

COMMUNITY SERVICES COMMITTEE**18 FEBRUARY 2015****1****TRADITIONAL CUSTODIAN WELCOME TO COUNTRY AND
ACKNOWLEDGEMENT OF COUNTRY GENERAL POLICY REVIEW**

L Kirchner | 1/3/87 | #4531063

RECOMMENDATION:**It is recommended that Council adopt the revised General Policy and the associated Welcome to Country Protocol.****EXECUTIVE SUMMARY:**

This revised policy articulates Council's commitment to working with the Traditional Owner groups within the Cairns region and acknowledges the status of the two Native Title claimant groups. The Accords have now been signed and the First Persons Advisory Committee advised. This marks another step forward in the recognition of the role of our First People's as the custodians of this land.

BACKGROUND:

Council officers have worked with representatives from the Gimuy Walubarra Yidinji and the Yirrganydji peoples to develop a Protocol for Welcome to Country in the inner city area.

COMMENT:

Cairns Regional Council formally recognises that Native Title claims have been lodged by both the Gimuy Walubarra Yidinji and the Yirrganydji peoples over various areas within the Cairns region. It is anticipated that determination by the Native Title Tribunal may take several years. It is therefore important that in the interim due respect is shown to both peoples.

It is further noted that most Community and Civic Events occur within inner city area. The protocol has therefore been based on a geographic footprint bounded by the Esplanade, Trinity Inlet, Buchan Street and the Barron River.

Discussions at the First Persons Advisory Committee have indicated that the table in the existing General Policy is not acceptable to some of the members of that Committee. It is therefore proposed that this table be removed from the Policy.

OPTIONS:

1. That Council adopts the revised policy and associated Protocol.
2. That Council proposes further changes to the Policy.

CONSIDERATIONS:**Risk Management:**

The adoption of this revised policy and associated protocol will provide clarity for Council particularly in the management of significant community events.

Financial:

The protocol acknowledges that reasonable expenses will be met for Welcome to Country ceremonies. As it is anticipated that these ceremonies will only occur a couple of times a year the budget impacts are not considered significant.

Corporate and Operational Plans:

This policy is in accordance with the Corporate Plan vision of supporting and respecting Cairns distinctive and vibrant communities.

Policy:

This policy was last considered by Council in August 2009.

CONSULTATION:

Native Title claimants groups are represented on the First Persons Advisory Committee and the proposed removal of the table has been proposed by the FPAC members. The signing of the Accords was welcomed at the January FPAC meeting.

It is proposed that other State and Federal Government agencies will be encouraged to consider Council's Policy and the protocol for their events.

ATTACHMENTS:

Attachment 1 - Revised policy showing track changes (#2164272).

Attachment 2 – Final copy of revised policy (#2164272).

Attachment 3 - Copy of the signed Welcome to Country Agreement/Accord (#4565454)



Linda Kirchner
General Manager Community Sport and Cultural Services

CAIRNS REGIONAL COUNCIL
NO.1:06:19

General Policy

TRADITIONAL CUSTODIAN WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY

- Intent** That Council will have an inclusive, collaborative and sensitive approach to working with local Traditional Owner groups who are the custodians of the Local Government area.
- Scope** This policy applies to elected Council members, employees and consultants who deliver services on behalf of Council and to ensure that correct protocols are adhered to.
- Purpose** The purpose of 'Welcome to Country' and 'Acknowledgement of Country' recognises the unique position of Aboriginal people in Australian culture and history. Aboriginal people are the original Custodians of the land. It is important this unique position is recognised and incorporated as part of official protocol and events to enable the wider community to share in Aboriginal cultural and heritage, facilitating better relationships between Indigenous people and other Australians.

PROVISIONS

1. THE 'ACKNOWLEDGEMENT OF COUNTRY'

- a) An 'Acknowledgement of Country' is a means by which all people can show respect for Aboriginal culture and heritage and the ongoing relationship the Traditional Custodians have with their land. Also 'Acknowledgement of Country' should occur at the beginning of a ceremony or an official meeting preferably as the first item.
- b) An 'Acknowledgement of Country' would be used at public events or ceremonies. On such occasions, a Chair or Speaker may begin by Acknowledging that the meeting is taking place in the Country of the Traditional Custodians. For example:

'I would like to acknowledge the peoples who are the Traditional Custodians of the Land. I would also like to pay respect to their Elders both past and present and extend that respect to other Indigenous Australians who are present'.

