4. INDIGENOUS INVOLVEMENT

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4. INDIGENOUS INVOLVEMENT

4.1 OVERVIEW

Indigenous involvement in coastal management is vital if we are to safeguard the coast and our cultural heritage, and to protect our coastal way of life for the benefit of future generations.

It requires collaboration and partnerships between government, Traditional Owners and other stakeholders, and a sustained effort to involve the Indigenous community in planning and management, and also the day-to-day care of the coast.

Indigenous people are Australians who identify as belonging to Aboriginal and Torres Strait Islander groups and who are recognised by their communities as belonging to those groups. A Traditional Owner is an Indigenous person with cultural connections to a specific area or tract of land or waters (regardless of historical or current land tenure), arising from Indigenous law and customs observed by the relevant land-owning group.

This section of the manual discusses the strong interrelationship between the natural and cultural environment, and the social, economic and physical well-being of Indigenous people, and why it is vital that efforts be made to implement environmentally sustainable coastal planning and management strategies that “recognise, accommodate, promote and strengthen the role of indigenous people and their communities.” (Agenda 21, 1992).

This section includes information on customary law and the responsibilities and rights that flow from the law. It gives a basic introduction to song cycles, provides an overview of how Indigenous people view and value the coast, and establishes the need to consult, negotiate and make agreements with Indigenous interests, for both legal and ethical reasons, and identifies the value and benefits in doing so. It also sets out what a community group or land manager may expect in response, as well as an accepted procedure for seeking to ensure cultural heritage sites on the coast are avoided in order to protect them.

Recommendations are made for a process of participation that enables Indigenous people to become actively and genuinely involved in defining their issues of concern, to make decisions that affect their lives and to formulate and implement plans and strategies to manage the coast.

The information in this section is based on generalisations that apply commonly throughout Western Australia. The diversity of Indigenous people across the State and the different cultural representations will need to be considered for a particular area, as these cannot be represented fully in this manual.

4.2 INDIGENOUS CUSTOMARY LAW, CULTURAL RESPONSIBILITY AND RIGHTS

Indigenous people have continuing cultural responsibilities and/or ownership of the coast and what happens on it through customary law – a law that is ‘written’ in the country.

Country refers to the cultural or spiritual place of origin of an Indigenous person. When Indigenous people talk of ‘my country’ they are referring to their clan or tribal area. Their membership of that clan country was given at birth and remains even if they move away and live on other ‘country’.

To maintain cultural integrity there are certain practices and considerations that are to be followed according to this customary law. One of these is ‘caring for country’.

4.2.1 Caring for country

‘Caring for country’ means ensuring people are doing the right things on ‘country’ (land and waters), and ensuring animals and plants have the right place to live. It is more than habitat protection, maintaining
biodiversity and caring for the coast in ‘white fella’ ways like dune protection and building beach access walks. It has strong spiritual links based on the cycle of life and responsibility to all living things and the natural environment.

Our law is alive, in the past, present and future because the earth is alive, so our stories are being enacted every day everywhere in everything that is form, shape and alive. Rocks, fish, birds, plants, waters, insects, crocodiles they all belong to the Earth and all give us stories.” Wunambal Gaambera Aboriginal Corporation (2001).

4.2.2 Attachment to country
Each Aboriginal person is born with a strong and deeply-rooted spirit that comes from ‘country’. It is best described in non-Indigenous terms as an internalised, overwhelmingly powerful sense of attachment to country, an intuition and gut feeling, an intrinsically personal connection to country and to ancestors. If there is damage to a person’s country then there is damage to a person’s spirit.

“We think of the environment as the physical entity – we know what happens when we pollute rivers and oceans. What people don’t understand is how the people from the country are affected, how their liyan, their spirit, is affected. To some extent a measure of the health of the country is the health of the people. If the spirit of the people is not at its maximum level you can be sure the health of the country is not at its maximum level. This is a very simple co-relationship, one that governments and agencies need to bear in mind when they go about planning and managing country.” Pat Dodson in Our Place Our Future. Kimberley Land Council (1998).

