

GAWAIMBANNA-GU WIRADJURI NHURRANBAANG (WELCOME TO WIRADJURI COUNTRY)

Yalmambirra

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ABSTRACT: For too long Indigenous Australian communities have been labelled 'Aboriginal,' lumped together and treated as one indiscriminate population. Yet before the onset of European administration, there was no collective concept for the original custodians of this continent, and each community, culturally divergent from its neighbours, had its own identity. This paper addresses some of the issues and argues for the need to establish separate, and culturally specific and localised consultation protocols to ensure that proper consultation occurs wherever the culture and heritage of local Indigenous communities is concerned. For too long, Indigenous peoples cultural heritage has been impacted upon without their knowledge and without the protocols of participation, communication, negotiation and compromise being followed. This paper refers to the need for a consultation 'model' that is applicable to country and in so doing looks at the issues from a Wiradjuri perspective. The perspective taken alludes to the need for all those who would undertake development of any kind, to consult with the appropriate peoples; to sit at the consultation table so that all thoughts, concerns, ideas, knowledge and skills of all, be heard and acted upon in an honest and open manner to preserve what is left of our (Wiradjuri) heritage.

1. INTRODUCTION

The Bennalong Society, headed by the former Aboriginal Affairs Minister, John Herron, labelled the "*pursuit of traditional cultural values*" as "*disastrous*" (The Northern Territory News, 2001). Regardless of which agency or organisation this comment may have come from, it raises great concern. For it to have come from an organisation that has, as its Head, a Minister who previously held the Aboriginal Affairs Portfolio is even more disconcerting. What chance do Wiradjuri and other Indigenous peoples have of becoming a major force in the protection and preservation of their heritage when the forces against them are so great?

The words 'Wiradjuri Country' are now appearing on signs in various Shire Councils throughout parts of central and southern New South Wales. This has been an initiative by a group of people known as the Wiradjuri Council of Elders. The Council is comprised of a number of Wiradjuri peoples that come from all parts of Wiradjuri country, who have been recognised by their peers as bringing with them a vast amount of knowledge, both traditional and contemporary. They are aware of the issues that confront their people on, more

often than not, a daily basis and work tirelessly to have these concerns recognised in arenas where they can be addressed.

The initiative by this group of people has created inroads into the recognition by some non-Indigenous people and organisations, such as Shire Councils, that Wiradjuri people are the true custodians of certain lands. Recognition of this fact has taken many years and has only been successful because of the tenacity of the Elders. Whilst this recognition of country is very important to Wiradjuri peoples, there are many other issues and concerns associated with it which are given equal levels of attention by the Wiradjuri Elders.

The initiative shown by the Elders could only have come to fruition with the consent or endorsement of respective Shire Councils through many hours of consultation. As a process, consultation allowed for information to be passed on, received, disseminated and acted upon and is a process whereby all parties have the same rights as others, where all are treated as equals. This process, undertaken by the Elders and Shire Councils has created an atmosphere of trust and respect (McCarthy, 1998) between them. Consultation therefore, is a mixture of participation, communication, negotiation and compromise.

Whilst the concerns of the Wiradjuri Council of Elders are many and include issues such as the protection of culture and heritage, language, family, education, housing, health and land management, this paper deals only with concerns surrounding the protection and preservation of Wiradjuri heritage. In doing so, it is noted that Wiradjuri concerns, and by association other Indigenous peoples are, in many cases, still being ignored regardless of political, social, or legislative requirements. In this the Wiradjuri are not alone (Cushman, 1993).

Issues discussed in this paper allude to a model of consultation for the Wiradjuri Council of Elders in relation to heritage protection. The paper however, is not in itself a consultation model for the Elders, rather for the most part it is an examination, albeit briefly, on the need for one. In doing so, issues related to western consultation processes (driven by either ignorance, arrogance, or unawareness), contact with appropriate people (Wiradjuri in Wiradjuri country), the possibility that a model written by a Wiradjuri person may be developed (for Wiradjuri) and the chances that this model may be successful (where others have failed) are discussed.

