

# ENGAGING

*A Guide to Interacting Respectfully and Reciprocally with Aboriginal and Torres Strait Islander People, and their Arts Practices and Intellectual Property*



**Australian Government**  
**Indigenous Culture Support**

Zuckermann, Ghil'ad et al. 2015.

*ENGAGING – A Guide to Interacting Respectfully and Reciprocally with Aboriginal and Torres Strait Islander People, and their Arts Practices and Intellectual Property.*

*Australian Government: Indigenous Culture Support.*

Cover image:

*Stormy Galinyala (=Port Lincoln), South Australia.*

*Wadlada is the Barngarla Aboriginal language word for both 'tree' and 'communication'.*

*iPhone Photo: Professor Ghil'ad Zuckermann, Galinyala (Port Lincoln), South Australia, 2015*



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*Ngadlu tampintheta Kurna miyurna yarta mathanya Wama Tarntanyaku.*

*'We recognise that Kurna people are the land-owners and custodians of the Adelaide Plains.'*

# About this Guide

This guide consists of recommendations for engaging with Aboriginal and Torres Strait Islander arts practices.

The guide is intended to assist students and academics across Australia, especially in an Arts faculty (Humanities and Social Sciences). Undergraduates, postgraduates and teaching staff members in the visual, musical and performance arts, linguists, anthropologists, sociologists, historians, public intellectuals etc. can use the guide to engage with 'Traditional Cultural Expressions' (a.k.a. TCEs) such as song, dance, visual arts and stories, in a way that is respectful, reciprocal and benefits all.

If you are a **student** interested in Indigenous Traditional Cultural Expressions and traditional cultural knowledge systems, the guide will show you how to connect with communities in a culturally appropriate and positive way, and get your head around important issues like copyright.

Here are five pointers to get you started:

1. Establish trust with Indigenous people and speech-cultural communities and wait patiently for their invitation to talk about your queries on the meaning of symbols, stories and motifs.
2. Ask if it is at all appropriate to even enquire about the meaning of any symbols, stories and motifs. They might be sacred or secret. Respect fully people's right to say (sometimes indirectly) no.
3. Only if you have received an invitation and are certain that you are not causing offence, ask about the meaning of symbols, stories or motifs that are culturally public.
4. Get permission from Traditional Custodians and appropriate Indigenous people for your project. Do not ignore knowledge holders who are quiet or marginalised. Take into consideration practices of social inclusion within the speech-cultural community that you would like to research in.
5. Share the benefits of your work with your informants, their families and their community. Make sure you add references to them within your published work. Provide them with copies of all your work. Give back to those who assist you. Be reciprocal.

The guide will help you:

- Reach a deeper understanding of cultures.
- Feel confident in engaging with traditional cultures and knowledge systems.
- Build lasting relationships with communities.
- Correctly handle paperwork, for example with regard to consent and permissions.
- Understand why art inspired by traditional cultures can be controversial, and how to avoid causing harm.
- Fathom intellectual property, with an easy guide to the ins and outs of copyright.
- Familiarise yourself with payment and other ways to share benefits with informants, their families and their communities.

If you are a **teaching staff member** in an Arts faculty, the guide can help you:

1. Discuss controversial topics. For example, where do we draw the line between inspiration and appropriation?
2. Easily handle paperwork, and understand intellectual property issues.
3. Find traditional owners and artists to speak to your students.

There are gaps in legal protection when it comes to intellectual property and Aboriginal and Torres Strait Islander arts practices and protocols. Reading this guide will help clarify the issues and concerns, and recommend ways for you to engage with Indigenous people. The laws and policies included within are current to 2015. However, information contained in this guide should not be considered as giving legal advice. Anyone requiring legal advice should speak to a qualified legal practitioner.

For **researchers** working with Aboriginal and Torres Strait Islander people, the sections on consent and intellectual property will be particularly useful. There is an example of a consent form in Appendix 2, from the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), which you can adapt and use for your projects. Please note, however, that some Indigenous people dislike this form in particular, and formality in general, because they have had a history of disempowerment with contracts and legalese agreements. Therefore, you should consider using a Permissions Form that has already been used by the specific community you are involved with and that protects the copyright interests of the community members and individuals.

The guide ought to be read in conjunction with your employer's policies and procedures.

Ghil'ad Zuckermann, 2015,  
Tartanya (=Adelaide in the Kurna Aboriginal language)

**Tartanya** is a blend of *tarnta+kanya*,  
from *tarnta* 'male red kangaroo' + *kanya* 'rock'  
(cf. *Adnya-mathanha* 'rock-people'), i.e. 'rock of the red kangaroo'.



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# Welcome

The aim of this guide is to give people the confidence to truly engage and collaborate with each other – to achieve goals that benefit all. We encourage you to create your own protocols, and hope that this guide will help you to design your own detailed map for your journey. Often, you will find that the journey itself is the reward.

With more than 250 speech-cultural communities across Australia (including the Torres Strait Islands), this guide is far from a complete resource. Although many groups have shared understandings of intellectual property and cultural protocols, differences ought to be respected. Whether you are an Indigenous person or not, you will need to consult about what is appropriate locally.

Indigenous peoples worldwide have rights, for example under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Universities ought to engage with communities in a way that respects these rights, regardless of whether these rights are part of ‘soft law’ or ‘hard law’ (see Zuckermann et al. 2014).

The purpose of this guide is to give general information about issues such as permissions, copyrights and patents. If you need to know how the law applies to a particular situation, please seek advice from a lawyer.

## Acknowledgements

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The following people, most of them Indigenous Australians, including Pama-Nyungan and non Pama-Nyungan Aboriginal people and Torres Straits Islanders, helped create this guide:

Professor Ghil’ad Zuckermann (Chair of Linguistics and Endangered Languages at the University of Adelaide, Elected Member of the Australian Institute of Aboriginal and Torres Strait Islander Studies, a.k.a. AIATSIS), Donna Marie Ifould (Bard, non Pama-Nyungan), Sarah Kellett, Patricia Adjei (Torres Straits Islander & Wuthathi, Cape York Peninsula), Professor Jaky Troy, Vicki Couzens, Dr Michael Walsh, Professor Lester-Irabinna Rigney, Michael Colbung, Stephen Atkinson, Dr Judith Bannister, Elise Lopez, Lur Alghurabi and Geoff Anderson.

None of the above, except Professor Ghil’ad Zuckermann, is responsible for anything written in this guide, which – like a dictionary of a living language – is an eternal work-in-progress.

Any feedback would be most welcome. Please direct comments to [ghilad.zuckermann@adelaide.edu.au](mailto:ghilad.zuckermann@adelaide.edu.au).

This guide, along with its updates and comments, can be found online at the following websites:

<http://www.zuckermann.org/guide.html>

<http://arts.adelaide.edu.au/linguistics/guide.pdf>

<https://www.facebook.com/ProfessorZuckermann>

<https://www.facebook.com/Revivalistics>

If you would like hard copies of this guide, please email your postal address to [ghilad.zuckermann@adelaide.edu.au](mailto:ghilad.zuckermann@adelaide.edu.au) or phone 08 8313 5247 or send a request to Professor Ghil’ad Zuckermann, Chair of Linguistics and Endangered Languages, School of Humanities, Faculty of Arts, The University of Adelaide, Adelaide SA 5005.





# Traditional Cultural Expressions

Aboriginal and Torres Strait Islander people have various rich cultural traditions that are expressed through songs, dances, stories, rituals, visual art and other media.

The phrase 'Traditional Cultural Expressions' (a.k.a. TCEs) appears throughout this guide because it is the phrase used by the World Intellectual Property Organization. However, it is an imperfect term that fails to capture the variety and vitality of Indigenous arts and intellectual property. Indigenous people have their own terms, for example cultural knowledge systems. The word 'traditional' can be interpreted in many ways, and it is used here in the most inclusive way possible – it does not at all exclude contemporary, emerging or hybrid styles.

The World Intellectual Property Organization defines Traditional Cultural Expressions as being any form of artistic and literary expression in which traditional culture and knowledge are embodied. They are transmitted from one generation to the next, and include handmade textiles, paintings, stories, legends, ceremonies, music, songs, rhythms and dance.

Traditional Cultural Expressions can include designs or styles that have meaning to a community and form part of their identity, heritage and body of cultural lore. The style may appear in many different works of art.

This makes it tricky to properly protect a Traditional Cultural Expression using Western law frameworks such as Copyright. Copyright applies only to a specific work (expression of an idea), not a style. Copyright normally belongs to the individual who created the work, but Traditional Cultural Expressions often belong to speech-cultural communities, not necessarily individuals.

Customary Laws provide better protection for Aboriginal and Torres Strait Islander Traditional Cultural Expressions. For example, Customary Law may say that only certain people and totemic groups can create certain types of artwork with sacred symbols. Artworks, music, stories and performances are intrinsically linked to both community and individual identity. Indigenous people often keep their cultural knowledge systems and languages primarily for themselves. There is also a strong gender division in traditional cultural knowledge in regards to dealing with Indigenous men and women.

Enforcing Customary Law within a Western law framework is difficult. The World Intellectual Property Organization (WIPO), <http://www.wipo.int/>, is trying to do that. As there are gaps in legal protection, it is important to be aware of the moral issues and to follow best ethical practice. Intellectuals should not ignore 'soft law'.

## Quick facts:

### Traditional Cultural Expressions

- Embody, and are intrinsic to, traditional culture and knowledge systems.
- Are transmitted from one generation to another.
- May include totemic designs, styles and motifs, not just specific artworks.
- Usually belong to Indigenous communities.

# United Nations Declaration on the Rights of Indigenous Peoples

There are international guiding principles protecting Indigenous intellectual property rights, such as the following sections from the United Nations Declaration on the Rights of Indigenous Peoples. Other useful documents are listed in Appendix 1.

## Article 11

1. Indigenous peoples have the right to practice and revitalise their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies, and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

## Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned.

## Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and Traditional Cultural Expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and Traditional Cultural Expressions.
2. In conjunction with Indigenous peoples, states shall take effective measures to recognise and protect the exercise of these rights.

# Being Inspired in a Collaborative Way by Indigenous Culture

The following is advice from Aboriginal Professor Jaky Troy in visual arts education. Professor Troy is a Ngarigu (Pama-Nyungan) woman, whose country lies in the Snowy Mountains of New South Wales.

*It is easy to engage with and be inspired by the works of Aboriginal and Torres Strait Islander artists and performers. Some of the most inspiring arts in Australia are being produced by Indigenous artists working with traditional practices and knowledge while pushing the boundaries of political and social thinking through their works.*

*No undergraduate should feel concerned about drawing inspiration and motivation for their own works from any Indigenous artist. My students became comfortable with drawing inspiration from Indigenous artists by attending exhibitions and events. There they could, with a little guidance, explore and develop their own practices and thinking, supported by access to the artists and curators.*

*There is much to be learnt from Indigenous artists of all traditions and genres, and delving into the processes of production and the meaning of the imagery will only help develop your own practices. Copying a work can be inappropriate because images and stories belong to particular individuals and are passed on through formal processes of Law. But taking inspiration from the language of the artists, the iconography and the techniques is normal practice for all artists.*

*To help you see how easy it is to engage with Indigenous art, let me tell you about how my students in visual arts education drew on the Yiwarra Kuju: Canning Stockroute exhibition at the National Museum of Australia, in 2010 ([http://www.nma.gov.au/exhibitions/yiwarra\\_kuju/home](http://www.nma.gov.au/exhibitions/yiwarra_kuju/home)). The exhibition contained a wide range of painted images produced by artists from Country in northwest Western Australia near the stockroute.*

*My students could see the bold and masterly use of colour, and the creative and free brush technique, appreciating that the paintings were created not on upright easels but on the ground with the artist working over the canvas. Often artists worked together at the same time. This different vantage point and way of working shaped the image.*

*The images also guided the students in thinking about developing an iconography of their own to indicate people, tracks and significant places.*

*With new perspectives on how to create imagery and map their environment, the students created artworks that described and chronicled their own significant places. For example, they created work about home environments, the university campus and their paths of daily travel.*

*They explored, with great freedom, mixing colour and materials while interrogating their own notions of Country and connections to place and landscape. In the end, the students became comfortable taking inspiration from works by Aboriginal artists and they gained an understanding of Aboriginal art practices of northwestern Australia.*

This is one viewpoint of how an Aboriginal academic, in this case from the East Coast, finds engagement and inspiration in the work of Aboriginal and Torres Strait Islander artists and performers.

Obviously, Indigenous Australians have numerous views, opinions and protocols in different areas. There are no pan-Aboriginal etiquette and lore. For example, Pama-Nyungan speech-cultural communities have different codes of conduct and customary practices from non-Pama-Nyungan people. These differences between communities should be taken into account when engaging with Aboriginal and Torres Strait Islander Traditional Cultural Expressions.

## When inspiration crosses the line

Non-Aboriginal artists who create work inspired by Aboriginal or Torres Strait Islander cultures are often controversial. There is a fine line between inspiration and copying. Inspiration can infringe/breach the original artist's copyright (see the upcoming section on Copyright). Inspiration must be conducted in a collaborative way. It is worth spending time exploring the various viewpoints.

It may help to speak to an Aboriginal or Torres Strait Islander artist to discuss the amount of cultural understanding that is embodied in a work of art. Once a non-Aboriginal person is aware of the complexity and detail that goes into Traditional Cultural Expressions, they may realise that they do not have the appropriate knowledge to create something in this style. However, there are still ways to engage and learn from traditional culture, as long as you do it with respect, seek advice and follow cultural protocols of the specific region.

Some elements of Aboriginal and Torres Strait Islander cultures are vulnerable to being misused or

misappropriated. For example, rock art figures are so ancient that any copyright has expired (see the upcoming section on Copyright), but communities would likely assert ongoing cultural rights and ownership of them. Special care must be taken to ensure sacred images are treated respectfully and in the correct manner.

Aboriginal and Torres Strait Islander artists gain the right to use certain imagery and represent particular stories through their birth right and in gaining seniority by passing through Customary Law. This is different to the freedom experienced by artists in Australia working in Western traditions who are less constrained by their group, family and cultural ties. These Indigenous protocols have been in existence for many thousands of years and are a mechanism for protecting knowledge. They must be recognised as being equal to any non-Indigenous forms of expression.

Many artworks produced by Aboriginal and Torres Strait Islander artists are so personal and connected to Law, Country and family, that to have their works copied or reproduced by people who do not belong to the speech-cultural community (and thus do not have the right under Customary Laws and Practices) could cause problems to the original Indigenous artist, and consequently, to the non-Indigenous (or Indigenous) copier.

The artworks are intrinsic to a person's identity and represent elements of clan and totemic associations that must remain with the artist and the speech-cultural community. Misappropriating these images can have a profound effect on people, in the same way that a personal assault on an individual affects their wellbeing.

For non-Aboriginal people, it can be difficult to know what constitutes respectful use under Customary Law and Practices. Something that seems respectful to you may cause deep offence to other people. The solution is to seek advice and request permission from the Traditional Custodians of the community that the image belongs to, remembering to also consult quieter members of the community, who may not express their views as readily as others. Let them know what you have in mind, and be open to adjusting your project if they say it is inappropriate. If they say no, even indirectly, respect their wishes. If in doubt, leave it out.

### Case study:

A sculpture called 'Wandjina Watchers in the Whispering Stone' by Benedikt Osváth was inspired by rock paintings of Wandjina, sacred spirits to Worrorra, Ngarinyin and Wunambal from the Kimberley. Aboriginal people expressed anger at the making of the sculpture, as the image is sacred, the artist had not received permission, and the depiction of the image contained a mouth whereas Wandjina are never shown with mouths (this depiction is offensive).

There was no legal finding of misuse through the Copyright Act or the Trade Practices Act. However, the sculpture had not received environmental planning permission, so the council found that it should be removed. The creator of the sculpture claimed that their original art should not be censored. However, the community felt that creating the sculpture constituted an ethical, moral and cultural breach.

### What do you think?

Read more at <http://www.artslaw.com.au/articles/entry/protecting-the-sacred-wandjina-the-land-and-environment-court-goes-to-the-b/>



## Seeking advice from the community

When you are engaging with Aboriginal or Torres Strait Islander Traditional Cultural Expressions, always ask permission from the traditional owners. It is best to involve the whole community, rather than selecting one specific Elder. Be clear about any plans you might have, and give the community time to discuss your ideas and provide feedback. If requested, adapt your project to ensure it is not offensive. Keep detailed records of this permission-seeking process – such as a list of whom you contacted, the date, whether you contacted them by phone or email, and what their response was.

Establish trust with the speech-cultural communities and wait for their invitation to talk about your queries on the meaning of symbols, stories and motifs. To include a symbol in a visual arts project, you need a thorough understanding of what that symbol means. This may be impossible for someone who is not from the relevant cultural community, including Aboriginal people from another heritage. Importantly, sometimes it is inappropriate even to ask about the meaning of symbols, stories and motifs. Only ask about the meaning of a symbol if you are sure that you are not causing offence. Talk with people – tell them what you want to do and see if it is acceptable. If the symbol is neither sacred nor secret, they will provide guidance on its use. Think seriously about how you can connect with the symbol and interpret it appropriately. Taking the symbol out of cultural context might itself constitute a breach of Customary Law. Make sure you explain to the traditional custodians exactly what you plan to do.

## Tips for finding Traditional Custodians

If you find a style that appeals to you, but you have no idea which culture it belongs to, start by contacting the reference desk in the Collections area of the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). Their vast collection includes visual art, photographs, sound recordings and written records. They have experts available to guide you in your research.

If you are trying to contact a visual artist, the Australian National Gallery (Canberra) may also be able to assist. You will also find that many artists are represented by an art centre or dealership that can introduce you. Familiarise yourself with peak Aboriginal art bodies such as:

- ANKAAA (<http://ankaaa.org.au/>)
- Desart (<http://desart.com.au/>)

- IACA (<http://www.iaca.com.au/>)
- AACHWA (<http://www.aachwa.com.au/>)
- Ananguku Arts and Culture Aboriginal Corporation (<http://www.anangukuarts.com.au/>)
- UMI Arts (<http://www.umiarts.com.au/>)

Note that almost every state gallery has an Indigenous curator who can assist you. For example:

- Art Gallery of South Australia (AGSA, <http://www.artgallery.sa.gov.au/>),
- Art Gallery of New South Wales (AGNSW, <http://www.artgallery.nsw.gov.au/>)
- Art Gallery of Western Australia (AGWA, <http://www.artgallery.wa.gov.au/>)
- The Queensland Art Gallery | Gallery of Modern Art (QAGOMA, <https://www.qagoma.qld.gov.au/>)
- National Gallery of Victoria (NGV, <http://www.ngv.vic.gov.au/>)

You could also try sending the artist(s) an email or contacting them through social media or phone. Many Aboriginal and Torres Strait Islander people are keen users of social media, and if they do not have a page themselves, their art centres or administrative offices might well have. You can like their Facebook page and post a comment, or send a message through Twitter telling them how much you like their work. Most artists would be happy to talk about their culture and what has inspired them. Just be sure to approach them respectfully, with honesty, transparency and enthusiasm. Payment would also be a respectable gesture.

If you are not looking for a particular artist, but you know which Country or community a particular style comes from, you can find information from local organisations and cultural institutions. Land councils, health services and other Indigenous organisations across Australia can help you contact local people. State museums and art galleries can also be very helpful in finding artists and giving you more information.

## Cultural training

Respect is at the heart of good communication, no matter to whom you are talking. This is the same when talking to traditional Aboriginal and Torres Strait Islander people, and it is important to be aware of various cultural differences and protocols.



