



New Perth Stadium

Draft Aboriginal Engagement Strategy

Note:

The draft Aboriginal Engagement Strategy has been prepared to outline the principles and intent applicable to the Project and is anticipated to be finalised in the short term between the State and the Whadjuk Working Party. As each phase of the Project is developed (eg construction phase and operating phase) this information will be used to inform the Aboriginal Engagement Strategy. This information will be included in the Aboriginal Engagement Strategy as a schedule/attachment, in consultation with the Whadjuk Working Party. It is not the State's intention that amendments to the principles and intent set out in the Aboriginal Engagement Strategy give rise to additional costs to Project Co and should any such amendments give rise to reasonable additional Project Co costs, Project Co may issue a Modification Quote to the State in accordance with Clause 33 of this Agreement and the process for determining the Modification Order in that Clause will apply except that the State must issue a Modification Order either as agreed under Clause 33 or determined in accordance with Clause 45.

Contents

1. Introduction.....	3
2. Principles	4
3. Consultation	6
3.1. Initial Liaison with SWALSC.....	6
3.2. First Consultation Meeting with the Whadjuk Working Party (October 2012).....	7
3.3. Second Consultation Meeting with the Whadjuk Working Party (January 2013).....	7
3.4. Third Consultation Meeting with the Whadjuk Working Party (February 2013).....	7
3.5. Fourth Consultation Meeting (June 2013).....	8
4. Engagement Process	8
4.1. Consultation Meetings	8
4.2. Environment, Culture and Heritage	9
4.3. Cultural Interpretation in the Design and Construction.....	10
4.3.1. Interactive Tender Process	10
4.3.2. Site Monitoring.....	11
4.3.3. Consultation Meetings with Project Team	11
4.4. Enterprise and Business Opportunities	11
4.4.1. EKJV Traineeships	12
4.4.2. EKJV Employment Opportunities.....	13
4.4.3. EKJV Aboriginal Business Participation.....	13
5. Opportunities through other Project Elements	14

1. Introduction

This draft Engagement Strategy has been developed as part of the new Perth Stadium Project (**the Project**) to be constructed on the Burswood Peninsula on the banks of the Swan River. The draft Engagement Strategy forms a living document that will be adjusted over time in consultation with the Whadjuk Working Party.

The Project comprises the development of a 60,000 seat multi-sport stadium in a parkland setting that was formerly the 'northern nine holes' of the Burswood Park Golf Course. The Stadium will be surrounded by a Sports Precinct that will initially include a large community recreation oval, plus the State Tennis Centre. The Sports Precinct has the potential to grow through the future development of the land that was the 'former southern nine holes' of the Golf Course. The Project also includes transport infrastructure that comprises upgrades to the Belmont Park Rail Station (and associated rail lines), modifications to the Victoria Park Drive bridge that crosses the rail lines, an under pass near the Rail Station across Victoria Park Drive, and a new pedestrian bridge across the Swan River to East Perth.

The Western Australian Government has designated the new Perth Stadium project a "major project" and has assigned leadership for its master planning to the Strategic Projects division of the Department of Treasury (**Strategic Projects**).

Strategic Projects is liaising closely with the Public Transport Authority (**PTA**) and Main Roads WA (**MRWA**) to ensure a coordinated approach to the overall Project planning and delivery.

Strategic Projects is adhering to the Government's *Aboriginal Cultural Heritage Protocol* which identifies the Whadjuk Community as having "*the primary and principle demonstrable ancestral links to the Whadjuk claim area*" and accordingly Strategic Project's, in liaison with the South West Land and Sea Council (**SWALSC**), are consulting with the Whadjuk Working Party.

The purpose of this document is to enable Strategic Projects to continue to engage effectively with the Aboriginal community in relation to the Project. It is essential that the Whadjuk Working Party has meaningful participation in the development process for the Project, and has opportunities to participate during the design processes to recognise both Noongar men and women's cultural connections to country, and to ensure that this is appropriately incorporated and interpreted through the Project.

This document identifies the engagement which has occurred to date with the Whadjuk Working Party and outlines the opportunities available to encourage full and proper participation by the Noongar community in the Project. The key elements of the document include:

- Principles
- Protocols
- Engagement Process

2. Principles

Any consultation, dialogue discussion, negotiation or conversation with the Noongar community should be based on fundamental principles to ensure their meaningful participation in decision making. These principles include:

Free, prior and informed consent

Consultation should include the provision of sufficient information for people to make an informed decision about the activity with sufficient time to consider options and discuss with other members of the community.