While this paper has implications on other Indigenous communities in Australia, the very nature and diversity of the Indigenous communities in Australia means that it concentrates more on Wiradjuri than on other groups.

Readers of this paper will note the use of 'peoples' and 'cultures'. This has been done in order to highlight the diversity among Indigenous groups and within Wiradjuri country itself.

2. THE NEED

Many Wiradjuri sites have been destroyed in the past with many still being destroyed today. Impacts to sites come in different shapes and forms, from both human and natural elements. According to the New South Wales National Parks & Wildlife Service (NSW NPWS) human impacts include among others, arson, graffiti, deliberate destruction, ignorance, removal, farming practices, mining,

quarrying, road, pipeline and powerline construction (NSW NPWS, 1986). Many sites can also be impacted upon by floods, droughts, earthquakes, fire and landslides (Spennemann and Look, 1998). The statements of some authors such as Feary (1986, p. 38) and the New South Wales Heritage Office (NSW HO) (1996, p. 1), that "it is not possible to protect all sites as a record of the past", are dangerous, as they can be misconstrued as advocating the destruction of Wiradjuri sites. The comment that we need to protect and preserve what is left because there has been enough damage and destruction (Morris and Cook, 1986) may have provided some hope in the past, but present and future practices are that Wiradjuri places are still being lost on a grand scale—albeit in many small and separate events. To effectively protect, preserve and manage Wiradjuri sites, the process of consultation must be undertaken in every instance.

Many people have and continue to advocate for, consultation with Indigenous peoples. This is witnessed by the comments that *"those in power should sit and talk with the true custodians of the land so that Indigenous people can express what it is they wish to see happen on their land"* (Biles, 2002 cited in Jopson, 2002, p. 10) and do away with what can only be described as "tokenism or lip-service" (McCallum, 2002, p. 18) regarding the concerns of Wiradjuri people. In agreement, the comments that *"as the traditional custodians of their culture and all that is encompassed by it, Indigenous interests should be promoted"* (Australian Department of Foreign Affairs & Trading, 2000) so that cultural continuity (Esber, 1992) from a Wiradjuri perspective, not be compromised.

Numerous 'models' of consultation have been developed either by individuals, or organisations and government agencies, calling for Indigenous participation. Human rights standards (another model?) that could be considered applicable to Wiradjuri people are examined in the International Covenant on Civil and Political Rights (Article 1) and in the International Covenant on Economic, Social and Cultural Rights (Article 1). They state that participation in decision making by Indigenous peoples is required should these decisions affect them (Australian Human Rights & Equal Opportunity Commission, 2001).

However, people utilising these models for the most part have never practiced what they were designed for; consultation with Indigenous peoples. Most have never consulted with Wiradjuri peoples in relation to Wiradjuri business and so are looked upon with suspicion by Wiradjuri peoples. This problem has been exacerbated due to what the NSW NPWS describes as the diversity of Indigenous people and culture (NSW NPWS, 2000). Many non-Indigenous people the world over are unaware of this diversity and therefore have different philosophies when it comes to consulting, or not consulting, with the appropriate Indigenous peoples (Lee, 1992; Baker *et al.*, 2001).

A solution may reside with the Indigenous communities themselves. It may well be that the solution comes from consultation strategies and models written by Wiradjuri, for Wiradjuri, and so-forth. In the words of a Wiradjuri Elder:

" Wiradjuri heritage belongs to Wiradjuri, we are its custodians. Our culture and that of other Indigenous Australian peoples are the oldest living cultures in the world. Because this is so, we don't need people telling us how to look after what is ours by right, we are willing to share

this heritage though, and some of the knowledge associated with it, with others [and] the only way this can happen is for them to speak with Wiradjuri and hear us. Again, we must not be allowed to become a voice in the wilderness" (Wiradjuri Elder, 2001).

