Traditional Cultural Expressions

A Guide to Engaging with Arts Practices and Intellectual Property of Aboriginal and Torres Strait Islander People
This guidebook consists of protocols for engaging with Aboriginal and Torres Strait Islander arts practices.

The University of Adelaide produced this booklet as a guide to any student or academic across Australia, especially in an Arts faculty (Humanities and Social Sciences). Undergraduates, postgraduates and teaching staff in the visual, musical and performance arts, linguists, anthropologists, sociologists, historians, public intellectuals etc. can use this guidebook to engage with ‘Traditional Cultural Expressions’ (TCEs) such as song, dance, visual arts and stories in a way that is respectful and benefits all.

If you are a student inspired by Indigenous TCEs, this guidebook will show you how to connect with communities in a positive way and get your head around important issues like copyright.

Here are three pointers to get you started:

1. Ask about the meaning of any symbols, stories and motifs, and check that you aren’t causing offence.
2. Get permission from Traditional Custodians for your project.
3. Share the benefits of your work with the community and give back.

The guidebook will help you:

• Reach a deeper understanding of cultures.
• Feel confident in engaging with traditional cultures.
• Build lasting relationships with communities.
• Correctly handle paperwork, for example with regard to consent.
• 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 communities.

For researchers working with Aboriginal and Torres Strait Islander people, the sections on consent and intellectual property will be especially useful. There is an example of a consent form in Appendix 2 that you can adapt and use for your projects.

If you are a teaching staff in an Arts faculty, the guidebook 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. Reading this guidebook will help clarify the issues and guide you in best practice. The laws and policies included within are current to 2015. Nothing contained in this report should be considered as giving legal advice. Anyone requiring legal advice should speak to a qualified legal practitioner.
Welcome

Our aim 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 this guidebook will help you design your own detailed map for your journey.

With approximately 330 language groups and nations across Australia, this guidebook is far from a complete resource. Many groups do have shared understandings of intellectual property and cultural protocols, but differences ought to be respected. Whether you are an Indigenous person or not, you need to consult locally about what is appropriate locally.

Indigenous peoples worldwide have rights under the United Nations convention. Universities are legally obligated to engage with communities in a way that respects these rights.

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Cover

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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Traditional Cultural Expressions

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

The phrase ‘Traditional Cultural Expressions’ (TCEs) appears throughout this guidebook 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 in Indigenous arts. The word ‘traditional’ can be interpreted many ways, and it is said here in the most inclusive way possible – it does not at all exclude contemporary, emerging or hybridic 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 pass between generations 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 and heritage. 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, not a style. Copyright belongs to the individual who created the work, but Traditional Cultural Expressions often belong to communities, not 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 can create artwork with sacred symbols. Artworks, music, stories and performances are intrinsically linked to both community and individual identity.

Enforcing Customary Law within a Western law framework is difficult. Because there are gaps in legal protection, it is very important to be aware of the moral issues and to follow best ethical practice.

Quick facts: Traditional Cultural Expressions

- Embody, and are intrinsic to, traditional culture and knowledge.
- Pass between generations.
- May include designs, styles and motifs, not just specific artworks.
- Usually belong to communities, not just individuals.
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 revitalize 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 recognize and protect the exercise of these rights.
Advice from an Aboriginal professor in visual arts education:

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. In my experience as a lecturer in the visual arts, however, I have found that most students are inhibited by concerns that they will somehow breach cultural protocols or misinterpret a work because it is outside their own experience. This is true for all students whether Indigenous or of another background. There is nothing in a work of art by any Indigenous artist that is made available publicly that will give away easily any ‘business’ or Law that you are not allowed to see.

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). The exhibition contained a wide range of painted images produced by artists from Country in northwest Western Australia near the stockroute. Their paintings are maps of the Country that explain its history, cultural traditions and the Laws that govern all interactions between people and Country. These images are beautiful and challenging visual works with technical use of materials that any student can appreciate, learn from and enjoy as they would any work of art.

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.

For the artists of Yiwarra Kuju, mapping is not simply a geospatial plotting of routes. Instead, a map guides and explains social relationships and responsibilities to Country. The atlas or directory-style maps that students were most familiar with were challenged, and they began to see mapping as a process of describing events that occur in the landscape. The images also guided the students in thinking about developing an iconography of their own to indicate people, tracks and significant places.
With these 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 their daily travel. The iconography of the *Yiwarra Kuju* artists inspired swirls for bodies of water, wavy lines for contours in the land and symbols for men and women and their activities linked by tracks between events and places.