Mutual Respect

It is essential that the consultation process demonstrates respect for the views of both parties. Respect for consultation protocols and cultural values will build the respect of the Noongar community and establish a positive and long term relationship.

Nation building / relationship building – equal partnership between Noongar and non-Noongar communities

The purpose of consultation is to develop a relationship based on trust and understanding as well as mutual respect. Acknowledging the views and opinions of the Noongar community and actively adopting their ideas and suggestions, including demonstrating and understanding of Noongar values, will lead to a richer community with beneficial outcomes for all.

Acknowledgement of Noongar country

Acknowledgement of Traditional Owners of Noongar country is fundamental to building a positive relationship. Statements acknowledging prior possession and occupation of country for at least 45,000 years are essential elements of understanding Noongar values.

Acknowledgement of Noongar knowledge and expertise

Noongars have at least 45,000 years of built up knowledge and expertise in having a harmonious relationship with the environment and country. By way of example, the Noongar community can bring a special expertise to managing the environment that can add value to any scientific and environmental management process.

Understanding that Noongars live their culture

Noongar culture is not something that is 'practiced' when an opportunity presents itself. Culture is the lived and living experience of day to day life – an active relationship between people, families, family life, traditions and country. Noongar culture is constantly enriched through history and experience. It should be respected and acknowledged that Noongar culture has also been shaped by a unique history based on oppression, dispossession, disempowerment and racism.

Women's / Men's Business

Men and Women in the Noongar community have different cultural responsibilities. These different responsibilities have to be recognised and respected. It is important to follow certain protocols to ensure a successful consultation process. Proponents of projects should be mindful of these protocols and develop the consultation process with these in mind.

Early engagement

To ensure meaningful participation of the Noongar community, it is important to engage early with the relevant groups to ensure a more integrated and beneficial outcome. Ongoing contact with groups is important to ensure the relationship remains positive.

Create Realistic Timeframes

Noongar governance processes are complex with extended family networks needing to be kept informed as part of the consultation process. It is important to recognise that meaningful engagement will take time, and sufficient time for proposals will be required for consideration by the Noongar community. It is also important to remember that Noongar Elders and spokespeople often have competing commitments and are usually engaged in multiple projects.

Cultural Protocols

It is respectful to seek permission before taking photos of people as well as using their quotes and information. It is important to remember that attending funerals for sorry business will always take precedence over other commitments.

Resources

Full and effective participation requires fair and equitable resources to achieve beneficial outcomes. Noongar expertise is a commodity and should not be exploited. Generally, Noongars lack the personal resources to enable their constant involvement and therefore resources should be provided for services rendered. Resources may include:

- Welcome to Country expenses
- Consultation fees
- Meeting expenses
- Admin support
- Catering
- Transport / travel allowance

Welcome to Country / Acknowledgement of Country

It may be appropriate to engage a recognised Elder in their local community to conduct a Welcome to Country as a courtesy and acknowledgement of the Traditional Owners at

meetings. The South West Aboriginal Land and Sea Council can assist in providing appropriate people to conduct such work. A statement of acknowledgement, as a sign of respect, should be made by the convenors at the start of each official meeting.

Intellectual Property Rights

Cultural and intellectual property rights should be recognised and protected. Approval must be given by an appropriate Noongar representative on the use and representation of Noongar heritage, language, culture and intellectual property.

Essentially, Aboriginal cultural and intellectual property refers to Aboriginal peoples' rights to their heritage. 'Heritage' consists of the tangible and intangible aspects of the body of cultural practices, resources and knowledge systems that have been developed, nurtured and refined (and continue to be developed, nurtured and refined) by Aboriginal people and passed on by Aboriginal people as part of expressing their cultural identity.

Confidentiality

The purpose for which information is obtained and used should be a source of constant negotiation and agreement. Confidentiality and privacy are serious issues for the Noongar community, particularly information that is culturally complex such as 'women's business' or 'men's business'. Such information should be acknowledged and recorded or stored in a respectful and culturally appropriate way.

Showing Results

Demonstrating that Noongar concerns, suggestions and ideas have been taken into consideration is critical to building an enduring and respectful relationship. Meaningful engagement also involves continual involvement of the Noongar community in processes and timelines. Noongars should share in any economic opportunities from the project and be able to take advantage of any future opportunities for participation.

