Policy document

FIRST NATIONS ENGAGEMENT STATEMENT

ACKNOWLEDGEMENT OF COUNTRY

The Independent Planning Commission operates on many different First Nations lands throughout the State of NSW. We recognise the Traditional Owners of the land upon which we work, and we show our respect for their Elders, both past and present. The Commission would also like to acknowledge the Gadigal people of the Eora nation, upon whose lands the Commission's office is currently located.

ENGAGEMENT

One of the four core values of the Independent Planning Commission is *'Engagement',* by encouraging and facilitating stakeholder participation in decision-making processes.

This includes ensuring that, where relevant, the views of traditional owners are heard, in a form and at a venue that is culturally appropriate and consistent with the Commission's processes.

For the purposes of its processes, the Commission adopts the broader definition of "traditional owner" which is used at [1.15] of the *"A Way Forward: Final report into the destruction of Indigenous heritage sites at Juukan Gorge",* namely:

> *'… Aboriginal and Torres Strait Islander peoples who assert "traditional ownership" of a certain area under traditional laws and customs, including where there has been no determination of native title.'*

IDENTIFYING TRADITIONAL OWNERS

The *"A Way Forward"* report also acknowledges at [7.38] that:

> *'Currently no heritage framework successfully grapples with how to identify the correct Aboriginal and Torres Strait Islander group/s to speak with about heritage sites. The recognition of traditional owners is complicated by a long history of state-sanctioned disconnection of Aboriginal and Torres Strait Islander peoples and their lands and compounded by complicated legislative frameworks at multiple levels of government.'*

The Commission does not seek to identify one "correct" traditional owner and not hear from any others. It may be the case that there are differences of opinion between traditional owners regarding a matter before the Commission for determination. Accordingly, to acknowledge that traditional owners do not always agree and to ensure that a diversity of views are heard by the Commission, the Commission encourages all traditional owners to participate in the Commission's processes.

The Commission acknowledges however that not all traditional owners will be able to participate in the same way. Nonetheless, all traditional owners have a right to apply to speak at public hearings/public meetings and to make submissions to the Panel and to have those submissions considered by the Panel.

The Commission proactively seeks to identify traditional owners with cultural authority and standing in First Nations communities by consulting with:

- any registered Native Title claimants (as defined in section 253 of the *Native Title Act 1993* (Cth)) for the area in which the development is proposed to be carried out;
- NTS Corp as the native title service provider for traditional owners in New South Wales; applicants or groups of applicants seeking to protect a place or object affected by the application under consideration under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth);
- relevant Registered Aboriginal Parties within the meaning of clause 60 of the *National Parks and Wildlife Regulation 2019*;
- the Local Aboriginal Land Council(s) for the area in which the development is proposed to be carried out as established under the *Aboriginal Land Rights Act 1983;*
- the Department of Planning and Environment, local government and the applicants for the development under consideration.

PRACTICAL ENGAGEMENT

The steps taken in an individual matter to facilitate the participation of traditional owners may vary, given the individual circumstances of the matter or other external factors (such as the COVID-19 pandemic). Accordingly, the steps set out below are at the discretion of a Commission Panel appointed for a matter.

The Commission may, as it considers appropriate in an individual case:

- conduct physical site inspections/locality tours under the Commission's *Site Inspection and Locality Tour Guidelines* on Country with relevant traditional owners;
- conduct transcribed stakeholder meetings in person with traditional owners;
- encourage video submissions by traditional owners broadcast from or recorded on Country during the Commission's electronic public hearings/public meetings; and
- conduct part of its public hearings/public meetings on Country.

A TRAUMA-INFORMED WORKFORCE

In December 2016, the NSW Government responded to the *"Unfinished Business – Reparations for the Stolen Generations in New South Wales"* report of the Legislative Council's General Purpose Standing Committee No. 3.

As part of that response, the NSW Government accepted the report's recommendations that:

- a plan be developed to build a trauma-informed workforce to support Stolen Generation survivors and their families and communities; and
- the NSW Government ensure that all public sector staff undertake Aboriginal cultural awareness training, and that the training include mandatory information about the impacts of past forcible removal policies and practices on Aboriginal communities.

The Commission requires all staff of the Office of the Independent Planning Commission to undertake the Public Service Commission's mandatory training prepared in response to the recommendations of the *"Unfinished Business"* report. The training package has been developed with First Nations people, including Stolen Generations survivors.