



2024 Community Stewardship Grants

Revision to Guidelines for Applicants – Aboriginal engagement requirements

The Community Stewardship Grants are an initiative of the Western Australian Government managed through the State NRM Program at the Department of Primary Industries and Regional Development (DPIRD). The grants are designed to facilitate the conservation and sustainable management of the State's natural resources by supporting local community groups to undertake stewardship of natural resources in their local area.

DPIRD respects the Traditional Knowledge of Traditional Custodians of the land and sea; the intangible and tangible aspects of the whole body of cultural practices, resources and knowledge systems developed, nurtured, and refined by Indigenous people and passed on by them from generation to generation as part of expressing their cultural identity.

However, in response to advice from the community and Traditional Owners, it is now understood that seeking consultation from Aboriginal representatives prior to an application being successful in receiving grant funding is not appropriate in many cases.

The revisions to the 2024 Community Stewardship Grants Guidelines and application forms outlined below seek to address this issue.

The State NRM Program acknowledges that Traditional Owner knowledge, expertise and time is valuable, and Applicants are encouraged to include Aboriginal engagement and consultation within their project implementation design, and to request funding to cover relevant costs, as appropriate.

The 2024 Community Stewardship Grants LARGE and SMALL application forms are revised as follows:

Section 5.1 Consultation with Aboriginal people

REVISED:

Applicants are no longer required to contact representatives of the Aboriginal community relevant to the Country on which they are working as part of the application process unless there is a requirement under Native Title or Aboriginal Heritage legislation.

It is the responsibility of the Applicant to comply with relevant legislation.

Applicants are encouraged to include Aboriginal engagement and consultation within their project implementation design, and to request funding to cover relevant costs, as appropriate.

The 2024 Community Stewardship Grants Guidelines are now amended as follows (replaces existing text):

7.2. Consultation with Aboriginal people

DPIRD respects the Traditional Knowledge of Traditional Custodians of the land and sea; the intangible and tangible aspects of the whole body of cultural practices, resources and knowledge systems developed, nurtured, and refined by Indigenous people and passed on by them from generation to generation as part of expressing their cultural identity.

The State NRM Program extends across various land tenures as well as lands covered by Native Title, lands where Native Title has not been determined, and lands where Native Title has been extinguished.

Native Title is governed by the *Native Title Act 1993 (Cth)*. Any land that is a site of an approved or pending Native Title Claim, is bound by that law. Where Native Title exists, approval for works in this area must be appropriately evidenced with permissions from the relevant Registered Native Title Body Corporate (RNTBC).

The State NRM Program also recognises the importance of Western Australia's vast Aboriginal cultural heritage that is protected by the *Aboriginal Heritage Act 1972*.

Applicants are no longer required to contact representatives of the Aboriginal community relevant to the Country on which they are working as part of the application process unless there is a requirement under Native Title or Aboriginal Heritage legislation to do so.

It is the responsibility of the Applicant to comply with relevant legislation.

Engagement is based on the principles of **free, prior, and informed consent**. The outcome of free, prior and informed consent is providing the right and opportunity for Aboriginal organisations to say 'yes' or 'no' to the use of their land based on comprehensive, accurate, timely, and easy-to-understand information.

The State NRM Program acknowledges that Traditional Owner knowledge, expertise and time is valuable, and Applicants are encouraged to include Aboriginal engagement and consultation within their project implementation design, and to request funding to cover relevant costs, as appropriate.

Further information on Engaging with Aboriginal people is provided in Appendix A.

Appendix A: Engaging with Aboriginal people

The purpose of engaging with Aboriginal people is to:

- acknowledge Traditional Knowledge and expertise
- confirm the importance of the area to Aboriginal people including cultural heritage values
- protect cultural heritage and heritage sites
- promote awareness of Traditional Knowledge in NRM and explore opportunities for Aboriginal people to inform land management practices or to be involved in the planning and design of projects
- ensure that free, prior and informed consent has been obtained from Aboriginal people
- ensure compliance with the *Native Title Act 1993* (Cth)
- ensure compliance with Western Australia's *Aboriginal Heritage Act 1972*.

The approach that you take to engaging with Aboriginal people, and what you might ask of the Aboriginal people you engage with, will vary on a case-by-case basis.

Factors that influence your approach include the:

- nature and scope of your project;
- cultural heritage values of the areas in which you will be working; and
- Native Title status of the area.

Aboriginal governance processes are complex with extended family networks needing to be kept informed as part of the consultation process. It is important to recognise that meaningful engagement will take time, and sufficient time for proposals will be required for consideration by their community. It is also important to remember that Elders and spokespeople often have competing commitments and are usually engaged in multiple projects.

