

Welcome to and Acknowledgement of Country

Current as at June 2022

Purpose

The Law Society of NSW 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 reader to determine when it might be appropriate for a Welcome to Country to be performed, or when an Acknowledgement of Country should be given (or both), at Law Society events and meetings, and to provide information on who can make or give a Welcome or Acknowledgement. This document also briefly explains the significance of these protocols and why the Law Society observes them.

What does Country mean?

Country is central to Indigenous laws and customs, defining (among other things) a person's identity and relationships of kinship. According to the Australian Institute of Aboriginal and Torres Strait Islander Studies:

Country is the term often used by Aboriginal peoples to describe the lands, waterways and seas to which they are connected. The term contains complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity.²

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

¹ The Law 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 AIATSIS, Welcome to Country, <https://aiatsis.gov.au/explore/welcome-country#:~:text=Country%20is%20the%20term%20often,material%20sustenance%2C%20family%20and%20identity>

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.³

Why observe Welcome to and Acknowledgement of Country?

The Law 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 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.

Reconciliation Australia notes that:

Aboriginal and Torres Strait Islander peoples have experienced a long history of exclusion from Australian history books, the Australian flag, the Australian anthem and for many years, Australian democracy.

This history of dispossession and colonisation lies at the heart of the disparity between Aboriginal and Torres Strait Islander and other Australians today.

³ Professor Mick Dodson, Speech at the Australian of the Year at the National Press Club, 17 February 2009.

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

Including recognition of Aboriginal and Torres Strait Islander peoples in events, meetings and national symbols contributes to ending the exclusion that has been so damaging.⁵

Observing the protocols for Welcome to and Acknowledgement of Country is one way in which the Law Society can put into practice its recognition and respect for the ongoing relationships that Aboriginal Peoples have with land and waters.

What is Welcome to Country and who can give it?

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 be given 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 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 given, 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 Law Society's membership may be present, such as the Opening of Law Term and the Annual Members Dinner.

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. If there is uncertainty as to whether a Welcome to Country should be given and who should give it, the local Aboriginal land council should be consulted. The NSW Aboriginal Land Council can advise on the local Aboriginal land council in the area.

⁵ Reconciliation Australia, *Acknowledgement of Country and Welcome to Country*, <https://www.reconciliation.org.au/acknowledgement-of-country-and-welcome-to-country/>

What is an Acknowledgement of Country and who can make it?

Unlike a Welcome to Country, anyone, Aboriginal or non-Aboriginal, can acknowledge country. 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 given 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 is some basic text of how country can be acknowledged at events taking place, for example, 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 Law 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.

When acknowledging country virtually, the meeting host might acknowledge the country they are physically attending from, as well as acknowledge that the Law Society's building is on Gadigal land, and consider inviting the other meeting/event attendees to acknowledge the country that they are attending from in the chat/text function.

As Shelly Reys notes in her TEDxSydney talk, "Deliver an Acknowledgement of Country that really means something",⁶ the critical aspect of acknowledging country is a considered personal connection to the acknowledgement that the lands on which we work, live and play are lands with which Aboriginal peoples have continuing relationships.

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.

⁶ Shelly Reys, "Deliver an Acknowledgement of Country that really means something," TEDxSydney, available here. https://www.youtube.com/watch?v=zx018_7BDt4

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.

Relevant contacts

Staff Contact:

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

External contacts:

NSW Aboriginal Land Council

Tel: 02 9689 4444

Fax: 02 9687 1234

Head Office: Level 5, 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: bookings@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/>

NTSCORP can be an alternate source of advice in identifying the appropriate Aboriginal owners of land.