By and large, whilst typical Western conversational interaction is both 'dyadic' and 'contained', traditional Aboriginal conversational interaction is both 'communal' and 'continuous' (Michael Walsh, in dyadic, contained conversation with Ghil'ad Zuckermann):

- The relationship between participants can be 'dyadic' or 'communal': In the dyadic Western communication, which is usually between two people, the talk is directed to a particular individual. People face each other, eye contact is important, and the control is in the hands of the speaker. In the communal Aboriginal communication, on the other hand, the talk is not directed to a particular individual but is rather 'broadcast'. People usually do not face each other, eye contact is less important, and the control is in the hands of the *hearer*.
- The communication channel can be 'contained' or 'continuous': In the contained Western conversation, the talk is packaged into discontinuous bits. For example, when one asks a question, one expects an immediate answer. Another example: One turns on the TV when one would like to watch it. In the continuous Aboriginal conversation, on the other hand, one is not expected to answer a question immediately. Furthermore, one can come up with the answer to the question much later, and without mentioning the question. The TV is turned on upon acquisition and remains on until *caput*.

For more information, see Michael Walsh's 1997 article entitled 'Cross cultural communication problems in Aboriginal Australia' at <https://digitalcollections.anu.edu.au/handle/1885/47329>

Here are some basic tips for talking in a way that respects traditional culture.

- Listen carefully and do not interrupt. Long pauses may feel uncomfortable to European cultures, but some traditional Aboriginal and Torres Strait Islander cultures consider this important thinking time. (This is not to say that silence cannot follow an embarrassing moment, for example when the non-Indigenous person asked an inappropriate question.)
- Give people time to consider your ideas. People may need several hours, or weeks, to consider an idea and speak to all the people who need to be involved in finding an answer. Do not push for a quick answer – you may receive one but it may not be correct and might damage your relationship. It is more effective and efficient to be patient.
- Try not to ask direct questions, as they may cause offence and embarrassment. Instead of saying 'What do you think about that?' try 'I'm interested in something, and I'd like to know what people think about it.'
- Be honest, clear and sincere. Say what you mean and mean what you say. Being indirect does not mean being dishonest.
- Remember that Aboriginal and Torres Strait Islander people are first and foremost human beings. Genuine respect and empathy are more important than merely being politically correct or tokenistic. Avoid pro forma lip service or 'friending-up' 'fake love' (pretending to like people). People will easily recognise when you are not being true, and suspect hidden agenda.
- Be mindful that all people have dignity, and do not allow anyone to feel shamed or embarrassed. In many Aboriginal cultures, community and family are valued highly and 'losing face' is more painful than it is in the individualistic Western culture. If you come from a Western background, a rough guide is to imagine how embarrassed you would be by a situation, and multiply it by ten.
- Just like in Jewish tradition, sometimes Indigenous people can answer a question with another question. Be aware of that, and respect this difference.

## Case study:

The Australian National Centre for the Public Awareness of Science at the Australian National University teaches students to conduct science workshops in Aboriginal and Torres Strait Islander communities. They ensure their students receive ample cultural training before arriving at the community, to ensure the best possible outcomes.

The cultural training program consists of three parts:

1. Awareness of culture: Students are taught to be aware of their own culture and how it shapes their interactions with others. They discuss differences between European cultures, like Italian and English.
2. Aboriginal history and culture: Students attend a three-day camp to learn about living Aboriginal and Torres Strait Islander cultures and Australian history. They are encouraged to ask questions and participate in role-play.
3. Culture specific to the community: As there are many different Aboriginal cultures in Australia, it is respectful to learn about the particular cultures within the region the students will visit. For example, before visiting Yolngu communities in the Northern Territory, students receive specific training in Darwin about Yolngu cultures and languages.

*Recommendation: All staff and students planning to engage in Aboriginal and Torres Strait Islander research and collaborations should receive ample cross-cultural training.*

### >> Read more

Department of Aboriginal and Torres Strait Islander Policy and Development (1998) 'Mina mir lo ailan mun; proper communication with Torres Strait Islander people' <http://www.datsima.qld.gov.au/resources/datsima/people-communities/protocols-torres/tsi-protocols-for-consultation.pdf>

NSW Health (2004) 'Communicating positively; A guide to appropriate Aboriginal terminology' <http://www.health.nsw.gov.au/aboriginal/Publications/pub-terminology.pdf>

## Appropriate writing

There are a range of research and writing guides to help students use the right terminology when representing Aboriginal and Torres Strait Islander people and cultures in reports and essays. As well as students, all teaching staff members who create essay questions are strongly encouraged to apply these protocols, which can be found at:

Flinders University: 'Appropriate Terminology, Representations and Protocols of Acknowledgement for Aboriginal and Torres Strait Islander Peoples' (2012) [http://www.flinders.edu.au/staff-development-files/CDIP%20documents/CDIP%20Toolkit%202012/2\\_%20Appropriate%20Terminology,%20Indigenous%20Australians.pdf](http://www.flinders.edu.au/staff-development-files/CDIP%20documents/CDIP%20Toolkit%202012/2_%20Appropriate%20Terminology,%20Indigenous%20Australians.pdf)

# Understanding intellectual property

Before we start, please note that your employing organisation might have its own intellectual property policies and procedures, which you ought to be familiar with.

Intellectual Property (IP) is a bundle of rights for different intellectual creations of an inventor or a creator. IP includes inter alia Copyright, Trademark, Design, Patent, Plant Breeder's Right (PBR).

It is important to know what your rights are as an 'author' of a work, whether it is a written story or any other product. You can get help if someone is using your work inappropriately. Please note that Copyright Law refers to all creators as 'authors'. This includes, but is not limited to, writers, artists, filmmakers, musicians and composers, who are responsible for a particular piece of work.

Copyright is one arm of IP Law. It is an automatic right given to the author of literary and dramatic (including choreographic) works, films, sound recordings, music, artworks, computer programs and compilations of other works (for example, a journal or CD compilation). It does not protect ideas, but it protects a specific work where ideas are expressed.

There is no need to apply for copyright in Australia. It is automatic. If you want to record the copyright details, you can add a copyright notice with the author's name and date, e.g. '© Copyright G. Zuckermann 2015'. This may discourage people from using your copyrighted work. It would also enable people to do the right thing and contact the owner for permission.

In Australia, copyright for most works lasts for 70 years after the author's death. For films, sound recordings and broadcasts, it lasts 70 years after they are released.

One purpose of copyright is to encourage creativity by allowing the creator to make money from their work. Owning copyright gives someone control over what an artwork can be used for.

The author, i.e. the creator, usually holds copyright, but it can be assigned to someone (only in writing), or licenced to someone (i.e. someone else is given permission to use it).

Joint copyright ownership is when copyright is shared equally between two or more authors who equally contributed to the work. If you share copyright with someone, it means that you cannot licence it out or republish it without the other copyright holder's permission.

## Copyright and Traditional Cultural Expressions

Often, the copyright owner is a different person to the Traditional Custodian of a Traditional Cultural Expression. For example, if a traditional story is adapted for a novel, the novelist will own the copyright – unless there is a written agreement saying otherwise. The copyright owner will have the right to agree or disagree to the use of their work by others. But what if the traditional story was sacred, and Customary Law – rather than (Western) Copyright – says it should not be shared with others?

This can create situations where there is a conflict of interest: Traditional Custodians can lose the right to use works that represent their own culture.

Many videos, photos and written descriptions around today were created during a time when Aboriginal and Torres Strait Islander cultures were seen as free for the taking. If you are using older works, we highly recommend talking to the Traditional Custodians, even if it is not legally required for copyright purposes. When creating new works, think carefully about who should have control over how the work is used in the future. Put all agreements in writing.

*Recommendation: When the copyright owner of an existing work is different from the traditional owner, both parties should be approached equally to gain the right to use or display copyright material.*

*Recommendation: All new works containing Aboriginal and Torres Strait Islander Traditional Cultural Expressions should assign or share copyright with Aboriginal and Torres Strait Islander participants, wherever possible.*

## Assigning copyright

The people who create copyrighted material can decide who will own the rights (e.g. Traditional Owners) once it is created. For example, an author of a magazine article may be asked to assign copyright to the publisher of the magazine. This agreement must be recorded in writing, and signed. A songwriter may agree that a music publisher will own copyright for future songs, in return for a share of the income. In this case, the author, i.e. the songwriter, is no longer the owner of the copyright.

If you are an employee of a university, check their intellectual property policy to find out who owns the copyright. Usually when you create works as part of your employment, your employer owns the copyright.



Some people avoid engaging with traditional art practices because it seems too difficult to work out the legal aspects of intellectual property, but it is not as complicated as you may think. If it is your original work, you own the copyright. And every artwork has a derivative element to it and might be inspired by something. If you draw on traditional styles, we strongly encourage you to engage, share and assign copyright to Traditional Owners – rather than to take, plunder or ransack.

For historical reasons (and by no means ancient history) there are sensitivities about non-Aboriginal people taking culture from Aboriginal and Torres Strait Islander people. Here are some simple steps to avoid taking and disempowering, and rather to collaborate and engage with Traditional Cultural Expressions:

- If your work was inspired by someone, tell them and ask for permission.
- Appropriately acknowledge the people who inspired you with a note on the artwork.
- Give proper attribution to your sources. Don't just throw in a web link. Say explicitly, for example, that 'this element was inspired by the Barnagarla community of Port Lincoln, Eyre Peninsula, 2015'.
- Find local artists and talk to them about their art. You may gain a deeper understanding, which will help your own journey or research.
- Talk to people in the community and check that you are not using sacred symbols or causing offence. This can cause real hardship for people. Be respectful, considerate and ethical.
- Share your work with the community. Look for ways to give back. Indigenous people love learning about other cultures, Indigenous or not.
- Adopt a two-way (both ways) learning process. Consider the Two-Way Learning model, developed by non-Pama-Nyungan people, and pioneered by Mandawuy Yunupingu: [http://livingknowledge.anu.edu.au/html/educators/07\\_bothways.htm](http://livingknowledge.anu.edu.au/html/educators/07_bothways.htm)
- Share commercial gains (if any) with the community.

