



Aboriginal and Torres Strait Islander Cultural Protocols

(Warning: Aboriginal and Torres Strait Islander readers should be aware that this document may contain images or names of people who have since passed away.)

Introduction

Oxfam Australia's vision is of a fair world in which people control their own lives, their basic rights are achieved and the environment is sustained. We support all Australians to achieve their potential on a basis of equity and respect.

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

Purpose

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

What are Cultural Protocols?

Protocols are ethical principles which guide behaviour in a particular situation. These protocols are designed to protect Aboriginal and Torres Strait Islander cultural and intellectual property rights¹. The protocols pave the way for improving working relationships between OAus and its Aboriginal and Torres Strait Islander partners and consequently for achieving better program outcomes.

Cultural and intellectual property rights include the right for Aboriginal and Torres Strait Islander Peoples to:

- own and control their cultural and intellectual property
- ensure that any means of protecting their cultural and intellectual property is based on the principle of self-determination
- be recognised as the primary guardians and interpreters of their cultures and so regulate how stories and information is presented
- authorise or refuse the use of their cultural and intellectual property according to customary law
- maintain the secrecy of their knowledge and other cultural practices
- be given full and proper attribution for sharing their heritage
- control the recording of cultural customs and expressions, the particular language which may be intrinsic to cultural identity, knowledge, skill and teaching of culture²

Why do we need Protocols?

Since colonisation, Aboriginal and Torres Strait Islander people have borne the brunt of extreme prejudice, discrimination and misunderstanding and their interests, rights and concerns have often been dismissed or

¹ In line with Article 31, United Nations Declaration On The Rights Of Indigenous Peoples, 2007

² *Our Culture: Our Future*, Terri Janke, n.1, pp47-48





ignored. The introduction of cultural protocols represents an important step towards understanding, respecting and representing Indigenous world-views, encouraging culturally appropriate working practices and valuing the cultural diversity that enriches, motivates and drives OAus forward.

“Agreeing to comply with the accepted protocols of other cultural groups promotes interaction based on good faith and mutual respect, thus encouraging ethical conduct.”³

OAus’s Aboriginal and Torres Strait Islander cultural protocols recognise the diverse cultures and traditions that make up Aboriginal and Torres Strait Islander Australia and are based on recognition, consultation and respect.

Aboriginal and Torres Strait Islander cultures are complex, dynamic and evolving; therefore protocols may change according to the particular group or community in question. With this in mind, consultation needs to take place on a case-by-case and ongoing basis.

OAus recognises that improved outcomes for Aboriginal and Torres Strait Islander people will only be achieved when effective and respectful partnerships are established with them, their communities and their organisations.

Principles

These protocols give practical expression to a fundamental human rights principle that: “Indigenous peoples have a right to own and control their Indigenous cultural and intellectual property”⁴ that is, they have a right to protect their Indigenous heritage.

The following values and principles provide a framework for implementing OAus’s Aboriginal and Torres Strait Islander cultural protocols⁵:

1. Respect

The rights of Aboriginal and Torres Strait Islander people to own and control their cultural heritage, and their rights and interests in how they are portrayed (in images, text or the like), must at all times be respected and protected.

Proper consultation processes with appropriate cultural authorities should always be followed and approvals and permissions sought accordingly. Respect the communal nature of Aboriginal and Torres Strait Islander social structures, timeframes and decision-making processes: a group may have to wait for the “right” people to be present, and meetings may need to be scheduled around cultural obligations or travel considerations (especially in remote locations). Understand that the consultation process may be lengthy as each community needs time to consider and consult.