The State NRM Program acknowledges that Traditional Owner knowledge, expertise and time is valuable, and Applicants are encouraged to include Aboriginal engagement and consultation within their project implementation, and to request funding to cover relevant costs, as appropriate.

Free, prior and informed consent

Free, prior and informed consent means the consent is:

- **Free from force, intimidation, manipulation, coercion or pressure**
- **Obtained prior to the project starting**
- **Obtained after Indigenous people are fully informed about the costs, benefits, and risks of the project, and provided the opportunity to seek independent advice.**

What to do

If you are unsure of where to start your Aboriginal consultation, we recommend that you read *Ask First*, an easy-to-read guide produced by the Aboriginal Heritage Commission containing practical information that can be accessed at

<https://culturalheritage.org.au/resource/ask-first-a-guide-to-respecting-indigenous-heritage-places-and-values/>

Then:

Review the State Government's information regarding Aboriginal Heritage at <https://www.wa.gov.au/organisation/departments-of-planning-lands-and-heritage/about-aboriginal-heritage> to understand what may be required under legislation.

Undertake a search using the [Aboriginal Cultural Heritage Inquiry System \(ACHIS\)](https://espatial.dplh.wa.gov.au/ACHIS/index.html?viewer=ACHIS) (<https://espatial.dplh.wa.gov.au/ACHIS/index.html?viewer=ACHIS>) to check if there is Aboriginal heritage relevant to your project location/s.

If there is no risk of harm to Aboriginal heritage from your planned activities, then no approval is required.

If there is risk of harm to Aboriginal heritage from your planned activities, such as soil or water disturbance, then you should plan to engage with the appropriate knowledge holders should your application be successful, to seek their consent to the project.

Native Title

Native Title is governed by the *Native Title Act 1993 (Cth)*. Any land that is a site of an approved or pending Native Title Claim, is bound by that law. Where Native Title exists, approval for works in this area must be appropriately evidenced with permissions from the relevant Registered Native Title Body Corporate (RNTBC).

To determine if Native Title exists in the area you wish to work, go to the National Native Title Tribunal Native Title Vision website located at <https://nntt.maps.arcgis.com/apps/webappviewer/index.html?id=914b1bbc7ea74786910674eb86324326>

Click on the proposed project location and a box will come up. This box has lots of useful information including:

- the outcome of any Native Title claim
- the Registered Native Title Body Corporate (**RNTBC Name**) that you will need to contact when native title exists.

If Native Title exists in the area you wish to conduct your project, then you should plan to engage with the appropriate Native Title holders should your application be successful, to seek their consent to the project.

You will need to provide written evidence from the relevant Registered Native Title Body Corporate (RNTBC) that you have permission to conduct activities on this land, should your application be successful. The correct evidence is a letter signed by the Chair or two board members.

Once you have the **RNTBC name** go to:

<https://nativetitle.org.au/learn/native-title-and-pbcs/native-title-act-and-pbc-regulations>

Click on the red Find button and select Western Australia from the drop-down menu.

Find the **RNTBC Name** in the list. Click on the RNTBC name to find the contact details of the RNTBC so you can begin the consultation/engagement process. The RNTBC has the list of members and those who are able to speak for country. Your request will be referred to the correct people in that community.

If there is no Native Title in the area your project is working in, and you wish to include Aboriginal engagement or consultation in your project, then you may wish to contact the relevant land and sea council, and they can put you in contact with the right people.

If you know an Aboriginal person who can speak for the Country where you wish to work, or have a relationship with local Traditional Owners, then please engage with them if they are willing.

Aboriginal Land and Sea Councils

Aboriginal land and sea councils represent and support Aboriginal people in relation to Native Title matters and on issues affecting their lands, seas and communities. They may also run community, environmental and economic development projects and may be able to assist with engaging with Aboriginal people. A list of contacts can be found at <https://www.waitoc.com/culture/land-sea-councils>.

Respecting Traditional Knowledge

If Aboriginal people are involved in the planning, design, or implementation of projects, it is important their Traditional Knowledge is protected, and Intellectual Property arrangements are identified.

For example, Aboriginal people remain the owners of any knowledge shared, and this knowledge is treated as confidential unless specified otherwise. Aboriginal people should also be able to access any information generated from the project in an accessible format. Access and Benefit Sharing Agreements and other contracts can be used to ensure any Intellectual Property arrangements are legally binding obligations.

Important Disclaimer

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