## Who can own copyright?

Traditional Knowledge is sometimes considered to belong to a speech-cultural community (and sometimes to individuals within). This can make (Western) Copyright difficult, as it can only be held by:

- Individuals
- Incorporated groups (companies)
- Government

To properly assign copyright, there may be an incorporated group within the community who could be named the copyright owner and have responsibility for managing those rights. Or an individual (or several individuals, or families) from the community could be assigned copyright, so they can control how it will be used in future.

Multiple people can share copyright if:

1. The people all contributed to the creation of the work, or
2. There is a written agreement that copyright will be jointly owned.

It is always a good idea to have a written agreement about who will own copyright if you are working with a group or being paid to produce something.

Journal articles and other forms of research products are also covered by copyright. If Aboriginal and Torres Strait Islander people are contributing to research, directly or indirectly, they must be referenced and acknowledged in the research product (preferably by copyright), and they ought to receive commercial gains (if any).

**More information:** Not sure if an Aboriginal and Torres Strait Islander person is a participant, collaborator or author? See the following sources:

Terri Janke's 2009 article 'Writing up Indigenous research: Authorship, copyright and Indigenous knowledge systems' at [http://www.terrijanke.com.au/documents/WritingupIndigenouresearch\\_14Sep09.pdf](http://www.terrijanke.com.au/documents/WritingupIndigenouresearch_14Sep09.pdf)

Arts Law Centre of Australia: Arts Law Information Sheet. <http://www.artslaw.com.au/info-sheets/info-sheet/copyright/>

*Recommendation: Journal articles and other products of research should share authorship and/or copyright with Aboriginal and Torres Strait Islander participants and Traditional Knowledge owners.*

*Recommendation: Share your work with the community. They would like to see a copy.*

## Copyright notices

A copyright notice is a sentence or two on a document that says, for example '© Copyright The University of Adelaide, 2015.' They do not change the copyright – to do this you need a written agreement. But they can be important. By having a copyright notice at the start of a book, article, sheet music or other work, you can tell people whom they need to contact if they want to use the work, and warn them that certain uses may breach Customary Law.

Journal articles may also note Customary Law, for example 'This paper contains Traditional Knowledge from the Pitjantjatjara community. Written permission from the community must be received before using or reproducing the knowledge within. Failure to do so may breach Customary Law.'

### Case study:

This is an example of a copyright notice appearing at the top of sheet music from the Centre for Aboriginal Studies in Music (CASM) at the University of Adelaide.

Words and Melody: Copyright Community Collective Rights, Traditional Owners, Boigu Island, Torres Strait Islands.

Arrangement: Copyright J. Newsome, A. Pak Poy, E. Peters, D. Petherick, G. Rotumah.

This music may be used only for teaching by Torres Strait Islander traditional owners at the Centre for Aboriginal Studies in Music at the University of Adelaide. Written reproduction is not allowed without the written consent from traditional owners and the Centre for Aboriginal Studies in Music at the University of Adelaide.

This notice contains useful information. It lists two separate copyrights. The Words and Melody belong to the traditional owners, although communal rights are not enforceable under Australian Law as of 2015. The copyright for the Arrangement belongs to several individuals, some of whom are traditional owners themselves. It also clearly tells the reader that the work must only be used with written permission.

*Recommendation: All works containing the intellectual property of Aboriginal and Torres Strait Islander people should include a copyright notice identifying the traditional owners of the knowledge, and details of any uses that are not allowed.*

## Performer's rights

Performers have certain rights when people film or record their music, dance, expression of folklore (including Aboriginal and Torres Strait Islander cultural material) or dramatic production. Be aware that:

- You need consent to film or record a performance.
- You need consent to broadcast or otherwise communicate a performance.
- A performer has the right to be attributed as a performer, not to have the performance falsely attributed, and not to have the performance subjected to derogatory treatment or usage. This is similar to the moral rights of authors (see the following section 'Moral Rights').
- Uncommissioned sound recordings are owned by both the performers and the people who recorded them (cf. 'mechanical copyright'), as long as the recordings were made after 1 January 2005.

## Moral rights

Under copyright, creators have the following moral rights over their work:

- To be attributed.
- Not to be falsely attributed.
- For their work not to be dealt with in a way that damages their honour or reputation.

Creators still have these moral rights even if copyright has been assigned to someone else. These rights are particularly important to consider when repurposing a work or making derivatives. You must always attribute the author of a work, unless they give you written permission that they do not need attribution for a specific project.

Moral rights cannot be bought or sold, but they do expire when copyright expires (i.e. after author's lifetime + 70 years). For directors, producers and screenwriters of film, and for performers in recorded performances, moral rights expire after death.

>> Read more

The Australian Copyright Council website:  
<http://www.copyright.org.au/>

## Thinking of applying for a design, patent or trademark?

As well as *copyright*, work can be IP protected with a design, patent or trademark. Designs, patents, trademarks and copyright fall under the IP Law umbrella.

A *design* is the overall appearance of a product (manufactured or handmade): shape, configuration, pattern and ornamentation, which give the product a unique visual appearance. The mechanics of how a product operates are not covered under the registration of a design, but may be protected using a patent.

*Patents* protect inventions, while *trademarks* are badges of origin of goods and services and are used in commerce. For example, three-dimensional artistic works that are mass-produced do not qualify for copyright. In order to be protected, the author ought to apply for a patent through Intellectual Property (IP) Australia in Canberra ([www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)).

Whilst copyright protection is automatic, designs, patents and trademarks have registration systems.

These actions will help you protect your intellectual property:

- Contact your university's legal department and have a confidential discussion.

- Keep your design or invention secret while you get advice on what to do. You may not be able to apply if you make it public.
- Talk to IP Australia and see their website for more information.
- Talk to a lawyer who specialises in intellectual property.
- Submit an application at IP Australia, and pay the registration fees.

### >> Read more

The IP Australia website: [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

IP Australia publication: 'Nanga Mai Arung Dream Shield: A guide to protecting designs, brands and inventions for Aboriginal and Torres Strait Islanders' (2010): [http://www.iba.gov.au/wp-content/uploads/2010/08/20131612\\_IP-Australia\\_Dream\\_Shield.pdf](http://www.iba.gov.au/wp-content/uploads/2010/08/20131612_IP-Australia_Dream_Shield.pdf)

Terri Janke: 'Minding Culture' (2003): [http://www.terrijanke.com.au/documents/MindingCulture\\_finalstudy.pdf](http://www.terrijanke.com.au/documents/MindingCulture_finalstudy.pdf)

The World Intellectual Property Organization (WIPO): <http://www.wipo.int/>



# Seeking Consent and Keeping Paperwork

Whenever Aboriginal and Torres Strait Islander people are involved in your project, whether as collaborators/informants on artworks or as participants/advisers in research, you need to have their free, prior and informed consent and cooperation.

- **Free** – given without being pressured or coerced.
- **Prior** – given before the project begins.
- **Informed** – given with full knowledge of the details, options and risks of the project, the expected outcomes, how the results of the research will be shared (including commercial benefit sharing, if any) and how they will be acknowledged.

An honest and clear talk, most preferably person to person, should always be the basis for consent. English is not the first language for many Aboriginal and Torres Strait Islander people. It is common for a person to speak several Australian languages. It is important to use appropriate communication techniques. Here are a few tips that may help, and are useful in cross-cultural communication, whether a person speaks Warlpiri, Japanese or Danish:

- Speak slowly, not loudly.
- Use plain English, not jargon, highfalutin, academic, elitist language.
- Unpack difficult ideas as clearly as possible.
- Present your ideas in a logical order.
- Be aware of how effective or ineffective your communication is – watch the body language of your informants to ensure that they understand what you are talking about and what you mean exactly.
- Use a reliable interpreter, if needed.

Getting consent is not about ticking a box. It is a negotiation. You must know what you are allowed to do within the university framework, particularly in terms of payment and intellectual property rights. Be generous, but do not make promises you cannot keep.

The goal of negotiation should be the full understanding by both parties of exactly what the plan for the project is. Allow sufficient time for the community to reach a decision, as well as to make subsequent adjustments, if necessary.

You need to keep a written record of what you have agreed upon, signed by both parties.

Consent is not a one-off process, but an ongoing negotiation. It must be revisited as the project develops and if situations change. Shift happens. People have the right to withdraw their consent at any time.