Techniques included standing above large sheets of paper, working together, and producing the works with a range of materials such as long sticks, brushes, leaves, feathers, hands, sponges, drizzling ink, dabbling thick paint and throwing thinned pigments. 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.

**When inspiration crosses the line**

Non-Aboriginal artists who create work inspired by Aboriginal or Torres Strait Islander cultures can be controversial. 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 realize that they do not have the appropriate knowledge to make something similar. There are still ways to engage and learn from traditional culture, as long as you do it with respect and seek advice.

Some elements of Aboriginal and Torres Strait Islander cultures are vulnerable to being misused. For example, rock art figures are so ancient that any copyright must have expired (see the upcoming section on Copyright). But communities would likely assert ongoing cultural rights. Special care must be used 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 birthright and in gaining seniority by passing through 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 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 have the right under Customary Laws could cause real harm to the original artist. The artworks are intrinsic to a person’s identity and represent elements of clan and totemic associations that must remain with the artist. To appropriate 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 respectful use under Customary Law is. Even something that seems respectful to you may cause deep offence to other people. The answer is simply to ask the right people. Seek advice from a Traditional Custodian from the community that the image belongs to. Let them know what you have in mind, and be open to adjusting your project if they say it is inappropriate. If in doubt, leave it out.
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 who you contacted, the date, whether you contacted them by phone or email, and what their response was.

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 not from the culture, including for Aboriginal people from another heritage. Don’t be afraid, people can guide you. Talk with people – tell them what you want to do and see if it’s okay. Think seriously about how you can connect with the symbol and interpret it appropriately.

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 Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) reference desk in the Collections area. Their huge collection includes visual art, photographs, sound recordings and written records. They have experts available to guide you in your research.

If you’re trying to contact a visual artist, the Australian National Gallery (Canberra) may also be able to assist. Most artists are represented by an art centre or dealership that can introduce you.

You could also try sending the artist an email or contacting them through social media. Many Aboriginal and Torres Strait Islander people are keen users of social media, and if they don’t have a page themselves their art centres 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 approach them respectfully and with enthusiasm.

If you aren’t looking for a particular artist, but you know the Country or community a style is from, you can find information from local organizations and cultural institutions. Land councils, health services and other Indigenous organizations 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.

Case study

A sculpture called 'Wandjina Watchers in the Whispering Stone' by Benedikt Osváth was inspired by rock paintings of Wandjina, sacred spirits to Worrora, Ngarinyin and Wunambal from the Kimberley. Aboriginal people expressed offence to the sculpture, as the image is sacred, the artist had not received permission, and the depiction of the image contained a mouth but 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.

What do you think?

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 peoples, and it is respectful to be aware of cultural differences.

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.
- 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 everyone thinks.’
- 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 lip service or fake love. People will easily recognize when you are not being yourself.
- 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 European culture. If you come from a European background, a rough guide is to imagine how embarrassed you would be by a situation, and multiply it by ten.

Traditional Aboriginal and Torres Strait Islander cultures use communal communication, which means conversations do not happen with people rapidly taking turns and leaving no gap for thought (known as dyadic communication). 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

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.


**Writing right**

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


**Understanding intellectual property**

It’s important to know your rights as an author on a work, whether it’s a written story or any other product. You can get help if someone is using your work inappropriately.

Copyright is an automatic right given to the author of written works, films, music, artworks, computer programs and compilations of other works (like a journal or CD compilation). It doesn’t 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. This may discourage people from using your intellectual property.

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 a lot of control for what an artwork can be used for.

The author usually holds copyright, but it can be assigned to someone, sold to someone, or shared between two or more authors who worked together on the work. If you share copyright with someone, it means you can’t licence it out or republish it without the other person’s permission.

Traditional Owners can benefit from having control over how a work is used and could receive income from licensing the copyright, but the creator of original art also deserves recognition and rights for their work. You should seek an agreement that benefits all.

3. **Culture specific to the community:** As there are many different Aboriginal cultures in Australia, it is respectful to learn about the cultures within the community 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 cultural training.

**Read more**


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 say yes or no to other people who want to use their story. But what if the traditional story was sacred, and Customary Law says it should not be shared with others?

This can create situations where Traditional Custodians do not have 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. 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 to the Traditional Custodian, 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 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 will 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 is no longer the owner of copyright.

