

Traditional Owner Engagement Protocol



We acknowledge the Traditional Owners for the land and waters of the place we now call Northshore.
We acknowledge that we stand on the sacred Country of the Turrbal and Yuggera people,
whose lands were never ceded.

Economic Development Queensland recognise the important role of the Turrbal and Yuggera people, as storytellers of Country, knowledge holders and keepers of culture across what was originally known as Yerrol and more broadly, Meeanjin.

We pay our respects to Elders past, present, and emerging, and acknowledge Aboriginal and Torres Strait Islander peoples within our communities at Economic Development Queensland.

We value and are thankful for the ongoing contribution of the Aboriginal and Torres Strait Islander peoples within our community and commit to a continued fair and equal partnership built on collaboration, listening and celebration of their culture and language.

**The artwork on the cover of this document was created by Madonna Thomson,
Jagera woman from the Bonner Bell Family.**

The art work is painted over the old cadastral map of the Northshore precinct.

The Design & Patterns:

The thick lines are the Yerrol vines in the red/orange colour. The chevrons, are the pattern James Bonner and Madonna Thomson have identified in museum collections and historical records, as Yuggera design, commonly etched or burnt into the shields, scarred boundary trees and early artwork.

There is also, between the pathways, two styles of fish net weaving that was used for both fish nets and eel/yabbie traps.

The cross hatch pattern is a weaving style used for fish nets/traps.

All of the weaving patterns drawn in the artwork, also represent the vegetation used as the material for nets.

The Brown:

The brown is the land (where the camps were located on the border of the brown and green), the green is the area of the yerrol (vine) & sub tropical vegetation and the blue is the river.

The Green:

This is the place people camped within. The place where sub-tropical fruit and berries grew. It is also where James and Madonna recognised the 7 clans that once lived in what we now call Brisbane. The circles not only represent the clans, but also the fact that there were ceremony rings across Brisbane. The circles are connected by pathways, with again the chevron designs within.

The Blue:

This has thick lines representing the water activities that were done in and around the river.
The chevrons are within the lines.

Note: Please be aware that "Jagera" may also be referred to as Yagura, Yugara, Yugarabul, Yugarapul or Yuggera. All of these names are referring to the same language group or family group.

Table of Contents

Section 1	Overview	4
Section 2	Cultural context of Northshore	5
Section 2.1	First Nations community of Meeanjin	7
Section 2.2	Why we focus on Traditional Owners	9
Section 3	Our approach to engagement at Northshore	10
Section 3.1	When to engage Traditional Owners	11
Section 3.2	Who and how to engage	12
Section 3.2.1	Engaging Traditional Owners on cultural information	13
Section 3.2.2	Engaging directly with family groups	14
Section 3.2.3	Engagement triggered by cultural heritage legislation	17
Section 3.3	Social and cultural considerations	18
Section 3.4	Compensation and contractual considerations	22
Section 3.5	Traditional Owner engagement checklist	24
Section 4	Additional information and resources	26
Appendix A	Indigenous communities of Meeanjin	27
Appendix B	Cultural significance of Meeanjin	29
Appendix C	A brief summary of the recent native title claims history	29
Appendix D	Indigenous family camp	30



Image: Tribal Experiences, Welcome to Country, Brisbane Festival 2022

Section 1 - Overview

The Traditional Owner Engagement Protocol (the protocol) sets out Economic Development Queensland’s (EDQ) approach in engaging with Traditional Owners as key stakeholders across the Northshore Hamilton Priority Development Area (PDA). The primary intent of the protocol is to ensure that Northshore is culturally sensitive and inclusive through providing an understanding of the cultural context surrounding Northshore and guidance on how Traditional Owners will be meaningfully engaged and heard. This protocol is the first that has been developed by EDQ and will pave the way for current and future projects.

A key aspect of this protocol is clarifying Traditional Owner and stakeholder groups and providing direction on when and how to engage in relation to all major areas of decision-making at Northshore Hamilton. This includes project

delivery, current and future construction, precinct upgrades and significant changes, procurement, storytelling, celebration of culture and ongoing collaboration and relationship building.

The protocol is a practical way in which EDQ will deliver on the vision of Northshore as a place which celebrates its First Nations history. It will also ensure that we work collaboratively through partnerships with First Nations businesses and service providers to embed culture through creating appeal and value in Northshore. The key ways in which EDQ will do this is by embracing the site’s rich history, opening and activating the waterfront, delivering a range of diverse and engaging spaces and curating events and activities.

Please note: This document is not intended to apply to statutory decisions, such as planning approvals under the Northshore Hamilton Development Scheme. It is a guiding document for EDQ and precinct partners to facilitate the vision for Northshore Brisbane.

Section 2 – Cultural context of Northshore

An Ancient River City

The Turrbal and Yuggera families have their own stories, language and connection history to Northshore and Brisbane City. Their stories are their intellectual and cultural property and unique to their oral history and experience with country.

One such story provided by and consented to be used by a Yuggera family is the creation of the Brisbane River:

“In the time before people (gurringam) there was the story of how the Brisbane River (Myguntain Warril) was formed by a creator being that snaked its way through a formless land, shaping the landscape and carving out the heart of country – Maiwar, the Brisbane river.”

Early British arrivals recorded their observations of the regular activities of the Traditional Owners and the events that centred around the Brisbane River, supporting Meeanjin as the centre of an ancient river city. A river city that has been central to many regional ceremonies and events. Frequented by the clans of a regional society that historically referred to themselves as Goori.

There are accounts of headmen, with their families and warriors camping in their designated clan camp sites around this ancient gathering place, where they would participate in significant trade, tournament, sporting, and ceremonial events. Events that were held during seasons, in which there would be enough food resources available to sustain the increased numbers of visitors.

As the headmen, their warriors and families camped in and around Myguntian (now commonly referred to as Meeanjin), the local clans hosted trade, tournaments and sporting events, offering their Turrbal territory for the use and enjoyment of the clans from the region.

Yerrol (Northshore)

Through the warmer months of the Goori seasonal calendar, the clans enjoyed life by the river, the nyandas (waterholes) and streams that feed into Maiwar. Many of the activities were focused on the river, with the laughter of adults and children alike, as they participated in water sports and the collective gathering of food and other resources.

These are the days where clans worked together, where children had many carers, the women laughed as they made baskets from yerrol (vines) that grew along the river bank.

The women would teach the ngarigins (teenage girls) and younger children the importance of the edible and medicinal plants that grew here. Instructing them as to how to prepare mei (black bean) through a process of removing the toxins, to make an edible, protein and carbohydrate rich cake.

