



Lake Mungo



Willandra Lakes Region

Aboriginal Advisory Group
RESEARCH CODE OF PRACTICE

May 2021



WELCOME TO COUNTRY

*The Three traditional Tribal Groups welcome you.
Yammah Guddah. Yammah Guddah. Ngallia
Ngurrampaa. Welcome to our Country.
(Ngiyampaa)*

WELCOME TO COUNTRY

*The Three Traditional Tribal groups welcome you.
Paliira kiirinana. Parimba. Our Country is
beautiful. Please come.
(Barkandji/Paakantyi)*

WELCOME TO COUNTRY

*The Three Traditional Tribal
Groups welcome you.
Telki thangurra. Pirnmatha. Our
Country is beautiful. Please
come. (Mutthi Mutthi)*

FOREWORD

The Aboriginal community associated with the Willandra Lakes Region World Heritage property has been working for many years to ensure that there is direct Aboriginal involvement in research being undertaken on their Country.

The code of practice is the result of these efforts. It was developed by the Willandra Lakes Region World Heritage Aboriginal Advisory Group to specifically address the key concerns identified by the Barkandji/Paankantyi, Ngiyampaa and Mutthi Mutthi people in the 45 years since western science began taking a keen interest in the area, elevating its Aboriginal cultural heritage onto the world stage. It has been guided by input from both Aboriginal community members and those institutions with a significant research interest in this important World Heritage area.

The code draws on internationally recognised best-practice guidelines for a rights-based approach to Aboriginal people governing their heritage. It provides guidance to any individual or institution wanting to carry out research in the World Heritage property. The code will ensure consistency in how research projects are designed, assessed and approved, and provides a template for how Aboriginal communities should be involved in all research involving their cultural heritage and ancestral remains.

I acknowledge and thank the Aboriginal Advisory Group for their leadership supporting the development of this important item of work and look forward to its successful implementation as we all continue to learn from the riches held within this magnificent Aboriginal cultural landscape.

**Robert Quirk Executive Director Park Programs,
NSW National Parks and Wildlife Service**



WILLANDRA LAKES REGION WORLD HERITAGE ABORIGINAL ADVISORY GROUP

The Aboriginal Advisory Group (AAG) is the peak Aboriginal consultative and advisory body for the Willandra Lakes Region World Heritage site. The AAG provides advice to the New South Wales National Parks and Wildlife Service (NSW NPWS) on Aboriginal Cultural Heritage matters within the World Heritage boundaries. It can also be consulted on matters within Mungo National Park.

The AAG is a departmental advisory body whose members are nominated through a series of community elections, including a Native Title representative elected by the Barkandji Registered Native Title Body Corporate (Barkandji RNTBC).

After the elections, all members are appointed by an Executive Director of NSW NPWS. The Appointed members are also appointed to the Willandra Lakes Region World Heritage Advisory Committee by the relevant State Minister.

The Barkandji Traditional Owners #8 native title determination application and the Barkandji Native Title Group Aboriginal Corporation (“Barkandji Corporation”).

The Willandra Lakes Region World Heritage property falls partly within the previous claim area in the Barkandji Traditional Owners #8 native title determination application (NSD 6084/1998), however Mungo National Park is not part of the determination area. The consent determination recognising native title in this matter was made on 16 June 2015. The Barkandji Corporation holds the native title in trust for the Barkandji native title holders. While the Barkandji native title consent determination is that native title exists over only some parcels within the 1998 claim boundary, the claim was based on connection to Country within the region. NPWS respects and acknowledges this connection. Given this, NPWS and Barkandji Corporation agreed that the Barkandji Corporation will be represented on the Willandra Lakes Region World Heritage Aboriginal Advisory Group (AAG) and Advisory Committee (AC). This representation will enable ongoing collaboration between the AAG, AC and Barkandji Corporation on matters of First Nations cultural heritage values within the Willandra Lakes Region. The representative’s responsibility is to inform the Barkandji Corporation on AAG and AC proceedings and provide advice on behalf of the Barkandji Corporation at AAG and AC meetings.



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This agreement outlines the protocols and steps required to carry out research within the Willandra Lakes Region. The intent is to provide clear direction of expectations and timelines, to provide a meaningful and respectful engagement framework for working in the Willandra Lakes.

INTRODUCTION

This document is to assist any person wanting to carry out research in or associated with the World Heritage listed Willandra Lakes Region. The document is presented in three parts.

PART ONE:

Research Principles

These are the guiding principles on how research is to be carried out in the Willandra Lakes Region.

The Principles have been modified from the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Guidelines for Ethical Research in Australian Indigenous Studies 2012, 2019. Each principle retains the integrity of the AIATSIS Principles, but has been modified to fit the purpose of the Willandra Lakes Region Aboriginal Advisory Group.

PART TWO:

Research Protocols

The protocols are the agreed way research is to happen, where information is stored, how publications are written

The Three Traditional Tribal Groups (3TTG) of the Willandra Lakes Region (WLR) have inherent rights, including the right to self-determination. The principles in these research protocols for ethical research are founded on respect for these rights, including rights to full and fair participation in any processes, projects and activities that impact on them, and the right to control and maintain their culture and heritage. These principles are not only a matter of ethical research practice but of human rights.

PART THREE:

Research Agreement

The agreement is where each party/partner signs onto the agreed way to carry out research

It is essential that the 3TTG are full participants in research projects within the WLR. This means institutions must share an understanding of the aims and methods of the research, and share the results of this work. At every stage, research with and about the 3TTG or their ancestors must be founded on a process of meaningful engagement, partnership and reciprocity between the researcher and the 3TTG. It should also be recognised that there is no sharp distinction between researchers and Traditional Custodians. Traditional Custodians may also be researchers, and all participants must be regarded as equal partners in a research engagement.

These research protocols and this agreement are mandatory for all research within the Willandra Lakes Region.