3. Consultation

Strategic Projects, in liaison with SWALSC has commenced a process of engagement with the Whadjuk Working party, as follows:

3.1. Initial Liaison with SWALSC

SWALSC identified the Whadjuk Working Party as the Traditional Owners of the land who have an interest in the new Perth Stadium project site and assisted Strategic Projects to establish contact with members of the Whadjuk Working Party.

3.2. First Consultation Meeting with the Whadjuk Working Party (October 2012)

Strategic Projects provided an overview of the Project to the Whadjuk Working Party and SWALSC and sought the support of the Whadjuk for a Regulation 10 application under the *Aboriginal Heritage Act 1972 (WA)* (**the Act**) to undertake environmental testing in the Swan River and advised of the Section 18 application required for the Project's delivery phase.

The outcomes from the meeting included an agreement on a schedule of consultation meetings between Strategic Projects and the Whadjuk Working Party.

3.3. Second Consultation Meeting with the Whadjuk Working Party (January 2013)

The second consultation meeting with the Whadjuk Working Party provided an opportunity for the Strategic Project's team to provide the Whadjuk Working Party with an in-depth overview of the Project. This included a presentation from the Project team's geotechnical consultant who provided a background on the underlying ground conditions and the historic land uses on the Burswood Peninsula. The Project team's consultant archaeologist also provided a presentation on the outcomes of the desktop archaeological review undertaken over the site which explored the potential for any buried remains or artefacts to be present on the site.

The meeting also provided an opportunity to identify the main topics for discussion at subsequent meetings, including an engagement strategy and an Aboriginal Heritage Management Plan.

The Whadjuk Working Party agreed at this meeting to support the Project's Section 18 application under the Act subject to a number of conditions being satisfied over the course of the planned future consultation meetings, including:

- development of an engagement strategy;
- preparation of a Monitoring Management Plan; and
- preparation of an Aboriginal Heritage Management Plan.

3.4. Third Consultation Meeting with the Whadjuk Working Party (February 2013)

This meeting focused on the process through which Aboriginal heritage and culture could be incorporated and interpreted in the Project. Detailed discussion was held during an all day workshop on the proposed engagement strategy, with the Whadjuk Working Party identifying three streams of interest:

1. Environment and Heritage: such as river, lakes, plants, and dreaming stories.
2. Culture and Capacity Building: such as art, cultural centre, advisory roles, design input, representation in project governance and site monitoring.

3. Enterprise and Business Opportunities: such as tenders and contracts, security, painting, tourism, food and beverage.

The Whadjuk Working Party compiled a comprehensive list of elements which could be considered for potential inclusion or interpretation into the Stadium and sports precinct design, including art, a cultural centre, sport, bush tucker, healing areas, reflection areas, language, stories, fire, seating areas, statues, the Wagyl, dancing, turtles, medicine, pelicans, eagles etc.

3.5. Fourth Consultation Meeting (June 2013)

A further meeting with the Whadjuk Working Party is scheduled for June 2013 where Strategic Projects will provide a draft Aboriginal Heritage Management Plan (incorporating a Monitoring Plan) and draft Engagement Strategy for discussion.

4. Engagement Process

This Engagement Strategy for the new Perth Stadium Project has been developed to address the following matters:

1. Consultation Meetings
2. Environment, Culture and Heritage
3. Cultural Interpretation within the Design and Construction
4. Enterprise and Business Opportunities

4.1. Consultation Meetings

The consultation meetings between Strategic Projects and the Whadjuk Working Party have been an important part of the Engagement process to date and have been invaluable in progressing the Project. It is important that further consultation meetings are scheduled to ensure meaningful consultation and engagement during the life of the Project.

The various elements of the Project will progress in particular phases and a consultation meeting with the Whadjuk Working Party at each of the major milestones in the project will provide an opportunity to consult. The key elements of the Project that will be considered are:

- Preconstruction Site Works – led by Strategic Projects
- Stadium and Sports Precinct Works - led by Strategic Projects
- Belmont Park Rail and Bridge Works (including the underpass) in Victoria Park Drive – led by PTA and MRWA
- Swan River Pedestrian Bridge – led by MRWA

The potential phases for consultation include:

- (i) Planning phase,
- (ii) Design Development phase (which may have an Interactive Tendering Process),
- (iii) Construction Phase, and
- (iv) Operating Phase

All elements of the project are currently within the Planning phase, except for the Preconstruction Site Works, which is now in its Design Development phase – with the design and construct contract awarded on 16 May 2013.