Northshore was referred to as Yerrol, because it was an area abundant with this important vine resource. Yerrol was used to form the shape of huts, processed to make rope and cordage that was used to make baskets, tie together rafts and as structures for fish traps.

The men fished along the banks of the river and at the entry point of Breakfast Creek, with fishing nets made from yerrol. Often, they enjoyed competing in races on the river, using their watercrafts and showcasing their skills. Celebrating with roasted dargun (mullet), dar (black duck) and, bukkaoa (freshwater mussel).

Travelling a short distance to Nudgee (nar-da) to attend major ceremonies or Woolloongabba (wulon-coppa) to participate in the tournaments (pullen-pullen) and fighting competitions. An opportunity for warriors to show their fighting skills, battle tactics and weaponry.

The clansmen were so skilled in navigating the river that they were invited to participate as contestants in the regattas the British held along the reach of the river between Breakfast Creek and Hamilton. Such were the clansmen's skills that they won every regatta and, as a result were eventually prevented from participating.

The Contemporary Socio-Cultural Landscape

Turrbal/Yuggera clans

Today the families asserting connection to Myguntian (Brisbane City) and Maiwarr (Brisbane River) are the descendants of men and women that once occupied and camped here. These families assert rights and interests inherited from the Apicals they descend from. Their rights and interests originate from their cultural identity as either Turrbal, Yuggera or Yerongpan.

In time past, the clans had shared rights to access their camp sites within Myguntian, to undertake fishing, hunting, and social activities, gather resources for food, medicine, and ceremony (including maintenance of these sites).

However, it was and is the rights of those clans, whose main camps were situated in Turrbal, to be acknowledged as the primary custodians. This is a Goori protocol that has laid hidden beneath a modern city, pushed to the fringes, due to the violent interruption of a convict settlement, frontier war and ongoing changes that followed.

Yerrol is situated within Turrbal territory. For some, Turrbal territory is only for those whose main camps were located here and are therefore entitled to a Turrbal identity. While for others Turrbal is part of the Yuggera language group, as Turrbal is considered but one of a number of Yuggera territories. The Yuggera families who had camps in Turrbal territory, believe they also have rights and interests, to access, share and enjoy Yerrol and Myguntian.

How families identify with and what rights and/or interests they assert to Turrbal territory is revealed in the language they use to describe their connection. Language is place-based and subject to the viewpoint of each family, which is why there can be variations in the words used to describe Brisbane or the Brisbane River. It is also influenced by the direction in which clans entered Myguntian, which is the direction in which their camps are located. Families' connections can be different, yet correct, as it is from their perspective.

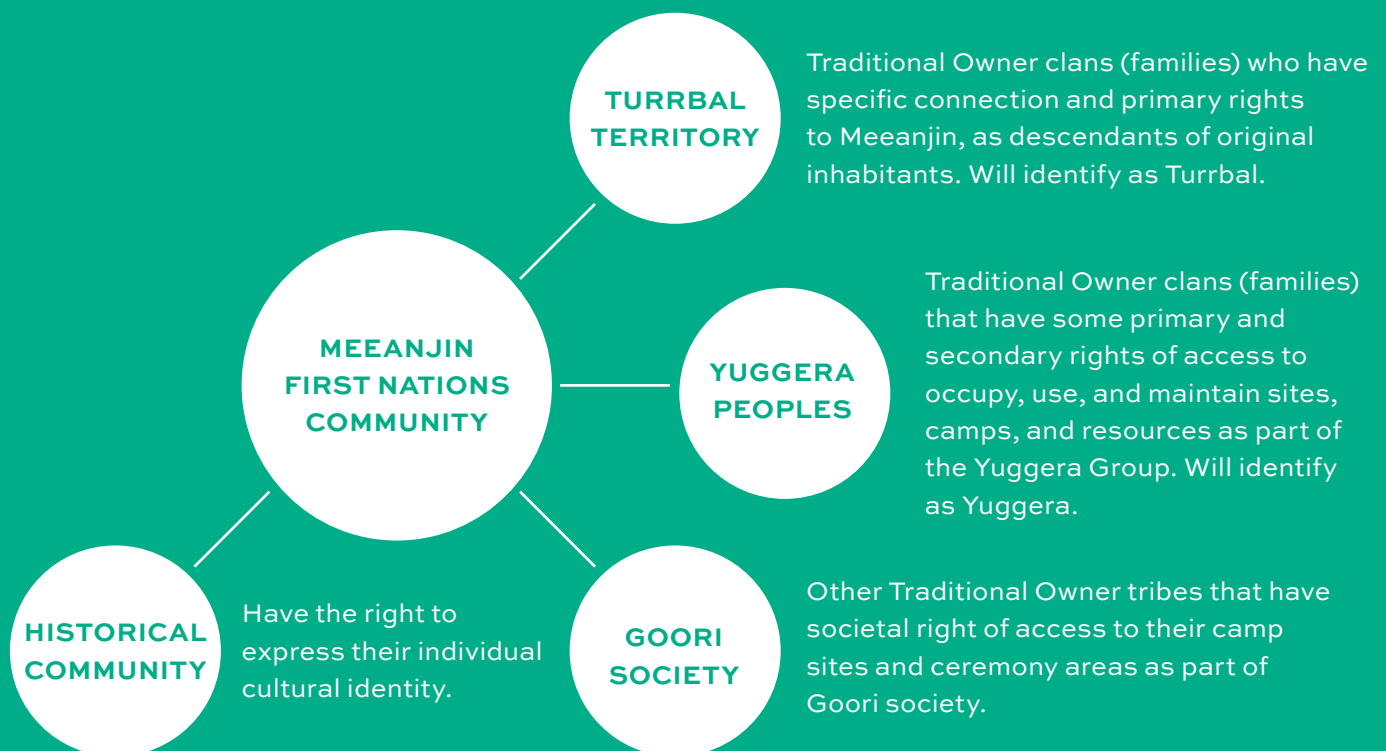
SECTION 2.1 – FIRST NATIONS COMMUNITY OF MEEANJIN

The value of knowing First Nations community at Northshore is that we identify who to engage and why we engage them. Broadly speaking, the First Nations community of Meeanjin is primarily made up of three groups:

1. Traditional Owners: the descendants of the original inhabitants of the area;
2. Traditional Historical Society: individuals from other language groups and tribes of South East Queensland, also known as “Goori”, society; and
3. Historical Indigenous community: First Nations peoples who reside in the area as a result of either forced relocation or voluntary migration.

