



*We acknowledge the Noongar people as Traditional Custodians
of this land and pay our respects to all Elders past and present*

Noongar Participation Plan

endorsed 15 December 2016



PHCC | Working
Together
Peel-Harvey Catchment Council

“ There are few, if any, forces in human nature more powerful than a shared vision ”
 ~Anon~



CONTENTS

Summary.....5

Introduction.....5

A Strategy for NRM in the Peel-Harvey Region5

Geographical Scope.....7

Vision and Guiding Principles.....9

Cultural Heritage and Values11

Consultation.....13

Engagement.....13

Capacity Building.....13

Process for Consultation15

Legal and Ethical Responsibilities.....17

Traditional Lore.....17

Legislation17

The Aboriginal Heritage Act (1972).....17

The Native Title Act 1993.....17

Due Diligence17

Protocols and Procedures.....17

Measure of Success.....19

References.....21



Summary

The Peel-Harvey Catchment Council will continue to work closely with our local Noongar communities to develop, monitor, evaluate and improve all consultation, engagement and participation protocols and procedures.

We will respect Traditional Lore and Government Legislation when developing and undertaking all project.

We will continue to build on our relationships with respect while developing opportunities for increased and improved consultation, engagement and participation in all aspects of NRM.

Introduction

The Peel-Harvey Catchment Council recognise, acknowledge and respect Noongar People as the Traditional Custodians of lands within the south-west of Western Australia.

For over 45,000 years Noongar Clan Groups of the Bindjareb, Whadjuk and Gnaala Karla Boodja language groups have dwelt here, tended the land and been sustained by its natural resources. Their spiritual, cultural and intellectual connections to the land are strong and provide opportunities to enhance management of the Region's natural resources.

This Participation Plan will help guide consultation, engagement and capacity building protocols and procedures that will provide a consistent approach to working with the local Noongar communities. (Ref: Peel-Harvey Catchment Council (2015) *Binjareb Boodja Landscapes 2025* - 2.3 Our Aboriginal Community).

Disclaimer: The PHCC provides this document to assist in the processes of participation through consultation and engagement with the local Noongar communities when undertaking NRM activities. Use of this document to guide participation, consultation and engagement does not constitute legal requirement, nor fulfil external party legal responsibility. PHCC takes no responsibility for the use of the information by third parties.

A Strategy for NRM in the Peel-Harvey Region

Binjareb Boodja Landscapes 2025

Our *Binjareb Boodja Landscapes 2025* (NRM Strategy) details our commitment to participation through consultation and engagement with our Noongar communities.

To deliver our Strategy's Vision for the Catchment, two of our Objectives and Goals incorporate Noongar participation into the delivery of NRM. These are:

Our Objectives

People	"An Engaged and Active Community"
Knowledge	"Science and Knowledge Underpin NRM"

Our Goals

P3	Cultural Values are Embedded across NRM Activities
K2	Increase the effectiveness of NRM

Our Strategies

P3.1	Foster communication and leadership with and between Aboriginal and non-Aboriginal resource managers
P3.2	Develop joint management opportunities for Aboriginal involvement in NRM
K2.3	Incorporate (Aboriginal) Cultural knowledge from Noongar groups to improve NRM.

Note: Refer to our NRM Strategy for detail of activities under each Strategy (www.peel-harvey.org.au)