This comment is complemented by the statement of the Aboriginal and Torres Strait Islander Social Justice Commissioner that Indigenous peoples, as other peoples, have human rights that are recognised on an international level and that these rights include the right of "*protection of property*" (Native Title Report, 2001:2).

It appears then, that there should be a change in relationships between Indigenous peoples and those in power. Whilst the Social Justice Report (2001) itself supported this statement, it went further. It recognised that there was a need for increased Indigenous participation in decision-making that should stretch from regional to local involvement. However as Frankel and Janke (1998) have correctly stated; there are many Indigenous peoples that have never been consulted with, either as Elders, knowledge holders, or as community members. All of this holds true for Wiradjuri country.

Now there is a call for a Treaty. Indigenous leaders are calling for unity amongst Indigenous peoples so that the cause is not lost (Saunders, 2001, p. 2). One must ask however, if the diversity of the people will be taken into account by advocates of a Treaty and whether there is to be a Treaty for each separate Indigenous group such as Wiradjuri. One can only hope so, for doing otherwise will again threaten the individual Indigenous groups in Australia and reduce the rich diversity to a one-shoe-fits-all approach. This would deny the Wiradjuri and other Indigenous communities their cultural self-determination.

Much of the literature that examines or discusses consultation with Indigenous peoples comes from those who have inherited, by default, "*certain aspects of Indigenous heritage*" (Graham, 1999, p. 16-17). The NSW Department of Mineral Resources (2001), the Australian Library Information Association (2000), NSW NPWS (1994), State Forests of NSW (SF NSW) (1999) and the NSW Bush Fire Service (1998) to be selective, each consider consultation with Wiradjuri peoples as a vital ingredient in the management of sites. This may be so, however the NSW NPWS have noted that there are many Wiradjuri sites that have been and still are being destroyed. The Service lays part of the blame on developers not meeting or fulfilling obligations (NSW NPWS, 1986). Who's minding the shop? What about the moral and legal obligations of the NSW NPWS to the protection and preservation of Wiradjuri sites? Does the Service recognise the existence of the Wiradjuri Council of Elders and if so does it consult with them at all times? How many sites has the Service protected and preserved in Wiradjuri country due to the process of consultation? How many Wiradjuri sites should have, but have not been, protected and preserved after consulting with Wiradjuri Elders? How many Wiradjuri sites on the Sites Register have been physically protected? How many individuals, organisations or agencies have been prosecuted for vandalising, damaging or destroying Wiradjuri sites?

The NSW National Parks & Wildlife Service maintains that it does consult

with Wiradjuri and other Indigenous peoples, but there are areas of ambiguity and incorrectness associated with some of the statements that emanate from the corridors of power. An example is warranted here. The Plan of Management for Kosciusko National Park in 1988 stated that *"there are 87 recorded Aboriginal sites in Kosciusko National Park such as; surface artefacts, ceremonial grounds, stone arrangements, burial sites, scarred trees, grinding grooves and rock shelters with deposits"* (NSW NPWS, 1988, p. 27). On the very next page of the document is the statement that *"no sites of significance to Aboriginal people are currently known"* (NSW NPWS, 1988, p. 28). The question of who recorded the sites and who has valued the sites as not being significant to any Indigenous peoples could well be asked.

3. WESTERN MODELS

Western models of consultation are described by Blair and Feary (1995, p. 15) as *"sometimes simplistic, 'scientific' models which can be perceived by some as a form of cultural imperialism"*. General Recommendation XXIII, of the Convention on the Elimination of Racial Discrimination (Native Title Report, 2000, p. 13) calls on governments to *"ensure that members of Indigenous peoples have equal rights in respect of effective participation in public life, and that no decisions directly relating to their rights and interests are taken without their informed consent"*.

How can this be possible when most models have never had input from Indigenous peoples on the whole, let alone input from Wiradjuri peoples? Most have not looked beyond a western perspective on consulting with Indigenous peoples and most still refer to the traditional owners of the land as something other than Wiradjuri, such as 'Aboriginals' and therein, according to the Elders, lies part of the problem.