In some areas culture is obvious and strong. It would be wrong to assume that in areas where culture is not evident, or where the area has been developed, or Indigenous people live much the same as non-indigenous people, that culture does not exist, or that Indigenous people are just part of the general community and need not be considered outside of that.

A surface understanding of song cycles
Unlike western concepts of boundaries connected with fences or lines on a map, song cycles are much more than a certain length or width of land. They are the foundation of Indigenous people’s connection to coastal and inland areas. There are salt-water and fresh-water people who are responsible for continuing their connection to their culture through song cycles. A deep understanding of belonging and knowing one’s place results from Indigenous people living in their country and knowing their song cycles, law and culture, all of which are interconnected.

Song cycles are maintained and renewed though traditional ceremony in the law. This includes sharing modern stories that teach younger generations about history or the Dreamtime related to people, animals, plants, and all other living beings on or in the land, sea and galaxy.

Here is a story for the Dampier Peninsula that helps us to understand song cycles.

In Bugarregarre, (the Dreamtime) the first creative Naji (spirit beings) came to life. Simultaneously their movements created the burru (land) and three song cycles spread out across Australia in coastal and inland areas. The Naji beings appeared in a co-creation period where all living things came to life. The Naji’s actions saw laws made to ensure that all life forms including country would be respected. The laws and Bugarregarre stories detailing song cycles, and intimate knowledge of country has been passed down to us since the beginning of time. We are the direct descendants of the Naji giving us culture and the responsibility to maintain and protect life.

Song cycles take time to understand. Traditional custodians may choose to relate what is known as ‘public’ information; however, deeper knowledge of song cycles rests with those involved in traditional law and that information is not known as ‘public’.

Song cycle information and story from Goolarabooloo.
4. HOW INDIGENOUS PEOPLE VIEW AND USE THE COAST

Indigenous people’s relationship to the coast has some critical differences from that of the non-Indigenous community. This includes the definition, care and responsibility of coast, its resources and usage, the concept of ‘ownership’ and the values associated with land and sea. However, as in the wider community, there are differing views on managing the coast and a diversity of ways in which Indigenous people relate to the coastal areas of Western Australia.

4.3.1 What is coast?

Coast is part of ‘country,’ an all-encompassing term used by Indigenous people to describe all the areas that people traditionally used or occupied. This includes ocean, reefs, intertidal areas, land (on and below ground) and inland waters. Intertidal zones, surveyed boundaries, reserve areas, fences and property lines do not stop or start the cultural connections.

4.3.2 Use of the coast and resources

Prior to European settlement Aboriginal use of the coast embraced all aspects of social, cultural, spiritual and economic life. The resources of coastal land, sea, reef and creeks provided not only subsistence foods such as fish, turtle, dugong, shellfish, fruit, seeds, animals, roots and birds, but also materials for shelter, clothing, tools and weapons, as well as objects for ceremonial use. Smyth confirmed from his 1998 study of Northern Australia, “that the current utilisation of the coastal zone by Aboriginal people involves some or all of the above pre-contact uses, depending on local history, tenure and legislation.” Smyth 1998 in Shire of Broome (1999).

4.3.3 Economic values and impacts

Many Indigenous people believe that in the wider society the coast is often valued as a commodity and economic growth is the primary goal, while most Indigenous people place a greater importance on culture. Indigenous traditions and cultural values should be recognised and accommodated in a way that contributes to strengthening the community and its values rather than undermining them.

Indigenous people in many parts of Western Australia continue to derive considerable economic benefit from subsistence hunting, fishing and gathering around the coast. Coastal resources provide a significant proportion of food (and nutritional requirements), and this forms an invisible non-cash part of the economy. The economic value becomes even more important when the low incomes on which the majority of Indigenous families have to survive is considered.

Increasing human impacts on the coast, declining food stocks, coastal development limiting access to traditional areas, an increasing population and their use of the coast for recreational and commercial uses, often result in Indigenous people having to travel further to get food.