The Yuggera and Turrbal people are the recognised Traditional Owner families/clans which have rights and interests to Meeanjin, as recognised through historical and anthropological research and as described under the *Aboriginal Cultural Heritage Act 2003 (Qld)*. Meeanjin is located within Turrbal territory, which has been associated to the Yuggera language group; both are part of the regional bora society, referred to as “Goori”.

EDQs engagement with First Nations peoples at Northshore prioritises Traditional Owners and their rights as the traditional custodians of the land and culture. Practically speaking, we will prioritise working with and providing opportunities to Traditional Owners, as well as seeking their perspective on the most appropriate ways to embed and showcase culture.



THERE IS LIMITED INFORMATION AVAILABLE, BUT ESTIMATES SHOW THE INDIGENOUS POPULATION OF MYGUNTIAN TO BE **LESS THAN 2% OF THE TOTAL POPULATION.** (see Appendix A)

A MINORITY WITHIN A MINORITY - ESTIMATES ALSO SHOW THE TRADITIONAL OWNER POPULATION OF MYGUNTIAN TO BE **LESS THAN 1% OF TOTAL INDIGENOUS POPULATION (2%)** (see Appendix A)

Given the small number of Traditional Owners in Myguntian, it is really important that this community increases visibility of Traditional Owner cultural perspectives and presence, especially as the people who hold primary connection to Meeanjin.

Until the Mabo decision and the enacting of the *Native Title Act 1993*, there was no outward distinction of who to engage on matters of Country, who could speak for cultural heritage, or what art, dance and customs are particular to them.

Today, due to the changes brought about by Native Title there is a greater appreciation of the many languages and nations/societies which make up the Indigenous community within Australia; each with their own artistic expressions, customs, and practices.

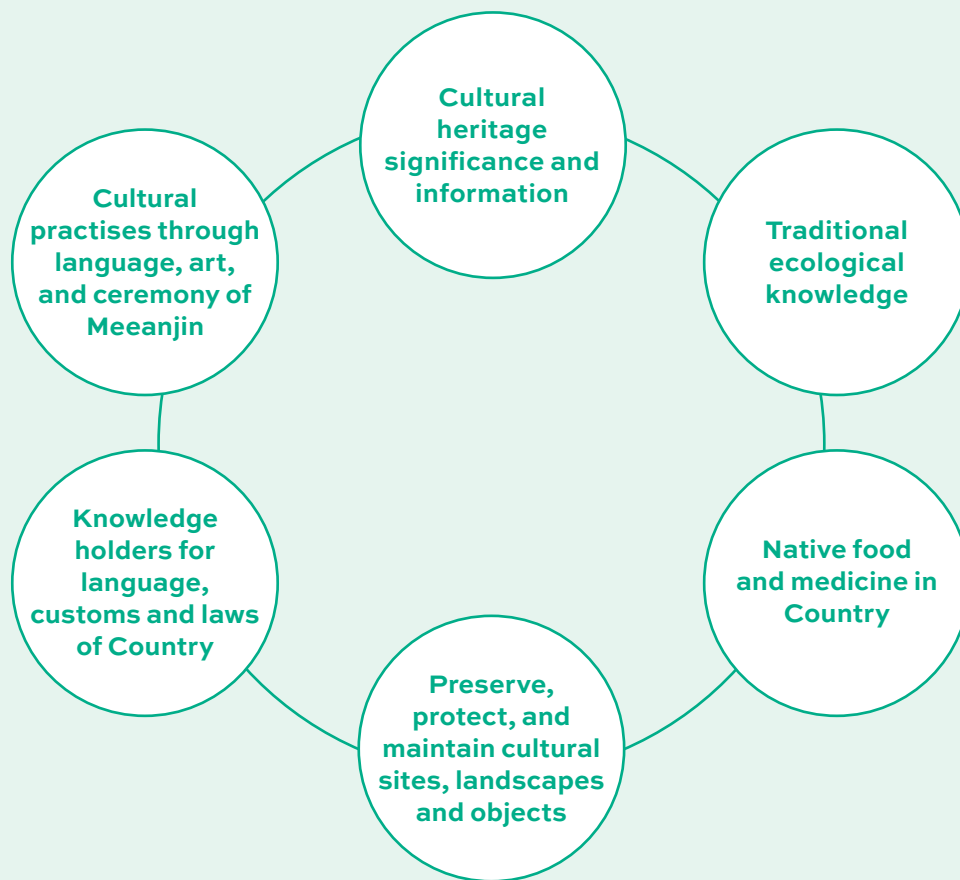
City Council Area	Turrbal and Yuggera (Traditional Owners)		Total Indigenous Population		Non-Indigenous Population	
	Population	Percentage	Population	Percentage	Population	Percentage
Brisbane City (Myguntian)	200 (approx 10% of Brisbane population)	0.88% (of total Indigenous population)	22,940	1.8%	1,176,351	94.7%

(see Appendix A)

SECTION 2.2 – WHY WE FOCUS ON TRADITIONAL OWNERS

Traditional Owners are defined as “the descendants of the original inhabitants” of the Country prior to British occupation. This point of difference was established by the High Court in the Mabo decision.

Traditional Owners are the only people who have the right to be engaged to provide:



The focus on Traditional Owners extends beyond Australia and is a global focus. Internationally recognised frameworks such as The Articles of the United Nations Declaration of the Rights of Indigenous People (UNDRIP) articulate the significance of “Indigenous people rights to their lands, territories and resources”. To summarise, the UNDRIP Articles seek to protect the rights of Indigenous peoples through:

1. The right of Indigenous people to receive compensation for loss of their cultural heritage and to have self-determination, economic autonomy and financial freedom; and
2. The right to maintain and protect their cultural heritage, specific to their lands and territories.