PRE-RESEARCH CHECKLIST



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IMPORTANT TERMS & ACRONYMS

3TTG Three Traditional Tribal Groups,
Barkandji/Paakantji, Ngaympaa
& Mutthi Mutthi

AAG Aboriginal Advisory Group

AIATSIS Australian Institute of Aboriginal and
Torres Strait Islander Studies

GERAIS Guidelines for Ethical Research in
Australian Indigenous Studies

NPWS NSW National Parks & Wildlife Service

UNDRIP United Nations Declaration on the
Rights of Indigenous Peoples

WLR Willandra Lakes Region

WH World Heritage

Aboriginal, Indigenous, First Nations

Members of the Aboriginal Advisory Group identify as Aboriginal but accept and acknowledges all these terms including Traditional Owners. In this document, terms other than Aboriginal have been used only in keeping with the documents referenced from the United Declaration of the Rights of Indigenous Peoples (UNDRIP).

Intangible Heritage

Includes dance, language, spirituality, knowledge, art, stories and song lines. Things that can't be physically touched.

PART 1: PRINCIPLES

Part 1 introduces the AAG Research Principles. These Principles should be used as a guideline and process on how to work with the 3TTG to develop and implement a research project in the WLRWH site. Following these guidelines and working with the 3TTG and AAG as their representatives, will have the ability to increase the significance of your research.

VISION STATEMENT

We, the Three Traditional Tribal Groups (3TTG), being the Barkandji/Paakantyi, Ngiyampaa and Mutthi Mutthi people, are a group of autonomous men and women who have been democratically elected by our Communities to uphold the legacy of our Old Ladies' Visions.

We assert our rights as our elders before having never ceded our sovereignty as Traditional Owners. We act with integrity to ensure the preservation of our culture and heritage as representatives of our people who have given us these responsibilities. We do so in accordance with our rights and obligations under Aboriginal lore and in accordance of our rights under UNESCO policy and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007).

Our infinite relationship with the Willandra Lakes Region World Heritage site helps us to achieve our aspirations and goals on-Country.

OUR VISION

- It is not the role of this Group to discuss 'who speaks for country'. All elected members are elected and appointed on equal merit. We honour our 'shared heritage'. Heritage inside the WH boundary is the business of all Three Tribal Groups.
- Of high importance to the group are the values of personal integrity and deep sense of care for the Willandra Lakes Region.
- Maintaining the health of the landscape for future generations to come.
- To be self-governing as a board to create autonomy in the decision-making process for the WLR.
- Create and maintain strong working relationships with key stakeholders within the WLR.

OUR ASPIRATIONS

- The preservation of our natural, cultural and spiritual values through the continuation of cultural practices.
- Reconnect Aboriginal People to their culture and country through creating opportunities to participate in on-Country activities and employment.
- The creation of an inclusive and extensive Aboriginal cultural management plan for the WLR to better manage our culture & heritage for future environmental and climatic challenges.

OUR GOALS

- To tell the living Aboriginal cultural story of the WLR and to have ongoing connection recognised in the World Heritage listing.
- Provide cultural knowledge to maintain and repair past management practices to protect World Heritage values.
- Create a culturally safe environment for people to reconnect back to Country to enjoy both the natural and cultural values of the World Heritage site.
- To continue to provide opportunities for Aboriginal people to learn and participate in traditional Aboriginal cultural knowledge and World Heritage values to create future leaders within our communities that can make strong and informative decisions for the future and to promote cultural health and well-being for generations to come.

OUR VALUES

- Integrity
- Respect
- Human Rights
- Youth
- Leadership



WHO ARE THE THREE TRADITIONAL TRIBAL GROUPS (3TTG)?

We are the Peoples from the Barkandji/Paakantyi, Mutthi Mutthi and Ngiyampaa Tribal Groups. We are the Traditional Custodians of the Willandra Lakes Region. We are collectively known as the Three Traditional Tribal Groups or 3TTG.

We continue to walk with our ancestors to share and maintain our cultural beliefs, practices and identity through the continuation of stories and relationships that connect us to country.

The 3TTG are represented by a departmentally appointed advisory body called the WLR Aboriginal Advisory Group or the AAG.

The appointed AAG members sit on the WLR World Heritage site Advisory Committee, which comprises of 18 members and provide advice to the NSW and Australian Governments on all Aboriginal cultural heritage matters within the WLR.

The AAG is the Peak Aboriginal Representative body for the Willandra Lakes and is the first contact for anyone wanting to start, continue or design any program or project in the World Heritage region, including but not limited to research, art and filming.

Table 1: The principles in GERAIS and the new AIATSIS Code

The table below demonstrates the relationship between the principles in the Guidelines for Ethical Research in Australian Indigenous Studies (GERAIS) and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Code. The principles in this code respond with GERAIS 2012.

GERAIS 2012	AIATSIS Code 2019
Principle 1	Principle 1
Principle 2	Principle 1
Principle 3, 4 & 5	Principle 1
Principle 6	Principle 1
Principle 7	Principle 2
Principle 8	Principle 2
Principle 9	Principle 2
Principle 10	Principle 2
Principle 11	Principle 3
Principle 12	Principle 2
Principle 13	Principle 2
Principle 14	Principle 4

The review was guided and informed by the AIATSIS Research Ethics Committee, the AIATSIS Research Advisory Committee, the AIATSIS Council, a roundtable of Pro Vice Chancellors (Indigenous), consultation with key stakeholders, public submissions, expert advice and research.

This Code forms part of the Australian framework for ethical and responsible conduct of research which includes the Australian Code for Responsible Conduct of Research and the National Statement on Ethical Conduct in Human Research. All Aboriginal and Torres Strait Islander research must comply with these three framework documents.

In addition: Researchers in health may also be required to apply the National Health and Medical Research Council (NHMRC)'s Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders 2018.

Researchers undertaking evaluation and quality assurance should consider the Ethical considerations in quality assurance and evaluation activities (NHMRC 2014).



BACKGROUND TO THIS MANUAL

The Willandra Lakes Region World Heritage Aboriginal Advisory Group (AAG) met on the 7th September 2018 with invited university representatives to workshop and develop the foundations for this Code of Practice. During the workshop, the AIATSIS Research Principles (2012) were discussed and the AAG agreed to adopt these principles and adapt them to our Research Code of Practice. We wanted to create a manual to guide 3TTG, Universities and other parties, to work together and conduct research transparently and respectfully on Country. This document, has been developed using the AIATSIS Research Principles (2012) as a code of practice for anyone wanting to carry out research or other similar projects within the Willandra Lakes Region World Heritage site.