4.3.4 Ownership

Indigenous peoples are a diverse group of language and skin groups, each responsible for areas of country. Certain salt-water people may have ‘ownership’ of areas of coast with other groups having cultural rights and obligations for the same area, such as the right of access and the use of coastal resources.

For Indigenous people, traditional ownership comes through their culture from ancestors. Traditional ownership does not come from the exchange of money and title. It is a cultural inheritance with related responsibilities.
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4.3.5 Natural disasters versus natural processes
Winds, storm surges, cyclones and tidal inundation are all natural processes and Indigenous people accept them as part of the cycle of life. Therefore many do not accept that there is a need to ‘protect’ the coastline, for example sand dunes, from these natural processes.

Indigenous people are often worried or uneasy when people build too close to the sea or dunes, as many believe that if you destroy or neglect country, it will result in some form of harm to people or places. Any disruption to the coastal area could destroy the integrity of the song cycle and, consequently, they would foresee the resultant loss of property or life to be caused by this disrespect for the environment.

By and large Indigenous people do not make any distinction between the natural and cultural environment; therefore, the management of natural resources is inseparable from the maintenance of culture.

4.4 THE VALUE AND BENEFITS OF ACTIVE INVOLVEMENT BY INDIGENOUS PEOPLE

The involvement of Indigenous people in coastal planning and management projects has important practical consequences. It may influence the definition of what the problem is, the ways in which it may be resolved and who is responsible for taking action. Active involvement of Indigenous people and communities is preferable to consultation alone. Having Indigenous people actively involved in coastal projects can help to:

- reflect and take account of community needs and values and provide a foundation for the community’s socio-economic development and positively affect the well-being of people in the community
- develop cultural identity and strengthen communities
- identify shared values and common ground
- foster the establishment of partnerships and establish a joint vision based on recognition of ownership and co-ownership
- minimise the potential for protracted negotiation that could occur if Indigenous people have not been properly consulted and involved in decisions
- incorporate Indigenous ecological knowledge in coastal planning and works and assist the development of quality information as a base for decision making including both traditional and scientific knowledge of species
- educate people about Indigenous cultural issues and utilise tourism as an opportunity for such learning
- recognise and strengthen Indigenous decision making over marine and coastal resources, for example in the review of license procedures, thus providing the means for Indigenous people to acquire equity in marine and coastal industries such as fishing
- understand the coastal landscape from a different perspective, providing an opportunity to learn stories that are not written down, but written on the land and in nature. “They are there for everyone to see – not just read about.” David Mowaljarlai in Yorro Yorro.
- demonstrate reconciliation in action and help to break the distrust and alienation felt by some Indigenous people
4. INDIGENOUS INVOLVEMENT

- address conservation and environmental issues more effectively by developing protocols concerning access to and use of coastal country by tourist and commercial operators, as well as identifying appropriate community access to the coast
- increase the likelihood of gaining resources or attracting support, as more people know of the coastal work
- provide an increased recognition of Indigenous people, culture and traditions and incorporate these experiences and factors into the development and management of the coastal areas of Western Australia.

4.5 THE NEED FOR CONSULTATION AND NEGOTIATION WITH INDIGENOUS GROUPS

There are both legal and ethical reasons to consult and negotiate with Indigenous people prior to planning and implementing coastal works.

Over time, factors of an economic, social and historical nature have tended to limit the ability of Indigenous people and their communities to participate fully in coastal planning and management on their lands. As a result, many Indigenous people have powerful images and memories of past paternalistic attitudes, tokenistic recognition of their rights and exploitation of their country, cultural knowledge and intellectual property.

Indigenous involvement in coastal management involves much more than getting Indigenous people to identify where sites are; share their traditional knowledge for use in the management plans of others; act as a cultural heritage management service; or to provide a valuable cultural tourism product (Sinnerman, 1998). It is therefore important to foster the involvement of Indigenous people in all aspects of coastal planning and management.