Area within the Local Government Area	Traditional Owner groups
Douglas, north of the Mowbray River	<ul style="list-style-type: none"> ● Kuku Yalanji people
North of Barron River to Mowbray River	<ul style="list-style-type: none"> ● Yirrigandji people ● Djabugay people
Wright's Creek Edmonton to Barron River and eastern boundary along East Trinity and Grey Peaks National Park	<ul style="list-style-type: none"> ● Gimuy Wallabarra Yidinji ● Mandingalbay Yidinji
Southern area boundary to Wrights Creek Edmonton, and south of Grey Peaks National Park including Woorenooran National Park	<ul style="list-style-type: none"> ● Wanyur Majay people ● Mallanbarra Yidinji ● Gulgibarra Yidinji ● Bindabarra Yidinji ● Mamu people ● Nagadjon-jii people

- e) ~~At major functions where official guests and dignitaries are in attendance, it is important that an Elder be asked to conduct the 'Welcome'. In addition, other 'Welcoming activities' such as music and dance may be used under the direction of the Elder.~~

2. THE 'WELCOME TO COUNTRY'

- a) A 'Welcome to Country' is where the Traditional Aboriginal Custodians welcome people to their land. Steps should be taken to ensure that the appropriate representative is invited to perform the 'Welcome', because it is a significant recognition and a formal process. A 'Welcome to Country' should always occur in the opening ceremony of the event in question, preferably as the first item.
- b) The 'Welcome to Country' is conducted by a representative/s of the local Aboriginal Custodians who welcome the delegates and all in attendance. Protocols in relation to the performing of the 'Welcome to Country' Ceremony are well established in most Aboriginal communities of the Cairns Regional Council. If there is uncertainty in regards to appropriate 'Acknowledgment of Country' or 'Welcome to Country' advice may be sought from Council Indigenous Special Projects Coordinator. **Manager Marketing and Communications.**

- c) A 'Welcome to Country' may consist of a single speech by the representative of the Local Aboriginal community, or it may also include a performance of some description. Performances may include a traditional Welcome song, a Traditional Dance, a Didjeridoo performance or a combination of any of the above. In most communities, there are performing artists who are regularly available for such occasions.

3. NEGOTIATING A 'WELCOME TO COUNTRY'

A welcome to Country Protocol has been signed by the Gimuy Walubara Yidinji and the Yirrganydji peoples and Council (see attachment).

- a) ~~Initiation of negotiation to perform a 'Welcome to Country' ceremony is to occur through Council's Indigenous Special Projects Coordinator.~~
- b) ~~It is important that the Aboriginal representative/s be contacted by telephone (to be asked personally) and then through a formal letter of invitation. All arrangements thereafter for the 'Welcome to Country' should be mutually negotiated. It is very important that the Aboriginal representative/s has been involved in, and is comfortable with, the arrangements. This may include the format of the ceremony, who should be invited, who should perform the 'Welcome to Country' and how that person will be recognised for their time and commitment.~~
- c) ~~The Council representative should make provision for those performing the 'Welcome' to be paid. These fees also need to be negotiated prior to the event. These costs are minimal and are used to cover what is explained in paragraph 2.c.~~
- d) ~~Other considerations may include the arrangement of transport for the Elder/s and ensuring that refreshments are provided.~~

4. CULTURAL PROTOCOLS TO BE OBSERVED

- a) There are certain Indigenous protocols that must be observed:
 - i) The practice of not mentioning the name of a deceased Aboriginal person, or displaying photographic images of a deceased person unless agreed to by the relevant family;
 - ii) Sensitivity to knowledge that is specific to gender (commonly referred to as 'Women's Business' or 'Men's Business').
 - iii) Appropriate acknowledgement of guest artists that are either from or supported by the local community.
- b) In most cases, members of the Aboriginal community will advise staff of intrusive behaviour and/or if they are not permitted to discuss the protocol or ceremony with staff because of age, gender, status or because staff do not belong to their Clan or Tribal Group. If staff are in doubt, assistance should be sought in the first instance from the Councils Indigenous Special Projects Coordinator. **General Manager Community Sport and Cultural Services.**



This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review: **General Manager
Community & Cultural Services**

**ADOPTED:12/08/2009
DUE FOR REVISION:12/08/2013
REVOKED/SUPERSEDED:**

CAIRNS REGIONAL COUNCIL

General Policy

TRADITIONAL CUSTODIAN WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY

- Intent** That Council will have an inclusive, collaborative and sensitive approach to working with local Traditional Owner groups who are the custodians of the Local Government area.
- Scope** This policy applies to elected Council members, employees and consultants who deliver services on behalf of Council and to ensure that correct protocols are adhered to.
- Purpose** The purpose of 'Welcome to Country' and 'Acknowledgement of Country' recognises the unique position of Aboriginal people in Australian culture and history. Aboriginal people are the original Custodians of the land. It is important this unique position is recognised and incorporated as part of official protocol and events to enable the wider community to share in Aboriginal cultural and heritage, facilitating better relationships between Indigenous people and other Australians.