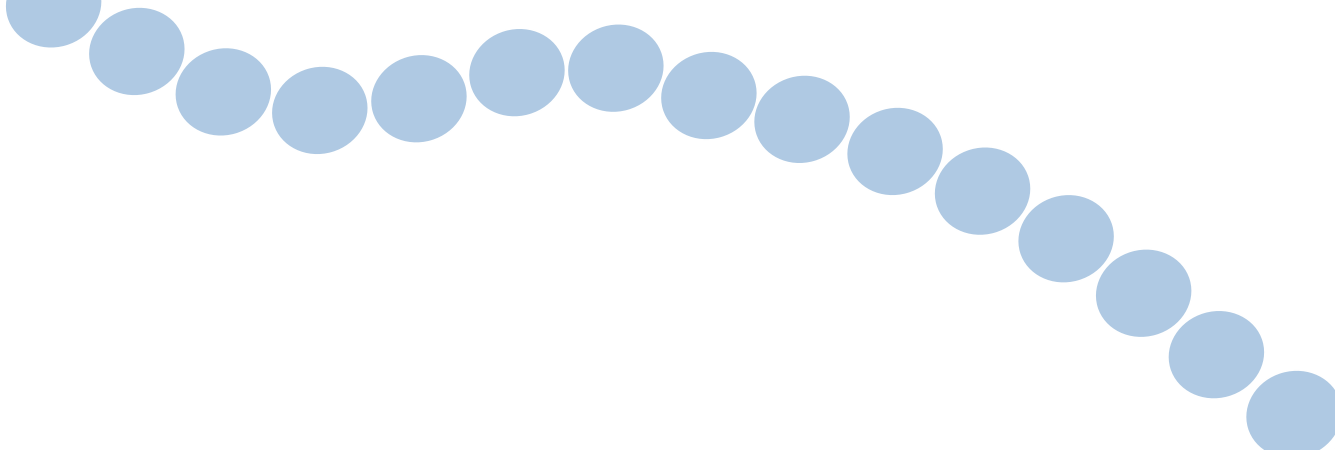
*Recommendation: Free, prior and informed consent of all participants in research should be documented in plain English and be reliably translated, if needed.*

*Recommendation: Participants must be told of the intended use of the research, how their contribution will be acknowledged and whether they will be assigned copyright or given other protection for their intellectual property.*

## Paperwork and keeping records

A piece of paper should never take the place of real negotiation and consent, but it is important to keep written records of what you have agreed upon. People may want to check back on them, and it is good practice for legal reasons. Always keep records of the decisions you make together about the project, and any changes along the way. This protects you and the people you are working with.





Some things you may want to include in the paperwork:

- Who will be author(s)? Who owns copyright?
- How will traditional owners and communities be acknowledged and referenced in the products of research and other works?
- How will the project benefit the community? Are the benefits guaranteed, or will they depend on the outcome of the project?
- For research: Who will analyse and interpret the data? How much say will the community have on the conclusions, outcomes and implications?
- In case there are profits in the future, how will they be shared?
- Will people outside the community have the right to use the work for other purposes? For example, could someone use your data and reinterpret it?
- How can communities monitor and control this? What systems of monitoring will you put in place?

Please note that once the work is published, the consequences could be that the community may not be able to have control over it. You therefore need to explain to the community members, in a very clear manner, the implications of publication of research, and the limitations of copyright. Copyright owners can control reproduction of the work itself, the form of expression used such as the written text and photos. However, because ideas and information are not protected by copyright, once the work is published, it can be reused and reinterpreted without seeking permission. Whilst this might be taken for granted by Western researchers, this may be neither known nor acceptable by traditional speech-cultural communities. It is important to make clear, when negotiating with the community, what copyright ownership can and cannot do. The only way to maintain complete control is to keep information confidential/secret.

To make the paperwork easy, there is an example of a plain English consent form in Appendix 2, which we encourage you to modify and use. As aforementioned, please note, however, that some Indigenous people dislike a Consent Form in particular, and formality in general, because they have had a history of disempowerment with contracts and legalese agreements. Therefore, you should consider using a Permissions Form that has already been used by the specific community you engage with and that protects

the copyright interests of the community members and individuals. Alternatively, they might wish to have a verbal agreement, which you can record.

For some people, signing a document might feel like a breach of trust. They may feel like they have already given their word, and that their word is good without a piece of paper – in fact, the paper may be considered a sign that you do not trust them. However, the paper is still important in Western law and protects both of you. If you can see they feel uncomfortable, apologise and explain that you do trust them at their word, but that the project is being done for a university and the written agreement is a requirement. University regulations are often Indigenous unfriendly, and you need to learn how to convey this tactfully to the people you work with.

All agreements should be written in plain English and be easy to understand by people with no experience in law. If someone signs a document they do not understand, it would result in the agreement being unconscionable and therefore not legally binding.

If English is not the first language of the informants, it makes sense to seek a reliable translation into an appropriate language, for example Aboriginal English, Adnyamathanha or Miriwoong.

Power imbalances can make negotiations difficult. Universities are often in the position of power, so it is vital to make sure communities are encouraged to negotiate for an agreement that they are satisfied with, and to say no if they are unhappy with it. Agreements need to be fair, transparent and fully understood in order to meet legal requirements.

There are certain requirements on how long research data and primary material must be stored. The Australian Code for the Responsible Conduct of Research says that, in general, the minimum recommended period is five years from the date of publication. Short-term research projects for assessment purposes, such as those conducted by students, may only need 1 year. A policy is required to cover the secure and safe disposal or distribution once this period is over. Community-related work with heritage value ought to be kept permanently, preferably within a national collection, as well as with the speech-cultural community with investments in the knowledge.

### Case study:

When doing research, it is important to be clear about what the material, knowledge and insights you gain will be utilised for. An example comes from genetic research in Arizona, United States. A researcher from Arizona State University took blood samples from a hundred Havasupai Indians from the Grand Canyon in 1990 to see why they had such high rates of diabetes.

The consent form stated that the research was to 'study the causes of behavioural/medical disorders.' No genetic links were found, but the samples were kept frozen. In later years, without permission sought, other studies used the same samples, leading to over two dozen papers investigating mental illness and the geographical spread of the Havasupai Indian tribe, which depicted a history that went against traditional stories. Some of these uses were considered offensive.

In 2010, after spending over a million dollars in legal representation, Arizona State University agreed to pay a total of \$700,000 to 41 of the tribe's members, and return the samples.

>> Read more <http://www.nytimes.com/2010/04/22/us/22dna.html>

### Consultation for larger projects

Consultation should involve the community, not just an individual. Find ways to hear the community's voice, perhaps through community meetings or notice boards, newspapers, public radio or social media. Make sure you have all necessary permissions prior to entering the Country of the community, for example consent from the local Land Council.

One person's view does not necessarily represent the views of all members of the community. Just like all people, Aboriginal and Torres Strait Islander people are individuals and can hold very different opinions. If one person agrees to share a sacred story with a researcher for an academic paper, and another person believes it is inappropriate – what action should the researcher take? Is one person's permission enough, or does the other person also have a right to the story and how it is to be used?

These are complex moral issues. We recommend that a project should go ahead only if everybody who is impacted by the project agrees. Otherwise, it may cause lasting dissent within the community, and damage to the community relationships, for example a feud between families. It can also decrease the likelihood that the community will work with you, or with other scholars, in the future.

If communication is difficult due to language barriers, have a translator present during these discussions. If you are discussing complex, sensitive topics, ensure that you have many leading lore/law elders from within the speech-cultural community, involved in the discussions.

### The right to say 'no'

Communities often have a number of priorities and limited time and resources. If they decide your project is not a priority for them, you may receive a 'no' or hear nothing, which could also mean 'no'. Silence is not an indication of agreement. But if you hear nothing, do follow up your communications in due course as you may have just caught them at a busy time, or there might be an issue that ought to be addressed.

In some communities, saying 'no' is considered impolite. Instead, they may choose not to respond, or even say 'yes', but take no action. They may not want to tell you directly, or bluntly, something that they know you might not want to hear. Be respectful of this cultural difference, and do not put communities in a position where they feel pressured to say 'yes' when they actually want to say 'no'. You can achieve this by ensuring the process of consent is a true negotiation and agreement, and by giving communities plenty of time to discuss and weigh up their options. Do not put pressure on communities.

People have the right to withdraw their involvement with research at any time. This is a basic right for any research project. You need to be sure that people understand that they have a right to withdraw at any time, even if it might be disappointing for you.

Consider the legal world. Occasionally judges have commented on the difficulties of taking Indigenous people's utterances with their literal meaning. A good example is provided by Justice Peter Gray of the Federal Court of Australia, and the Aboriginal Land Commissioner from 1991 to 1997. Justice Gray explained, for example, that the answer 'don't know' should not be accepted at face value. It may conceal one of a number of meanings:

- This is not my Country, so I can't speak about it.
- Although this is my Country, it is not appropriate for me to speak about it when someone more senior is present.
- Although this is my Country, it is not appropriate for me to speak about it, but someone else should be approached for the information.



- This is not a matter about which I can speak in front of people who are present, e.g. women or men or children.
- I cannot say the name because it is the name of a person recently deceased.
- I cannot say the name because it is the name of my sibling of the opposite sex.

(Gray 1995 on p. 23 of Neate, G. (2003). Land, law and language: Some issues in the resolution of Indigenous land claims in Australia. Paper delivered to the conference of the International Association of Forensic Linguists, Sydney, [www.iafl.org](http://www.iafl.org)).

#### >> Read more

AIATSIS (Australian Institute of Aboriginal and Torres Strait Islander Studies) ethical principles on free, prior and informed consent: <http://www.aiatsis.gov.au/research/ethics/prin6-9.html>

### Giving benefits to communities

Before you ask an Indigenous community for advice, ask yourself the following question: Why do you want to engage with Aboriginal or Torres Strait Islander cultures in your project? Will it benefit the Indigenous speech-cultural communities? Or will it just benefit you? A long history of appropriation and cultural theft has caused lasting damage to communities, and good intentions are not enough. All projects ought to benefit the community, and there are various ways you can give back to the people involved.


It is also important to remember that Aboriginal and Torres Strait Islander people historically constitute the most researched groups in Australia. Any research project with Indigenous components ought to be strongly considered for its value to increasing knowledge for non-Indigenous people, which in turn will have positive benefits for those communities.

Aboriginal and Torres Strait Islander people have learnt, through their experiences, to mistrust 'research raids', which ultimately added little to the existing body of knowledge. If you consider the purpose of your research carefully and explain it clearly to people, your project will have greater success.

Four ways you can share benefits include sharing knowledge, training, acknowledgement and commercial returns (if any).

**Sharing knowledge:** Aboriginal and Torres Strait Islander people who have contributed to research have the right to benefit from the findings of that knowledge. At a minimum, the product or the research paper should be made available to the communities involved. Include details about knowledge sharing in the consent forms and ethics clearance forms before the project begins.

It is better if research participants assist in interpreting the data, to ensure the research products and papers do not disempower or cause offence. This is known as participatory action research (see the Case Study below).