Three workshops came about due to the ongoing request for all research to be carried out on Country:

1. Workshop 1, in April 2018, Buronga, was to discuss what kinds of research could be carried out at the proposed Leaghur Community, Teaching and Learning Centre, and
2. Workshop 2, September 2018, Mildura, to develop a special protocol for research on Ancestral remains.
3. Workshop 3, January 2019, in Ivanhoe, to finalise the Code of Practice that you are reading now.

Overall, the workshops identified that while the AAG have and do support a wide range of research (to date, no research request has ever been declined), it must be conducted transparently, respectfully, and with meaningful partnerships: something that has been missing over the decades. We also identified the need for special protocols to manage research requests/proposals for Ancestral remains (See Part 2) to ensure compliance with cultural safety protocols and State and Federal legislation.

Why does this Code of Practice exist? There has never been a consistent approach to the way research projects have been reviewed, endorsed, designed and conducted. This includes sample collection, intellectual property rights, and transfer of data to a centralised repository to name a few. Over the past 5 decades there have been numerous research projects carried out in the Willandra Lakes Region without any formal agreement and an inconsistent approach to consultation and engagement. There has also been an absence of arrangement or mechanism by which the AAG and WLR are provided results and datasets that may help with future management challenges. No research project will be endorsed without a formal and inclusive agreement.

PRINCIPLE 1:

Recognition of the diversity and uniqueness of the 3TTG of the WLR site as well as individuals, is essential.

RIGHTS RESPECT AND RECOGNITION

Research in Aboriginal studies must recognise the diversity of Aboriginal peoples, including their different languages, cultures, histories and values. It is also important to recognise the diversity of individuals and groups within communities.

Applying the principle

Recognise the diversity of individual Aboriginal groups and communities and the implications in planning, carrying out and reporting on their research.

Recognise that 3TTG individuals and communities may have more pressing priorities that may impinge on the research time frames. The AAG meets at least three times per year and time is always allocated for research proposals and reporting. Keep in mind though, that the AAG is in high demand and you will not be guaranteed a spot at the next meeting. Plan ahead and build community consultation and research design into your project.

Do not generalise from understandings of one Aboriginal community to others or to all Aboriginal peoples.

Do not apply stereotypes to communities and individuals.



Identify diversity within a community; for example, on the basis of gender, age, religion, family grouping and community interest.

Do not presume that the view of an individual or group represents the collective view of the community.

Differentiate between individual, group and / or collective rights, responsibilities and ownership.

Undertake research only if it does not conflict or is not detrimental to individuals' rights, wishes, beliefs, cultural heritage or freedom.

Respect individuals' rights to participate in research and in the care and control of research material and data.

Respect our wishes not to go out on Country, within the Willandra at any time without our (the AAG) presence or permission until your research proposal has been approved.



We all believe we came from this land...not out of Africa.

- Mick Kelly, 31/01/2019

PRINCIPLE 2:

The rights of the WLR 3TTG to self-determination must be recognised.

Research projects must be conducted in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, including principles of Indigenous peoples' rights to self-determination and to full participation (appropriate to their skills and experience) in developments that impact on their lives.

Applying the principle

Understand the meaning of self-determination in relation to Aboriginal peoples and their rights to maintain, control, protect and develop their cultural heritage, including their traditional knowledge, traditional cultural expressions and intellectual property.

Article 3 of the Declaration on the Rights of Indigenous Peoples states: 'Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development' (UNDRIP 2007).



PRINCIPLE 3:

The rights of the WLR 3TTG to their intangible heritage must be recognised.

Research projects should be conducted in accordance with the principle of Indigenous peoples' rights to maintain, control, protect and develop their intangible heritage, including their cultural heritage, traditional knowledge, traditional cultural expressions and intellectual property.

Applying the principle

Understand intangible heritage in terms of Indigenous peoples' definitions and perspectives.

Article 31 of the Declaration on the Rights of Indigenous Peoples states:

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 (UNDRIP 2007).

Understand the relevant laws and policies for the protection and maintenance of Indigenous intangible heritage, and international standards such as The Protection of Traditional Cultural Expressions/Expressions of Cultural Lore: Revised objectives and principles (WIPO 2006a) and The Protection of Traditional Knowledge: Revised objectives and principles (WIPO 2006b), as well as the UNESCO (2003) Convention for the Safeguarding of the Intangible Cultural Heritage.

PRINCIPLE 4:

Rights in the traditional knowledge and traditional cultural expressions of the Three Traditional Tribal Groups must be respected, protected and maintained.

Aboriginal traditional knowledge and traditional cultural expressions are part of the heritage that exists in the cultural practices, resources and knowledge systems of Indigenous peoples, and that are passed on by them in expressing their cultural identity.

To respect, protect and maintain these rights, researchers must have a good understanding of the nature of Aboriginal traditional knowledge systems, traditional cultural expressions and intellectual property.

Applying the principle

Rights in Aboriginal traditional knowledge and cultural expressions are not always well defined in Australian Law, but do not naturally assume that you or your team do not need to consult with traditional owners. Ensure that all participants in research projects are aware of the inclusive nature of Aboriginal traditional knowledge and cultural expressions as well as intellectual property.

It is a fundamental principle of research to acknowledge the sources of information and those who have contributed to the research. If Aboriginal knowledge contributes to intellectual property, recognise the contribution, where appropriate, by transferring or sharing intellectual property and any benefits that result from the research.

Ensure familiarity with laws, administrative arrangements and other developments relevant to Aboriginal traditional knowledge and cultural expressions as well as intellectual property rights. Include attention to actual and/or potential implications of making the research processes and outputs publicly available/published. This will be done in consultation with the AAG prior to publication.

Discuss co-ownership of intellectual property, including co-authorship and co-contribution of published and recorded works and performances, shared copyright, future management of the resources collected, and proper attribution and notices. The AAG will review the results and co-write the paper with the research team.

Give Aboriginal contributors the opportunity to share in any intellectual property rights that vest in the researcher: it is the researcher's responsibility to negotiate with any institution (for example, a university) that has contractually transferred their intellectual property rights.