Section 3 – EDQ’s Approach to Engagement at Northshore

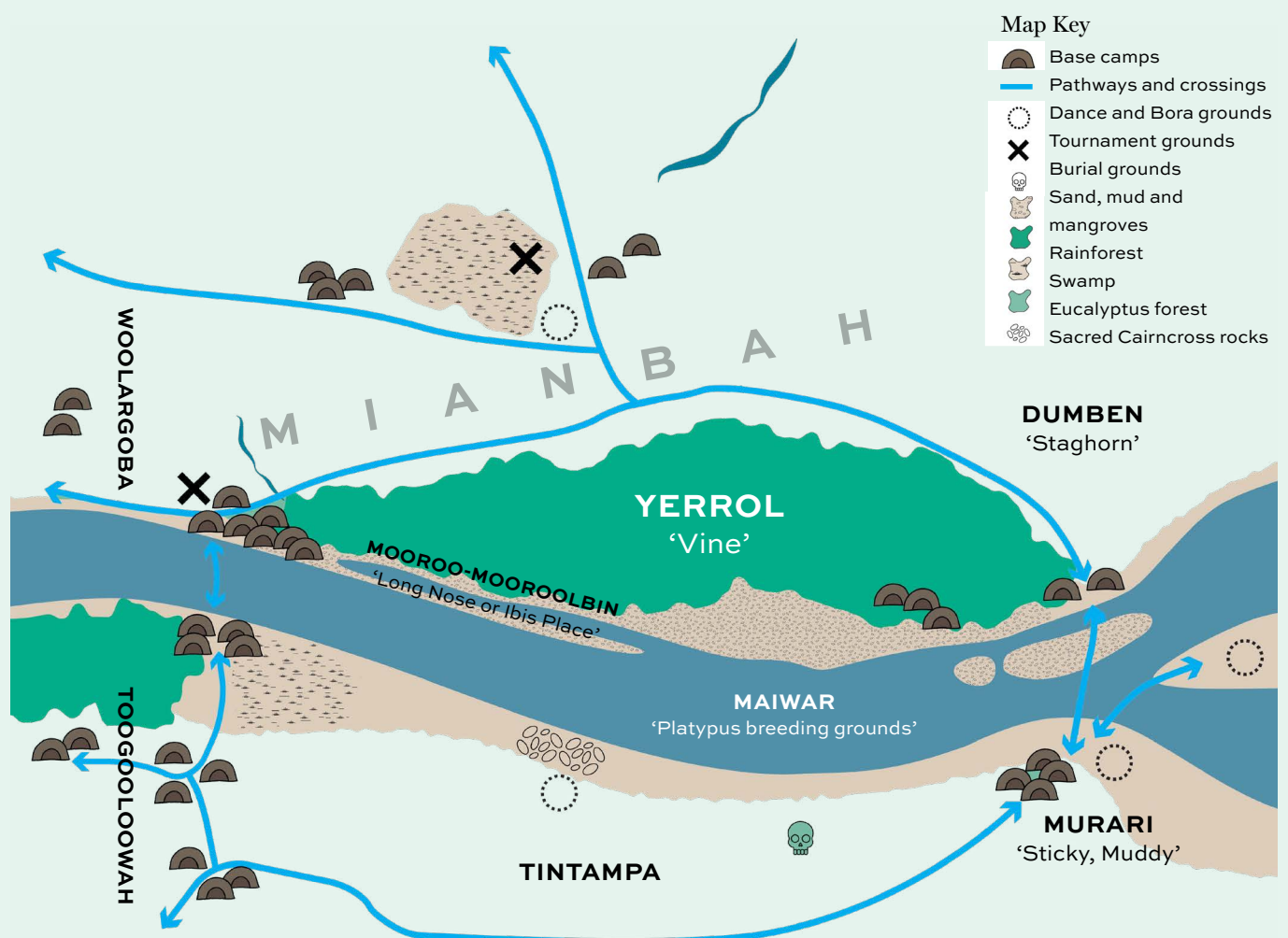
The way we engage with Traditional Owners at Northshore is grounded in respect. Guiding our approach are principles which set out what we value and strive to demonstrate. These principles reflect feedback and perspectives from the Northshore team and reflect how we can both give back to Traditional Owner community and benefit from the value they hold.

Listen and learn - We are always listening; to the stories, lessons, values, and insights Traditional Owners bring to our project and way of working. We are keen to listen and learn so that we can continue to be better and do better.

Embracing culture - Our precinct and our team will embrace culture and work to reflect this wherever possible. First Nations cultures are valuable to us, and we’re privileged to play our part in continuation of culture.

Enabling participation - Our team seek opportunities for the involvement of Traditional Owners to incorporate language, cultural history, traditional ecological knowledge, design and artistic expressions across our precinct.

Build trust - We respect Traditional Owners as the original custodians of these unceded lands (Meeanjin and Australia more broadly). We work hard to demonstrate respect and build our working relationships with Traditional Owners based on trust.



Illustrated map of Country and surrounds known as Yerrol

Image: Illustrated interpretation of Yerrol by Dr. Ray Kerkhove



Image: Stevie O'Chin and Kane Brunjes, Birrunga Gallery, The Shed artwork

SECTION 3.1 – WHEN TO ENGAGE TRADITIONAL OWNERS

We should be seeking opportunities to engage Traditional Owners in as many contexts as appropriate. This may include for commercial opportunities, ceremonial opportunities, arts and showcasing of culture and general advice/knowledge. In general, if you *think* you might need to engage or would like to engage Traditional Owners, *you should* as soon as practical, following consideration of the below.

- Legislative processes, such as the *Aboriginal Cultural Heritage Act 2003 (Qld)*;
- Advice on appropriate traditional artwork for any public, digital or written installations;
- Advice on use of traditional language and words in any application or context;
- Performing any traditional music or dance such as for ceremonial purposes;
- Informing decisions on the design and development of land identified for change, particularly public spaces;
- Performing any traditional ceremonies in any context such as “Welcome to Country” ceremonies or “Smoking Ceremonies”;
- Advice on traditional flora such as the creation of native food gardens or installation of native plants for the purpose of education or awareness of traditional plant uses;
- Advice on appropriate application of any traditional design elements used in any context e.g. building or structural design, textiles, digital applications, signage, public art, marketing and public relations;
- Where any opportunity exists for an Indigenous supplier of a good or service arises, for example for native foods, artworks, construction, landscaping or tourism; and
- Advice on Indigenous tourism including signage or any offering of physical tourism and storytelling.

SECTION 3.2 WHO AND HOW TO ENGAGE

Turrbal and Yuggera peoples are the Traditional Owners of Meeanjin and individuals (or businesses owned by individuals) from these groups should be engaged. From a legislative perspective, who should be engaged is determined by the *Native Title Act 1993 (Cth)*.

The rights and interests that individuals from these groups hold are further broken down into primary and secondary rights.

Primary rights and interests are held by the Turrbal family groups and particular families from Jagera. This means that they have the right to a Welcome to Country or Smoking Ceremony, language and name and have primary right to speak on matters of culture or Country.

Please be aware that “Jagera” may also be referred to as Yagura, Yugara, Yugarabul, Yugarapul or Yuggera. All of these names are referring to the same language group or family group.