Our advice is to distribute the research before the final write-up for comments and to check that you have the continued consent for an individual's contribution to be included. This is an important stage, where the participants are able to reconsider, edit or confirm the statements they have made. For Aboriginal and Torres Strait Islander people, the research being undertaken is not static or close-ended, and individuals and communities will watch for signs that the work on the project is being produced. One way of disseminating the information is through the Community Council.

Of course, if the research is sensitive, the privacy of participants must be maintained at all times. Please note that this can be tricky in small communities.

**Training:** One way that university projects can benefit communities is by providing training to improve academic skills and build capacity. This can be considered another form of knowledge sharing, and promotes two-way communication and true respect. For example, a traditional owner may share knowledge with a researcher, and a researcher may share skills in writing letters, applying for grants or scholarships, and using computers, Internet, email and Facebook. Adopt a two-way (both ways) learning process as the aforementioned 'Two-Way Learning model'.

**Acknowledgment:** Being recognised as a co-author on a paper, or collaborator on an artwork, is one way to show that you value someone's contribution. It may also help an Indigenous participant when they apply for grants, jobs and studies in the future. Use as many references as possible to Indigenous collaborators or informants who contributed to your research. For example, after you mention an idea or information that you received, please add in brackets: (personal communication: given name, surname, community name, place of conversation, date of conversation).

### Collaborators and participants in research

Few research projects can proceed in this academic era without some level of community input.

Aboriginal and Torres Strait Islander people have the right to determine which research projects are important to them. University researchers should speak to communities before their project begins, so they can adjust the aims and scopes of the research to ensure it is relevant to the desires and needs of speech-

cultural community members. Involve the community in all aspects of research, so that you collaborate in deciding on the methods of data collection, analysis and interpretation.

Indigenous people should not be seen as passive objects of research, but as active directors of it, best described as collaborators. People who provide a valuable contribution to research ought to be fairly paid for their expertise.

#### Case study:

The Aboriginal Research Practitioners Network (ARPNNet), connected with Charles Darwin University, supports a network of Aboriginal researchers in the Top End of the Northern Territory.

Aboriginal people receive training in Participatory Action Research, and then work in teams to consult with their communities, to gather and analyse data. Government organisations and universities can ask ARPNNet to conduct research on their behalf. The information gathered by ARPNNet members is richer because it is gathered by community members who are trusted and accountable. The data is also more accurate, as it is analysed from a local Indigenous lens and there is less chance of misunderstandings.

Once the data is collected, members help to create a report. A draft of the report is presented to community members in a feedback meeting, which is advertised through local radio stories, flyers and word of mouth. The community discusses the results and makes the necessary changes, and permissions are checked again. ARPNNet members are listed as co-authors of any consequent publications.

*Recommendation: Give back to Aboriginal and Torres Strait Islander people through teaching them academic skills such as writing letters, applying for grants or scholarships, and using computers, Internet, email and Facebook. Adopt a Two-Way learning model.*

*Recommendation: Aboriginal and Torres Strait Islander people should be considered active collaborators in research, not passive participants.*

*Recommendation: Aboriginal and Torres Strait Islander people should be involved in determining the aims and scopes of the research, to ensure the outcomes are relevant to, and benefit, their communities.*

*Recommendation: Participants and their communities have the right to decide how their knowledge is used in the future. Reports and other products of research should acknowledge traditional owners as custodians of*





knowledge. For example, add a note to say: 'Any use of this knowledge without written permission of the Warlpiri people may be a breach of Customary Law. Please direct any enquiries to [given name, surname, community name, postal address, phone, email (if available)]'.

### Ethics Approval

Any larger post-graduate project that involves extended and in-depth research of or with Aboriginal and Torres Strait Islander people, and speech-cultural communities, must have approval by the Human Research Ethics Committee of the university where the project is being conducted.

See AIATSIS: Guidelines for Ethical Research in Australian Indigenous Studies 2012 [http://www.aiatsis.gov.au/\\_files/research/GERAIS.pdf](http://www.aiatsis.gov.au/_files/research/GERAIS.pdf)

### Payment

Aboriginal and Torres Strait Islander people may contribute a significant amount of time to assist universities with various projects. As important partners in research, Indigenous individuals and/or communities who contribute to the project must be acknowledged and receive benefits such as fair payment, training, scholarships, and knowledge sharing.

Working out the details of who gets paid, and how much, requires careful thought. There is much debate between researchers and communities about terms of payment. How much people get paid depends on their role within the specific project.

If someone is working on the project as co-author, it is appropriate to pay him/her a salary. Research assistants should also receive an income.

For other contributors, for example informants and advisers, it is usual practice to compensate people for their time and effort in supporting your research. At present, it is most typical to provide participants with

token gratuities such as gift cards, small payments of money, or useful gifts of food/blankets/swags if needed, rather than full compensation for time. Note that in many remote communities, fresh food is expensive, and prices at community stores are high.

Be generous. But consider the fact that paying people a lot of money to take part in research can be seen as coercing them, which is considered unethical and may be seen as bribery. The National Statement on Ethical Conduct in Human Research developed by the National Health and Medical Research Council (NHMRC) and Australian Research Council (ARC), Section 2.2.10, states:

It is generally appropriate to reimburse the costs to participants of taking part in research, including costs such as travel, accommodation and parking. Sometimes participants may also be paid for time involved. However, payment that is disproportionate to the time involved, or any other inducement that is likely to encourage participants to take risks, is ethically unacceptable.

In addition, paying individuals may cause discord in a community if it does not seem fair for an individual to profit personally from sharing community knowledge. One option in large projects is to give the financial benefits to the entire community, for example by sponsoring a cultural or arts centre. Section 2.2.11 states:

Decisions about payment or reimbursement in kind, whether to participants or their community, should take into account the customs and practices of the community in which the research is to be conducted.

*Recommendation: Payment needs to be sensitively and carefully considered on a case-by-case basis, avoiding unethical coercion and yet generously recognising when Aboriginal and Torres Strait Islander people are active collaborators imparting valuable expertise.*

# Checklist

Checklist for engaging with Aboriginal and Torres Strait Islander arts practices:

- **Identify** which Aboriginal community the Traditional Cultural Expressions that you are interested in come from.
- **Establish** trust with the Indigenous community and wait patiently for their invitation to talk about your queries on the meaning of symbols, stories and motifs.
- **Ask** if it is at all appropriate to even enquire about the meaning of any symbols, stories and motifs. They might be sacred or secret. Respect fully people's right to say (sometimes indirectly) no.
- Only if you have received an invitation and are certain that you are not causing offence, **ask** about the meaning of symbols, stories or motifs that are culturally public.
- **Seek** permission from Traditional Custodians and appropriate Indigenous people for your project. You must have free, prior and informed consent and cooperation from the relevant community to use Traditional Cultural Expressions. Anyone involved must give consent: if they have not given an answer, you do not have their permission. Do not ignore knowledge holders who are quiet or marginalised.
- **Share** the benefits of your work with your informants, their families and their community. Make sure you add references to them within your published work. Provide them with copies of all your work. Give back to those who assist you. Be reciprocal. Negotiate ways that your work can benefit the relevant Aboriginal community.
- **Create** consent forms for those involved, including detailed information about the project. Explain any relevant copyrights, designs, patents or trademarks.

Remember that participants can withdraw permission at any time during this process and you must respect their wishes. Traditional Cultural Expressions are an important part of Aboriginal culture. If they are used incorrectly, it could cause irreparable damage to ancient cultural traditions or relationships within the community.



See further resources on Page 26

# Conclusions

Working with Traditional Cultural Expressions can be very rewarding for you and for the community. The advice we have given may sound easy, but in practice it can be tricky. How can you be sure that someone has understood your exact intentions, sufficiently enough to give informed consent? What if almost everyone in the community agrees with your project, but one person does not? To make the right decisions, you should ask for advice from others, and make sure you can back yourself up with clear explanations in writing.

If there is one essential message to take away from this guide, it is to engage, engage, engage. Talk to people and learn more about their cultural knowledge system and intellectual sovereignty, get advice and permission for your projects, and share the benefits with communities. People are generally happy to share their culture if you approach them with respect, sincerity and enthusiasm, remembering that some information might well be sacred, secret and unavailable to the public.

We are all people, and our similarities far outweigh our differences. Be aware of the issues and the sensitivities that some people have as a result of terrible things that have happened in the past. With this in mind, you can help create a brighter future.



# Appendix 1: Further Resources

ACFA (Australia Council for the Arts): Protocols for Working with Indigenous Artists. Includes guides for music, writing, visual arts, media and performing arts. <http://www.australiacouncil.gov.au/about/protocols-for-working-with-indigenous-artists/>

AIATSIS (Australian Institute of Aboriginal and Torres Strait Islander Studies): Guidelines for Ethical research in Australian Indigenous Studies. [http://www.aiatsis.gov.au/\\_files/research/ethics.pdf](http://www.aiatsis.gov.au/_files/research/ethics.pdf)

Australian Code for the Responsible Conduct of Research. <https://www.nhmrc.gov.au/guidelines-publications/r39>

Cameron, Deborah et al. (1993), 'Ethics, Advocacy and Empowerment: Issues of Method in Researching Languages' *Language & Communication* 13(2) pp 81-94 doi: 10.1016/0271-5309(93)90001-4 <http://www.sciencedirect.com/science/article/pii/0271530993900014>

Desert Knowledge Cooperative Research Centre: Aboriginal Knowledge and Intellectual Property Protocol Community Guide. [https://www.griffith.edu.au/\\_data/assets/pdf\\_file/0007/282850/DKRC-Aboriginal-Knowledge-and-IP-Protocol-Community-Guide.pdf](https://www.griffith.edu.au/_data/assets/pdf_file/0007/282850/DKRC-Aboriginal-Knowledge-and-IP-Protocol-Community-Guide.pdf)

