far south as the Nowra area, across to the Georges River in Sydney's west. The Kuring-gai people occupied the area between the Lane Cove River and the coast from the northern side of Port Jackson.

¹ *Sydney's Aboriginal History*, www.discoversydney.com.au

6. Respecting the Traditional Custodians

6.1 Traditional Custodians

Traditional Custodians is the term used to describe the original Aboriginal or Torres Strait Islander people who inhabited an area. Traditional Custodians today are descendents of these original inhabitants and have ongoing spiritual and cultural ties to the land and waterways where their ancestors lived. The Traditional Custodians of the City of Sydney Local Government Area are known as the Gadigal people.

The "Eora people" was the name given to the coastal Aborigines around Sydney. The word "Eora" simply means "here" or "from this place". Local Aboriginal people used the word to describe to the British where they came from and so the word was then used to define the Aboriginal people themselves. The name Eora is proudly used today by the descendants of those very same people. The Central Sydney Local Government Area is therefore often referred to as "Eora Country" ²

6.2 Elders

In traditional Aboriginal culture, Elders are custodians of traditional knowledge and customs and are charged with the responsibility of providing guidance to the community on cultural matters. 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. An Elder is not necessarily an older person, but must have the trust and respect of their community and be recognised as a cultural knowledge keeper.

7. Significant Ceremonies

7.1 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 within the local area. Welcome to Country enables the Traditional Custodians to give their blessing for the event and is an important mark of respect for Aboriginal and Torres Strait Islander people as Australia's original inhabitants.

For a list of appropriate people to conduct a Welcome to Country for the City of Sydney, staff should contact Kaye Mundine, Council's Aboriginal Community Development Officer, on 9288 5348 or via e-mail on

² *Welcome to Barani (Yesterday) – An Introduction to the Aboriginal History of the City of Sydney*, www.cityofsydney.nsw.gov.au/barani

kmundine@cityofsydney.nsw.gov.au , Monica Barone, Director Community Living on 9246 7152 or via e-mail on mbarone@cityofsydney.nsw.gov.au or Linda Newton on 9265 9355 or via e-mail on lnewton@cityofsydney.nsw.gov.au .

Please give a minimum of two weeks notice of the intended event or ceremony. The Metropolitan Local Aboriginal Land Council can also be contacted for guidance in selecting an appropriate person to undertake a Welcome to Country (please see p 21 for contact details).

7.2 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 it 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 reside in the City of Sydney area to which they have ongoing spiritual and cultural ties. The following is considered appropriate wording for an Acknowledgement of Country.

“I would like to acknowledge that we are here today on the land of the Gadigal people. The Gadigal people are the Traditional Custodians of this land and form part of the wider Aboriginal nation known as the Eora. City of Sydney Council also acknowledges the present Aboriginal and Torres Strait Islander people, who now reside within this area”.

7.3 Smoking Ceremony

Smoking ceremonies are undertaken in Aboriginal communities in order 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 only performed at events deemed appropriate by the Aboriginal community.

7.4 Fee for Service

It is important to acknowledge that Aboriginal people are using their intellectual property whenever they conduct a cultural ceremony or an artistic performance. For this reason it is appropriate that people receive payment for their service. The remuneration should take into account travel to the event, time and complexity of the service and the profile of the event.

The Department of Aboriginal Affairs maintains a fee for service schedule. The schedule sets minimum fees for a range of Aboriginal cultural services. It

is important to note that this schedule is only a guide and the stated minimum fees are current as per the relevant certified agreement.

Cultural Practice	Certified Agreement	Minimum Fee
Welcome to Country	nil	\$100
Smoking Ceremony	Performers Certified Agreement 2003-05	\$530
Didgeridoo Performance	Musicians Certified Agreement 2003-05	\$360
Dancer category 1 (inexperienced)	Performers Certified Agreement 2003-05	\$430
Dancer category 2 (experienced)	Performers Certified Agreement 2003-05	\$450
Guest Lecturer (based on 2 hours preparation and 1 hour delivery)	University of Sydney (Academic Teaching Staff) Enterprise Agreement 1999-2002	\$110

Cultural Practices and Performers Fee Schedule – Department of Aboriginal Affairs

8. Significant Dates

There are a number of significant dates in the Aboriginal and Torres Strait Islander calendar as outlined below. Depending on the occasion, these dates are marked by the Aboriginal and Torres Strait Islander communities in a variety of ways, including ceremonies, celebrations, events and activities.