Agree in writing on the sharing of intellectual property rights and moral rights between the researcher and the AAG.

In the design of a research project, recognise and acknowledge continuing Indigenous ownership of the traditional knowledge, traditional cultural expressions and intellectual Property rights in the materials on which the research is based, and protect the privacy, integrity and wellbeing of participants.

Include all possible measures in research projects to ensure protection of Aboriginal peoples' communal rights in cultural expressions, designs, and knowledge and performances, as these (or aspects of these) may be produced or included in such projects. In any publication, acknowledge information obtained from the AAG. All manuscripts and abstracts must be co-written or reviewed by AAG prior to publication (see publication plan under Protocols, Part 2).

Aboriginal traditional knowledge and cultural expressions are not static and extend to things that may be created based on that heritage. Be aware of copyright laws regarding moral rights and attribution and the various forms of protection for different research products, including performances and other elements of Aboriginal cultural expressions. Where necessary seek appropriate expert advice on intellectual property issues.

Be aware of current laws and standards, both internationally and in Australia, that relate to specific areas of research (for example, biology, genetics, archaeology, ethnobotany).

Base research projects on an understanding, in equal terms, of AAG perspectives and definitions of Aboriginal traditional knowledge, cultural expressions and intellectual property, and on current non-Aboriginal approaches to understanding them.



PRINCIPLE 5:

The 3TTG knowledge, practices and innovations must be respected, protected and maintained.

Acknowledging and respecting Aboriginal knowledge, practices and innovations is not only a matter of courtesy but also recognition that such knowledge can make a significant contribution to the research process.

Once Aboriginal knowledge is recorded, it becomes 'property' as defined under Western laws and concepts. It is therefore essential that the rights and interests of Aboriginal people, whose knowledge it is, are recognised and protected throughout the project, and in regard to research products and outcomes after the life of the project.

Applying the principle

Recognise and protect Indigenous knowledge in accordance with Indigenous peoples' perspectives, protocols and cultural values.

Take steps to ensure awareness of the scope of the subject matter of Aboriginal knowledge in relevant standards such as The Protection of Traditional Knowledge: Revised objectives and principles (WIPO March 22, 2010)

Respect the rights of Aboriginal peoples in relation to their knowledge, ideas, cultural expressions and materials, and their rights to maintain secrecy of Aboriginal knowledge and practices.

Show or distribute restricted material only with express permission from the AAG. Consider the impact of disclosure on the wider cultural source group, and whether wider consultation is required prior to disclosure. This is particularly relevant where first disclosures and publications are likely.

Aboriginal and Torres Strait Islander peoples have distinctive languages, customs, spirituality, perspectives and understandings that derive from their cultures and histories. Research that has Indigenous experience as its subject matter must reflect those perspectives and understandings.

Incorporate Aboriginal knowledge, learning and research processes into all stages of research, including project design and methodology.



People should have cultural awareness training before coming out here"

- Daniel Kelly, 31/01/2019



We don't want to see it in the newspapers, T.V before we know about it

- Maureen Reyland, 30/1/2019

PRINCIPLE 6:

Consultation, negotiation and free, prior, ongoing and informed consent with the Aboriginal Advisory Group are the foundations for the AAG's ancestral remains research protocols.

NEGOTIATION, CONSULTATION, AGREEMENT AND MUTUAL UNDERSTANDING

Researchers should understand the meanings of free, prior, ongoing and informed consent, and the steps that must be taken to ensure that the process is followed properly.

Free, prior, ongoing and informed consent means that agreement must be obtained free of pressure and ensuring that Aboriginal people are fully aware of the details and risks of the proposed research. It also means the AAG may withdraw consent at any time due to breaches of the agreement. Informed and ongoing consent of the AAG as a group, as well as individuals within that group is important.

Applying the principle

Conduct all research on the basis of free, prior, ongoing and informed consent.

Ensure that Aboriginal people are equal participants in the research process.

Ensure appropriate negotiation and consultation about the aims and objectives, and to ensure meaningful negotiation of processes, outcomes and involvement.

Ensure the research project has free, prior, ongoing and informed Consent and plain English statement/s signed by participants.



Needs to be plain English so that everyone can understand it

- Mick Kelly, 31/01/2019

For more general research, consult the AAG who can guide your research to individuals within communities who have made an important contribution in relation to the research topic.

Observe appropriate values of the AAG and its protocols.

Discuss with the AAG to identify any potential political issues of the research.



Consultation has been inconsistent. A protocol should be that scientists should approach AAG collectively not seeking permission from individuals

- Daryl Pappin (Mutthi Mutthi)

Communicate with the AAG by appropriate means (face-to-face meetings are always desirable) and consider the budgetary and funding implications of such visits for the individuals and organisations (refer to Flowchart A).

In submissions (proposals, reports, presentations) to the AAG, clearly identify the researchers and any other participants, any institutional affiliations and key stakeholders, and sources of financial support.

Clarify objectives from the outset but maintain flexibility and a willingness to modify goals and ways of working to meet the research interests of the AAG.

With the AAG, agree about the interpretation of the results and the preparation of any publications (including co-authorship).

With the AAG, agree about identification or otherwise of individuals involved in the research, and how those who take part in research should be acknowledged in any publication.

PRINCIPLE 7:

Responsibility for consultation and negotiation with the Aboriginal Advisory Group is ongoing.



When researchers present research proposals they need to attend an AAG meeting

- Daryl Pappin, 7 September 2018

Consultation and negotiation is a continuous two-way process. Ongoing consultation is necessary to ensure free, prior, ongoing and informed consent for the proposed research, and to maintain that consent.

The AAG will need time to consider a proposed research project and to discuss its implications, both before it begins and at various stages of the project. Research projects should be staged to allow continuing opportunities for consideration of the research by the AAG.

Applying the principle

Phase research according to AAG as well as research needs.

Hold preliminary meetings to discuss the proposed research and reach agreements.

If necessary, reformulate the outline of the research proposal and provide new materials generated from the discussions to the AAG for review.

Ensure that an AAG quorum is present at preliminary meetings and are informed of the scope of the proposed research.

Explain research methods and processes to the members of the AAG in plain English and seek endorsement of their cultural appropriateness.