IP Australia: Nanga Mai Arung Dream Shield, A Guide to Protecting Designs, Brands and Inventions for Aboriginal and Torres Strait Islanders. [http://www.iba.gov.au/wp-content/uploads/2010/08/20131612\\_IP-Australia\\_Dream\\_Shield.pdf](http://www.iba.gov.au/wp-content/uploads/2010/08/20131612_IP-Australia_Dream_Shield.pdf)

Janke, Terri / WIPO (2003), 'Minding Culture, Case Studies on Intellectual Property and Traditional Cultural Expressions.' [http://www.terrijanke.com.au/documents/MindingCulture\\_finalstudy.pdf](http://www.terrijanke.com.au/documents/MindingCulture_finalstudy.pdf)

Janke, Terri (2012), 'New Tracks, Indigenous Knowledge and Cultural Expressions and the Australian Intellectual Property System' [http://www.terrijanke.com.au/documents/New\\_Tracks\\_Janke\\_Dawson\\_17Aug12\\_11am.pdf](http://www.terrijanke.com.au/documents/New_Tracks_Janke_Dawson_17Aug12_11am.pdf)

Janke, Terri (1998), 'Our culture: Our future. Report on Australian Indigenous Cultural and Intellectual Property Rights' <http://www.terrijanke.com.au/img/publications/pdf/24.culture.pdf>

Lai, Jessica Christine (2012), 'Maori Traditional Cultural Expressions and the Wai 262 Report: Looking at the Details' i-call Working Paper doi: 10.2139/ssm.1996384 [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1996384](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1996384)

New South Wales (NSW) Department of Community Services (2009), 'Working with Aboriginal People and Communities' [http://www.community.nsw.gov.au/docswr/\\_assets/main/documents/working\\_with\\_aboriginal.pdf](http://www.community.nsw.gov.au/docswr/_assets/main/documents/working_with_aboriginal.pdf)

Rice, Keren (2004), 'Ethical Issues in Linguistic Fieldwork' 2006 *Journal of Academic Ethics* 4, pp 123-155 doi: 10.1007/s10805-006-9016-2 [http://www.hrelp.org/events/workshops/aaken2013/assets/Rice\\_Fieldwork\\_Ethics.pdf](http://www.hrelp.org/events/workshops/aaken2013/assets/Rice_Fieldwork_Ethics.pdf)

Screen Australia: Pathways and Protocols, A Filmmaker's Guide to Working with Indigenous people, culture and concepts. [http://www.screenaustralia.gov.au/getmedia/e601f1b9-0394-4c83-9a62-c20939d9ab30/Indig\\_Protocols.pdf](http://www.screenaustralia.gov.au/getmedia/e601f1b9-0394-4c83-9a62-c20939d9ab30/Indig_Protocols.pdf)

Torres Strait Regional Authority (2011), 'Cultural Protocols Guide'. [http://www.tsra.gov.au/\\_data/assets/pdf\\_file/0005/1778/tsra20cultural20protocols20guide.pdf](http://www.tsra.gov.au/_data/assets/pdf_file/0005/1778/tsra20cultural20protocols20guide.pdf)

UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples) (2007-8). [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf) <http://indigenousfoundations.arts.ubc.ca/home/global-indigenous-issues/un-declaration-on-the-rights-of-indigenous-peoples.html>

Wilkins, David (1992), 'Linguistic Research under Aboriginal Control: A Personal Account of Fieldwork in Central Australia.' *Australian Journal of Linguistics* 12.1: 171-200.

Zuckermann, Ghil'ad (2003), 'Hideous Spectre of Censorship'. *The Times Higher Education Supplement*, 15 August, p. 14. <https://www.timeshighereducation.com/news/hideous-spectre-of-censorship/178655.article>

Zuckermann, Ghil'ad (2006), "'Etymological Othering" and the Power of "Lexical Engineering" in Judaism, Islam and Christianity. A Socio-Philo(sopho)logical Perspective', pp. 237-58 (Chapter 16) of "Tope Omoniyi and Joshua A. Fishman (eds), *Explorations in the Sociology of Language and Religion* (Discourse Approaches to Politics, Society and Culture series). Amsterdam: John Benjamins. <http://www.zuckermann.org/pdf/ENGINEERING.pdf>

Zuckermann, Ghil'ad, Shiori Shakuto-Neoh and Giovanni Matteo Quer (2014). 'Native Tongue Title: Proposed Compensation for the Loss of Aboriginal Languages', *Australian Aboriginal Studies* 2014/1: 55-71. <http://www.professorzuckermann.com/#!native-tongue-title/cufd>

Zuckermann, Ghil'ad and Rob Amery (2015). *Lang101x: Language Revival: Securing the Future of Endangered Languages*, Massive Open Online Course (MOOC). <https://www.edx.org/course/language-revival-securing-future-adelaide-lang101x> <http://www.adelaide.edu.au/news/news79582.html>  
<http://www.facebook.com/Revivalistics>

<https://blogs.adelaide.edu.au/adelaide/2015/06/23/new-adelaide-mooc-explores-how-to-revive-endangered-languages/>

# Appendix 2: Informed Consent Form

This form has been adapted from the AIATSIS ethics consent form. Please modify to suit your project, and visit the AIATSIS website for more details.

NAME OF RESEARCH PROJECT:

Name of researcher(s):

## **1 I understand what this project is about**

I have read [or had read to me] the Plain English Research Statement which explains what this research project is about and I understand it. [A Plain English Research Statement is a clear and concise explanation of your research project. It does not need to be provided in writing – you could explain your project by making a short video about it to show to research subjects or participants. The plain English Research Statement must be distributed to all research subjects and participants, and can be used more widely for community information purposes. It is important that the Statement is recorded in some way.]

I have had a chance to ask questions about the project, and I am comfortable with the answers that I have been given. I know that I can ask more questions whenever I like.

## **2 I have volunteered to participate**

I agree to participate in the research. I know that I do not have to participate in it if I do not want to. I made up my own mind to participate – nobody is making me do it.

AND (as appropriate to the research methodology):

I know that I do not have to answer any questions I do not like.

[The researcher(s)] will not write anything down unless I agree that they can.

[The researcher(s)] will turn off the tape/stop filming etc... if I ask them to.

## **3 What will happen if I want to stop participating?**

I know that I can pull out at any time without getting into trouble with [the researcher(s)] or anyone else.

AND (choose as appropriate):

If I pull out, none of the information I have given [the researcher(s)] can be used in the research.

OR

If I pull out, [the researcher(s)] will be allowed to use any information that I have given them before then, and they will be able to write down that I have stopped participating. But they will not be able to make me keep participating if I do not want to.

#### **4 How the research will happen**

[This section should describe what the research participant agrees to do, e.g.:] I agree that [the researcher(s) – or one of them of an appropriate gender if gender restrictions are appropriate] can interview me for the research [and write down or (video) tape what I say].

OR: I agree to talk about questions that the researcher gives us in a group of people. This is called a ‘focus group’. I agree that the focus group can be (video) taped. [Or the researcher can sit in and take notes, explain conditions of focus group, etc.]

OR: I agree to visit [a location] with [the researcher(s)] to talk about [e.g. its dreaming stories and the people who should look after it].

AND (if appropriate):

We will not talk about [a particular kind of topic]. I will not pass on any [particular kind of] information. If I accidentally tell [the researcher(s)] these kinds of things, they will not record them.

I understand the research will take place over [number of days or months in total] During that time [the researcher(s)] will interview me [how often] each interview will last for about [time]. A group discussion will be held [when] and will take about [time - how long].

#### **5 Having my picture taken or being filmed (including when performing)**

I agree to be photographed/videoed for the research project.

Those tapes/photos/videos/DVDs are just for the researcher to use for this research. I do not want other people looking at them (unless I say they can). [Refer to the section on storage of information.]

OR I agree that those tapes/photos/videos/DVDs can be shown to other people.

AND (if appropriate):

I agree that those pictures can be put into a book or magazine or shown on TV or the internet

OR (If a performance is to be recorded for public display:

I agree that [the researcher(s)] may record my performance of [provide identifying details of the performance] and that they can use that recording for [e.g. to make a documentary for SBS, to show their students at X University, to show at the AIATSI conference etc. Be clear about whether other copies of the recording can be made, by whom and for what purposes].

#### **6 Getting paid for participating in the research**

I understand that I will not be paid for participating in the research project.

OR (if appropriate):

I will be paid [insert amount] for participating in this research project. This is a payment for my time [or for some other reason, e.g. because of the valuable knowledge that I will contribute to the research].

AND (if appropriate, e.g. in social or public health research):

Just because I am being paid, it does not mean that I have to give answers which I think [the researcher(s)] want(s) me to give.

**7 Risks and benefits of the research**

I understand that the research may have the following benefits [set out any benefits].

AND (if appropriate):

I understand that the research is not guaranteed to achieve these aims [and possibly some more information, e.g. 'it depends on what [the researcher(s)] find out' or 'it depends on whether the government listens to what [the researcher(s)] say'].

I know that the risks of the research are [set out any risks, e.g.:

- for a project which requires participants to discuss trauma or depression, 'that talking about those things with [the researcher(s)] might make me feel worse';
- for a project which aims to assess levels of undetected criminality 'that if I tell [the researcher(s)] what drugs I took, the police might be able to force [the researcher(s)] to do on me';
- for a project which uses focus groups 'that, while the researcher(s) will ask other people in the group not to discuss focus group business outside the group, they may not be able to stop them doing that.'

**8 Who will be the authors of the research?**

I understand that [the researcher(s)] want(s) to write about the research in a [book, article in a university journal, report for X organisation etc. – adjust to suit the medium, e.g. video, DVD].

AND (choose whichever is relevant):

I understand that the researcher(s) will [write the book, produce the video etc.] by him/herself/ themselves. I will not write [etc.] it with him/her/them. [Add other relevant information, e.g. 'but my story and photo might be used in that book'.]