26 January – Australia Day/Survival Day (Yabun Festival)
21 March – Harmony Day (Elimination of Racial Discrimination Day)
26 May – National Sorry Day (Recommendation of Stolen Generation Report)
26 May to 3 June – National Reconciliation Week
27 May – Amendments to the Constitution regarding Aboriginal people (Referendum)
3 June – Mabo Day
1 July – Coming of the Light Festival
1st week of July (Sunday to Sunday) – National Aboriginal & Islander Day of Celebration (NAIDOC) Week
4 August – National Aboriginal and Islander Children’s Day
9 August – International Day of the World’s Indigenous People
October long weekend – NSW Annual Aboriginal Rugby League Knockout
10 December – Human Rights Day

8.1 Survival Day

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

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

Many Indigenous Australians who took part in the Bicentennial marches felt they would like to have an alternative celebration which told the story of how their history and culture had survived since colonisation. The first Survival concert was held in 1992 and reflected a major shift away from the traditionally named Australia Day to Invasion Day.

The Survival Concerts, now one of the biggest Aboriginal cultural events of the year, have been entirely initiated and coordinated by the Aboriginal community. La Perouse hosted the concerts for many years and now many Indigenous communities across New South Wales host their own local Australia/Survival Day ceremonies and celebrations.³

8.2 Harmony Day

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

- A community grants program
- A partnerships program
- A public information strategy incorporating Harmony Day

Harmony Day is held on March 21 each year, which is also the United Nations International Day for the Elimination of Racial Discrimination. The purpose of Harmony Day is to provide an opportunity for us to celebrate our successes as a culturally diverse society, re-commit ourselves to harmony and say “no” to racism. Harmony Day was first held in 1999 and has since developed into Australia’s largest annual multicultural event.⁴

City of Sydney celebrates Harmony Day each year with a wide range of activities, including cross-cultural tours, community events and workshops.

8.3 National Sorry Day

National Sorry Day was held for the first time on 26 May 1998, a year after the release of the *Bringing Them Home Report*. This report followed the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, and recommended that a National Sorry Day be declared. The purpose of Sorry Day is to publicly acknowledge the pain suffered by many Aboriginal and Torres Strait Islander people as a result of the policies and practices of removal.⁵

³ *1988 Onwards, a Turning Point*, www.australiaday.com.au/Indigenous

⁴ *You Me Australian – Living in Harmony*, www.harmony.gov.au

⁵ *Sorry Day*, www.acn.net.au/articles/sorry

8.4 National Reconciliation Week

In 1991, the Commonwealth Parliament voted unanimously to establish the Council for Aboriginal Reconciliation and a formal reconciliation process. Reconciliation Week was established in 1995 and is held each year from 26 May to 3 June.

According to Reconciliation Australia⁶, “Reconciliation among Indigenous and non-Indigenous Australians is about finding new and better ways of tackling problems and of connecting with one another.

Reconciliation involves justice, recognition and healing. It’s about helping all Australians move forward with a better understanding of the past and how the past affects the lives of Indigenous people today.

Reconciliation involves symbolic recognition of the honoured place of the first Australians, as well as practical measures to address the disadvantage experienced by Indigenous people in health, employment, education and general opportunity”.

City of Sydney is part of the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum, which also incorporates Leichhardt, the City of Botany Bay, Randwick City, Waverley and Woollahra Councils. One of the pivotal objectives of the forum is to promote Reconciliation on a regional basis.

Each year the forum runs the Pauline McLeod Award for Reconciliation which aims to recognise community members who have worked to promote Reconciliation in their community. Each year the forum organises a number of other activities across the Eastern Region to promote Reconciliation Week.

8.5 Constitution Amendments

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

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

An overwhelming 90% of Australians voted yes to these questions. The changes meant that Aboriginal and Torres Strait Islander people, like white Australians, would be counted in the national census and be subject to Commonwealth rather than just State laws. This was a significant turning point in Australian history as it meant Aboriginal and Torres Strait Islander people were finally being truly acknowledged as citizens of the nation.⁷

⁶ Reconciliation Australia, *What is Reconciliation*, www.reconciliationaustralia.org

⁷ *1967 Citizens at Last...* www.abc.net.au/time/episodes/ep5.htm

8.6 Mabo Day

Mabo Day is a significant day for Aboriginal and Torres Strait Islander people as it marks the anniversary of the landmark Mabo Judgement. On June 3 1992, the High Court of Australia rejected the notion of “Terra Nullius”, which claimed that Australia was unoccupied prior to European settlement. For the first time in 200 years it was recognised by law that Indigenous Australians have, by prior occupation, ownership of land where native title has not been extinguished. It states Indigenous people have Legal Rights, not just Symbolic Rights to all Crown Land in Australia, as well as possible rights to pastoral leases.

