



THE LAW SOCIETY
OF NEW SOUTH WALES

Protocol for Welcome to and Acknowledgement of Country Current as at January 2013

1. Purpose

The Law Society of NSW (“Society”) recognises and acknowledges the unique position of Aboriginal and Torres Strait Islander Peoples¹ in Australia’s culture and history; including as the first owners of the land and waters.

The purpose of this document is to assist the Law Society Council, staff, committees and members determine when it is appropriate to perform Welcome to and Acknowledgement of Country. This document seeks to also briefly explain the significance of these ceremonies and the reasons why the Society should observe them.

2. What does country mean?

Country is central to Indigenous laws and customs, defining (among other things) a person’s identity and relationships of kinship. As Professor Mick Dodson stated:

For us, country is a word for all the values, places, resources, stories and cultural obligations associated with that area and its features. It describes the entirety of our ancestral domains. So when we acknowledge traditional country...it is no empty ritual: it is to acknowledge who we, the Aboriginal people, are and our place in this nation. It is to take special note of a place and the people who belong to it.²

Further, Dr. Deborah Bird Rose articulates, the concept of “country” has a sentient and participatory dimension:

People talk about country the same way that they would talk about a person: they speak to country, sing to country, visit country, worry about country, feel sorry for country, and long for country. People say that country knows, hears, smells, takes notice, takes care, is sorry or happy.³

3. Importance of observing Welcome to and Acknowledgement of Country

The Society acknowledges that Aboriginal and Torres Strait Islander Peoples have an ongoing relationship with, and obligations to, traditional lands and waters. Country remains integral to Aboriginal law, identity, culture and well-being, and a Welcome to and Acknowledgement of Country remains an essential practice. Section 2 of the

¹ The Society recognises the diversity of language groups, kinship structures and customs of Aboriginal and Torres Strait Islander peoples in Australia. In this document reference is made to Aboriginal, Aboriginal and Torres Strait Islander and Indigenous peoples. When referring specifically to Indigenous peoples in NSW, the term “Aboriginal” is used. However this is not intended to exclude Torres Strait Islander peoples who may also reside in NSW.

² Professor Mick Dodson, Speech at the Australian of the Year at the National Press Club, 17 February 2009.

³ Bird Rose, D., 1996. *Nourishing Terrains: Australian Aboriginal Views of Landscape and Wilderness*, Canberra: Australian Heritage Commission at 7.

Constitution Act 1902 (NSW) recognises that as traditional custodians and occupants of the land in NSW, Aboriginal Peoples have a “spiritual, social, cultural and economic relationship with their traditional lands and waters.”

Further, Article 15 of the United Nations Declaration on the Rights of Indigenous Peoples⁴ provides that:

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

And Article 25 provides that:

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

The Society can contribute to the recognition of and respect for Aboriginal Peoples’ connection with land and waters by observing the protocols for Welcome to and Acknowledgement of Country. By implementing these protocols, the Society signals to the community its view that Aboriginal culture is a living and dynamic culture, and should, as a normative matter, be a part of Australian cultural customs and practices.

4. What is Welcome to Country?

Aboriginal communities continue to acknowledge laws and customs under which there has always been linguistic, social and legal boundaries in relation to country, and a range of protocols regarding entering and crossing borders.

Welcome to Country is an acknowledgement and continuation of those protocols. It is a means by which Aboriginal owners can express their relationship to country, extend their welcome to visitors, and ensure safe travel through land and waters imbued with traditional cultural values.

Welcome to Country should only be performed by an Aboriginal person who is recognised to have authority to speak for country and who is recognised as a traditional owner or custodian on country where the event is taking place. It is important to remember that being welcomed to country is a privilege.

Bev Manton, former chair of the NSW Aboriginal Land Council said:

Our Elders do the Welcome to Country as an act of generosity. These are the same people who have had their children taken away, or been removed themselves. They’re the same people who had their wages stolen by successive governments. They’re the same people who had ancestors remains raided by grave robbers. They’re the same people who were disposed from

⁴ The UN Declaration on the Rights of Indigenous Peoples can be found online here: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

their lands and forced on to missions and reserves. And yet despite all of these terrible events—despite the horrendous treatment by so many parliaments—these very same people are still prepared to say ‘welcome’ to the very people who in some cases have presided over the oppression.