While consultation infers people and communities will be referred to for information and asked their opinions, the process for meaningful involvement of Indigenous people in planning must go one step further to actively engage people in the decision making process. To do this we must first understand, acknowledge and show respect for Indigenous people’s connection to ‘country’.

The active involvement of Indigenous people who have connections to the coast is vital as cultural uses in many areas of Western Australia sit side by side with other uses such as tourism, sand mining, pastoral industries, commercial fishing, pearling, oil and gas exploration, ports, shipping activities and conservation.

Prior to conducting coastal projects, proponents need to be clear about the legal issues and responsibilities to consult and negotiate with the relevant parties. For Indigenous people, the Mabo and Wik decisions have established native title as a land title with legal rights, and Indigenous people, like all people who have title to land (ownership), or who hold responsibilities for land (management or custodianship), expect to be consulted about any impact that would affect their land interests.

Meeting between the Department for Planning and Infrastructure, Kimberly Land Council and Rubibi members. [Photo: Coastwest/Coastcare]
4.6 IDENTIFYING THE RELEVANT INDIGENOUS PEOPLE TO CONSULT

This manual makes reference to consulting with relevant Indigenous people and Traditional Owners in your area. Generally, this means approaching your local native title representative body (NTRB). It is important to contact the Aboriginal Lands Trust (ALT) for proposals on coastal land held by ALT. It is also worthwhile to contact your local Department of Indigenous Affairs (DIA) and Australian and Torres Strait Islander Commission (ATSIC) offices for advice, and also as a courtesy if you are considering a project in the area.

4.6.1 What is a native title representative body?

A native title representative body is a regional organisation determined through a formal process by the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs. NTRB’s are funded by the ATSIC to represent Indigenous Australians on native title issues within a particular area. They represent and assist native title claimants to make applications for the determination of native title and assist them in negotiations and proceedings. NTRB’s also have a role to play in assisting non-indigenous people in identifying the correct traditional owners for an area.

These representative bodies are responsible for servicing the needs of their clients in an effective and equitable manner and to act in their best interests. Those clients are the people who hold or may hold native title in their area.

Representative bodies in WA are:

- Kimberley Land Council
- Pilbara Native Title Service
- Yamatji Land and Sea Council (Geraldton)
- South West Aboriginal Land and Sea Council
- Aboriginal Legal Service
- Goldfields Land and Sea Council

Contacts for these bodies have been included in section 11: Useful Contacts.

There are other Indigenous organisations that operate in WA, including community councils, resource agencies and incorporated bodies. These operate for a range of purposes; for example, running an Aboriginal community, liaison with government agencies, providing administration and financial management, and organising housing and essential services. These organisations, however, may not have a legal interest in land or sea, nor control over its use or development, and may not have the mandate to make decisions without reference to the vesting body or NTRB unless they have a lease or licence for the coastal area.

Matters of land or sea use or development of interest to Indigenous people, should in the first instance be referred to the land managers, namely local government, the ALT, the Department of Conservation and Land Management, the Department of Land Administration (DOLA), or the vesting body, and then be referred to the relevant Indigenous people and Traditional Owners through the Representative Body.

4.6.2 Legal responsibilities

Before planning coastal works, have regard for the legal situation that exists or may exist, as cultural heritage and native title rights and interests are protected by legislation. These include State and Commonwealth Heritage Acts and the Native Title Act 1993 (Commonwealth).
Both the Heritage Acts and the Native Title Act are complex acts of parliament. Community groups should first consult with the land management agency, local government, Department of Indigenous Affairs, Aboriginal Lands Trust, local Native Title Representative Body and/or the National Native Title Tribunal before they consider projects, approvals, clearances or determinations under this legislation.

4.6.2.1 Native Title

In 1992, the High Court’s Mabo decision recognised the traditional property rights of indigenous people to their country. These are known as native title rights and interests. Native title is the communal, group or individual rights in land and waters according to the traditional laws and customs of the Aboriginal or Torres Strait Islander people for a particular area. These rights may be rights of ownership, possession and use of traditional country. In some cases these native title rights and interests may sit side by side and co-exist with the rights of others such as pastoral leases.