Mabo Day is held in recognition of Eddie Mabo, a Torres Strait Islander man who led a ten year legal battle that ultimately led to the historic Mabo Judgement.⁸

8.7 Coming of the Light Festival

The Coming of the Light Festival is a significant day for many Torres Strait Islanders as it marks the day (1 July 1871) that the London Missionary Society first arrived in the Torres Strait.

Torres Strait Islanders are predominantly of Christian faith and celebrate this event through a variety of religious and cultural ceremonies across the Torres Strait and also on mainland Australia.⁹

8.8 NAIDOC Week

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

In January 1940, the Sunday preceding Australia Day became the first official “Day of Mourning” for Aboriginal people known as Aboriginal Sunday. The first Day of Mourning was held on Australia Day in 1938, which marked the 150th anniversary of the First Fleet landing at Sydney Cove. In 1955, the National Missionary Council (NMCA) suggested that Aborigines Day should become a National Day, and it was officially changed to the first Sunday in July.

In 1957, the National Aborigines' Day Observance Committee (NADOC), with the support and co-operation of the Federal and State Governments, the churches and major Aboriginal organisations, was formed. In the same year, an Aboriginal Pastor, Sir Douglas Nicholls, persuaded the NMCA to nominate the second Sunday in July to be a day of remembrance of Aboriginal people and heritage.

⁸ *June 3 Mabo Day*, www.takver.com/history/ph_maboday.htm

⁹ *Coming of the Light*, www.tsra.gov.au

NAIDOC Week is held between the first Sunday (National Aborigines Day) and the second Sunday in July and has evolved into a week of religious and cultural events to commemorate Aboriginal and Torres Strait Islander culture and heritage. The wider community now joins with the Aboriginal and Torres Strait Islander community in this commemoration.¹⁰

The Inner City Aboriginal Multipurpose Association (ICAMPA) committee is responsible for helping local Aboriginal Communities with planning and organising significant Aboriginal events across the City of Sydney. One of its primary tasks is to organise local events during NAIDOC week. ICAMPA was originally established at the Australian Catholic Ministries in Alexandria, with the help of local women from various Aboriginal agencies. Council supports ICAMPA in preparing for NAIDOC Week with grant sponsorship and the provision of staff. This is in addition to the Town Hall NAIDOC Week Flag-Raising Ceremony and Morning Tea managed by the Protocol Office.

8.9 National Aboriginal and Islander Children's Day

National Aboriginal and Islander Children's Day is held annually on 4 August. The day was initiated in 1998 by the National Aboriginal and Islander Child Care (SNAICC), a non-government advocacy body for Aboriginal and Torres Strait Islander children. The purpose of the day is to promote the needs of Indigenous children and to demonstrate the importance of children in Aboriginal and Torres Strait Islander communities.¹¹

8.10 International Day of the World's Indigenous People

In 1994 the United Nations declared 9 August International Day of the World's Indigenous People. This date marks the day (9 August 1992) of the first meeting of the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights. The purpose of this day is to celebrate the achievements and contributions of Indigenous people to the global community and to highlight many of the problems faced by Indigenous communities particularly in regards to human rights, the environment, development, education and health.¹²

8.11 NSW Annual Aboriginal Rugby League Knockout

The NSW Aboriginal Rugby League Knockout (aka the Koori Knockout) started in 1971. It has developed into a major event on the Aboriginal and Torres Strait Islander calendar and is held each year over the long weekend in October. As many as 60 teams compete in the knockout and over 10,000 spectators attend the event. Traditionally the winning team hosts the following year's Knockout Tournament.¹³

¹⁰ NAIDOC History, www.atsic.gov.au/Events/NAIDOC/history.asp

¹¹ National Aboriginal and Islander Children's Day – August 4th, www.snaicc.asn.au/children/index.html

¹² International Day of the World's Indigenous People, www.un.org/depts/dhl/indigenous

¹³ National Indigenous Times (Issue 62) *NSW Knockout: a brief history of a great event*, www.beta.nit.com.au

8.12 Human Rights Day

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

9. Indigenous Flags

The Australian Aboriginal flag and Torres Strait Islander flag were proclaimed as flags of Australia under section 5 of the Flags Act 1953 on 14 July 1995.