Geographical Scope

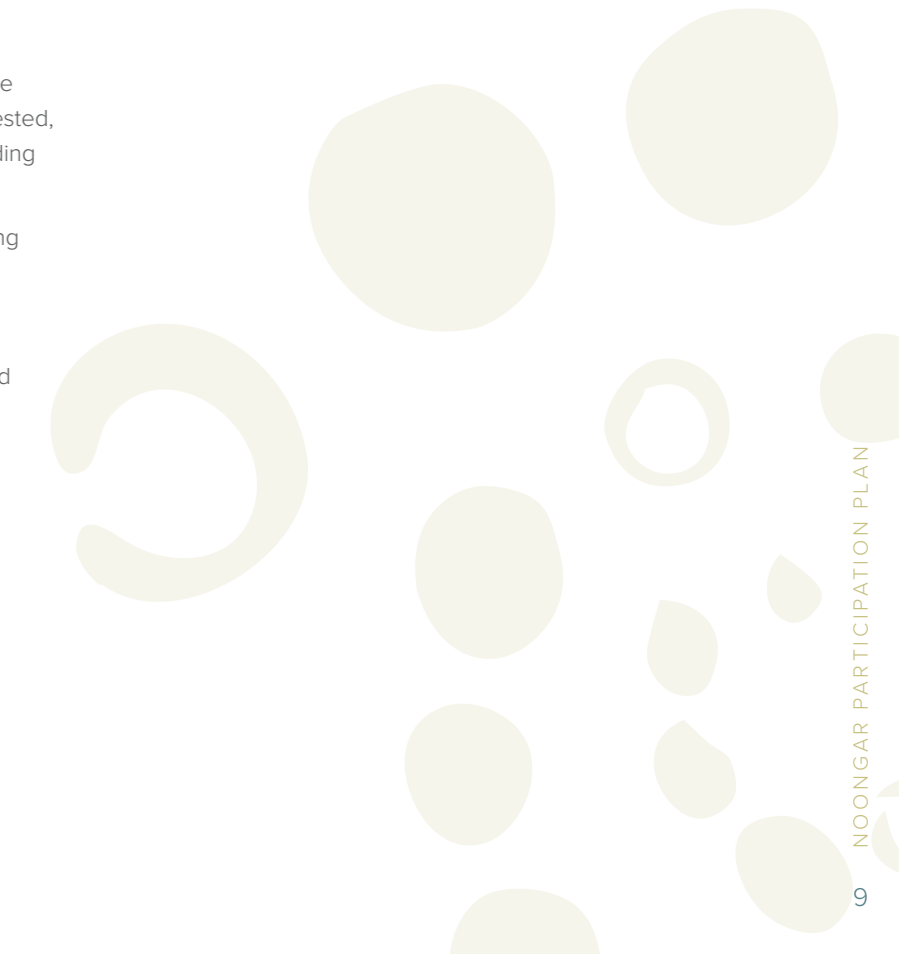
The Peel-Harvey Catchment, Binjareb, Whadjuk, Wiilmen, is one of seven NRM regions in Western Australia. The area is 1,173,620 ha and covers the entire surface water catchment of the Peel-Harvey estuarine System, including the Hotham, Williams, Murray, Serpentine and Harvey River systems.





Vision and Guiding Principles

1. We will ensure that we identify and engage Traditional Owners, Elders and community leaders and representatives across our Catchment boundaries who speak for country through lore, custom and Government Acts; and develop protocols for communicating and engaging with the different Noongar groups and communities.
2. We will collaboratively gather information on local traditional ecological values and land management practices; and identify and involve Noongar groups in developing natural resource planning for the catchment, including policies, plans and actions.
3. We will work with our Noongar people and communities in identifying and protecting sites of cultural significance. We will encourage and support partnerships with Noongar and non-Noongar communities and groups to plan, participate and deliver NRM programs for country, through consultation, planning and on-ground works.
4. We recognise the cultural and intellectual property rights of Traditional Owners in accordance to Policy Protocols and respect the right of Noongar people to keep their sacred and ritual knowledge secret in accordance with customary lores.
5. We will seek to identify through Indigenous Land Use Agreements (ILUA), Aboriginal land ownership and or management, and joint management agreements. Working with Noongar people to determine their aspirations for involvement in NRM on land owned or managed by community.
6. We will strengthen our relationships with Noongar people by increasing the cultural awareness and experience of the PHCC Board and staff; and will facilitate connectedness and communication on NRM issues between Noongar stakeholders and other landowners that are both public and private.
7. We will continue to acknowledge and include Noongar people and communities in our long-term planning strategies, and review Binjareb Boodja Landscapes 2025 – A Strategy for NRM in the Peel-Harvey Region.
8. We will ensure that the PHCC responds to legislative and legal requirements of Indigenous Land Use Agreements (ILUA), the *Aboriginal Heritage Act 1972 (AHA Act)* and *Aboriginal Affairs Planning Authority Act 1972 (AAPA Act)*. We are committed to protecting Aboriginal heritage through the development, planning and implementation phases of PHCC policies, planning and actions relating to land and water management.
9. We respect that there is a number of Noongar communities and groups within our Catchment with different interests and NRM needs. We will provide appropriate levels of support and explore collaborative opportunities to assist where requested, in the mentoring of leadership and capacity building as an enabler for Noongar participation in NRM.
10. We will cultivate ties to sense of place by ensuring cultural heritage values are embedded across natural resource management activities; and that Noongar cultural diversity, knowledge and obligation to country is acknowledged, respected and incorporated into decision making.





Cultural Heritage and Values

The Noongar people have lived in the south-west of Western Australia for over 45,000 years and have a strong connection to country (Boodja), in particular to rivers, creeks, springs, soaks and major physical features. This connection to country is richly embedded in their spiritual, social and ecological history and values.

Cultural heritage is seen as a wholistic way of living. Noongar communities keep their cultural heritage and values alive through knowledge sharing, arts, rituals and performances, by speaking and teaching language, plus protecting sacred and significant sites, materials and objects. A number of Traditional Lores and Government Laws are in place to protect Noongar heritage and values.