4.2. Environment, Culture and Heritage

The Project is located in a very sensitive area where protection of the environment, particularly the Swan River, is a priority for the Project. The additional sensitivity of the site is that it holds significant cultural and heritage importance to the Aboriginal community reflected in the Registered Sites of Aboriginal Significance contained within the site.

The protection of the environment and recognition and interpretation of Aboriginal culture and heritage are very important objectives for the Project and as such were included in the contract documents for the Preconstruction Site Works and will be included in the contract documents being prepared for the design and construction of the other elements of the Project.

The contract documents will include specific requirements for the recognition and interpretation of the local Aboriginal culture and heritage of the site, including the Swan River. This will be an important consideration in the evaluation of the design lodged by the Respondents.

The Whadjuk Working Party identified a comprehensive list of cultural and heritage elements which could be considered for inclusion or interpretation in the design of the Stadium, the Sports Precinct and the Swan River Pedestrian Bridge. Examples include:

- The Wagyl
- Turtles
- Vegetation (including male and female Sheoaks, bush tucker, bush medicine)
- Healing areas
- Reflection areas
- Language
- Stories
- Seating areas
- Statues

- Fire
- Dancing
- Aboriginal Art

In addition, other requirements will be included within the contract documents to ensure protection of the environment and inclusion of Aboriginal culture and heritage within the Project, including:

- Preparation of a **Construction Environmental Management Plan** in accordance with the State's Environmental Management Strategy Plan which identifies the environmental objectives for the Project to ensure protection of the environment. It also identifies the objectives for protecting sites of Aboriginal significance, risks to Aboriginal heritage and cultural sites, and management and mitigation measures to be implemented to minimise impacts to Aboriginal and heritage values during works.
- Preparation of a **Landscape Management Plan** which recognises and interprets local Aboriginal heritage and culture in the soft landscaping and planting and in the design of the hard landscaping of the Sports Precinct ;
- Preparation of a **Rehabilitation Management Plan** which focuses on the revegetation of the Swan River foreshore and the River-Fed Lake within the Sports Precinct.
- Compliance with the **Aboriginal Heritage Management Plan** prepared for the Project area which identifies the management measures to be implemented to protect and manage the Registered Sites of Aboriginal Significance.

It is also anticipated that Aboriginal ceremonies may occur on the Project site. To date, a smoking ceremony has taken place in association with the environmental investigation on the Swan River.

4.3. Cultural Interpretation in the Design and Construction

The Project provides the opportunity for direct engagement with the project designers and constructors through the following:

4.3.1. Interactive Tender Process

Due to its scale and complexity, the procurement process for the design and construction of the Stadium and Sports Precinct will include an "Interactive Tender Process (ITP)", which provides the Respondents with an opportunity to clarify aspects of the Project brief with the Project team, before they finalise their bid documents. Representatives from the Whadjuk Working Party will be invited to participate in an ITP workshop (subject to the strict conditions of participation that ensure that the probity of the tendering process is maintained).

Participation in the ITP workshop would provide an opportunity for Whadjuk Working Party representatives to emphasise the Aboriginal cultural and heritage significance of the Project

area and to brief the short listed Respondents on those cultural and heritage elements which could be considered for interpretation/incorporation in the design of the Stadium and the Sports Precinct.

Due to their smaller scale and traditional procurement processes, the other elements of the Project are not likely to incorporate an ITP.

4.3.2. Site Monitoring

The Project includes certain construction works which may have an impact on Registered Aboriginal Sites of Significance. The engagement of Aboriginal monitors during certain project works will ensure that the Project receives appropriate advice during construction works to ensure appropriate protection and management of Aboriginal artefact and cultural values. A Monitoring Management Plan has been prepared and included within the Aboriginal Heritage Management Plan and provides guidelines on the Monitoring requirements for the Project to ensure an ongoing role for the Aboriginal community in the Project.

4.3.3. Consultation Meetings with Project Team

The consultation meetings between Strategic Projects and the Whadjuk Working will continue through the life of the Project. These meetings will ensure the ongoing involvement of the Whadjuk Working Party in the Project.

4.4. Enterprise and Business Opportunities

The Project provides tangible ways in which the Aboriginal community can be engaged in a meaningful way through training and employment opportunities associated with the construction of the Project.

For example, a requirement was included in the tender documents for the Preconstruction Site Works for respondents to prepare an **Indigenous Recognition and Engagement Plan** to demonstrate how they would (if successful with their bid) engage with the Aboriginal community in providing training and employment opportunities during the project works.