Rights to record and/or film require clearance from participating interviewees/subjects. Negotiate agreement in relation to the rights and responsibilities in ownership of, and access to, recordings of Aboriginal performances and activities,

especially where those recordings are likely to be distributed and shared in ways such as digital audio and visual methods, DVD and the Internet (See Part 2 – Protocols)

Report during the project in accordance with the signed agreement.

If necessary, consult further about unforeseen matters that might affect the research process.

Be willing and able to renegotiate objectives in light of new factors and considerations and to modify the scope, aims and methods of the proposed research.

Allow time in the research project for continual review, feedback and discussions with the AAG.

Ensure that Aboriginal people have the right to decline or withdraw their involvement in a research project at any given time. Agree what will happen to any material provided to the researchers, where the AAG or community member who provided that material withdraws from the project.

Make provision for a final meeting to consider the results of the research. Further consultation may also be required about details of reports and any publications (see flowchart B – Publications).

Obtain (do not assume) invitations to visit the AAG for the time necessary to conduct the research and to report upon results.

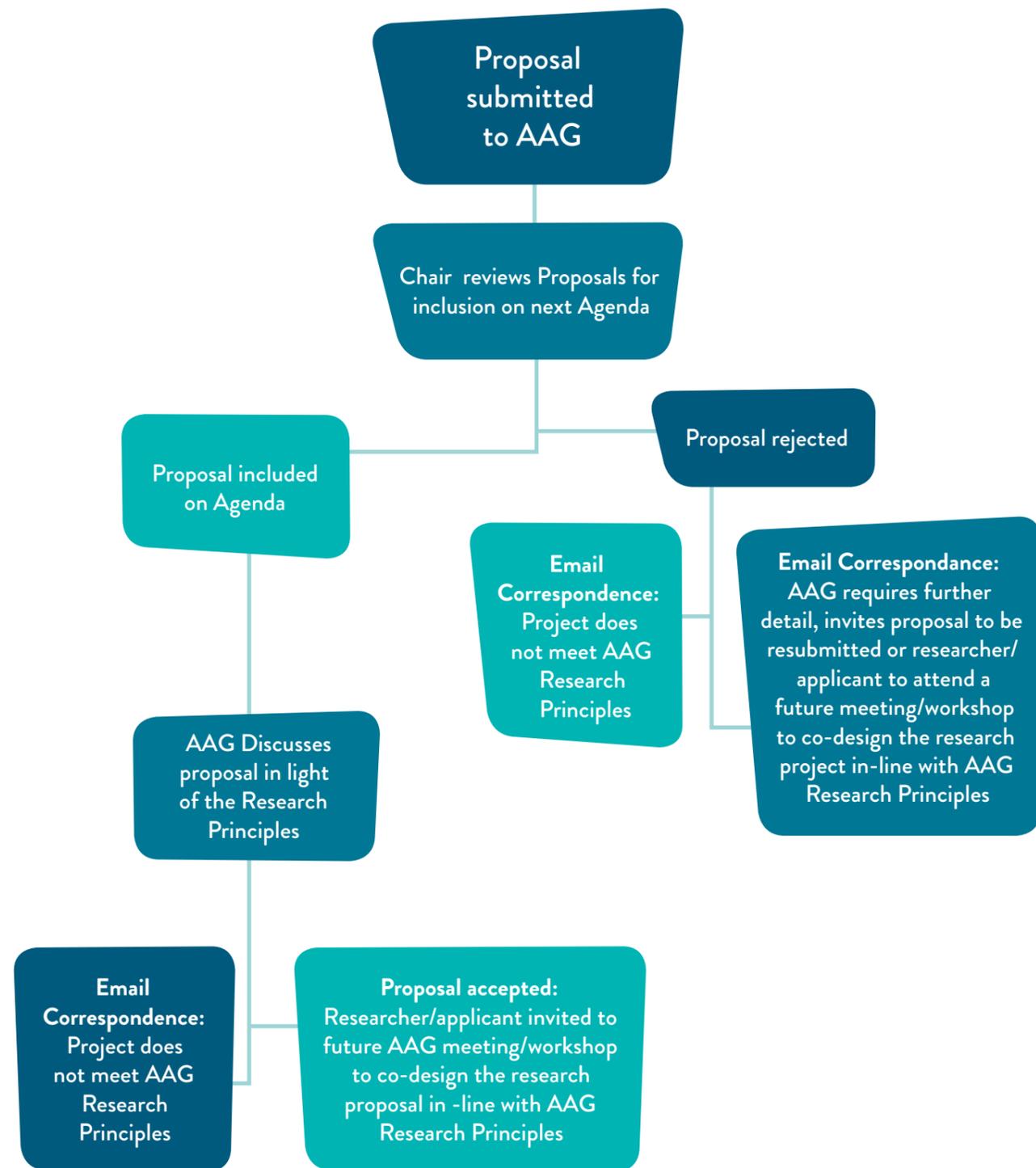


Decisions take time, why do we have to break our neck for their timeline

- Mary Pappin, 7 September 2018

FLOWCHART A: APPROVAL PROCESS FOR RESEARCH AND PROGRAMS

(FROM AAG TERMS OF REFERENCE)



FLOWCHART B: *Manuscripts, publications and presentations*





“The AAG Protocols should be promoted so AAG and community are all informed of the correct process. Researchers need to make sure that consultation is broad and with the right people.”

- Patricia Winch, 7 September 2018

PRINCIPLE 8:

Consultation and negotiation with the Aboriginal Advisory Group should achieve mutual understanding about the proposed (consensual) research.

Consultation involves an honest exchange of information about aims, methods and potential outcomes (for all parties). Consultation is not exclusively an opportunity for researchers to tell the AAG what they, the researchers, may want.

Being properly and fully informed about the aims and methods of a research project, and its implications and potential outcomes, allows the AAG to decide for themselves whether to oppose or embrace the project.

Applying the principle

Clearly define and explain the purpose and nature of the study: who is carrying it out and funding it, the objectives of the research, and the likely impacts and consequences of the study, including production of research outputs, publication/s and commercialisation.

Explain methods of collecting information clearly and comprehensively, including how and where the information is proposed to be kept and shared.