Welcome to Country should be performed, usually as the first item, at significant and official events, particularly where prominent guests may be in attendance or where a large proportion of the Society’s membership may be present, such as the Opening of Law Term and the Annual Members Dinner.

For events held at the Law Society Building on Phillip Street, Sydney, a Welcome to Country should be performed by a Gadigal traditional owner or custodian and should be organised through the Metropolitan Local Aboriginal Land Council. If there is uncertainty as to whether a Welcome to Country should be performed, the Metropolitan Local Aboriginal Land Council should be consulted.

Country can also be shared between more than one group of Aboriginal owners, and different Aboriginal groups may have connection with different parts of the land and waters.

In relation to events that take place outside of the Law Society Building, if there is uncertainty as to who the Aboriginal owners are, advice should be sought from more than one source. Advice may be sought from local Aboriginal Land Councils, Aboriginal community members or Aboriginal organisations such as NTSCORP, the native title service provider in NSW and the ACT.

5. What is an Acknowledgement of Country?

Unlike a Welcome to Country, an Acknowledgement of Country can be made by anyone, Aboriginal or non-Aboriginal. Acknowledging country is a way for visitors on country to offer respect for Aboriginal culture and heritage, and the ongoing connection to land and waters.

An Acknowledgement of Country may be formal or informal, and may be performed at all events (particularly when attendees include persons who are not staff of the Society) such as Council and Committee meetings, conferences, Thought Leadership luncheons and continuing legal education/professional development seminars. First and subsequent speakers may acknowledge country during the program or event.

The following example can be used to acknowledge country at events taking place at the Law Society Building:

I acknowledge the Gadigal people of the Eora nation, on whose land we meet today. I pay my respects to their Elders past and present, and also to all Aboriginal and Torres Strait Islander Peoples here today.

Where a person is representing the Society at an external event, it is also appropriate to acknowledge country. If it is uncertain who the traditional owners are, the following example may be used:

I acknowledge the Aboriginal owners of the land on which we meet, and pay my respect to their Elders past and present, and also to all Aboriginal and Torres Strait Islander Peoples here today.

6. Other cultural practices to consider

The observation of cultural protocols play a significant role in Aboriginal life, and it is important to be mindful of the fact that these cultural practices can differ from community to community, and may be different for men and women. Examples include sorry business and men's and women's business.

When organising an event, it may be useful to contact the local Aboriginal Land Council in the area where the event will take place to clarify any issues on cultural practices.

7. Relevant contacts

7.1. Staff Contacts:

Lauren Lee, Events Coordinator
lauren.lee@lawsociety.com.au or 9925 0360

Vicky Kuek, Indigenous Issues Committee policy lawyer
victoria.kuek@lawsociety.com.au or 9926 0354

7.2. External contacts:

NSW Aboriginal Land Council

Tel: 02 9689 4444

Fax: 02 9687 1234

Head Office: Ground Floor - 33 Argyle St, Parramatta NSW 2150

Postal address: PO Box 1125, Parramatta NSW 2124

Website: <http://www.alc.org.au/>

The NSW Aboriginal Land Council can provide you with the contact of your local Aboriginal Land Council.

Metropolitan Local Aboriginal Land Council

Tel: (02) 8394 9666

Fax: (02) 8394 9733

Email: metrolalc@metrolalc.org.au

Street Address: 36-38 George Street, Redfern NSW 2016

Postal Address: PO Box 1103, Strawberry Hills NSW 2012

Website: <http://www.metrolalc.org.au/>

A Welcome to Country request form is available for download on the website.

NTSCORP Limited

Phone: 02 9310 3188

Fax: 02 9310 4177

Toll Free: 1800 111 844

Street address: Level 1, 44-70 Rosehill Street, Redfern, NSW 2016

Postal Address: PO Box 2105, Strawberry Hills 2012

Email: information@ntscorp.com.au

Website: <http://www.ntscorp.com.au/>