

Guidance on Engaging Traditional Owners



Why engage?

All Victorians – including government departments, agencies, councils, land and resource managers, developers and tourism operators – should be aware that Traditional Owners have legal rights and interests across their Country. It is important that consideration is given to Traditional Owner rights and interests at the earliest stages of all new projects and activities.

What do I engage about?

Engaging Traditional Owners in new projects and activities might include:

- Acknowledging Traditional Owners, such as through inviting Welcomes to Country, Aboriginal flag-raising and gaining permission to use language names.
- Notifying, consulting or negotiating with Traditional Owners to meet legal obligations, such as land use activities triggering obligations under Traditional Owner, Native Title or cultural heritage laws and agreements.
- Proactive relationship-building activities, such as developing Reconciliation Action Plans.
- Pursuing procurement opportunities with Traditional Owners, such as environmental services.
- Pursuing Aboriginal employment opportunities and business partnerships.

Who do I engage?

- Check the map of, and contact details for, formally recognised Traditional Owner groups, available on the [First Peoples – State Relations website](#).
- If your project or activity area covers more than one formally recognised Traditional Owner group, you should engage with each group.
- If there is no Traditional Owner group formally appointed for the area, engage broadly and inclusively with Traditional Owners who assert rights and interests in the area. This may include Traditional Owner families and groups without formal recognition and neighbouring Traditional Owner corporations with formal recognition.

How do I engage?

Step One: Prepare and know your obligations at the earliest stage

At the earliest stage of project planning, prepare yourself to engage with Traditional Owners.

- What is the **purpose** of the engagement and the decisions that needs to be made?
- What **steps** could you take to build cultural capability and prepare to undertake culturally appropriate engagement with Traditional Owners?
- Are there elements of the project that might impact the **rights and interests** of Traditional Owners? These may include rights and interests under the *Native Title Act 1993* (Cth), *Traditional Owner Settlement Act 2010* (Vic), *Aboriginal Heritage Act 2006* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic). If so, you need to identify these impacts and engage Traditional Owners early. You may wish to contact the First Peoples – State Relations Group or the Land Justice Unit for further guidance (details below).
- What are your **legal obligations** to notify, consult or negotiate with Traditional Owners?
- What are the **non-mandatory opportunities** to engage, to invite input and to build partnerships with Traditional Owner groups through the project or activity? The opportunities might not always be obvious. This should be discussed with Traditional Owner groups as early in the project as possible.
- How might the project align with **Traditional Owner aspirations**, including regarding Country, culture, economy or governance? If you are not familiar with the relevant Traditional Owner group's aspirations, this can be discussed with Traditional Owners when it is time to reach out.

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Step Two: Make contact and invite engagement

- **Reach out** to the relevant Traditional Owner group or groups via email, telephone or other identified contact point. You should not seek out, or rely on, the views or approval of an individual.
- Be **clear** about the **purpose** of the engagement and the decisions that need to be made.
- Ask the relevant Traditional Owner group **whether** and **how** they wish to be engaged, and what their required timeframes and fees are. Traditional Owner groups are best placed to advise on their preferences, priorities and policies regarding engagement.
- **Plan** for and undertake any next steps based on advice received from the relevant Traditional Owner groups about whether or how they wish to be engaged.
- Be **aware** that Traditional Owner groups have many competing priorities and may not always be able to respond to your enquiries within your preferred timeframes. Account for some flexibility in your timeframes.

Step Three: Make it happen, together

- Make sure there is a clear **understanding** about key matters, such as where engagement will take place, cultural protocols, decision-making steps and timeframes, fees and other resources to support engagement, dispute resolution avenues and how Traditional Owner input will be acknowledged.
- Build clear **communication** channels and pursue regular dialogue.
- Act in **good faith**. Be **honest** if genuine misunderstandings or mistakes arise.

- Seek **assistance**, such as facilitation support and cultural capability training.
- **Solve problems together** and build your relationship for the long-term.

Helpful resources

Formal recognition of Traditional Owners

- First Peoples–State Relations’ Fact Sheet regarding Traditional Owner Formal Recognition in Victoria, available on the [First Peoples – State Relations website](#).
- National Native Title Tribunal (NNTT)’s State Native Title Map, available from [NNTT website](#).

Guidance and information regarding human rights

- Victorian Equal Opportunity and Human Rights Commission (VEOHRC)’s Aboriginal Cultural Rights Factsheets available from [VEOHRC website](#).
- Victorian Aboriginal Heritage Council (VAHC)’s United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Posters available on [VAHC website](#).

Relevant policies and guidance

- Department of Premier and Cabinet’s Guidance regarding Welcome to Country and Acknowledgement of Traditional Owners, available on the [First Peoples – State Relations website](#).
- Victorian Aboriginal Affairs Framework 2018–2023, available on the [First Peoples – State Relations website](#).
- Victorian Public Sector Commission’s (VPSC) Aboriginal Cultural Capability Toolkit, available on the [VPSC website](#).

Who can I contact for further information?

First Peoples – State Relations Group

Department of Premier and Cabinet

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