Australia as it is now known, is a multicultural country. Many people come from Anglo-Celtic, Asian, Greek or Italian backgrounds, just to name a few. They are treated as separate cultural groups by the majority of Australian people including and most importantly, government departments and agencies (Johnston, 1992; NSW Heritage Office, 2002). Indigenous peoples are not.

Indigenous peoples, however, are thrown into the same box and labelled as 'Aborigines', 'Aboriginal', 'Blacks', or Indigenous with the analogy that one model fits all. It is time that governments realised that Indigenous Australian communities have separate identities (Mathews, 1897, 1909; Jardine, 1901; Baylis, 1927; Berndt, 1947; Craze, 1977; Freeman, 1982; Merritt, 1983; Gammage, 1983; Flood, 1984; Donaldson, 1985; Craven, 1999) such as Barkandji, Yorta Yorta, Nyampaa, Mathi Mathi, Nganuwal, and Wiradjuri, to name just a few, and started to consult with each—in their own separate cultural capacity, and thereby respecting their specific cultural identity. Indeed, separate models of consultation *should* be developed to recognise the different demands brought about by this cultural diversity rather than have inappropriate models pushed, that in the short term may act as a bandaid, but in the long term, do not stop the bleeding.

4. APPROPRIATE CONTACTS

But who speaks for Wiradjuri? Where can they be located? Identifying and locating the appropriate representatives of Wiradjuri people is a fairly simple process. The NSW Aboriginal Land Council (NSWALC), the Local Aboriginal Land Council (LALC) and the Aboriginal and Torres Strait Islander Commission (ATSIC) can provide contact details of the Wiradjuri Council of Elders who in turn will provide the necessary information needed to begin the process of consultation.

Where is Wiradjuri country though? Wiradjuri country is situated in central and southern New South Wales, Australia. There are differing opinions on where Wiradjuri country starts and ends however, as can be seen through work done by Macdonald (1983) which conflicts with that of the Wiradjuri Elders.

Regardless of where Wiradjuri country is, the importance of consulting and forming some kind of partnership with Wiradjuri peoples cannot be underestimated. It is imperative that Wiradjuri peoples are consulted on all issues relevant to them. It is not appropriate that other Indigenous peoples make decisions for Wiradjuri unless specifically directed to by the appropriate Wiradjuri peoples. The appropriate peoples in Wiradjuri country are the Elders, the knowledge holders, the Native Title claimants and the broader Wiradjuri community (Laidlaw, 1990). Spitzer (1992) comments that crucial to the formation of partnerships is understanding that local people must be involved, must be consulted on all issues regarded as 'local'. Broad community support is needed if decisions are to be long lasting and successful.

5. WHY CONSULT?

The reason for consulting with Wiradjuri peoples according to the Australian Heritage Commission (AHC) is to counteract deliberate and systematic disempowerment of Wiradjuri rights (AHC, 1997a) but at the same time, must be undertaken in partnership and in such a way as to be deemed culturally appropriate (AHC, 1997b). As stated earlier in this paper, Wiradjuri peoples should be consulted on all issues relevant to them. This includes the protection and management of Wiradjuri heritage. Pocock and Bennell (1997) comment that most Wiradjuri peoples would like to see a greater role provided for them when it comes to the protection and preservation of their cultural material. In the legal sense this does not occur that often as recognised by Janke (1997, p. 66) who stated that *"there are no provisions under the National Parks and Wildlife Act 1974 (the main legislation that deals with the protection and preservation of Wiradjuri heritage (defined as relics and places) for access, management, or control by Wiradjuri people of Wiradjuri sites"*.