“Indigenous Australians, the Aboriginal and Torres Strait Islander people, are the original inhabitants of Australia. It is [therefore] respectful to acknowledge country and custodians.”⁶

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

³ *Listen, Learn and Respect: Indigenous cultural protocols and radio*, Terri Janke and Nancia Guivarra, Terri Janke & Co P/L 2006

⁴ *Article 31, United Nations Declaration On The Rights Of Indigenous Peoples, 2007*

⁵ Much of this material is sourced from: *Writing Cultures: Protocols for Producing Indigenous Australia Literature*, Terri Janke, Commonwealth of Australia 2002

⁶ *Writing Cultures: Protocols for Producing Indigenous Australian Literature*, Terri Janke, Commonwealth of Australia 2002





Traditional Welcome or Welcome to Country

Traditional welcoming ceremonies range from speeches of welcome and traditional dance, to smoking ceremonies, and are performed at the beginning of a forum by an Elder or appropriate member of an Aboriginal or Torres Strait Islander community to welcome people who are visiting and/or meeting on their traditional land. Traditional Welcomes should be incorporated into the opening of major internal or public events, meetings, forums and functions.

Acknowledging Traditional Owners and Acknowledging Elders

Traditional Owners should be acknowledged by the first speaker at any significant organisational forums with a range of internal and external stakeholders present as a mark of respect for the owners of the land on which the event is taking place. Acknowledgement of Traditional Owners can occur with or without a Welcome to Country and/or when a smaller or less formal gathering is taking place. Subsequent speakers may also choose to acknowledge Traditional Owners.

Following acknowledgement of Traditional Owners, the first speaker at a forum should also separately acknowledge any Elders (past and present) who are in attendance. Choosing the right words and forms of address is particularly important; always ask Aboriginal and Torres Strait Islander people how they wish to be addressed. This will ensure that you do not inadvertently say the name of someone who has recently passed away as this may be prohibited under customary laws. Only use the terms 'aunty' and 'uncle' when invited to do so.

The format for acknowledgement is as follows:

"I would like to pay respect to and acknowledge the... people who are the Traditional Owners of this land we stand/meet on today. I would also like to pay my respects to the Elders past and present"

Or, following a Welcome to Country:

"Let me begin by acknowledging the Traditional Owners of this land and extending a warm and sincere thankyou to them for welcoming us all to their country today. I would also like to pay my respects to the Elders past and present."

The Oxfam Australia Melbourne office stands on the traditional lands of the Wurundjeri People.

Acknowledging local sites of significance

The first speaker at a forum should recognise cultural or historical sites of significance when an organisational event is held on or near such a site. Elders should be consulted for advice on how best to make such an acknowledgement.

2. Aboriginal and Torres Strait Islander Control

Aboriginal and Torres Strait Islander peoples should be consulted and involved in all decisions affecting their cultural heritage and in particular, on the ways in which their history, community, stories and interviews, lives and families and cultural and intellectual property are represented and used.

Speaking to the right people is very important, especially in identifying who can represent clans to release traditionally and collectively owned material, "...authority is given by genealogical descent, by 'connection' to community and place, and by the validation of elders".⁷

⁷ Kim Scott in *Writing Cultures: Protocols for Producing Indigenous Australian Literature*, Terri Janke, Commonwealth of Australia 2002





Prior Informed Consultation and Consent

Consultation with the custodians of traditional knowledge/expression should include the risks and benefits of wider dissemination of cultural material, as certain information or images may be unsuitable for circulation. Consultations should be thorough and accessible and language used should be culturally appropriate.

3. Interpretation and Integrity

Aboriginal and Torres Strait Islander people should be recognised as the primary guardians and interpreters of their cultures. Representation of Aboriginal and Torres Strait Islander cultures should reflect their cultural values and respect their customary laws⁸.

When writing about Aboriginal and Torres Strait Islander issues or choosing images to accompany text, it is important to consider how the work affects the Aboriginal and Torres Strait Islander people who are subjects of the story.

Before publishing, ensure the material does not depict or expose confidential, personal and/or sensitive information or reinforce negative stereotypes. Where possible ensure the material empowers Indigenous peoples and reflects their cultural identity.

Permission must be sought from the person who owns the story and any potential issues discussed with them prior to publishing.

4. Secrecy and confidentiality

Some Aboriginal and Torres Strait Islander material is unsuitable for public scrutiny.

Secret and Sacred Material

“Indigenous people have the right to keep secret their sacred and ritual knowledge in accordance with their customary laws.”⁹ Secret and sacred material refers to information that is restricted under customary law and so unsuitable for publication.