If you are an employee of a university, check their intellectual property policy to find out who owns 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 is inspired by something. You can draw on traditional styles and keep copyright if that’s the right thing to do, but we encourage you to engage and share – rather than to take 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 start engaging with Traditional Cultural Expressions:

- If your work was inspired by someone, tell them.
- 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 weblink. Say explicitly, for example, that ‘this element was inspired by the Barngarla community of Port Lincoln’.

• Find local artists and talk to them about their art. You may gain a deeper understanding, which will help your own style develop.

• 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.

• Share your work with the community. Look for ways to give back. Indigenous people love learning about other cultures, Indigenous or not.

**Who can own copyright?**

Traditional Knowledge is often considered to belong to communities, rather than individuals. This can make copyright difficult, as copyright 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) from the community could be assigned copyright, so they can say how it would be used in the 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 acknowledged in the research product (preferably by copyright).

**More information**


**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 it.
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 law – 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.

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.


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 useful notice contains a lot of handy information. It lists two separate copyrights. The Words and Melody belong to the Traditional Owners, although community collective rights were not legally enforceable as of March 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.

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.’

Recommendation:
All works containing the intellectual property of Aboriginal and Torres Strait Islander peoples 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 are filming or recording 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.
• Performers have 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. This is similar to the moral rights of authors, discussed below.
• Uncommissioned sound recordings are owned by the performers on the recording, not the person who recorded them, as long as the recordings were made after 1 January 2005.
Moral rights

Under copyright, artists 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.

Artists 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. 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 trade mark?

As well as copyright, work can be protected with a design, patent or trade mark. For example, three-dimensional artistic works that are mass-produced do not qualify for copyright. They need to apply as a design through Intellectual Property (IP) Australia in Canberra to be protected.

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 specializes in intellectual property.
- Make an application at IP Australia.

Read more

The IP Australia website: www.ipaustralia.gov.au


Seeking Consent and Keeping Paperwork

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

**Free** – given without being pressured or coerced.

**Prior** – given before the project begins.

**Informed** – given with full knowledge of the details and risks of the project, the expected outcomes, how the results of the research will be shared and how they will be acknowledged.

An honest and clear talk, preferably in person, should always be the basis for consent. English is not the first language for many Aboriginal and Torres Strait Islander people. It isn't uncommon for a person to speak up to seven or more Australian languages in everyday communication. It’s important to use appropriate communication techniques. Here are a few tips that may help, and are true whether a person speaks Warlpiri, Japanese or Danish.

- Speak slower, not louder.
- Use plain English, no jargon.
- Unpack difficult ideas as clearly as possible.
- Order your ideas logically.
- Be aware of how effective your communication is – watch their body language to check that the person understands what you’re saying.
- Use a reliable interpreter, if you can find one.

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 don’t make promises you can’t deliver on.

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.

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. 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 reliably translated if possible.

**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’s 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? Who owns copyright?
- How will traditional owners and communities be acknowledged 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?
- 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 control this?
- If there are profits in the future, who will receive them?

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

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 is
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, apologize 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.

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 not happy. Agreements need to be fair and understood in
order to meet legal requirements.

There are certain requirements on how long research data and primary materials 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 done by students, may only need 12 months. A policy is required
to cover the secure and safe disposal once this period is finished. Work with community or heritage
value should be kept permanently, preferably within a national collection.
Case study

When doing research, it is important to be specific about what the material, knowledge and insights you gain will be used 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 said 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, other studies used the samples, leading to over two dozen papers investigating mental illness and the geographical spread of the tribe, which described 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.


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 any necessary permissions before entering Country, such as 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 different to each other. 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 used?

These are complex issues. We recommend that a project should only proceed if everybody who is impacted by the project agrees. Otherwise it may cause lasting damage to the community. For example, it can create a feud between families. It can also make people unwilling to work with that scholar or other scholars in the future.

If communication is difficult or you are discussing complex, sensitive topics, have a translator present during these 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. But if you hear nothing, do follow up your communications three or four times – you may have just caught them at a busy time.

In some communities, saying ‘no’ is considered impolite. Instead, they may choose not to respond, or say ‘yes’ but take no action. Be respectful of this cultural difference, and do not put communities in a position where they feel pressured to say ‘yes’ when they want to say ‘no’. You can achieve this by ensuring the process of consent is a true negotiation, and giving communities time to discuss.

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 absolutely sure that people understand their right to withdraw at any time.