9.1 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 ochre is 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.

9.2 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 and officially recognised by the government on 14 July 1995.

9.3 Flying the Aboriginal and Torres Strait Islander Flags

On 5 June 2000, the Council of the City of Sydney passed a resolution to fly the Australian Aboriginal flag from the Sydney Town Hall alongside the Australian National flag, the State flag of NSW and the City of Sydney flag. These flags are also flown at other Council buildings where possible. This decision forms part of Council's commitment to the Indigenous people of Australia and recognises their role as the original owners of this land.

Council also flies the Aboriginal and Torres Strait Islander flags on the flag poles mounted on the exterior domes of Sydney Town Hall during NAIDOC (National Aboriginal & Islander Day of Celebration) Week (first week in July), National Reconciliation Week (27 May-3 June) and National Sorry Day (26 May).

9.4 Flag Flying Protocol

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

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

Permission needs to be sought if you are reproducing either flag for commercial use or in reports or brochures. For guidance about using the both the Aboriginal and Torres Strait Islander flags contact Denise McFadden from the Department of Prime Minister and Cabinet on (02) 6271 5111.

The copyright license for the manufacture and marketing of the Aboriginal flag has been awarded by Mr Harold Thomas to Carroll and Richardson Flags. Permission to reproduce the Aboriginal flag can be sought from:

Carroll and Richardson Flags

188 Whitehorse Road
Balwyn
Victoria 3103
Ph: (03) 9221 2919

Or

Mr Harold Thomas
PO Box 41807
Casuarina
Northern Territory 0810

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

The Secretary
The Island Co-ordinating Council
PO Box 501
Thursday Island
Queensland 4875
Ph: (07) 4069 1446
Fax: (07) 4069 1868

10. Respecting Culture and Heritage

10.1 Media, Publications, Art & Signage

The Interpretation Australia Association (IAA) has developed a number of guidelines for the interpretation of Aboriginal and Torres Strait Islander heritage in natural and cultural settings. These guidelines should also be applied more generally to all Council's publications or artwork that depict or represent Aboriginal and Torres Strait Islander culture, including brochures, newsletters, posters, reports, signage, web information, videos, photographs, motifs, clothing, oral recordings, music and public art. The IAA Guidelines are as follows:

- The content of all copy and text and selection of images is subject to community advice.
- Develop proposals jointly with the community from the outset and observe protocols regarding written and visual resources.
- The whole design process should be subject to community advice. This includes lay out, colour, use of symbols and images.
- Observe intellectual property rights; safeguard copyright of stories and images.
- 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.
- Develop a glossary of words to be avoided.
- Ensure correct use of symbols and motifs.
- Consider using Aboriginal names as the norm, with colonial names as secondary.
- Use the present tense when discussing people and country.
- 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.

10.2 Copyright and Intellectual Property

According to the World Intellectual Property Organisation, 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 key issues to be aware of when working with the Indigenous community. Aboriginal and Torres Strait Islander people are the custodians of their culture and have the right to own and control their cultural heritage. Unfortunately the cultural and intellectual property rights of Indigenous Australians are not always recognised or appropriately respected and our current legal framework provides limited recognition and protection of these 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 surrounding the protection of Indigenous culture and heritage.

The Aboriginal and Torres Strait Islander Commission (ATSIC) adopted 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 detailed 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

www.ozco.gov.au

There are a number of mainstream organisations who provide advice or information about copyright and the protection of intellectual property rights. They include:

World Intellectual Property Organisation

www.wipo.int

Viscopy (Visual Arts Copyright Collecting Agency)

www.viscopy.com.au

Arts Law Centre of Australia

www.artslaw.com.au

10.3 Indigenous Media

It is important to remember that there are a number of media publications and programs that have a large Aboriginal and Torres Strait Islander audience. The National Indigenous Times, Koori Mail, Gadigal (or Koori Radio) and the ABC's Messagstick are all useful reference points for information relating to Aboriginal and Torres Strait Islander communities. Any consultation process or Council information relating to Aboriginal and Torres Strait Islander people should, where possible, be advertised via a combination of the publications and programs mentioned above.