Secret and sacred material should not, as a general rule, be published unless there are extenuating circumstances; and even in these very limited cases only where prior written permission has been granted following extensive consultation with the relevant parties. Any approvals granted for the use of sensitive materials in a particular instance, should be prominently displayed.

The Arts Law Centre of Australia recommends the following traditional custodian notice in artworks with traditional knowledge:

The images in this artwork embody traditional ritual knowledge of the (name) community. It was created with the consent of the custodians of the community. Dealing with any part of the images for any purpose that has not been authorised by the custodians is a serious breach of the customary law of the (name) community, and may also breach the Copyright Act 1968. For enquiries about permitted reproduction of these images contact (community name).

Personal privacy

Privacy and confidentiality concerning Aboriginal and Torres Strait Islander people’s personal affairs should also be respected. Consult with Elders and/or other Aboriginal and Torres Strait Islander people in authority to identify any sensitive, sacred or religious issues that might prevent use of the material. Some types of personal information may require special attention.

⁸ *Writing Cultures: Protocols for Producing Indigenous Australian Literature*, Terri Janke, Commonwealth of Australia 2002

⁹ Indigenous cultural and intellectual property workshop, Oxfam Australia, presented by Terri Janke, Nov 2006





Gender

Some images and knowledge may be gender-specific and may only be seen by initiated men and women. Gender-based works may require the publisher to follow special communication procedures which should be discussed with the community prior to publication.

Representation of deceased people

In many Aboriginal and Torres Strait Islander communities, the reproduction of a deceased person's name and image is offensive to cultural beliefs. Consult with the deceased's family or community so that the appropriate protocols are observed.¹⁰

All Oxfam Australia communications with images or names of Aboriginal and Torres Strait Islander people should have the following warning displayed in a prominent position:

"Aboriginal and Torres Strait Islander people should be aware that this document/website may contain images or names of people who have since passed away."

Remove any references to deceased people from the public arena (eg. websites, photographic databases, publications, community service announcements, etc) as soon as you are alerted to their passing.

If you wish to use the name, image or voice of a deceased person, you must seek permission in writing. Include reference to the permission having been granted for this particular use in a highly prominent position.

5. Attribution

Aboriginal and Torres Strait Islander people should be given proper credit or appropriate acknowledgement for their achievements, contributions and roles in the development of media stories and/or use of cultural material.

Encourage Aboriginal and Torres Strait Islander perspectives. In story-gathering projects and in interviewing, it is important to select Aboriginal and Torres Strait Islander people for comment on Indigenous issues rather than relying solely on self-appointed non-Indigenous spokespeople, as worldviews can differ.

When preparing acknowledgements and attributions, ask informants how they want to be described or identified - some may wish to be known by their clan group or by their place of origin and/or occupation – as this will ensure accuracy for the purposes of establishing an interviewee's authority to speak and avoid stereotyping.

6. Sharing of Benefits

Aboriginal and Torres Strait Islander people have the right to share in the benefits from use of their culture, especially where it is being commercially applied.

Consider how Aboriginal and Torres Strait Islander people can be included in your work, for example:

- engage with local Aboriginal and Torres Strait organisations in the area you are working, provide opportunities for them to meaningfully participate and acknowledge their contribution
- employ Aboriginal and Torres Strait Islander consultants
- disseminate information and research to Aboriginal and Torres Strait Islander communities, provide copies of images or published works to the people involved

¹⁰ *Writing Cultures: Protocols for Producing Indigenous Australian Literature*, Terri Janke, Commonwealth of Australia 2002





- properly reimburse Aboriginal and Torres Strait Islander people for the contributions they have made

7. Legal Recognition and Protection

OAus supports the development and implementation of Australian laws and policies that respect and protect Indigenous rights to cultural and intellectual property, by engaging in and supporting their partners' advocacy and lobbying efforts.

You can contribute!