It is very important that all consultation take place in an environment in which Wiradjuri peoples are comfortable, one in which all participants are responsive (de Vaus, 1985) and one in which people, both Wiradjuri or otherwise, are treated with respect (Paxinos, 2002). Circumstances are not always the same however. There will be times when consultation must be fast-tracked such as when an activity poses an unforeseen or immediate danger to a

site. Regardless of the state of emergency, consultation must take place with the appropriate people. What must not be allowed to happen, under any circumstances however, are the statements that; *"the Service will rekindle and develop its former distinguished role in natural and cultural heritage interpretation and community education"* and that *"the Service should become the primary NSW agency involved in 'telling the stories' of NSW's landscapes and important cultural sites to the people"* (NSW NPWS, 1998, p. 8).

There is no ambiguity, no incorrectness attached to this statement. The Service knows precisely what it is saying here. It is saying that they have the control, the power over the sites and will utilise this power in such a way as to by-pass the very people that they say should not be; the Indigenous peoples, the rightful custodians! In this paper, the Wiradjuri.

There will also be times when, with prior notice, the Wiradjuri Council of Elders, knowledge holders, Native Title claimants and the Wiradjuri community all have the chance to sit and speak with individuals, organisations or agencies in relation to impending activities in Wiradjuri country. The Department of Land & Water Conservation (DLWC) states that this of course must be undertaken in the embryonic stages so that the knowledge, interests, beliefs, culture and customs are adequately addressed (DLWC, n.d.).

6. A WIRADJURI COUNCIL OF ELDERS MODEL?

Would a 'Wiradjuri Council of Elders Model for Consultation' work where others have not? At the moment consultation between Wiradjuri and non-Indigenous people is referred to by Wiradjuri peoples as ad-hoc, tokenistic, inadequate or simply not working at all.

"At the moment what we have is [that] they give us a piece of paper and tell us that these are the rules [that] we have to follow. They didn't come and speak with us, listen to us, hear us. Hear us means they take into consideration our concerns and deal with us in the right way [this] paper they give us is nothing but [expletive deleted] paper" (Wiradjuri Elder 2002).

Many of those who advocate for consultation appear on the surface at least, to be heading in the right direction. They endorse and embrace consultation with Indigenous peoples, comment that they understand that the needs and concerns of Indigenous peoples should be taken into account in relation to any issue that affects them, but then they lose the plot! They push their own strategy or model for consultation as commented on by Selin and Chavez (1995) which have had no Indigenous input. Perhaps the problem may be that there are very few consultation strategies and models that have been written by Indigenous peoples themselves.

A model of consultation, developed by Wiradjuri peoples would at least have the interests of Wiradjuri at its core. As the Elders come from all parts of Wiradjuri country, they are aware of the issues that confront them and their people on a daily basis. Any person, either as an individual, or as a representative of an organisation or agency wishing to undertake an activity of any kind, would have no problem contacting an Elder regardless of where in

Wiradjuri country they were situated. In many cases the Elders would know of the stories attached to the sites in their respective areas and the stories could, where appropriate, be told as part of assessing the significance of those sites.

It would appear that most models of consultation are not flexible, they are not able to adapt to conditions that differ from one clan group to another, from one issue to another and from one part of country to another. The Elders, coming from all parts of Wiradjuri country and from all different clan groups can bring flexibility to a model that takes into account for example that flora and fauna, fire-trail and heritage management issues are, or can be different from those around it.

7. CONCLUSION

In most cases, in regards to the current state of affairs, it is perceived as not appropriate that policies, plans of management, or models for consultation etc are developed without Wiradjuri input and then given to them as some kind of game plan. Perhaps the time has come for individuals, organisations or government agencies that wish to impact in any way on Wiradjuri country, to be obliged to consult under a Wiradjuri model. General Recommendation XXIII may then be closer to becoming reality, rather than a pipedream. The comments by NSW NPWS (1998) will be introduced to the paper shredder where they belong and the case of the Kosciusko nightmare would not occur again. The development of a model for consultation by Wiradjuri may not be the panacea for all Wiradjuri concerns but surely this paper has highlighted that such a model is justified.

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