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

Website: 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

Website: 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

10.4 Naming the Deceased

In many Aboriginal and Torres Strait Islander communities it is offensive to refer to a deceased person by name or to show photographic images of the person during the mourning period, unless agreed to by the relevant family. Mourning periods differ between communities, sometimes the person's name or image cannot be used for a week or a year, and sometimes it is for an indefinite period.

Before using the name of a deceased person or publishing their image, it is essential to obtain the family's permission. Many organisations and publishers are now employing the use of cultural warnings in publications to avoid causing offence to the families of deceased persons. An example of this type of cultural warning can be found on the City of Sydney's Barani Website:

"Barani contains the history, life stories and images of many Indigenous men and women who have made great contributions to their people and their country. The story of Aboriginal Sydney could not be told without recognising their achievements.

In some Aboriginal communities, seeing the names and photographs of dead people may cause sadness and distress, particularly to relatives of those people".

10.5 Challenging Negative Stereotypes

A "stereotype" is a generalisation about a person or group of persons which does not acknowledge individual differences and which is often prejudicial to that person or group. Racial or ethnic stereotypes are labels or categories that people use to define people from a different race or ethnic background.

Unfortunately there are numerous stereotypes of Indigenous Australians, which are often perpetuated by the Australian media. These stereotypes can be damaging to relations between Aboriginal and non-Aboriginal Australians and often lead to acts of discrimination and racism.

"There are many common stereotypes of Aboriginal peoples. One is that we are all the same and conform to the idealized image of the naked Aborigine standing with spear in hand watching the sun set. This is a picture which quickly dissolved into the reality of the 21st century. We are as different as the landscapes of coast, desert, rainforest and snowy mountains. The land is different and so are we, the first peoples of the land." (Dr. Irene Watson, Aboriginal lawyer, writer and activist, 2001, Lonely Planet Aboriginal Australia and the Torres Strait Islands Travel Guide)

It is very important to remember that there is enormous diversity amongst the Aboriginal and Torres Strait Islander communities. These communities are made up of many different cultural groups, with different histories, languages, beliefs, opinions and traditions.

Unfortunately over time some negative stereotypes of Indigenous Australians have developed. These stereotypes are commonly based on ignorance and fear and have led to sweeping generalisations about Aboriginal and Torres Strait Islander people that are unfair and unfounded. Other stereotypes are to do with traditional images of Indigenous Australia that are based in the past and fail to recognise that contemporary Aboriginal Australia is alive and well.

Listed below are some of the more common stereotypes experienced by Aboriginal and Torres Strait Islander Australians. When working with these communities it is important to be aware of these stereotypes and to challenge them wherever possible.

- All Aboriginal people are welfare dependent, or abuse alcohol and drugs.
- Aboriginal people of mixed descent are not “truly” Aboriginal.
- All Aboriginal people will know or have heard of another Aboriginal person, or are experts on everything to do with Aboriginal culture.
- Aboriginal people don’t want to work.
- Aboriginal people commit crime.
- Too much money is spent on Aboriginal Affairs.
- Only Aboriginal people who choose to live in traditional societies are “truly Aboriginal”.

10.6 Permission to be Photographed or Filmed

Before filming or taking photographs for inclusion in publications or other media, it is essential to obtain written consent from those people you wish to photograph. The participants must be completely briefed as to how the film or photographs will be used. Film or photographs obtained for Council publications are not to be released to the media or any external agency without the written consent of the person or people involved.

10.7 Photographing or Interviewing Children

If children are engaged in Council activities, permission is sought through the enrolment forms for children to be photographed. If parents do not sign this permission form, the child cannot be photographed (see Appendix A for a copy of the form).

However if a child’s photograph or interview is to be included in any media, Council or otherwise (including publications, television or radio), written permission must be obtained from the parent before taking the photograph. In accordance with Council’s Privacy Policy, the permission note must clearly explain how the photograph will be used, who will have access to it, and what will be done with it after it is used or even if it is not used (see Appendix B for a copy of the form).

This policy must be clearly explained to outside organisations that want to photograph or interview children in Council’s care, for inclusion in any form of media.

11. Local Governance

11.1 Community Consultation

When undertaking community consultation with Aboriginal and Torres Strait Islander communities it is important to select consultation mechanisms that are culturally sensitive and appropriate. It is always best to seek guidance from local community leaders before embarking on a consultation process. The following key principles should underpin all community consultation processes involving the Aboriginal and Torres Strait Islander Communities.

