



# Community Stewardship Grants Guide: Engaging with Aboriginal people

## Acknowledgement of Country

DPIRD acknowledges the Traditional Owners of Country, the Aboriginal people of the many lands that we work on and their language groups throughout Western Australia and recognises their continuing connection to the land and waters.

We respect their continuing culture and the contribution they make to the life of our regions, and we pay our respects to their Elders past, present and emerging.

## Sensitivity disclaimer

Aboriginal and Torres Strait Islander people should be aware that these guidelines may contain images or names of deceased persons in photographs, or printed material.

## Content disclaimer

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## Why engage?

The purpose of engaging with Aboriginal people is to:

- Acknowledge and respect 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;
- unique priorities and processes of the Aboriginal peoples you are working with;
- 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. A key aspect of respecting Traditional Knowledge is that Aboriginal people should receive benefits from sharing knowledge, time and expertise in monetary or non-monetary value from a project.

Applicants are required to include Aboriginal engagement and consultation within project implementation, and grant funding may be requested to cover relevant costs for consultation and participation.

## What is 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.

## Where do I start?

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 [Ask First: A guide to respecting Indigenous heritage places and values - First Nations Heritage Protection Alliance](#)

### Then:

Review the State Government's information regarding Aboriginal Heritage at [About Aboriginal Heritage](#) to understand what may be required under legislation.

Undertake a search using the [Find Aboriginal cultural heritage in WA](#) 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 [ArcGIS Web Application](#).

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: [The Native Title Act and PBC Regulations | PBC](#)

Click on the red Find button and select Find a PBC, then Western Australia from the drop-down menus.

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 [Land and Sea Councils :: WAITOC](#).

## 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.



For more information, please contact the State NRM Program Team on (08) 6551 4428 during business hours, or via email to [snrmo@dpiird.wa.gov.au](mailto:snrmo@dpiird.wa.gov.au).

### Important Disclaimer

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