Read more
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 communities? Or will it just benefit yourself? A long history of appropriation and cultural stealing 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 peoples historically constitute the most researched groups in Australia. Any research project with should be strongly considered for its value to increasing knowledge for non-Indigenous peoples, which in turn will have positive benefits for those communities. Aboriginal and Torres Strait Islander peoples have learned 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.

Three ways you can share benefits include sharing knowledge, training and acknowledgement.

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 will not cause offence. This is known as participatory action research (see the next case study below).

Our advice is to distribute the research before the final write up for comments and to check 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 or confirm the statements they have made. For Aboriginal and Torres Strait Islander peoples, 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 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.

Acknowledgment: Being recognized 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.

Collaborators and participants in research

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

Aboriginal and Torres Strait Islander peoples have the right to determine what research projects are important to them. University researchers should speak to communities before projects begin, so they can adjust the aims and scopes of the research to ensure it is relevant to community members. Involve
the community in all aspects of research, so that you collaborate in deciding on methods, collecting data and analysing results.

Indigenous peoples should not be seen as passive subjects of research, but as active directors of it – better described as collaborators than participants. People who provide a valuable contribution to research ought to be fairly paid for their expertise.

**Case study**

The Aboriginal Research Practitioners Network (ARPNet), 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 organizations and universities can ask ARPNet to conduct research on their behalf. The information gathered by ARPNet 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 lens and there is less chance for 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 pieces, flyers and word of mouth. The community discusses the results and makes changes, and permissions are checked again. ARPNet members are listed as authors on any papers that result.

**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 ___’

**Ethics Approval**

Any larger post-graduate project that involves extended and in-depth research of or with Aboriginal and Torres Strait Islander peoples must have approval by the Human Research Ethics Committee of their university.

Payment

Aboriginal and Torres Strait Islander peoples may contribute a significant amount of time to assist universities with various projects. As important partners in research, communities must be acknowledged and receive benefits such as fair payment, training and knowledge sharing.

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

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

For other contributors, 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 or small payments of money, rather than full compensation for time.

Paying people a lot of money to take part in research can be seen as coercing them, which is considered unethical. 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 doesn’t seem fair for an individual to profit personally from sharing community knowledge. One option is to give the financial benefits to the whole community, for example by sponsoring a cultural centre 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 recognizing when Aboriginal and Torres Strait Islander people are active collaborators imparting valuable expertise.

Conclusions

Working with Traditional Cultural Expressions can be very rewarding for you and the community. The advice we have given may sound easy, but in practice it can be tricky. How can you be sure someone understood you enough to give informed consent? What if almost everyone in a 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’s one message to take away from this guide, it’s to engage, engage, engage. Talk to people and learn about cultures, 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 enthusiasm and respect.

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


Appendix 2: Informed Consent form

This form has been adapted from the AIATSIS ethics consent form, with permission from Jaky Troy. 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 doesn’t 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 don’t 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 don’t have to answer any questions I don’t 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 won’t be able to make me keep participating if I don’t 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].

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 won’t talk about [a particular kind of topic]. I won’t 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 don’t 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 AIATSIS 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 know that I won’t get paid for participating in the research project.

OR: (if appropriate):

I will get 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 get paid 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 dub on me’;

- for a project which uses focus groups ‘that, while the researchers 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 organization etc. – adjust to suit the medium, e.g. video, DVD].

AND (choose whichever is relevant):

I understand that the researcher will [write the book, produce the video etc.] by him/herself/themselves. I won’t write [etc.] it with him/her/them. [Add other relevant information, e.g. ‘but my story and photo might be in that book’].

OR: I understand that [researcher(s)] want to [write the book, make the video etc.] with me [and any other co-authors, producers]. I agree to become an [authors, producer etc.]. My name will be mentioned on the [front cover, titles etc.] as an [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 don’t 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 won’t 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 won’t recognize 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 organization 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 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 don’t 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 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 don’t 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 [researcher(s)] find out secret or sacred information, or are given secret or sacred things, they won’t tell or show them to the wrong people.

I understand that, if [the researcher(s)] collect 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)] 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 organization or other body]. Members of the organization will be able to read it, and so will other Aboriginal people who participated in the research. [The researcher(s)] won’t 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’m 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 organization] 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 don’t know (e.g. their own children), who also won’t 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 organization, 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 organization or, where none is available, a small number of indigenous people, eg 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 individual’s] 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)] passes 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 organization, 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 recognizes 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]_____________________________________