Reach agreement on how the research should proceed, including processes and timing for informing representatives



Researchers need to know our past and have respect for what has happened to us and where we are coming from, to come with an open mind to learn from us as much as inform us

- Daniel Kelly. (Mutthi Mutthi)
September 2018
Benetook Room,
Mildura Library

of the AAG of the progress of the research and reporting any interim results.

To conduct research appropriately and sensitively, discuss relevant cultural and political circumstances.

Discuss with the AAG what participation is required and may entail.

Provide an honest assessment of the risks or potential adverse impacts of the research.

Develop strategies to handle disputes that may arise. These may include mediation and other approaches where, for example, participants withdraw from a project, or the nature of the project changes after commencement.

Provide any impact assessment studies that relate to environmental, cultural or social impacts that have been completed as part of or in advance of your research proposal.

Provide referees for other research done by the researchers seeking access, and discuss how the projects went and any problems that were encountered and how they were addressed.

Explain, but do not overstate, the potential benefits of the study.

Explain the potential usefulness of the research to the AAG in general.



PRINCIPLE 9:

Negotiation should result in a formal agreement between the Aboriginal Advisory Group and the researcher's institution for the conduct of a research project.

The aim of the negotiation process is to come to a clear understanding that results in a written, formal, negotiated agreement about research intentions, methods and potential results.

Good faith negotiations involve a full and frank disclosure of all available information and are entered into with an honest view to reaching an agreement. In designing and commencing a research project, all participants should negotiate and reach agreement on a process for managing:

- Aboriginal traditional knowledge and intellectual property that exists prior to commencement,
- how this relates to all those components of Indigenous traditional knowledge,
- cultural expression and intellectual property that result from the research and throughout the project, and
- the potential implications for all these components in research products and outcomes.

The agreement is designed to protect the AAG and the researcher, and to clarify the understandings that have been reached. The written agreement will be the result of the consultation and negotiation and may have legal implications.

Applying the principle

Get a letter of support, from the host research institution, for the research and conduct of the project. i.e. Does your research institution support your research?

Identify who should enter into the agreement with the AAG, e.g. Pro Vice Chancellor of all participating institutions.

Base the agreement on good faith negotiations and free, prior, ongoing and informed consent.

Consider whether independent legal advice is required.

Consider any permits or permissions that may be required from Local and State Government Agencies (See checklist).

Determine the information to be included in the agreement, based on discussions and negotiations; the agreement should reflect the mutually agreed aims, processes, outcomes, community participation and collaboration.

Refer to Part 2 for what will need to be in the Agreement.

PRINCIPLE 10:

The AAG & 3TTG of the WLR have the right to full participation appropriate to their skills and experiences in research projects and processes.

PARTICIPATION, COLLABORATION AND PARTNERSHIP

Research projects should be based on an awareness of the rights of Aboriginal peoples to full participation in decision making on matters that affect their rights.

Research on Aboriginal issues must include Aboriginal perspectives. This will be achieved by facilitating direct AAG involvement in the development of a research project.

If an AAG or 3TTG participant withdraws, then he or she should agree what should be done with their contributions made to the research project up to the date of the withdrawal.

Recognise the specialist knowledge of particular community members and their potential contributions to the research endeavour and involve such persons wherever possible and appropriate.

Encourage and support community members, Traditional Owners and others as appropriate to be involved in the research as collaborators, advisers or assistants.

Continue Aboriginal involvement, where possible, beyond the period in which the research is conducted (to later stages such as compiling the research and presenting it).

Applying the principle

Aboriginal communities and individuals have a right to be involved in any research project focused upon them and their culture. Apply the relevant provisions in the United Nations Declaration on the Rights of Indigenous Peoples (see Article 2).

“Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.”

(United Nations Declaration on the Rights of Indigenous Peoples, Article 2)

At the beginning of a project identify the appropriate people - Traditional Owners, custodians, Elders, and others with rights and interests - who are responsible for the Aboriginal knowledge and/or practices that may be involved and facilitate direct involvement as appropriate.

Aboriginal or Torres Strait Islander (ATSI) scientists and or appropriately qualified ATSI persons are the first choice expert to undertake any proposed research within the Willandra Lakes Region.



PRINCIPLE 11:

The AAG & 3TTG involved in research, or who may be affected by research, should benefit from, and not be disadvantaged by, the research project.

BENEFITS, OUTCOMES AND GIVING BACK

The key criteria for AAG assessment is the “degree to which the research proposal and its approach is consistent with the AAG’s principles”. The research proposal and approach will need to clearly articulate alignment with the AAG principles including the benefits, direct or indirect, that AAG and 3TTG will obtain from the research

Research in Aboriginal studies should benefit Aboriginal peoples at a local level, and more generally.

3TTG who contribute traditional knowledge, practices and innovations, cultural expressions and intellectual property, skills, know-how, cultural products and expressions, and biological and genetic resources will receive fair and equal benefits.

There should be reciprocal benefit for allowing researchers access (often intimate) to personal and community knowledge.

Applying the principle

Discuss openly and negotiate with the AAG any potential benefits. Benefits may include financial payments such as royalties, as well as other benefits such as training, employment and community development.

Aim to make the benefits to the community or individual

participants of equal value to the demands of their participation.

Where the benefits are not general (for example, employment opportunity or financial compensation), allocate benefits in cooperation with the group. Be prepared to pay those contributing to the research in recognition of the value of their contributions, particularly where significant time is given outside normal personal or community commitments.

Recognise that certain cultural information is owned and may need to be paid for.

An ethical review panel should ensure that payments or financial benefits to the participants are considered.

Provide all relevant information to the AAG to weigh potential benefits against possible risks or disadvantages.

Do not create or contribute to circumstances where exploitation of an economic, cultural or sexual nature can occur.

Factor in benefits to the AAG, such as support for the archiving of materials relating to intangible cultural heritage, including (but not limited to) field notes and recordings that document language, cultural practices and ethnobotanical knowledge. Ensure that, if such benefits are provided, appropriate measures are in place to protect secrecy and confidentiality of materials.

PRINCIPLE 12:

Research outcomes should include specific results that respond to the needs and interests of the AAG.