You can help keep these protocols alive by:

- raising awareness within your team by suggesting and supporting cultural awareness training opportunities
- attending lunch time talks focusing on Aboriginal and Torres Strait Islander issues
- supporting Oxfam Australia's Reconciliation Action Plan
- taking responsibility for building awareness of Aboriginal and Torres Strait Islander culture and issues, acknowledging the impact of past policy and practice, and using appropriate language to promote good communication
- consulting with Aboriginal and Torres Strait Islander colleagues to ensure your material is culturally appropriate and whenever you are uncertain of how to accord cultural respect
- thinking of ways you can engage with Aboriginal and Torres Strait Islander people outside of the workplace – for example: through your local reconciliation action group, by disseminating information from your workplace to other organisations in your networks

Recommended References

Australia Council protocols for various Indigenous art forms, written for the Aboriginal and Torres Strait Islander Board of the Australia Council's Culture Series can be found at www.ozco.gov.au

Building better partnerships, Working with Aboriginal communities and organisations: a communication guide for the Department of Human Services, Koori Unit, DHS 2006

Message Stick, *Cultural Protocols for Indigenous Reporting in the Media*, Australian Broadcasting Commission

Protocols for Media Access, Northern Land Council, Darwin

Protocols for Photography, Film, Recording and Media, Central Land Council

Respect, Acknowledge, Listen: Practical protocols for working with the Indigenous Community of Western Sydney, Community Cultural Development NSW 2003

The Greater Perspective: Protocol and Guidelines for the Production of Film and Television on Aboriginal and Torres Strait Islander Communities, Lester Bostock, SBS Corporation, Sydney, 2nd ed, 1997

Writing Cultures: Protocols for Producing Indigenous Australian Literature, Terri Janke, Commonwealth of Australia 2002

If you have any comments or queries regarding these cultural protocols, please contact Karina Menkhorst, Senior Program Officer, Aboriginal and Torres Strait Islander Peoples' Program. Email: karinam@oxfam.org.au tel: (03) 9289 9359.





Some Guidelines for Publishing Material

1. Terminology

- Most Indigenous Australians prefer the terms Aboriginal or Torres Strait Islander person or peoples; “Aborigine/s” can have negative connotations.
- The term “Aboriginal” does not include Torres Strait Islander people, and reference should be made to both if applicable.
- Never abbreviate the term “Aboriginal and Torres Strait Islander” as this may be offensive.
- Always use a capital for Aboriginal, Torres Strait Islander, Indigenous and Elder. The word “aboriginal” refers to an Indigenous person from any part of the world and not to the Aboriginal and Torres Strait Islander people of Australia.
- “Aboriginal and Torres Strait Islander people” is a collective name for the original people of Australia and their descendants. Use “Aboriginal and Torres Strait Islander Peoples” in the context of a nation; formal category or to emphasise the diversity of languages, communities, cultural practices and spiritual beliefs. Both are acceptable depending on context.
- “First Australians” is a collective name for the original people of Australia and their descendants, and can be used to emphasise that Aboriginal and Torres Strait Islander Peoples lived on this continent prior to European colonisation.
- Because “Indigenous” is not specific, some Aboriginal and Torres Strait Islander people feel the term should be avoided. Preference should be given to the term “Aboriginal and Torres Strait Islander” as an adjective rather than “Indigenous” as this more accurately reflects their cultural heritage.

2. Collecting visual and audio resources

- Ensure photographers/video-makers/recordists are briefed about working according to Aboriginal and Torres Strait Islander cultural protocols;
- Ensure a photographer’s/video-maker’s/recordist’s contract is prepared by the Communications Resource Officer (CRO);
- Ensure permission slips are obtained from the CRO and that these are signed by all subjects being photographed/videoed/recorded or by their guardians or community/clan representative. You should draw the signatory’s attention to the fact that the permission slip limits OAus’s use of images to 10 years and that permission can be revoked at any time by contacting OAus. Permission slips must be returned to the CRO along with the images or audio recordings for filing;
- When collecting consents and permissions for publication, take along examples of the materials for which OAus is gathering images

3. Sign Off Procedures:

All OAus publications must be signed off by the Brand Manager and any images checked by the CRO prior to publication. In addition, any materials - images, audio and/or text – dealing with Aboriginal and Torres Strait Islander peoples or issues, must also be signed off by the Aboriginal and Torres Strait Islander Peoples’ (ATSIP) Program National Manager (or if absent, by the Senior Program Officer).