A Joint venture between Ertech and Keller (**EKJV**) has recently been contracted to undertake the Preconstruction Site Works to prepare the ground for the development of the Stadium and certain aspects of the Sports Precinct and Transport infrastructure, and their Indigenous Recognition and Engagement Plan has been incorporated into that contract.

EKJV has an established Indigenous Engagement and Development Programme which has gained industry support over a number of years. The Programme seeks to provide the local Aboriginal community with the skills necessary to participate in employment as well as develop local capacity by providing opportunities to participate in the Project. It also provides foundation skills that will be of benefit beyond the life of the contract.

This approach is to be adopted during the Preconstruction Site Works with EKJV committed to the following:

- establishing a work environment that is welcoming, respectful and understanding of Aboriginal people and culture;
- assisting Aboriginal people to develop “work readiness” skills;
- providing on-the-job training for semi-skilled labour;
- providing individuals with the opportunity to undertake formal training, traineeships and/or apprenticeships; and
- mentoring Aboriginal small businesses to develop industry specific business skill.

EKJV’s approach during the Preconstruction Site Works also provides opportunities for:

- Traineeships
- Employment
- Aboriginal Business Participation

4.4.1. EKJV Traineeships

The 12 month construction phase of the Preconstruction Site Works provides an opportunity for EKJV to include traineeships as part of the approach to engagement. EKJV has extensive experience in engaging with school based trainees through the Ertech Construction Academy (ECA), which was established in 2008 with the aim of providing a pathway into the construction industry for young Aboriginal people. The initiative has support from education and industry leaders including Clontarf Aboriginal College and TAFE.

The ECA provides students enrolled in Year 11 and 12 the opportunity to achieve nationally recognised Certificate I and Certificate II qualifications in Construction through on-site training and work-place experience while still attending school.

EKJV advise that 75 trainees have graduated from the ECA since 2008, with graduates finding immediate employment, with more than 75% remaining employed in the construction industry.

Following completion of the Certificate II training, Trainees then undertake real work experience on site as working Trainees which takes approximately 12 weeks, with Trainees then integrated into the workforce as productive team members.

The trainees are typically sourced from Clontarf Aboriginal College, local schools and TAFE. EKJV will continue with this programme during the Preconstruction Site Works to identify opportunities to engage with Aboriginal trainees.

4.4.2. EKJV Employment Opportunities

EKJV considers the employment, training, development and mentoring of Aboriginal people to be closely intertwined and have a preference for employing Aboriginal candidates rather than using labour hire companies.

EKJV's employment and skills development programme encompasses three levels:

- Basic: employ individuals to perform general labouring tasks;
- Intermediate: provide on-the-job training for semi-skilled labour; and
- Highly skilled: provides individuals with the opportunity to undertake formal training and /or apprenticeships.

EKJV will work with Aboriginal training and development organisations for support in providing the appropriate training for each Aboriginal employee engaged in the Project.

EKJV believes in providing long term career paths for their Aboriginal employees and therefore, existing employees will be assessed for their suitability to the roles in the Project. Where the existing employees are not deemed suitable, EKJV will source Aboriginal candidates through their established recruitment channels which include working with Aboriginal community groups, businesses and associations.

4.4.3. EKJV Aboriginal Business Participation

EKJV believes that developing Aboriginal businesses contributes to improving both employment levels and the economic base of Aboriginal communities. EKJV is committed to engaging with the local businesses and associations to optimise opportunities for Aboriginal businesses on the Project.

Mechanisms to engage Aboriginal businesses on the Project will include:

- utilising Aboriginal Business Registers, local Aboriginal business representatives or associations to identify local businesses capable of providing the required service or materials; and
- encouraging suitable Aboriginal businesses to bid on any subcontract packages advertised by EKJV in accordance with EKJV Supplier Prequalification requirements.

Opportunities to engage Aboriginal businesses may include:

- Cultural awareness consultancy services
- Recruitment, labour hire or training service providers
- Equipment hire companies
- Subcontractors/suppliers capable of delivering subcontract packages or products.

5. Opportunities through other Project Elements

The procurement processes for the Stadium and Sports Precinct, the Belmont Park Rail Station upgrade, and the Swan River Pedestrian Bridge will also seek to involve the Aboriginal community in a similar way to the Preconstruction Site Works – through proponents including an Indigenous Recognition and Engagement Plan in their bids.

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