PROVISIONS**1. THE 'ACKNOWLEDGEMENT OF COUNTRY'**

- a) An 'Acknowledgement of Country' is a means by which all people can show respect for Aboriginal culture and heritage and the ongoing relationship the Traditional Custodians have with their land. Also 'Acknowledgement of Country' should occur at the beginning of a ceremony or an official meeting preferably as the first item.
- b) An 'Acknowledgement of Country' would be used at public events or ceremonies. On such occasions, a Chair or Speaker may begin by Acknowledging that the meeting is taking place in the Country of the Traditional Custodians. For example:

'I would like to acknowledge the peoples who are the Traditional Custodians of the Land. I would also like to pay respect to their Elders both past and present and extend that respect to other Indigenous Australians who are present'.

2. THE 'WELCOME TO COUNTRY'

- a) A 'Welcome to Country' is where the Traditional Aboriginal Custodians welcome people to their land. Steps should be taken to ensure that the appropriate representative is invited to perform the 'Welcome', because it is a significant recognition and a formal process. A 'Welcome to Country' should always occur in the opening ceremony of the event in question, preferably as the first item.

- b) The 'Welcome to Country' is conducted by a representative/s of the local Aboriginal Custodians who welcome the delegates and all in attendance. Protocols in relation to the performing of the 'Welcome to Country' Ceremony are well established in most Aboriginal communities of the Cairns Regional Council. If there is uncertainty in regards to appropriate 'Acknowledgment of Country' or 'Welcome to Country' advice may be sought from Council *Manager Marketing and Communications*.
- c) A 'Welcome to Country' may consist of a single speech by the representative of the Local Aboriginal community, or it may also include a performance of some description. Performances may include a traditional Welcome song, a Traditional Dance, a Didjeridoo performance or a combination of any of the above. In most communities, there are performing artists who are regularly available for such occasions.

3. NEGOTIATING A 'WELCOME TO COUNTRY'

A welcome to Country Protocol has been signed by the Gimuy Walubara Yidinji and the Yirrganydji peoples and Council (see attachment).

4. CULTURAL PROTOCOLS TO BE OBSERVED

- a) There are certain Indigenous protocols that must be observed:
 - i) The practice of not mentioning the name of a deceased Aboriginal person, or displaying photographic images of a deceased person unless agreed to by the relevant family;
 - ii) Sensitivity to knowledge that is specific to gender (commonly referred to as 'Women's Business' or 'Men's Business').
 - iii) Appropriate acknowledgement of guest artists that are either from or supported by the local community.
- b) In most cases, members of the Aboriginal community will advise staff of intrusive behaviour and/or if they are not permitted to discuss the protocol or ceremony with staff because of age, gender, status or because staff do not belong to their Clan or Tribal Group. If staff are in doubt, assistance should be sought in the first instance from the Councils *General Manager Community Sport and Cultural Services*.

◆◆◆◆◆

This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review:

**General Manager
Community & Cultural Services**

ADOPTED:

DUE FOR REVISION:

REVOKED/SUPERSEDED:

Attachment 3 - Copy of the signed Welcome to Country Agreement/Accord

**1. Parties**

- 1.1. Gimuy Walubara Yidinji People ("Gimuy")
- 1.2. Yirrganydji People ("Yirrganydji")
- 1.3. Cairns Regional Council ("Council")

2. Preamble

- 2.1. The Gimuy and the Yirrganydji have registered native title claims which include the Agreement Area.
- 2.2. The Council exercises the jurisdiction of local government in the Agreement Area and seeks to ensure that Welcome to Country ceremonies conducted in the Agreement Area occur in a fair and appropriate manner.
- 2.3. This Agreement is made for administrative convenience and in good faith for the efficient dealing with interim arrangement for Welcome to Country ceremonies and Acknowledgment of Country within the Agreement Area pending resolution of the registered native title claims.
- 2.4. This Agreement does not prejudice either the Yirrganydji or the Gimuy from asserting exclusive or non exclusive (including to the exclusion of each other) native title rights and interests within the Agreement Area.