Aboriginal or Torres Strait Islander people who hold native title may have the right to continue to practice certain of their laws and customs over land and waters so long as those activities are consistent with Australian law. This could include living, hunting, fishing, gathering, ceremonies, access rights, use and occupation and visiting to care for and protect important places. It often includes the right to be consulted about activities or decisions that could affect the exercise or enjoyment of native title rights and interests. In most instances, the native title rights and interests will exist along side other rights and interests determined by the Crown.

4.6.2.2 The Native Title Act 1993 (Commonwealth)

The Federal Government’s response to the High Court’s Mabo decision included the enactment of new legislation, the Native Title Act 1993 (Commonwealth), to provide for the recognition and protection of native title and to provide ways for working with native title. The Act was amended in 1998 following the High Court decision in Wik.

Specifically, the Native Title Act 1993 (Commonwealth) establishes a ‘future act’ regime. Broadly defined, future acts are activities or dealings in relation to land or waters after 1st January 1994, that affect native title rights and interests. If a dealing or activity will affect (extinguish, impair or in some way limit) the continued existence or enjoyment of native title, then there are certain procedures in the Native Title Act 1993 (Commonwealth) that may need to be followed. Under the future act provisions, native title holders and registered native title claimants are entitled to certain procedural rights. That means they have a right:

• to be notified of the proposed future act
• to object to the act
or
• any other right that is available as provided for in the Native Title Act 1993.

The rights may include:

• the opportunity to comment
• the right to be consulted
• the right to negotiate
or
• the same rights as an ordinary freehold title holder.

Different procedural rights apply to different types of future acts. However, the complexity of these provisions in the Native Title Act 1993 (Commonwealth) can be avoided by developing an Indigenous Land Use Agreement (ILUA) with the native title holders or the registered or unregistered native title claimants. Indeed, the provisions for ILUAs in the Native Title Act 1993 (Commonwealth) take precedence over other procedures for dealing with future acts.
An ILUA is a voluntary agreement about the use and management of land and/or waters made between a native title group and other people, organisations or government agencies, including local government. An ILUA can be negotiated at any time. It is not necessary to have a determination by the Federal Court about the existence of native title. The courts are not involved in the ILUA process. Once an ILUA is finalised, the parties can apply to the National Native Title Tribunal to have it registered. When an ILUA is registered it is binding on all the parties.

For more information on the Native Title Act 1993 (Commonwealth), native title determinations and applications in your area, and information about ILUAs, contact the National Native Title Tribunal (see section 11: Useful Contacts). The website has fact sheets and information to explain native title in greater detail (www.nntt.gov.au). The Australian Local Government Association’s website also contains useful information about native title processes, especially for local government (www.alga.asn.au).

4.6.2.3 Aboriginal Heritage Act 1972 (Western Australia)
The Aboriginal Heritage Act 1972 was introduced to protect Aboriginal heritage in Western Australia. This includes all places and objects that are important to Aboriginal people due to connections to culture. Sites may include ceremonial or law grounds, burial sites, middens (camping areas), gathering sites, waterholes and soaks, engravings and rock art, hunting and fishing areas etc. Under the Act it is an offence for anyone to excavate, destroy, conceal or in any way alter an Aboriginal site, or any object without the permission of the Minister for Indigenous Affairs. Such permission is determined under section 18 of the Aboriginal Heritage Act and is commonly known as a section 18 application or clearance.

This State Act provides for Aboriginal heritage sites to be listed on the Register of Aboriginal Sites, administered by the Department of Indigenous Affairs (DIA). However, many sites are not registered owing to the complexities of Aboriginal heritage, the nature of archaeology, and changing community expectations.

Some areas of cultural significance may not come to light until the process is under way and many sites may not be widely known or in fact registered. This could be for a number of reasons, such as:

- Vegetation or other features may obscure archaeological material.
- Archaeological deposits or burials may be present but under the land surface.

or

- The Aboriginal community/individuals may identify sites, places or features of ethnographic significance or express concerns about potential environmental impacts.