Aboriginal heritage and values are unique and irreplaceable.

Our Noongar Participation Plan has been developed with the local Noongar Elders and Representatives to guide in the protection and maintenance of significant cultural values and heritage sites while building and maintaining relationships with the local Noongar community in perpetuity.

The PHCC is committed to effective and respectful consultation and engagement with our Noongar communities.





Consultation

Consultation is the process of collecting Noongar knowledge, beliefs, values, Lore and customs while involving the local Noongar people in decision making.

The process will be undertaken with respect for heritage and cultural values, Traditional Lore and Government Legislation.

Consultation is an important process to ensure our local Noongar people are involved in decision making for all NRM project and that the processes for protecting heritage values and sites of significance are protected under Noongar Lore and government legislation.

When consulting, we will:

- Engage early
- Identify and work with the right people
- Communicate in the appropriate way
- Build relationships
- Show mutual respect
- Be respectful of social and cultural courtesies
- Acknowledge sharing of knowledge and information
- Understand and respect Tradition Lore, Government Legislation and intellectual rights
- Form collaborative partnerships
- Develop a shared vision
- Respect confidentiality

Engagement

Engagement is the process of inclusion and interaction in project decision making, implementation and evaluation.

When developing and implementing NRM projects, engaging and sharing stories and knowledge with our Noongar community helps us to understand and respect the significance and values of each site.

The shared knowledge may also define, alter and/or enhance the project scope and delivery.

The processes for Noongar engagement may depend on the project proposed and the interactions identified.

Benefits of engagement include:

- An understanding and respect for Noongar Customary Lore and Government Acts and Legislation
- Opportunities to draw on cultural knowledge
- Sharing of cultural values and heritage
- Protection of cultural heritage, values and sites in perpetuity
- Integration of Noongar and broader community heritage and values into NRM outcomes
- Greater collaboration, integration and involvement in NRM
- Improved NRM outcomes by adding the historical and cultural values to each project

Capacity Building

Capacity building provides opportunities for raising skills, abilities and understanding to increase confidence and competencies for the participation and delivery of all aspects of NRM.

The PHCC is committed to working with our local Noongar communities to identify opportunities for skills development and training that may lead to improved employment opportunities.

Investing in each other's skills, knowledge and competencies builds respect and confidence and capacity to deliver effective NRM outcomes.

Through our Strategy, the PHCC is committed to identify opportunities for skills development, training and employment.



Process for Consultation

While the process of consultation will differ depending on the project or activities to be delivered and/or the site of investment, the following is a guide to assist the PHCC team when working with our local Noongar communities on NRM activities:

- Identify project site(s) and potential activities.
- Undertake background search on the DAA site to ensure due diligence always keeping in mind that DAA does not hold all recorded sites & that GKB WP be advised.
- Identify and respect Traditional Owners and/or Elders and/or community representatives who have the right to speak on country and/or specific sites.
- Record discussions and decision making throughout the process.
- Embed consultation and engagement processes into each project plan.
- Meet with the appropriate Traditional Owners and/or Elders and/or community representatives to discuss cultural heritage of project sites and the proposed activities in accordance with our project consultation strategies.
- Determine appropriate consultation and engagement processes.
- Discuss and acknowledge the significance of identified sites.
- Progress projects under Traditional Lore, Legislation and/or Acts (i.e. Regulation 10, Section 18) as required.
- Agree on processes to move forward.
- Consult with the South West Aboriginal Land and Sea Council (SWALSC) when required.

- Identify if a Regulation 10 or Section 18 is required, or if unsure, contact DAA for further information and if required, complete the appropriate paperwork, attach supporting documents and submit to DAA for assessment.
- If projects are not approved (via the above), either revise activities or make a collaborative decision to not proceed.
- If the project is approved, follow the consultation and engagement process and go ahead.
- Where a Regulation 10 or Section 18 is not required disseminate project information to all stakeholders.
- Monitor, evaluate, review and improve the delivery and outcomes of the project.
- Make recommendations for future consultation and engagement.





Legal and Ethical Responsibilities

Along with consultation and engagement, the PHCC is committed to legal and ethical responsibilities to protect Aboriginal values and heritage sites through Traditional Lore and/or Legislation. This is described in detail in our procedures, but in summary:

Traditional Lore

Relates to the custodianship of land and works to protect flora & Fauna and the environment to ensure biodiversity is protected and food supplies are abundant. Traditional Lore recognises that certain Lore may apply to only men and/or women and there are sites that are sacred to communities that cannot be spoken of.

Legislation

The Australian and West Australian Governments recognise the unique ties Aboriginal people have to land and provide some protection under WA's Aboriginal Heritage Act 1972 and the Australian Government Native Title Act (1993).