PRIMARY RIGHTS AND INTERESTS

- Welcome to Country and Smoking Ceremonies
- Host cultural ceremonies and events
- Right to negotiate
- Right to access and maintain cultural heritage sites/places
- Language and naming

SECONDARY RIGHTS AND INTERESTS

- Artistic expressions and dance
- Cultural stories associated to areas
- Access to camping and resource sites
- Access to and use of traditional plants for medicine, food and ceremony

For context, the *Aboriginal Cultural Heritage Act 2003 (Qld)* created the term Aboriginal Party as the primary party to make decisions about cultural heritage sites and significance for an area. This Act also tied the definition of who is an Aboriginal Party to the Native Title process.

This means that where there is or was a Native Title claim (even if failed), the persons from those claims are the Aboriginal Party/Parties; even if Native Title has been extinguished over Meeanjin (which means no more claims can ever be lodged).

SECTION 3.2.1 ENGAGING TRADITIONAL OWNERS ON CULTURAL INFORMATION

When seeking to engage Traditional Owners to provide cultural information in art and designs, or for other cultural ceremonies or expressions such as a Welcome to Country, Smoking Ceremony or traditional dance and performances, it is important to:

1. Make contact as early as possible. Coordinating across family groups, coming up with appropriate designs or content or organising transport can be challenging and requires time for planning;
2. Always introduce yourself, your role, the project, and the reason for seeking Traditional Owner involvement. Ensure that names and cultural affiliations are spelt correctly; if unsure, ask someone who already has this connection or check with a Department contact e.g. DTATSIPCA.
3. Preferably write initial communication in an email, which may require a follow-up email. This ensures there is no confusion or opportunity for doubt that Traditional Owners were engaged.
4. Focus on building relationships; always follow-up after initial communication. In the Traditional Owner community, relationships built on trust is the currency they rely on. This cultural perspective is hundreds of years old and deeply rooted in the principles of Goori Society.
5. Enable Traditional Owner involvement, provide opportunity for involvement to all Traditional Owner families.
6. Understand that the Traditional Owners may not respond at all. This may be due to a multitude of reasons including availability, access to resources to fulfill the request, availability of support persons or others who can assist on delivery of the request, or just a general lack of comfort in engaging with the project. It is important to remember that Traditional Owners are a very small number of people and as such, the resource pool and/or number of people with the available skillset is limited.

Refer to Table 2 for who to contact.



Image: Smoking Ceremony at The Shed

SECTION 3.3 SOCIAL AND CULTURAL CONSIDERATIONS

Australian Indigenous cultures are one of the oldest continuing living cultures in the world and many Traditional Owners continue to practice the principles of cultural protocols. At Northshore we acknowledge and respect Traditional Owner's cultural protocols to show our respect and to embrace culture.

There are many nuances in cultural protocols across Traditional Owner groups, so we should seek to listen and learn, but in general the most known and generally practiced cultural protocols relevant to Meeanjin Traditional Owner groups are explained below.

1. Appropriate treatment of Elders

In many First Nations communities, Elders are well-respected and represent their community. Elders hold great significance for their role in decision making, influence and safekeeping of knowledge, culture and tradition. In many First Nations communities, Elders may be referred to as 'Aunty' or 'Uncle' to demonstrate respect and are often held in high regard.

At Northshore, we seek to uphold the significance of Elders to the Traditional Owner community and demonstrate respect. In working with Elders, we should:

- Refer to Elders as 'Aunty' or 'Uncle' if that is what is requested or where they have specifically been introduced as such (either by themselves or by others);
- Avoid confrontational, aggressive or overly direct and instructive communication. We need to treat Elders as experts in their culture, knowledge and customs. Although we may not be able to do or deliver on every request, we should always communicate with kindness, empathy and respect;
- Take extra care in hosting Elders and demonstrate a high degree of attentiveness such as ensuring that they have a comfortable seat where they can be involved in the activity/discussion, ensuring they have been offered tea/coffee/water/food (if appropriate), ensuring that they are included and heard, and other general caring actions such as ensuring they are warm/cool or aware of the location of bathroom amenity; and
- Make sure that Elders from Traditional Owner Groups are included in and offered the opportunity to participate in any cultural ceremonies, cultural activities or other cultural events (as appropriate).

2. Respectful communication

We acknowledge Traditional Owners as the experts on their culture, traditions and story. On any matters relating to this we should always speak with respect, bearing in mind that they are the experts on their culture, particularly around what is appropriate, what should happen or how something should happen.

In Traditional Owner communities, the way we communicate has impact on the level of trust we can build. In general we should:

- Speak to the right person. Make sure the person you are talking to is a true and legitimate representative of their Traditional Owner group;
- Avoid speaking on matters of culture such as assuming you know what is appropriate, assuming that something you've learnt in a different Traditional Owner community directly applies to Meeanjin, or telling Traditional Owners what they should do in cultural matters;
- Avoid aggressive, overly direct or instructional, or dismissive language where matters of culture, finance or identity are being discussed;
- Avoid participating in any gossiping or other forms of lateral violence;
- Ensure we speak with clarity, honesty and provide the full picture or explanation; and
- Avoid assuming that everyone is on the same page; take extra care to explain all details and ensure everyone understands the same information.

3. Honouring connection to the land and waters

First Nations people have a strong connection to their traditional lands and waters. When working with Traditional Owner groups you may notice significance placed on certain landmarks, trees, geographical areas or a general attachment to lands and waters. The way we honour this close connection Traditional Owners hold to their traditional lands and waters is by embracing their involvement and input into the way we design, shape and use our lands and waters at Northshore.

Specific examples of this are:

- Include Traditional Owner involvement in designing gardens, significant places or other landmarks at Northshore e.g. sculptures, native gardens (plant selection), spatial flow, signage, name and storytelling;
- Use the traditional name for places of significance for example using ‘Meeanjin’;
- Avoid using, inappropriately accessing or dismissing the importance of areas which the Traditional Owners have communicated as having particular cultural significance e.g. Bora rings, camps, shell middens or women’s and men’s areas; and
- Make space for Traditional Owner’s expression of loss and grieving for their traditional lands. First Nations communities across Australia were forcefully displaced from their traditional lands and many Traditional Owner communities still have a strong connection to the pre-settlement state of their traditional lands. In some contexts, you may find that Traditional Owners will express sadness, bitterness or disappointment in relation to the modern changes made to their traditional lands or the overall significant loss of ownership over their traditional lands. In some contexts, you may even find that the Traditional Owners are not interested in the post-settlement history of Northshore.
- It is always appropriate to listen and learn.