IMPORTANT All Aboriginal sites whether registered or not, are protected by Federal and State laws.

With the diverse nature of Aboriginal sites and interests in country (land and sea), it is difficult to identify specific ways to recognise a site or to set criteria or procedures to follow, that can be applied in every circumstance that may be encountered. Therefore, always assume that you need to find out.

If there is reason to suspect the presence of an unreported site, this should be reported to the DIA or to the police, and works ceased immediately. It is generally preferable to treat finds of skeletal material as Aboriginal burials. This will ensure that the material is dealt with appropriately and that, if it proves to be an Aboriginal burial, community sensitivities have been respected from the start.

For further information on Aboriginal heritage sites and surveys conducted in your area, contact the DIA. They have offices throughout regional WA.

DIA’s website, www.dia.wa.gov.au is a great resource with lots of information and frequently asked questions (FAQs) for people interested in Aboriginal heritage matters, including those matters covered by other legislation. It includes an Aboriginal Heritage Procedures Manual containing information for developers and Aboriginal people to assist with development of land where Aboriginal sites may exist.
4. Indigenous Involvement

4.6.2.4 Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)

The Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984, provides a means for Aboriginal and Torres Strait Islander people to gain protection for areas and objects of significance in accordance with their tradition.

Under the Act, the Minister for Aboriginal and Torres Strait Islander Affairs can make a declaration protecting significant objects or areas anywhere within Australia or Australian waters. The Act also encourages heritage protection through mediated negotiation and agreement between land users, developers and Indigenous people.

This legislation was enacted to provide an avenue of last resort – that is, to allow the Commonwealth Minister to protect Indigenous heritage where State and Territory heritage laws or processes had failed.

Be aware that no matter how well the known procedures are followed, Aboriginal heritage issues might still arise during the course of coastal planning and works.

As part of coastal planning and management, land managers, community groups, local government and other key bodies can maximise the potential for Indigenous support and involvement in a project and minimise the risk of inappropriate actions by adopting a precautionary approach in both heritage and native title matters.

4.7 THE CONSULTATION PROCESS

The key to making community involvement work is to involve Indigenous people early in consultation, to allow for cultural differences and to build trust and true partnerships. The message is to respect the rights of Indigenous Australians and treat those with land and sea interests as you would wish to be treated.

4.7.1 How to approach the consultation process

Once you have identified the relevant people to speak with about your coastal project, consider the following.

• Find out what the Indigenous community’s or group’s protocols are for consultation, before going into a community or attending a meeting. Each has its protocols that should be followed.
• Show leadership by implementing culturally appropriate consultation methods in all phases of planning and development of the coast. Methods you may use for other stakeholders, such as writing a letter or inviting one representative along to a meeting, may not be appropriate.
• Request a meeting or ask to address Indigenous people at their meetings. Be clear about what is wanted or needed.
• Ask permission to go onto the coast and let Indigenous people know well ahead of time what it is you need, setting down clearly what you plan to do and what you would like the Indigenous people to do; for example, give permission for revegetation work, visit the site with you, make comment on a proposal.
• Invite participation by Indigenous people, and where possible take them to the coastal site you are discussing.
• Look for common ground. For example both parties may want to protect the turtle rookeries, all stakeholders may acknowledge the need for appropriate beach access, both commercial and recreational fishers agree with Indigenous people on the priority to maintain fish numbers etc.
• Recognise the tensions between cultural protection and the speed of development, as the differing needs can create frustration and misunderstanding. Address the issue with key stakeholders early in the process.
• Consider making an agreement about the use and management of coastal land or waters between the native title claimants or title holders groups and other key stakeholders.
4.7.2 What response could a community group or local land manager expect?
When seeking the involvement of Indigenous people in coastal planning and management, the same range of responses can be expected as those from any group of people in the community – from enthusiasm and interest to disinterest, or anger if people feel their rights or interests are threatened.