Research should be co-designed, co-led and ongoing with AAG. AAG could ask any research proposal to include an Aboriginal graduate.

“What outcomes do we (AAG) want in future? A lot of careers have been built off Mungo Man and Mungo Woman. The research has put a lot of researchers on pedestals who are still looking down on us and until they sit down, talk and take it slowly with us they are missing the point. I would like to see one of our people get the qualification for our people to work on our country on our culture”

“What research has been done into our living culture, it’s all been research on ‘stones and bones’. Need research into the fabric that held our people together for thousands of years”
Mick Kelly, September 2018, Benetook Room, Mildura Library

Research outcomes should respond to the needs and interests of Indigenous people, including those who participate in the project and others in the community who may be affected by

the research. Among the tangible benefits that a community should be able to expect from a research project is the provision of research results in a form that is useful and accessible.

Researchers should be aware that research outcomes of interest to Aboriginal peoples, including any community and individuals directly involved, may differ from those envisaged by researchers.

Applying the principle

Ascertain, during early consultations, the research needs of the AAG, if any, and opportunities for collaboration in research.

Be sure to build in the specific viewpoints of the AAG.

Incorporate research outcomes specific to the needs of the AAG and 3TTG participants, as appropriate.

Recognise the broad range of educational backgrounds and experiences of Aboriginal peoples and produce materials in accessible forms.

Provide an opportunity to discuss the significance of the results for the community with representatives and participants.

Be prepared to assist in the formulation of proposals for further research or related action by the AAG.



Good opportunity for us now to get our own people gaining benefit

- Joan Slade, September 2018, Benetook Room, Mildura Library

PRINCIPLE 13:

Plans should be agreed by AAG for managing use of, and access to, research results.

MANAGING RESEARCH: USE, STORAGE AND ACCESS

Research results (and proposals) need to be understandable, plain-English and in clear language.

“Sometimes agreements (which address access to research) with Universities may require information be stored and be accessible in particular formats – changes in technology may be required to be addressed in the protocol. Need to have formats that are applicable to future generations, for example, cloud based storage. Data access needs to be embedded in the AAG protocol. Data access and storage must be negotiated from the start with ongoing review during project.”



- Mick Kelly, September 2018

The AAG and 3TTG make significant contributions to research by providing knowledge, resources and access to data. These contributions should be acknowledged by providing ongoing access for the AAG to the research results and negotiating rights in the research at an early stage (as per Protocols set out in Part 2).

The AAG expectations, the planned outcomes and access to research results should be agreed through this agreement (see Part 2 and 3).

Applying the principle

Agree on the rights to research results, their forms and presentation, and individual or community use of them. This may involve ongoing access to data or representations of the results of research through digital media.

Agree at the outset on the ownership of research results, including institutional ownership of data, individual rights of researchers and the AAG.

Agree when and how results of research will be fed back to and discussed with the AAG and relevant individual community members.

Agree the level of AAG control over access to, and use of, any research results, including print, pictorial, audio and video, and digital materials. Discuss making these available online and/or depositing in libraries and archives.

Discuss and present research results with the AAG before publication and before discussion with the media.

Negotiate with the AAG any discussion with the media of the research project and its results.

Agree on the disposition and storage of results of research, including primary data.

Try to anticipate the evolving use of technology and the impact it could have on research results and their storage.

Discuss thoroughly and agree with the AAG matters of confidentiality and agreed restrictions on use of information.

Explain fully any limits on confidentiality (for example, where field notes or research data might be subpoenaed for legal proceedings).

Be willing to make results known to appropriate local, state, and national authorities if requested.



PRINCIPLE 14:

Research projects should include agreement with the AAG on appropriate mechanisms and procedures for reporting on ethical aspects of the research and complying with these guidelines.

‘Ethical aspects’ of a research project may change through time and may need to be reevaluated during a project.

- Need to keep language simple.
- Need to document and report continually as a project evolves.
- There is a need for continuous reporting and consent, such as for DNA samples is a good example. Checking in with the AAG as project evolves gives the AAG opportunity to monitor that the project is still in line with original agreement and AAG should have the right to call a stop if ethical protocols are being breached.

Need to manage risk.

- It’s desirable to review the research design so that it includes milestones whereby a project takes a breather which allows the AAG and researcher to celebrate and agree to the next steps together.

REPORTING AND COMPLIANCE

Researchers and research funding bodies should ensure that there are appropriate, ongoing processes in place for reporting research progress, especially regarding any actual or potential changes in the ethical conditions/contexts.

Applying the principle

Take appropriate measures in the design, implementation and monitoring of a research project to ensure it complies with this Research Manual and the principles, protocols and agreement it contains at all stages of a project.

Be aware of the risks (including any penalties) that may result from breaches of this Research Manual (for instance, where they are part of a funding contract).



PART 2: RESEARCH
PROTOCOL

RESEARCH PROTOCOL

If you want to conduct research in the WLR including Mungo National Park you will need to work with the AAG. The AAG requests that all researchers meet face-to-face with them. It is not ok for a researcher or institution to approach an individual AAG member or member of the 3TTG community to request endorsement for their project. We make the decision together as a formally appointed group.

The AAG aims to meet quarterly and its time is in high demand. This means that you should plan ahead as your item may not make the next meeting. If your project is large, it may require developing the research design at a workshop. Prepare to be asked to pay for the workshop and for people's time.

SECTION SUMMARY

All projects, research or otherwise, will require an agreement. The agreement will provide a clear direction for all parties involved. It will capture any elements of your program that the AAG decide require parameters. These can only be developed in consultation and through transparency of the nature of the project. Elements may include, but are not limited to: payments, operations of drones, restricted areas, cultural safety, media releases, publications etc.

The elements will be listed in the agreement with detailed, agreed to terms. i.e. with publications, the terms may be: "all results must be presented to the AAG prior to any publication being developed".

This section provides some examples of some project elements that may require defining in a project agreement.

COPYRIGHT AND INTELLECTUAL PROPERTY AGREEMENT

At the commencement of any research project or other operation the AAG requests that the applicant engages in discussions regarding joint copyright and intellectual property of any derived project outputs. This can include field samples, data, results, images, or identifying individual IP in the case of oral histories, interviews, filming etc.