As a courtesy and in the interests of fostering good relations with Aboriginal and Torres Strait Islander communities, where possible, stories or materials should also be checked with relevant community representatives prior to publication and it is the ATSIP Program National Manager’s (or if absent, by the Senior Program Officer) responsibility to decide whether this is essential on a case-by-case basis.





Some Guidelines for Visiting Aboriginal and Torres Strait Islander communities

There are no set rules for interacting with Aboriginal and Torres Strait Islander people. Different communities have their own protocols which should be followed, and the approach you take will often depend upon a community's location - whether urban, rural or remote. As every community is unique, we offer some general guidelines¹¹:

- Seek permission from the relevant local council or authority to enter a community.
- It is considered courteous and respectful to send an initial letter of intent, stating the purpose of your visit.
- Check with the relevant Land Council as to whether a permit is required to enter Aboriginal and Torres Strait Islander lands.
- Always seek permission before taking any images.
- In remote locations, remember that English is often a second, third, fourth or fifth language. If necessary, use an interpreter, keep technical terms to a minimum, speak slowly, do not mimic Aboriginal and Torres Strait Islander speech patterns and try to learn a few words of the local language to improve relations and credibility within the community.
- An indirect communication style is common in Aboriginal and Torres Strait Islander communities, where being direct is seen as confrontational. Aboriginal and Torres Strait Islander people may thus delay expressing a firm opinion. Instead, they may listen to others before offering their own view and if it conflicts with others, will often understate it.
- Be sensitive of non-verbal cues. For instance, silence may mean that people are listening, remaining non-committal or waiting for community support.
- Body language is as important in Aboriginal and Torres Strait Islander communities as it is elsewhere, and includes: lowering your eyes and avoiding eye contact with older people or authority figures; not pointing when giving directions; avoiding body contact such as friendly touching or jostling or touching the upper torso or arm; shaking hands only if initiated by the other party.
- Dress appropriately and modestly; in many communities it is a sign of respect to cover the shoulders; it is always inappropriate to wear short dresses or revealing shorts.
- "Why?" is virtually absent from conversations in remote Australian communities and observation is used instead, as a learning device, with people given information when they are deemed ready for it.
- Be aware that Aboriginal and Torres Strait Islander kinship systems are complex and will impact on how you can interact with members of a community. For instance, avoidance relationships dictate that a son-in-law cannot be in his mother-in-law's presence or a brother cannot use his sister's name.
- "Women's business" and "men's business" relates to gender-specific knowledge and practices (specifically health, well-being and religious matters) that cannot be known or observed by the opposite sex. It is a mark of cultural respect not to discuss traditionally female issues ("women's business") in the presence of men and vice versa.
- Be aware that community members may prefer to deal with people of their own gender. As a mark of respect your initial approach should be to a person of the same gender.

¹¹ Much of this material is sourced from: Message Stick, *Cultural Protocols for Indigenous Reporting in the Media*, Australian Broadcasting Commission





- Choosing the right form of address is important in any relationship, so ask Aboriginal and Torres Strait Islander people how they want to be acknowledged.
- Honor the importance of Elders; recognised Elders are highly respected people within Aboriginal and Torres Strait Islander communities.
- Be aware that there are many demands placed on Aboriginal and Torres Strait Islander community controlled organisations which represent and deliver services to some of the most disadvantaged clients and communities in Australia. Organisations may be under funded and have limited administrative and management resources.
- There are also many pressures on those who work in or represent Aboriginal and Torres Strait Islander communities and perceived conflicts of interest may arise. Family and community are important in Aboriginal and Torres Strait Islander life and workers are often expected to help their family and community before others. This leads to stress for Indigenous employees when they are required to walk a fine line between meeting the expectations of their community and the legal requirements of their employment.
- Reflecting their disadvantage, Aboriginal and Torres Strait Islander communities experience high death rates, including suicides. This is a heavy load for communities to bear. It is expected that all kin, including extended family, will attend the rites associated with death. After a death, some communities will shut down for “sorry business” despite previous arrangements that may have been made for your visit. For this reason, it is advisable to contact communities immediately prior to your arrival.