Indigenous people have a history and experience of being disenfranchised and taken away from their country (and sometimes people) thus denying them the right to practise and understand their obligations and rights from a cultural perspective. Too often they have been alienated from decisions affecting them and their country. In some people this has built a sense of worthlessness, shame, mistrust and apathy.

Though people were often resettled away from their coastal country, Indigenous people do not relinquish their attachment to their traditional country. However an offer to be actively involved in coastal planning and management will not necessarily be taken up. People have other priorities to address in their lives. Therefore do not be disheartened if Indigenous involvement is not forthcoming. This does not mean you do not have to try to consult.

It is important to set out for Indigenous people, your own obligations, such as timeframes, the need to publicly advertise a proposal, to report to a committee, to liaise with the land managers (e.g. ALT or Shire) or to request permission to work on unallocated (vacant) Crown land through DOLA. Make it known if Ministerial or other levels of approval are required. Remember to keep Indigenous people ‘in the loop’ and continue to seek their advice, support and involvement.

4.7.3 Extended decision making
Decision making and discussion in Indigenous societies involves maximum participation and representation because responsibilities and authority for ‘country’ go beyond the individual and family unit. It will also involve on-site visits with relevant Aboriginal interests.

Be mindful of the tensions at play between individual rights and family and communal obligations, and between the ‘objective’ application of rules of law as against the greater weight given to tradition and clan in decisions. Remember that community representatives may also have limits on their negotiating power.

Allow flexibility in your work schedule to ensure adequate time is given to Indigenous groups to allow them to consult widely and spend time in discussion, understanding and reaching agreement.

4.7.4 Request for confidentiality, privacy and respect for intellectual and cultural property
Confidentiality, privacy and respect are major issues with Indigenous communities. There may be a reluctance to participate in projects or to give information, because, in the past, many Indigenous people gave their time, resources and knowledge only to discover later that their information had been used to identify and exploit country or resources, or to develop traditional lands or desecrate sites.

Indigenous people and communities have cultural and intellectual property rights for all their knowledge. This includes sites, languages, stories, kinship and other social rules, ceremonies and arts, as well as the values, laws and protocols for managing them. The owners of information or material must be informed about what the full-intended use is, and their permission given for its use, prior to it being used or stored. Media releases, comments or the mention of names and places should never be made without the prior agreement of the Indigenous people/community concerned.
4.8 HOW TO MAXIMISE THE OPPORTUNITIES FOR PARTICIPATION

Ensure from the start that there is community ownership of the coastal planning or management process to be undertaken.

Invite representatives of local Indigenous groups to participate in meetings or committees on relevant topics such as fisheries, boating use, coastal development etc. rather than only issuing invitations to attend when there is a specific project. Keep in mind that for many Indigenous people formal meetings are not culturally appropriate. People often feel more comfortable in an informal or familiar setting.

- Take people out to the coast and sit quietly and listen. This will assist the consultation process and give more people an opportunity to be involved, heard and understood.
- Make decisions by consensus. It may take longer but the decision is more acceptable to everyone. If, instead, a majority-voting situation is used, then those who ‘own’ the country and have responsibility for its care normally get outvoted! Ensure Traditional Owners get the final say and have the casting vote.

Create opportunities for a variety of Indigenous involvement in coastal work, for example:

- Encourage involvement in a range of tasks and responsibilities like management, supervision, on-ground work, being spokesperson, writing newsletters, site planning, guided walks or the provision of interpretative materials etc.
- Set some short-term goals with measurable objectives so there is a sense of achievement for participants early in the project.
- Promote Indigenous employment and training opportunities in project development, management and land care, for example as coastal rangers or guides.
- Display respect for Indigenous rights and roles.

When employing people in coastal work, give special consideration to the Traditional Owners. Have an Indigenous representative on the selection panel for new employees or when appointing consultants. The selection of people to plan, manage or work on areas under native title should be carried out by the Traditional Owners, or be suitable to them.

Dune stabilisation at Minyirr Park. [Photo: Rubibi Aboriginal Land Heritage and Development Group]