OR I understand that [researcher(s)] want(s) to [write the book, make the video etc.] with me [and any other co-authors, producers]. I agree to become a(n) [authors, producer etc.]. My name will be mentioned on the [front cover, titles etc.] as a(n) [author, producer etc.].

**9 Will people find out personal things about me from the research?**

I agree that my name and other following personal information can be mentioned in any [books/ videos etc.] that come out of this research. I do not mind if people find out these things about me from [reading the book etc.].

[include the personal information to be revealed here]

AND (as appropriate):

[The researcher(s)] will check with me before they put the [book/video etc.] out that it only contains the accurate personal information.

OR: I understand that my name will NOT be mentioned in any [books/videos etc.] that come out of this research, and that people will not know who I am from [reading/watching etc.] the [books/videos etc.]. [It may be appropriate to mention here any blinding strategies, e.g. 'when I am talking into the camera, my face will be blacked out so the police will not recognise me' or [the researcher(s)] will call me a number or fake name, like everyone else who participates in the research'].

AND (as appropriate):

If [the researcher(s)] keep(s) a record of what I said [or did] during the research with my name on it [or which could be used to identify me], [she/he/they] will keep it in a locked filing cabinet in their offices in [location] or in a secure location on a computer. After two years [or other appropriate period], [the researcher(s)] will either destroy this record or give it back to me. [With the participants' advance consent, it may also be possible to transfer such records to an organisation which will use them for purposes directly related to the research – if this is an option, address it now.]

OR: If [the researcher(s)] keep(s) a record of what I said [or did] with my name on it [or which could be used to identify me], I want them to give it to AIATSIS for safekeeping. I want AIATSIS to let my family [there may be a need for specificity about individuals here] or [e.g. other language group or Aboriginal] people to have access to it, but I do not want other people to read it without the permission of my wife/husband, children or grandchildren after I die.

OR: If [the researcher(s)] keep(s) a record of what I said [or did] with my name on it [or which could be used to identify me], I want them to give it to AIATSIS for safekeeping. I do not mind if AIATSIS lets other researchers read this record.

#### **10 What about culturally restricted information or things?**

[Only insert a clause on this if you propose to collect culturally restricted information etc. – otherwise, rule it out under 4. 'How the research will happen' above].

I understand that, if the [researcher(s)] find(s) out secret or sacred information, or are given secret or sacred things, they will not tell or show them to the wrong people.

I understand that, if [the researcher(s)] collect(s) any secret or sacred information or things, they will put them into [the keeping place at X location; AIATSIS for safekeeping]. Other people should not be allowed to access this information or these things without [my and/or someone else's] permission.

OR: I agree that, when [the researcher(s)] has/have collected all the information or things they need, they will talk to me [and/or whoever else has the authority to discuss them] about what to do with any secret or sacred information or things.

#### **11 Who will have access to the research results?**

I understand that this research will produce a report for [ABC Indigenous organisation or other body]. Members of the organisation will be able to read it, and so will other Aboriginal people who participated in the research. [The researcher(s)] will not give a copy of the report to anyone else without [ABC's] permission. [There may be a need for further restrictions, e.g. on who can view it and for what purpose.]

OR: I understand that anyone can read the book/article/report [watch the video, DVD etc.] that comes out of this research, and that even people on the other side of the world might see it, maybe on the internet. That's OK with me.

AND (if appropriate):

I agree that [the researcher(s)] can present information from the research at conferences even if I am not there. [If there's no co-authorship, add 'I understand that [the researcher(s)] can do this without asking me first'].



AND: [The researcher(s)] will give me [or someone else, e.g. an Indigenous organisation] a copy of any books, articles, databases, CDs, videos or DVDs that s/he writes or produces out of the research.

## 12 Intellectual property

I understand that [the researcher(s)] will hold copyright in any books, articles, databases or conference papers [or tapes, CDs, videos, DVDs etc. – add or delete research products as appropriate] produced as a result of this research.

This means that:

[The researcher(s)] will be able to reproduce the information that is in these books, articles, databases or conference papers (or tapes, CDs, videos, DVDs etc.) in other places or for other purposes (e.g. on the internet) without asking for anyone else's permission, [The researcher(s)] will be able to let other people reproduce that information without asking for anyone else's permission.

If the books, articles, databases or conference papers (or tapes, CDs, videos, DVDs etc.) make any money; [the researcher(s)] will keep it, [The researcher(s)] can pass copyright onto people I do not know (e.g. their own children), who also will not have to ask anyone's permission before they reproduce the information in the books, articles, databases or conference papers (or tapes, CDs, videos, DVDs etc.), let other people reproduce it or keep any money that these research products make.

AND (as is usually appropriate):

[The researcher(s)] will grant [X Indigenous organisation, nominated individuals or some other choice that represents the research participants] an irrevocable perpetual license to use this copyright material for any purpose whatsoever.

OR (this is the preferred option)

[The researcher(s)] will SHARE COPYRIGHT in any books, articles, databases or conference papers (or tapes, CDs, videos, DVDs etc.) produced as a result of this research with [ABC Indigenous organisation or, where none is available, a small number of Indigenous people, e.g. research participants].

This means that:

[The researcher(s)] CANNOT reproduce the information in those books, articles, databases or conference papers (or tapes, CDs, videos, DVDs etc.) in other places or for other purposes without getting permission from [ABC or other nominated individuals] first;

[The researcher(s)] will not be able to let other people reproduce that information without getting permission from [ABC's or other nominated individuals'] first;

If the books, articles, databases or conference papers (or tapes, CDs, videos, DVDs etc.) make any money, [the researcher(s)] will share it with [ABC or other nominated individuals]; [The researcher(s)] will share [equally, or in another specified way] any money that the books, articles, databases or conference papers (or tapes, CDs, videos, DVDs etc.) make with [ABC or other nominated individuals].

If [one of] [the researcher(s)] pass(es) on their copyright share to another person, that person will NOT be able to reproduce the information or let other people reproduce it without [ABC's or other nominated individual's] permission.

OR (for scientific research, e.g. into applications of traditional medicines):

Where a patent application is going to be made from the research results, [the researcher(s)] will include the names [X Indigenous organisation, a small number of Indigenous individuals] on any patent application.

[Where a patent application is envisaged or likely to arise out of the research, Indigenous participants must get independent legal advice about intellectual property issues.]

[PLEASE do not include in your Informed Consent Form a clause stating that Indigenous people 'retain' 'intellectual property rights' in 'Indigenous knowledge'. This is misinformation: the law recognises no rights in knowledge which has not been converted into a material form, like a written document, visual artwork or sound recording that is covered by copyright.]

### 13 Complaints

I know that, if I am worried about the research project, I can ring up [the researcher(s)] on (phone number) and talk to him/her/them about it.

I know that I can also complain to [please check these details are correct at the time you use them]:

The Ethics Committee at AIATSIS,  
GPO Box 553, Canberra, ACT 2601

This is an independent committee – its members do not work for AIATSIS.

Or

If I think there has been a breach of my privacy I can write to the Privacy Commissioner.

I have read this Informed Consent Form and I agree with it.

Signed by the research participant \_\_\_\_\_

Name of the research participant \_\_\_\_\_

Date \_\_\_\_\_

OR

I read this Informed Consent Form aloud to [name of research participant] and I believe that s/he understood and agreed to it:

Signed by witness \_\_\_\_\_

Name of witness \_\_\_\_\_

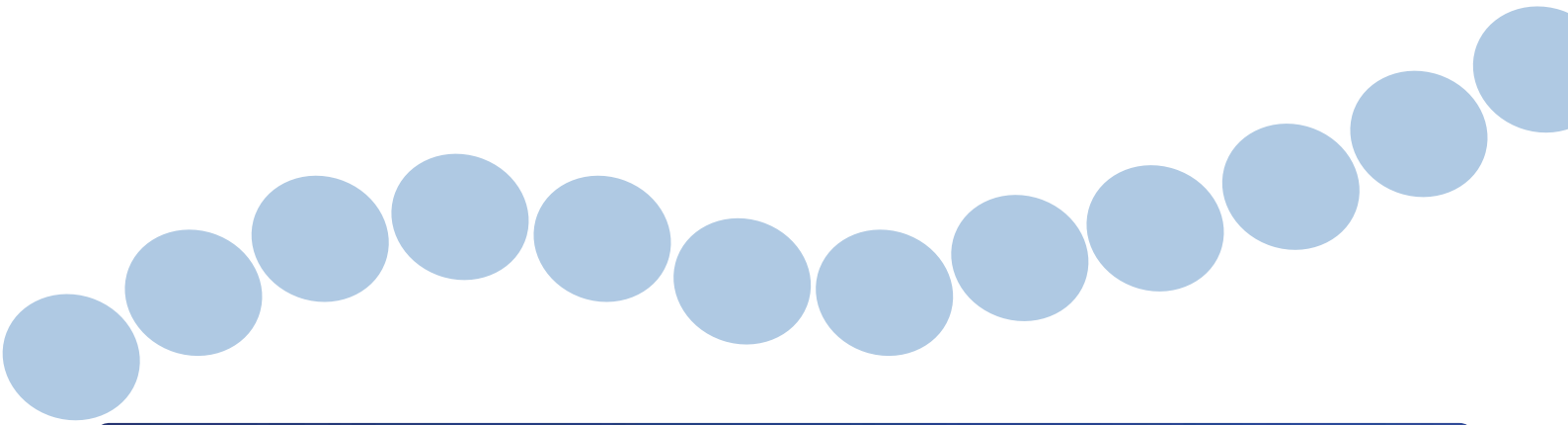
Date \_\_\_\_\_

AND:

Signed by or on behalf of the researcher(s) \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_



Zuckermann, Ghil'ad et al. 2015.

*ENGAGING – A Guide to Interacting Respectfully and Reciprocally with Aboriginal and Torres Strait Islander People, and their Arts Practices and Intellectual Property.*

*Australian Government: Indigenous Culture Support.*