3. Definitions

"**Agreement Area**" means the area set out in Schedule 1. This is the area generally bounded by Collins Avenue (including the Tanks Facilities, the Esplanade, the Inlet and a line parallel with Buchan St from the Inlet to Collins Avenue and broadly encompassing the Cairns CBD and city fringe area).

"**Commencement Date**" means the date the last party signs this Agreement.

4. Operational Period

- 4.1. This Agreement operates from the Commencement Date until determination of native title claims QUD 602/2012 (Yirrganydji People) and QUD 631/2012 (Gimuy Walubara Yidinji People) by the Federal Court.



5. Scope of Agreement

- 5.1. This Agreement applies to “Welcome to Country” ceremonies and acknowledgement of Country protocols which are to be conducted at Community and Civic Events organised and arranged by Cairns Regional Council (“Council Community and Civic Events”) in the Agreement Area.
- 5.2. The parties will consider and agree a schedule to be prepared by Cairns Regional Council which essentially clarifies that certain Council Community and Civic Events do not warrant the attendance of Yirrganydji and Gimuy for a formal Welcome to Country ceremony due to the nature of the event and these events may be conducted without a formal welcome to country by Gimuy Walubara Yidinji and Yirrgandji provided an acknowledgment of Country is performed by the Chair or Speaker for the event.
- 5.3. The parties agree that the suggested and appropriate wording for an acknowledgement of Country is as follows:-
- 5.3.1. I would like to acknowledge the Yirrgandji and Gimuy Walubara Yidinji People who are the traditional custodians of the Land. I would also like to pay respect to their elders both past and present and extend that respect to other Indigenous Australians who are present.

6. Extended Scope

- 6.1. To the extent of the Council’s influence in State Government, Commonwealth Government or non Council Community and Civic Events which occur in the Agreement Area it will seek to encourage the organisers of any of these events to follow this Agreement.
- 6.2. This Agreement is not intended to effect the role of the Aboriginal Representative Body for the area (if any), being the North Queensland Land Council Aboriginal Corporation in advising on welcome to country or acknowledgement of country arrangements within the Agreement Area.

7. Interim Welcome to Country Arrangements

- 7.1. The Gimuy and Yirrganydji agree as an interim arrangement pending a determination of native title being made in the native title claims to conducting joint Welcome to Country ceremonies within the Agreement Area at Council Community and Civic Events. This Agreement does not oblige either native title party to accept an invitation or attend a particular event.



8. Logistic

- 8.1. To facilitate implementation of this Agreement the Cairns Regional Council will coordinate invitations and requests to conduct Welcome to Country ceremonies at a Council Community and Civic Events. The invitations will be sent by email and ordinary mail to the following recipients:-
- Gimuy – Seith Fourmile – s4mile@gmail.com.
 - Yirrganydji – Jeanette Singleton – yirrganydji.gurabana@gmail.com.
- 8.2. It is the responsibility of the Gimuy representative and Yirrganydji representative to ensure that these details are accurate and to notify invitations received to other community members.
- 8.3. The invitations will be sent at the same time as other invitee's. If necessary Council will monitor specific arrangements relating to order of appearance, conduct and ceremony timing issues.

9. Effect of Agreement

- 9.1. This Agreement will not be relied upon or asserted to assist or hinder either the Gimuy or the Yirrganydji in the native title claim process.

10. Ratification

- 10.1. This Agreement has been discussed at Yirrganydji and Gimuy community meetings and has the significant support of the community


11. Costs

- 11.1. The Council will pay the Gimuy or Yirrganydji representative reasonable expenses in attending the Community and Civic Event and any other additional monies for agreed special ceremonies.
- 11.2. Payments for State, Commonwealth and non Council Community or Civic Events will need to be negotiated directly between the event organisers and Gimuy and Yirrganydji.
- 11.3. The Parties will bear their own costs associated with the negotiation, execution and implementation of this Agreement.



Signed

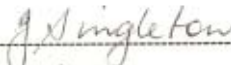
SIGNED on behalf of CAIRNS REGIONAL COUNCIL:



Signature of Mayor

SIGNED by JEANETTE SINGLETON on behalf of the
YIRRGANYDJI PEOPLE

In the presence of:



Signature of Party

SIGNED by on behalf of the
GIMUY WALUBARA YIDINJI PEOPLE

In the presence of:

Gerald Fourmile

Gregory Fourmile



Seith Fourmile

Peter Hyde

Henrietta Marrie

Allan Oliver

SCHEDULE 1 – MAP