Key Community Events

OAus staff are encouraged to show their support for Aboriginal and Torres Strait Islander people by attending and acknowledging the following events:

26 January – Survival Day

Aboriginal and Torres Strait Islander Australians 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.

26 May to 3 June – National Reconciliation Week

This week begins with National Sorry Day on 26 May and ends with Mabo Day on 3 June

26 May – National Sorry Day

This day marks the anniversary of the 1997 tabling of the Human Rights and Equal Opportunity Commission National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, Bringing Them Home (April 1997).

3 June – Mabo Day

This day commemorates the anniversary of the 1992 High Court decision in the case brought by Eddie Mabo and others, which recognised the existence in Australia of Native title rights. 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.

First full week of July – NAIDOC Week

The first Sunday of July sees the beginning of a week dedicated to Aboriginal and Torres Strait Island Peoples to celebrate NAIDOC (National Aboriginal and Torres Strait Islander Day Observance Committee) Week. It is a celebration for Aboriginal and Torres Strait Island Peoples of their 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.

August – National Aboriginal and Islander Children's Day

This day was first observed in 1988 and each year it has special theme. The Secretariat of National Aboriginal and Islander Child Care produce a poster to celebrate the day.

Information about these events can be obtained by:

- contacting local Aboriginal and Torres Strait Islander organisations
- viewing Indigenous publications such as Koori Mail and National Indigenous Times
- visiting websites, such as the ABC's Message Stick
- listening to local radio stations that contain Indigenous programming¹²

¹² This section was sourced from Building better partnerships, *Working with Aboriginal communities and organisations: a communication guide for the Department of Human Services*, Victorian Government





Formal Demonstration of Respect

Oxfam Australia affirms the significant place and identity of Aboriginal and Torres Strait Islander Peoples as First Australians, recognises their culture, history and diversity, and supports all Australians to achieve their potential on a basis of equity and respect. An important aspect of this recognition is the acknowledgement of Traditional Owners and Elders at Oxfam Australia events, forums and public functions.

| Protocol | Description | When to use it | Notes |
|--|--|--|--|
| Welcome to Country | Traditional welcoming ceremonies are performed at the beginning of a forum by an Elder or appropriate member of an Aboriginal or Torres Strait Islander community to welcome people who are visiting and/or meeting on their traditional land. These ceremonies vary from speeches of welcome to traditional dance and smoking ceremonies. | Traditional Welcomes should be incorporated into the opening of major internal or public events, meetings, forums and functions. | Seek advice, including who to contact from the ATSIP Program Unit or The Koorie Heritage Trust (for Victoria). Plan well ahead to allow for the availability of the appropriate person to conduct the ceremony. A fee for travel costs and the time given by community members may be charged. |
| Acknowledging Traditional Owners | Acknowledgement of Traditional Owners can occur with or without a Welcome to Country and/or when a smaller or less formal gathering is taking place. | Traditional Owners should be acknowledged by the first speaker at any significant organisational forums with a range of internal and external stakeholders present as a mark of respect for the owners of the land on which the event is taking place. Subsequent speakers may also choose to acknowledge Traditional Owners. | Wording provided page 3 Make every attempt to determine the name of the Traditional Owners in preparation for an event, but if you are uncertain a general acknowledgement is acceptable. |
| Acknowledging Elders | The first speaker at a forum recognises and pays respect to Elders past and present. | At major events, acknowledgement of Elders (past and present) usually follows acknowledgement of Traditional Owners. | At events where the identity of all participants is not clear, it is important to acknowledge Elders. Elders can be acknowledged by name, any other term should only be used with prior approval. |
| Acknowledging local sites of significance | The first speaker at a forum recognises cultural or historical sites of significance in the vicinity of the meeting | When an event is held near a significant site | For example, it may be appropriate for an Elder or community leader to acknowledge the site of a traditional meeting place or of a massacre on behalf of all present. |

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