Recognition of Indigenous Australians

Council recognises the Gadigal People, part of the Eora Nation, as the traditional owners of the land. It recognises and celebrates the rich culture and strong community values that Indigenous Australians provide to City of Sydney today. Council also recognises the Indigenous community's right to self-determination.

Respect Culture and Heritage

Be respectful of cultural protocols and practices and seek advice from community leaders prior to any consultation process. Recognise that the Elders of a community are central to all negotiations and it is very important to gain their approval and support of a project from the outset.

Within the City of Sydney (CoS) Local Government Area, The Metropolitan Local Aboriginal Land Council (MLALC) is recognised as the custodian of Aboriginal land, cultural sites and landscapes. It is appropriate that any issues concerning Aboriginal land and heritage be addressed in close consultation with MLALC.

Recognise Community Structures

Identify community leaders and organisations, and research the best method for communicating with them. It is important to consult widely, inviting participation from all the key Aboriginal and Torres Strait Islander organisations. One organisation does not represent the interests of the entire community, and talking only to one or two organisations is not acceptable protocol and will not facilitate support from the wider community.

Build Trust and Honour Commitments

It is important to remember that many Aboriginal and Torres Strait Islander communities have been deeply affected by the inappropriate policies and practices of past governments. For this reason it is essential to take the time to build long-term relationships with each community. These relationships must be based on trust, respect and honesty. It is very important to honour any commitments made to the community, and to find appropriate consultation mechanisms that ensure an open dialogue exists between the community and Council.

Allow time for Traditional Decision-making

Decision-making in Aboriginal and Torres Strait Islander communities is a consultative and participatory process. For this reason it can take time, with all community members being invited to have their say before a final decision is made. Part of respecting cultural protocols involves allowing enough time for traditional decision-making processes and working with the community at an agreed and acceptable pace.

11.2 Aboriginal Interagency

The Koori South East Sydney Indigenous Interagency (KSESII) is a forum for both Aboriginal and non-Aboriginal people living and working in South East Sydney. The interagency includes representatives from a range of government and non-government organisations and is also open to individuals.

The Aboriginal Interagency is an excellent resource and can provide valuable guidance on issues relating to the Aboriginal and Torres Strait Islander Communities. The Interagency meets on the first Thursday of each month at Alexandria Town Hall and should always be consulted about and kept informed of any matters relating to the Indigenous community.

11.3 Special Project Committee

Another option when undertaking community consultation with the Aboriginal and Torres Strait Islander community is to set up a Special Project Committee or Reference Group. A group of this nature is usually made up of all key stakeholders including Indigenous organisations (both government and non-government), Elders, community leaders and residents from the Aboriginal and Torres Strait Islander community. Special Project Committees can provide essential input and advice on a project and ensure that all community consultation is culturally appropriate.

It is important to ensure the group is representative and a formal Expression of Interest process may be recommended to ensure all interested parties have an opportunity to apply. Once representatives have been appointed it is necessary to ensure that the role and responsibilities of the groups are clearly articulated and that all meetings are formally documented.

11.4 Aboriginal and Torres Strait Islander Organisations

11.4.1 Relevant Government Organisations

Department of Aboriginal Affairs

Level 13, Tower B
Centennial Plaza
280 Elizabeth Street
Sydney NSW 2000
Ph: 9219 0700
Fax: 9219 0790
email: enquiries@daa.nsw.gov.au

NSW Aboriginal Land Council

Head Office
PO Box 1125
Parramatta NSW 2124
Ph: 9689 4444
Fax: 9689 1234
Web: www.alc.org.au

NSW Reconciliation Council (NSWRC)

Tower B, 280 Elizabeth Street
Sydney NSW 2000
Ph: 9219 0719
Fax: 9219 0790
E-mail: Sylvie.Ellsmore@daa.nsw.gov.au

Australian Institute Of Aboriginal & Torres Strait Islander Studies (AIATSIS)

GPO Box 553
Canberra NSW 2601
Ph: (02) 6246 1111
Fax: (02) 6261 4285
Email: library@aiatsis.gov.au
Web: www.aiatsis.gov.au

Department of Immigration, Multicultural and Indigenous Affairs

GPO Box 9984
Sydney NSW 2001
Ph: 131 881
Fax: 9032 4054
Web: www.immi.gov.au

Indigenous Coordination Centre

Level 9, 300 Elizabeth Street
Sydney NSW 2000
PO Box K1176
Haymarket NSW 1240
Ph: 02 9288 6100
Fax: 02 9282 9178