4. Times of Sorry Business

Loss of family, members of community or a significant cultural connection are a very sensitive and sacred time for First Nations people. “Sorry business” is the time of mourning surrounding this loss and for many First Nations people, involves cultural responsibilities, obligations and the need for time and space to go through the mourning process. If you are made aware that one of the Traditional Owners are going through a time of sorry business, you need to provide them with respect, sensitivity and time. Often there is no defined timeline for how long you may need to respect this time. This may mean:

- Slower responses times or lapses in communication;
- Sudden or extended times of leave;
- Requests to avoid talking about particular topics and/or people, or the need for a high level of privacy; and
- The need for additional time and space to complete something, respond or make a decision.

It is extremely important that care is taken when mentioning the name of or displaying imagery or footage of those who have passed. Where you are seeking to use or display the name or image of someone who has passed, you must seek the family’s permission.

5. Identity

For First Nations people, and in particular Traditional Owners, identity is sensitive and sacred and relates to how they see themselves and are seen by others, particularly in relation to their connection to Country, community and culture. Identity means different things for all Traditional Owners and may look different from person to person, but is generally a collective view in relation to their culture. Identity within the cultural context has no link to a person's skin tone or appearance, and is often heavily shaped by their experiences and family history.

In working with the Traditional Owners, you may need to consider:

- The need for sensitivity around colonisation and settlement and the impacts these times had on First Nations people's identity. This is particularly due to the forceful loss of culture and history of racism and violence;
- Avoid making commentary or passing judgement on someone's identity based on their level of education or appearance; and
- Understand that Traditional Owners are extremely proud of their culture and identity, and we should always endeavour to encourage the expression of identity.

6. Women's Business and Men's Business

In First Nations culture, there are traditions and rituals which are only practiced separately by either men or women and is referred to as either men's business or women's business. This extends to specific cultural sites which are strictly used only by men or women. This may mean Traditional Owners could:

- Request that only a man or woman from community on a particular topic or perform a particular ceremonial aspect;
- Request that only men or women enter a particular cultural site;
- Avoid providing detail on a particular cultural ritual, artwork or use of a cultural item e.g. a plant or tool which is sacred to either men or women specifically; and
- Request the use of specific artistic design elements based on the context of their use.

7. Lateral violence

The Australian Human Rights Commission (AHRC) describes lateral violence as horizontal or intra-racial conflict, as a product of a complex mix of historical, cultural and social dynamics that result in a spectrum of behaviours including gossiping, jealousy, bullying, shaming, social exclusion, family feuding, organisational conflict and physical violence.

The AHRC describes it as often occurring when a number of people work together to attack or undermine another individual, family or group.

The presence of lateral violence in Traditional Owner communities can be challenging to work around and to understand who to talk to and on what matters. It can also result in some backlash where conflicting individuals or groups feel they are not being given preference or equal opportunity. This may mean:

- We need to take extra care in determining who to speak to or engage including in some instances, taking extra care to ensure all relevant parties are communicated with;
- In some instances, it may be impossible to get a reasonable response from any individual or group due to inability for conflicts to be put aside or resolved i.e., you may need to move on or proceed without the response you were looking for;
- You may need to actively look out for and avoid participating in any gossiping or biased behaviour; and
- You may need to have compassion regarding the complex, recent history of First Nations people in Australia and the potential lasting impacts the trauma of colonisation has had on communities, families and individuals.

8. Intergenerational trauma impacts

First Nations communities were subjected to significant traumatic events following on from colonisation, including forced removal of children, violence, murder and loss of connection such as through separation from family and culture. These traumatic events have directly affected not just those who experienced these firsthand, but also those who witnessed or have heard about these traumatic events many generations after they took place. In many instances, Indigenous people may not be able to heal from past trauma, and this results in that trauma often being passed from one generation to the next. In working with Traditional Owners you may need to:

- Recognise that certain behaviours stem from intergenerational trauma and are not personal to you or to Northshore; and
- Understand that some perspectives which may be expressed are not personal to you.

SECTION 3.4 COMPENSATION AND CONTRACTUAL CONSIDERATIONS

Prior to engaging with Traditional Owners, it is important to ensure that realistic budget, timelines, and resourcing are planned. Budgets need to reflect the nature of the services and/or products sought from Traditional Owners; this includes the value of their intellectual property, cultural and ecological knowledge, family history and language.

Once cultural information and language is brought into the public domain, it can be referenced and used by anyone so please consider the impact of this on Traditional Owners and what fair remuneration may mean in this context. It is difficult to determine the market value of the unique contribution of Traditional Owners, but there are references to a range of activities that have costs associated to their delivery.

Activities such as Smoking Ceremonies, Welcome to Country and traditional dance performances can vary between Traditional Owner families. The significance of the event will also determine costs associated to these activities. Please consider:

- Fees may be higher for out of business hours or on days of significance (e.g. Reconciliation Week or NAIDOC);
- Traditional Owners have varying capacity in delivering products and services. Asking first helps identify what their capacity is and how they wish to be engaged;
- Assistance may be needed with completing procurement documentation. If a Traditional Owner hasn't completed a procurement form before, it may be a daunting experience or there may be other cultural or language barriers;
- Travel and food are often expected and may be an additional cost; and
- Sometimes several activities will be part of a package and you may not be able to isolate a single activity such as separation of a Welcome to Country from a cultural performance.

Table 3. Minimum price associated with commonly sought cultural activities as of February 2024

Activity Type	Cost guide	Considerations
Smoking Ceremony	\$500	Fees may vary depending on the nature and significance of the event.
Welcome to Country	\$500	Fees will vary depending on the significance of the event and who is delivering the Welcome to Country.
Traditional dance	\$1000	Fees will vary depending on the significance of the event and number of dancers.
Didgeridoo	\$250	Fees may vary depending on the experience of the didgeridoo performer. Playing didgeridoo is difficult and requires a breathing pattern called circular breathing. NB: There are cultural rules pertaining to who can perform didgeridoo. In SEQ it is considered a male instrument.

Note: Costs may vary according to the scale of the event.