PHOTOGRAPHY AND FILMING

These research protocols provide guidance for consultation when required for filming and photography proposals within the WLR including Mungo National Park. At the commencement of any research project or filming and photography application, the AAG may request that the applicant engages in discussions regarding joint copyright of any photography or footage associated with the WLR site.

NSW NPWS filming and photography on Park policy applies to Mungo National Park.

PUBLICATIONS

This is our heritage and we will be the co-authors of it. So much research has been conducted that either ignores our stories or beliefs, all-the-while neglecting to acknowledge that they are ours. We acknowledge the benefits of research and want to see research continue in the Willandra Lakes Region but changes must be made to how it is presented to ensure that our perspective is also provided for.

The AAG can request that publications from scientific research be co-written with the AAG. It is the responsibility of the researcher or institution to organise, facilitate and pay for workshops with the AAG or an elected sub-committee to develop and co-author the research publication with the AAG.

These workshops will require payments to AAG so factor this in when budgeting for your research.





PAYMENTS

Research Partners

As per principle 10, the AAG want to continue working with universities, institutions or agencies. 'We don't want to be "engaged" or "consulted" with on research, We want to be research partners who can co-design research with you'. As such, the AAG, as research partners will be granted the same merit as any researcher. We want a meaningful, transparent partnership that will foster strong working relationships and opportunities for your and our communities. Strong working relationships need continuous maintenance in the form of open and transparent communications. In turn, this will build trust.

If you want to carry out research in the Willandra Lakes, this co-design is critical to gaining our support. Build payments into grant applications for research design, field assistants, and return trips to speak with us about your research.

Field Assistants

Field assistants will help create opportunities for skills development and capacity training for the 3TTGs. Expect that we will want field assistants to participate in the research.

FEES

Rates and fees for the use of facilities to carry out research and projects on park will be negotiated prior to project commencing. If the facilities are on-Park, these discussions will take place with NPWS staff to ensure costs are covered for maintenance etc.

Facilities

Buildings, labs and accommodation facilities made available for research will need to be paid for. Build this into your grant application.

ETHICAL CLEARANCE

The Aboriginal Advisory Group recommends all research on Ancestral Remains go through the University Ethics Committee. Where this is not possible, the AAG may seek guidance from the National Advisory Committee for Indigenous Repatriation.

CULTURAL SAFETY

Cultural safety is mental wellbeing and not putting people in compromising situations. For example, do not single individuals out to give permission for research.

Respect Aboriginal cultural knowledge.

Respect roles and responsibilities to each other and the land.

Don't take things home that do not belong to you.

Be respectful of the country, objects and places.

Be respectful of gender sites (men's sites and women's sites).

ACCOUNTABILITY

What happens if someone is in breach of the agreement?

Your project will cease to be endorsed by the AAG and you will not be able to carry out your research.

Works are to stop immediately, and the signatories of the agreement are to be notified.

YOUTH EDUCATION

Transmission to future generations is a core goal of World Heritage management. Prepare to be asked to participate in education programs or be asked to produce material that can be used in the classroom. Opportunities, as they arise, will be made to integrate with youth education initiatives.

THE RESEARCH PROTOCOL OF ANCESTRAL REMAINS

105 Ancestral Remains were excavated and removed from the Willandra Lakes Region without any consultation with the 3TTG Others, excavated to protect from erosion, still sit and wait in boxes with no action to rebury. The AAG do not want this to happen to any more Ancestral remains. It took 40 years to get these Ancestors back on country. The AAG does not want any more Willandra Ancestral Remains to be excavated and be off country or out of the ground for an indefinite period.

The AAG is resolved, all Ancestral Remains are to be returned to the ground. If Ancestral Remains are excavated for conservation or research purposes, there is to be a date set by which they are to be reburied. No Ancestral Remains are to be excavated or relocated without first establishing a date of re-internment.

No research project or question is to be developed on Ancestral Remains without the AAG. All research must be developed in partnership.

THE RESEARCH PROTOCOL OF NON-ANCESTRAL REMAINS

At a workshop in April 2018, the AAG discussed a range of research disciplines and types of study. The purpose was to discuss what research would be acceptable at an On-Country Community Research and Education Centre. Table 1 below shows a wide acceptance of research to be carried out.

Table 1. Research on non-human cultural material

ITEM	OK	NOTES
CULTURAL ARTEFACTS	✓	The question was asked of the likelihood of human remains being mixed with non-human material. It was explained that this situation had not been experienced in many years of research. It was also mentioned that human DNA can potentially be mixed with non-human material – but this was a remote possibility
• stone	✓	
• bone – non human	✓	
• shell	✓	
• wood	✓	
• ochre	✓	
AGRICULTURAL/BOTANICAL		
• seeds & nuts	✓	
• wood	✓	
• shell	✓	
• microfossils	✓	
• fireplace charcoal	✓	Fireplaces may contain other materials. Esp. when block sample taken for processing in lab.
• pollen	✓	
• starch grains		
ZOOLOGICAL & ARCHAEOLOGICAL		
• animal bone	✓	
• shell	✓	
• microfossils	✓	e.g. ostracods
• fish bones	✓	
• insects	✓	
• casts	✓	
• soil & sediment	✓	Inc. swamp/lake sediments
• rocks	✓	(NB - not from grave sites)
• ground water	✓	
• water samples	✓	

PROCESSES FOR MANAGEMENT OF ANCESTRAL REMAINS



RESEARCH AGREEMENT

Does your project need an agreement?

An agreement must be developed, agreed to and signed, minimally by the AAG and participating research institutions, as well as any other interested party, prior to research commencing. In developing the agreement, the principles outlined in this document are to be the guiding, base-line ethics of the project.

The type of agreement will depend on the scale and nature of the project. The agreement may take the form of an exchange of letters signed by representatives of each party, to something that resembles a larger, more detailed intellectual property agreement signed by executive level representatives of each participating institution or agency. The exact form of the agreement and who is required to sign, will be agreed through consultation between WLRWH AAG and participating research institutions.

The key point is that the project has been co-designed with the Willandra Lakes Region World Heritage Aboriginal Advisory Group and all necessary recognition and engagement has occurred.





Lake Mungo



Thinna Yappa