11.4.2 Local Indigenous Organisations

Metropolitan Local Aboriginal Land Council

38 George Street
Redfern NSW 2016
PO Box 1103
Strawberry Hills NSW 2012
Ph: 8394 9666
Fax: 8394 9733
Email: METROLALC@metrolalc.org.au

Aboriginal Housing Company

104 Lawson Street
Redfern NSW 2016
PO Box 374
Strawberry Hills NSW 2010
Ph: 9319 4779
Fax: 9319 0475
Email: admin@ahc.org.au

Mudgin-Gal Aboriginal Women's Corporation

231 Abercrombie Street
Chippendale NSW 2008
Ph: 9319 2613
Fax: 9319 6053
Email: office@mudgingal.org.au

Aboriginal Medical Service

36 Turner Street
Redfern NSW 2016
PO Box 1174
Strawberry Hills NSW 2012
Ph: 9319 5823
Fax: 9319 3345
Email: amsredfern@amsredfern.org.au

Redfern Aboriginal Corporation

276-278 Abercrombie Street
Chippendale NSW 2008
PO Box 794
Strawberry Hills 2012
Ph: 9318 1496
Fax: 9310 4380
Email: raccdep@ihug.com.au

Naamoro Aboriginal Employment Service

156 Redfern Street
Redfern NSW 2016
Ph: 9318 2159
Fax: 9318 2073

Tribal Warrior Association Inc.

PO Box 3200
Redfern NSW 2016
Tel: 02 9699 3491
Fax: 02 9699 3491
Website: tribalwarrior.org

The Eora Centre for Aboriginal Studies

333 Abercrombie Street
Chippendale NSW 2008
Ph: 9217 4878
Fax: 9217 4072
Email: enquire@eora.net

Wyanga Aboriginal Aged Care Program

107A Regent St
Redfern NSW 2016
PO Box 1296
Strawberry Hills NSW 2012
Ph: 9319 7175
Fax: 9319 7212
Email: wyanga@msn.com

Aboriginal Home Care – Alleena Centre

12a Dudley Street
Alexandria NSW 2015
Ph: 9245 1822
Fax: 9319 7605
Email: cmuthunesan@homecare.nsw.gov.au

Koori Lighthouse

2/4 Holden Street
Redfern NSW 2016
Ph: 9319 2341

Aboriginal Islander Dance Theatre

153 Bridge Street
Glebe NSW 2037
PO Box 396
Glebe 2037
Ph: 9660 2312
Fax: 9660 7853

Walla Mulla Family & Community Support

49 McElhone Street
Woolloomooloo NSW 2011
Ph: 9368 1381
Fax: 9357 4962
Email: walamulla@bigpond.com

Wurringa Baiya Aboriginal Womens Legal Centre

Cnr Livingstone Rd and Marrickville Roads
Marrickville NSW 2204
PO Box 785
Marrickville NSW 1475
Ph: 9569 3847
Fax: 9569 4210
Email: Trish_Gibbs@fcl.fl.asn.au
Web: www.wurringabaiya.org.au

Tranby Aboriginal Co-operative College

13 Mansfield Street
Glebe NSW 2037
PO Box 229
Glebe NSW 2037
Ph: 9660 3444
Fax: 9660 1924
Email: tranby@comcen.com.au
Web: www.tranby.com.au

Eastern Suburbs Organisation For Reconciling Australia (ESORA)

St Francis of Assisi
463 Oxford Street
Paddington NSW 2021
Ph: 9130 3773

National Aboriginal & Islander Skills Development Association (NAISDA)

3 Cumberland Street
The Rocks
Sydney NSW 2000
PO Box 15
Millers Point NSW 2000
Ph: 9252 0199
Fax: 9251 9161
Email: naisda@naisda.com.au
Web: www.naisda.com.au

Bangarra Dance Theatre Australia

Pier 5 Hickson Road
Walsh Bay NSW 2000
Ph: 9251 5333
Fax: 9251 5266
Email: bangarra@bangarra.com.au
Web: www.bangarra.com.au

Boomali Aboriginal Artists Co-op Gallery

55-59 Flood Street
Leichhardt NSW 2040
PO Box 176
Westgate NSW 2048
Ph: 9560 2541
Fax: 9560 2566
Email: tduncan@boomali.org.au
Web: www.boomali.org.au