Table 4. Traditional Owner products and services guide

Product/ Service	Considerations
Traditional or contemporary art (by commission)	<p>Traditional Owner artists will have design elements that are culturally their own. This is their intellectual cultural property and should be protected appropriately. Only Traditional Owners should commercially benefit from incorporating their language and cultural sites into their artwork.</p> <p>Traditional Owner artists may wish to be engaged directly or through their nominated organisation. Not all Traditional Owner artists have an ABN or business. Communicate clearly how the artwork will be used and who will own the artwork.</p>
Native foods experiences	<p>Traditional Owners have a unique native food offering that is intrinsically linked to place. Traditional Owners have ecological knowledge pertaining to plant species, as well as a cultural responsibility to maintain those vegetation communities.</p>
Traditional ecological and place-based knowledge	<p>Traditional Owners have connection to flora and fauna as part of their skin lore. Traditional ecological knowledge is place-based, often including medicinal and ceremonial uses of plants.</p> <p>Including Traditional Owners in providing this information is supporting their role in caring for Country and ensuring continuation.</p>
Design advice (aesthetic)	<p>Traditional Owners have their own design elements, and this will vary across individuals and family groups.</p> <p>Recognition is important and can be in the form of a public acknowledgement.</p>
Cultural awareness training	<p>Traditional Owners are the right people to provide cultural governance about Turrbal and Yuggera. Traditional Owners provide training that is place-based. Undertaking training with Traditional Owners builds relationships and often Traditional Owners may have their own business delivering training.</p>
Cultural storytelling experiences	<p>Traditional Owners have a range of cultural storytelling experiences across Turrbal and Yuggera. Cultural storytelling is a responsibility of the Traditional Owners and is a form of continuity and maintenance of cultural history and connection. Traditional Owner families have their own businesses that can operate across their homelands.</p>

Please bear in mind that the list of Traditional Owner products and services is not exhaustive and just reflects common culture-based engagements. Other engagements e.g. construction-based or industry specific engagements such as hiring of qualified professionals, labour hire, machinery hire, and other commercial arrangements will be subject to the pricing appropriate to the industry and project.

SECTION 3.5 TRADITIONAL OWNER ENGAGEMENT CHECKLIST

The below checklist is a general guide for what should be considered in engaging Traditional Owners. This ensures all relevant issues are discussed and agreed prior to moving forward. Please note that for some engagements e.g. a one-off Welcome to Country, all aspects of the checklist will not be applicable.

	Step	Complete
1	<p>Have a clear vision</p> <p>Clearly articulate/understand what the project is and what aspect of the project you require Traditional Owner input into/advice on</p>	
2	<p>Have clear goals and realistic timing</p> <p>Understand what your goals are in engaging with Traditional Owners e.g. are you looking for advice/a physical product/is there a metric which you're looking to reach?</p> <p>If possible, create a scope of works so you clearly understand what is required and how much is required from Traditional Owners e.g. what are all the areas you need advice on and/or a physical input/product? Allow time for engagement especially if you are approaching for the first time.</p>	
3	<p>Identify your who and how</p> <p>Find out who you are going to contact from the Traditional Owner community and how e.g. via direct contact or via another person?</p> <p>For guidance, see Section 3.2 above</p>	
4	<p>Determine a contract value or monetary rate</p> <p>Based on your own budget constraints, fair industry rates or reasonable compensation for time, determine contract value or monetary rate (if not already determined by project parameters).</p> <p>For guidance, see Section 3.4 above</p>	
5	<p>Create a draft contract or agreement</p> <p>Depending on what's appropriate for the project, create a rough contract or formal/informal agreement detailing what is required and what will be offered in exchange (compensation), as well as the timing and any other specific and reasonable requirements. Consider copyright and IP.</p> <p>For guidance, see Section 3.4 above</p>	
6	<p>Meet with Traditional Owners to discuss proposed works/arrangements</p> <p>Have you organised a welcoming and open opportunity to discuss the proposed works with the Traditional Owners/a representative? Make sure you include:</p> <ul style="list-style-type: none"> • Full scope of works • Timeframes • Compensation <p>For guidance, see Section 3.4 above</p>	

	Step	Complete
7	<p>Amend and provide a contract or written agreement</p> <p>Provide a final contract or formal/informal written agreement which clearly reflects what was agreed when you met with the Traditional Owners. Keep in mind that additional discussions/clarifications may be required to make sure everyone is on the same page.</p> <p>For guidance, see Section 3.4 above</p>	
8	<p>Establish ongoing ways or working/communication touch points</p> <p>Have you set up agreed ways of working and a regular touch point? This may include:</p> <ul style="list-style-type: none"> • Establish if working on or off site • Establish any formal timings which must be kept e.g. regular meetings, inductions or necessary toolbox talks • Agree on a regular and appropriate touch point e.g. a face-to-face meetings or a phone call • Are there any checkpoints which must be met? e.g. a rehearsal or practice demonstration prior to a performance which should take place at a set point 	
9	<p>Recognition and respect (project completion)</p> <p>Have you shown your appreciation once all is done?</p> <p>Ensure that at the project completion, Traditional Owners are adequately compensated, and we provide ongoing respect and recognition. Our Northshore site is a welcome and inclusive space and part of this is demonstrating respect and voicing our appreciation once a project is delivered.</p> <p>As part of this, request feedback on how we can work together better. We need to continue to mutually learn and grow and to do this we need to know how and what to improve.</p>	
10	<p>Acknowledge, Thank and Share</p> <p>Please make sure any agreed or appropriate acknowledgments, referencing and sourcing is applied to the work or performance. Part of Northshore’s intent for this protocol is ensuring we are contributing to First Nation and in particular Traditional Owner growth in capability and success. EDQ’s influence by simply including and acknowledging contribution should not be underestimated.</p>	

Appendix A – Indigenous Communities of Myguntian

Traditional Owners have been the custodians of Myguntian for many thousands of years and their connection to the land has continued throughout many generations and colonisation.

The Aboriginal and Torres Strait Islander communities of Myguntian are:

- Traditional Owners (descendants of the original inhabitants prior to British arrival); and
- Indigenous people who have historically moved into the area over time, either by forced removals (1890 - 1920) or have relocated by choice.

The Indigenous population of Myguntian is composed of individuals that are in effect, Traditional Owners from somewhere within Australia. But for the purposes of clarity, the Indigenous population of Myguntian can be broadly separated into three groups:

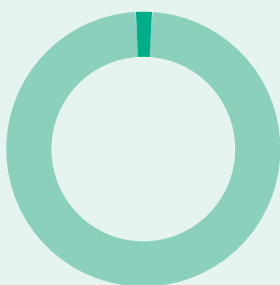
1. The Traditional Owner families/clans that have rights and interests to Myguntian that are recognised by law;
2. Individuals and families from Traditional Owner groups that belong to the Goori Society of SEQ; and
3. Individuals and families from outside Goori Society that have relocated to the area, either through historical forced removal or by choice.

The Turrbal and Yuggera peoples are the recognised Traditional Owner families/clans which have rights and interests to Myguntian, as recognised through historical and anthropological research and under the *Aboriginal Cultural Heritage Act 2003 (Qld)*.