The Aboriginal Heritage Act (1972)

The Aboriginal Heritage Act protects known and unknown/unrecorded sites and objects of cultural and historical significance. Any activity that has the potential to impact a site of significance (either archaeological or anthropological) requires approval under the Aboriginal Heritage Act.

The Native Title Act 1993

"Native title is the legal recognition of the communal rights and interests which Aboriginal people have in land and water, in areas where they have continued to exercise their rights and interests in accordance with traditional law and custom that predates British sovereignty over Australia". (Ref: Native Title and Heritage, <http://www.dsd.wa.gov.au>). It attempts to recognise and protect the rights and interests, sites and objects of the whole community of people under common law.

The PHCC is legally required to comply with all statutory requirements related to the Aboriginal Heritage Act 1972 and the Native Title Act 1993 and must ensure that contractors engaged for on-grounds work by the organisation are aware of their obligations under the Acts.

Due Diligence

In the context of protecting Aboriginal heritage sites and values, due diligence is defined as taking reasonable measures to determine whether culturally significant items, objects and/or artefacts occur at or on that site and if the activities and actions proposed will cause disturbance and/or damage.

If items, artefacts and objects of cultural significance are present or likely to be present and it is identified that an activity will/may cause disturbance and/or damage then the correct Traditional Lore and Legal processes must be followed to ensure that disturbance and damage not occur.

Due diligence may involve one or all of the following actions:

- Search the Department of Aboriginal Affairs (DAA) site to identify sites of significance through the register of Aboriginal Sites. If DAA has no record make contact with GKB Working Party through SWAL&SC lawyer.
- ID the local Noongar Traditional Owners, Elders and/or community representatives who can speak for country.
- Meet with the identified Traditional Owners, Elders and/or community representatives
- Consult with Gnaala Karla Booja Working Party when required.
- Assess the proposed activities and the potential impacts.
- Identify whether sites exist or are likely to exist.
- Determine whether or not activities are likely to impact/damage the site, items, objects or artefacts.
- Agree to a process and take steps to avoid any disturbance. (See Legal and Ethical Responsibilities and Procedures For Working On Country, including flow chart)

Protocols and Procedures

Protocols are appropriate ways of behaving, communicating and showing respect for diversity of history and culture.

In partnership with our local Noongar Elders and Representatives, the PHCC has developed and formally adopted protocols and procedures for consulting and engaging with our Noongar communities.

These detailed protocols and procedures have been developed respecting Noongar social and cultural courtesies to support the PHCC in project delivery.

We recognise that protocols and/or procedures for consultation and engagement may differ depending on the activity and/or the impact of certain activities on sites of significance. We are committed to recognising differences and being flexible in our delivery to respect individual community needs.

We will endeavour to support our delivery partners in consulting and engaging with our Noongar Communities.

Current PHCC Protocols and Procedures include:

- Welcome to Country
- Acknowledgement of Country
- Cultural Payment Schedule
- Participation Plan Vision and Guiding Principles
- Working on Country



Measure of Success

The measure of success is a genuine process, and we will commit to continually monitor our processes and activities with our local Noongar communities to ensure:

- They meet mutual needs and community expectations.
- We continually improve our participation, engagement and delivery of NRM.
- We provide effective and appropriate investment in resources across our activities.
- We continue to improve our Noongar participation, consultation, engagement and project delivery.

An example of our monitoring processes is shown in Table 1, and will be used against each of the following Activities under our NRM Strategy:

P3.1.1	Develop protocols for communicating with Noongar groups and communities
P3.1.2	Collaboratively gather information on local traditional ecological values and land management practices
P3.1.3	Support partnerships with the local Noongar communities and groups to plan and participate in NRM
P3.2.1	Work with Noongar people to determine their aspirations for involvement in NRM
P3.2.2	Explore collaborative opportunities for training that could lead to employment opportunities in NRM
K2.3.1	Collaboratively document and use Noongar knowledge/practice in NRM programs

TABLE 1: EXAMPLE OF MONITORING MATRIX

P3 Cultural Heritage Values are Embedded Across NRM Activities	
P3.1 Foster communication and leadership with and between Aboriginal and non-Aboriginal resource managers	
P3.1.1 Develop protocols for communicating with Noongar groups and communities	
What we did	
Successful outputs	
Successful outcomes (over time)	
Issues that arose	
Where to from here	



References

Peel-Harvey Catchment Council (2015) *Binjareb Boodja Landscapes 2025, A Strategy for Natural Resource Management in the Peel-Harvey Region*, A Report to the Peel-Harvey Catchment Council, Jane O'Malley & Andrew Del Marco (eds.) Mandurah, Western Australia.

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Robert Reynolds (2016), DAA, Powerpoint presentation, *Engaging with the Aboriginal Communities*.

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