Aboriginal Justice Advisory Council

Level 16, Goodsell Building
8-12 Chifley Square
Sydney NSW 2000
GPO Box 6
Sydney NSW 2001
Ph: 9228 8106
Fax: 9228 8109
Email: contact_ajac@agd.nsw.gov.au
Web: www.lawlink.nsw.gov.au/ajac

Mac Silva Centre Aboriginal Corporation

49 ABC Wellington Street
Waterloo NSW 2017
PO Box 974
Strawberry Hills NSW 2012
Ph: 9310 1912
Fax: 9310 1470
Email: mac_silva_centre_ac@aho.tcl.com.au

Inner West Aboriginal Community Company (IWACC)

Old Marrickville Hospital
26 Lilydale Street
Marrickville NSW 2204
PO BOX 181
Petersham NSW 2049
Ph: 9572 7066
Fax: 9564 3124
Email: iwacc@iwacc.org.au

The Inner City Aboriginal Multipurpose Association

C/O Aboriginal Catholic Ministry
PO Box 121
Alexandria NSW 1435

Eastern Region Local Government Aboriginal and Torres Strait Islander Forum

Forum Co-ordinator
C/: Randwick City Council
30 Frances Street
Randwick NSW 2031

Gadigal Information Services

PO Box 966
Strawberry Hills NSW 2012
Ph: 9564 5090
Fax: 9564 5450
Email: info@gadigal.org.au
Website: www.gadigal.org.au

The Black Book

GPO Box 3984
Sydney NSW 2001
Ph 9321 6444
Fax: 9357 3714
Email: blackbook@afc.gov.au
Website: www.blackbook@afc.gov.au

11.5 Definitions and Terms

Aboriginal and Torres Strait Islander

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 Indigenous community in which he or she lives.

According to the IAA Guidelines Aboriginal and Torres Strait Islander Australians is the full, official terminology. It should always be spelt out in full and **not** shortened to its acronym ATSI. Always use a capital 'A' for Aboriginal or Aborigine and capital 'T', 'S' and 'I' for Torres Strait Islander.

Aboriginal People

Most Aboriginal people prefer not to be called an Aborigine, the preferred term is Aboriginal person or peoples.

Elders

Elders are custodians of knowledge. They are chosen and accepted by their own communities and are highly respected.

Indigenous

The term Indigenous Australians, is acceptable in certain circumstances. It is important to check which term is preferred by the community and when it is appropriate to use which terms. When using the word Indigenous, always use a capital 'I'.

Stolen Generation

This term refers to the Aboriginal children who were forcibly removed from their families between 1910 and 1970. During this time it was Federal and State Government policy that Aboriginal children, especially those of mixed Aboriginal and European descent, be removed from their parents. Between 10 and 30 percent of all Aboriginal children were removed, and in some places these policies continued into the 1970s.

Although the official policies and practices of removal have been abandoned, the *Bringing Them Home Report* (which followed the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families), reveals that the past still resonates today in Indigenous individuals, families and communities.

“The Block”

The term “The Block” refers to the area bordered by Eveleigh, Louis, Caroline and Vine Streets in Redfern. This historically significant section of land is under the guardianship of the Aboriginal Housing Company and has long been home to and a meeting place for many Aboriginal and Torres Strait Islander people.

This term should only be used when referring specifically to the section of land bordered by the four streets mentioned above. When referring to Redfern Community Centre, it is important to note that it is located *adjacent* to The Block, not *in* or *on* The Block.

Traditional Custodians

The term “Traditional Custodians” is used when referring to the original Indigenous inhabitants of an area.

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

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13. Appendix A

13.1 Permission For Child(ren) To Be Photographed

(It is standard practice in the interests of child protection to seek permission before photographing children.)

I give permission for my
child(ren)
to be photographed on an excursion or participating in an activity.

Parent/Carer Signature & name (Please Print)
Date

14. Appendix B

14.1 Sample Media Permission Form

I _____ give permission for my child to be included in a photograph taken by

_____ at _____ on _____ (insert date).

I understand that this photograph may be used in _____ *(state exactly what the photograph/film/ interview will be used for)*

Only

_____ will have access to this photograph/film/interview transcript *(state who will have access to the material)*

It will be securely stored at

_____ *(name / location of storage premises)*, for a period of _____, after which they will be destroyed/returned to you.

If not used it will be destroyed / returned to you within a period of _____ weeks/months.

Please contact _____ to access or make any enquiries about any information/material held by us on your child *(include contact details)*

Signature: _____ PRINTED

NAME: _____

Date: _____