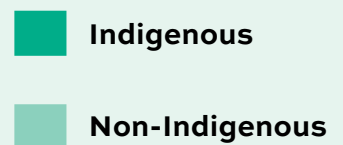
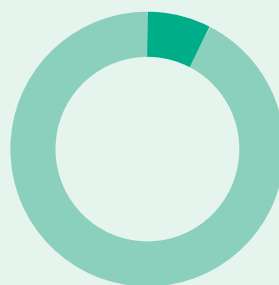
The Traditional Owner community across Myguntian is small relative to the broader Indigenous and non-Indigenous community. There is very limited, specific information on the exact number of Turrbal and Yuggera peoples living within the homelands of the Yuggera language group, nor has there been an attempt to understand how many Turrbal and Yuggera peoples live within the Turrbal territory, of which Brisbane City (Myguntian) is located, or the Ipswich (Tulmur) city area.

Broadly, the ABS (2021) recorded the number of Aboriginal and Torres Strait Islander individuals living in both Ipswich and Brisbane council areas as 41,348. With 44.5% (18,408) of the total living in Ipswich and the remaining 55.5% (22,940) living in Brisbane. The Australian Bureau also recorded the non-Indigenous populations of Ipswich at 330,434 (90%) and Brisbane at 1,176,351 (94.7%), making the Aboriginal and Torres Strait Islander populations 10% of the total population in Ipswich and 1.8% of the population of Brisbane (summarised below).

Indigenous population of Myguntian (Brisbane)



Indigenous population of Tulmur (Ipswich)



Private research estimates that approximately 2,000 Traditional Owners of the Turrbal and Yuggera peoples living within their homelands, with a significant majority of these residing outside of Myguntian. Specifically, it was estimated that less than 10% of Turrbal and Yuggera peoples live in Myguntian, whilst approximately 80% live in Tulumur (Ipswich) and the remaining 10% are spread across the Logan City Council, Lockyer Valley Council, Scenic Rim Council and Beaudesert Council areas. In comparison to the overall population the Traditional Owner population is exceedingly small, even when compared to the broader Indigenous community; they are essentially a minority, within a minority.

City Council Area	Turrbal and Yuggera (Traditional Owners)		Total Indigenous Population		Non-Indigenous Population	
Brisbane (Myguntian)	200 (approx 10% of Brisbane population)	0.88% (of total Indigenous population)	22,940	1.8%	1,176,351	94.7%
Ipswich (Tulumur)	1600	8.69% (of total Indigenous population)	18,408	10%	330,434	90%

As Myguntian’s population continues to grow, so does the population number of Indigenous people. With many being Indigenous people relocating from other areas and moving into Myguntian are Indigenous people relocating from from outside the Traditional Owner clans/families who relocate to Myguntian. This increase in the Indigenous population places increased pressure on the Traditional Owner community as it has resulted in greater competition, as more Indigenous people seek to express their own culture and cultural perspectives. This has the potential to overshadow the role and importance of the Traditional Owners and reduce the visibility of their cultural perspective and presence within Myguntian.

Unlike the historical Indigenous community of Myguntian, the Traditional Owner community had been pushed further to the fringes of society for many decades. Until the Mabo decision and the enacting of the *Native Title Act 1993*, there was no outward distinction of who to engage on matters of Country, who could speak for cultural heritage, or what art, dance and customs are particular to them. Instead, there has been a view that Aboriginal nations/societies were one homogenous group, with no distinct languages, artist expressions and designs, customs and practises, dances or even governance structures.

Today, due to the changes brought about by Native Title there is a greater appreciation of the many languages and nations/societies which make up the Indigenous community within Australia; each with their own artistic expressions, customs and practices.

Appendix B – Cultural Significance of Myguntian

Myguntian has always been an ancient city that has been the focus of many cultural events throughout the centuries. Historical reports, anthropological research studies and archaeological investigative reports detail the traditional activities that have occurred in Myguntian. Activities that resulted in many clans from across the region attending to participate in trade events, fighting arenas, initiations, ceremonies and food festivals, each determined by the seasonal availability of native foods.

Appendix C – A Brief Summary of the Recent Native Title Claims History

In 2013 the Federal Court set the Turrbal People claim for trial. This trial was so that the Federal Court Judge could make a legal decision about the Application. In 2014 the Yuggera People sought consent from the Federal Court to withdraw their claim, to avoid being drawn into a trial decision.

Both the Turrbal and Yuggera peoples claims went to trial. The Federal Court made the determination that both claims failed to prove continuation of Native Title rights and interests over Myguntian.

The Aboriginal Cultural Heritage Act 2003 (Qld) created the term Aboriginal Party as the primary party to sign agreements under this Act. They are also the party that is notified first under the Act and make decisions for the preservation and protection of cultural heritage sites. The Act also ties the definition of who is an Aboriginal Party to the Native Title process.

This means that where there is or was a Native Title claim (even if failed) the persons named as the applicant on those claims are determined to be the Aboriginal Party/Parties. Even if Native Title has been extinguished over Myguntian the *Aboriginal Cultural Heritage Act 2003 (Qld)* establishes who must be engaged when development activities trigger the Act. So, development activities that may disturb or harm Aboriginal cultural heritage sites, objects or places must follow the process within the Act and engage the Aboriginal Party/Parties as defined by the Act.

1998 TURRBAL PEOPLE (QC1998/026)

- Registered Native Claim including Myguntian
- Subject to Federal Court trial
- Aboriginal Party under *Aboriginal Cultural Heritage Act 2003 (Qld)*

2003 JAGERA PEOPLE (QUD6014/03)

- Registered Native Claim. Withdrew claim 2013.
- Not subject to Federal Court trial
- Aboriginal Party under *Aboriginal Cultural Heritage Act 2003 (Qld)*

2011 YUGARA/ YUGARUPAL PEOPLE (QCD2015/001)

- Registered Native Claim including Myguntian
- Registered Native Claim, but not a registered claim, as did not pass registration test
- Subject to Federal Court trial
- Aboriginal Party under *Aboriginal Cultural Heritage Act 2003 (Qld)*

Appendix D – Indigenous Family Camps



Image: Illustrated interpretation of campsites by Dr. Ray Kerkhove

Camp Locations:

- Kerwallie camped in Enoggera & Nundah
- Bilin (Jackie Jackie) camped in Holland Park & Whites Hill (area between Bulimba Creek & Norman Creek)
- Duke of York & Kabi/Turrbal associated clans camped in York's Hollow (RNA showgrounds) & Breakfast Creek
- Moppy & Multuggera (son) camped in Toowong, Petrie Terrace & Victoria Barracks.

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