

Aboriginal Knowledge and Intellectual Property Protocol Community Guide



Waltja Tjutangku Palyapayi





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Mrs Dixon passed away in 2010 after the completion of the 1st edition of the Aboriginal Knowledge and Intellectual Property Protocol Community Guide. The family of Mrs Dixon have kindly given permission for her name and image to be used.

PREAMBLE

ABORIGINAL KNOWLEDGE AND INTELLECTUAL PROPERTY PROTOCOL COMMUNITY GUIDE

This Protocol tells about the rules for researchers and shows how local Aboriginal people and researchers can work together.

Aboriginal people own their knowledge.

All research that concerns Aboriginal people must respect Aboriginal culture and knowledge.

Everyone should be equal in the research and have shared understandings.

This Protocol makes sure that researchers who work with Aboriginal people and Ninti One do the right thing.

WHAT IS IMPORTANT?

ETHICS

Ethics is doing things the right way. It means:

Being respectful of everyone involved.

People working together.

Learning and sharing is both ways.

Everyone involved wins.

Talking is straight face-to-face.

Talking and listening are equal.

Understanding that every place is different and has its own way.

The researcher continues to ask if they are working
the right way throughout the research.

WHAT IS IMPORTANT?

CONFIDENTIALITY

Not all stories can be shared.

Some stories are public and some stories are private:
'This story is just between you and me'.

Sometimes researchers need to understand that
they cannot write down all the stories.

You need to have a chance to hear or read what the researcher
has recorded so that you can say if it is OK to write and publish it,
or if some parts are private.

You need to make it clear what can be talked about
and what can be written down.

WHAT IS IMPORTANT?

FREE PRIOR INFORMED CONSENT

You need to know all about the research before you decide that you want to participate (this might take some time).

The researcher has to talk and explain properly.

The researcher might need a local helper.

Honesty and talking straight are important both ways.

You should not be bossed around.

You should not be rushed. Just take your time to decide.

Big changes to the research need to be talked about straight face-to-face with everyone involved.

It is OK to say 'NO'.

You can change your mind about being involved.

WHAT IS IMPORTANT?

BENEFIT SHARING

Sharing and learning must be both ways.

The research has to make a difference.
It has to be important for Aboriginal people.

The research has to help people.

'We help the researcher and the researcher helps us'.

Aboriginal workers in the research should be paid.

Speak up and tell the true story.

WHAT IS IMPORTANT?



WHAT HAPPENS TO THE RESEARCH?

**Anything told or shown to researchers
should not be used in any way without:**

The agreement and full understanding of the Aboriginal people involved.

Making sure that the information is public and not private.

The Ninti One Board being sure that Aboriginal people
involved in the research are happy about it.

The Ninti One Board saying 'yes' to stories
or information being put in reports or in a book.



WHAT IS IMPORTANT?

KEEPING AND FINDING THE RESEARCH

The research information and recordings will be kept:

According to Aboriginal cultural laws and practices.

In local knowledge centres and keeping places.

In ways that the right Aboriginal people can find them and use them.

According to Australian Government privacy laws.

Or destroyed, if asked for by the right Aboriginal people.

WHAT IS IMPORTANT?

REPORTING AND PUBLISHING

After the research is finished:

The names of Aboriginal people must be kept private unless the researchers are told it is OK to use them.

If you worked closely on the project, your name should also be on the research reports as an author.

Aboriginal people must be acknowledged as helping in the project, unless they say they do not want to be named.

WHAT IS IMPORTANT?



USING THE RESEARCH

The research will only be used:

For reasons that were agreed to by Aboriginal people.

If it does not hurt or shame Aboriginal people.

To benefit Aboriginal people.

To make money, if the Ninti One Board is sure that
Aboriginal people involved in the research agree.

This is about commercialisation.

To make money, if a legal Agreement is made between
Ninti One and the Aboriginal owners of the knowledge.



WHAT IS IMPORTANT?

RETURN AND REPORTING BACK

The researcher must make sure that:

Aboriginal people involved in the research are kept up-to-date about it.

Aboriginal people know who they can contact if they are unhappy with how the research is being done.

Project reports are provided to all Aboriginal people involved in the research in ways that make sense and are useful.

Good stories are celebrated with the Aboriginal people involved in the research.

WHAT IS IMPORTANT?

MAKING SURE THE PROTOCOL IS USED

Everyone involved in Ninti One research is responsible for making sure this Protocol is followed.

Ninti One has strong rules for researchers about using this Protocol.

Ninti One will work with Aboriginal people to make sure that the Protocol is the best it can be.

If you have good ideas about how to make the Protocol better, please tell Ninti One.

This Guide to the Protocol was made in November 2008.

WHAT IS IMPORTANT?



GOOD RESEARCH CHECKLIST

- ☐ It's OK for me to work on this research.
- ☐ This research is OK with the community.
- ☐ I am working with the visiting researcher.
- ☐ I am getting paid.
- ☐ I know the research will be useful.
- ☐ I know the research will make a difference.
- ☐ I know that I will get copies of the research.
- ☐ I am being listened to.
- ☐ I am being respected.
- ☐ We have made a research agreement.



WHAT IS IMPORTANT?

I UNDERSTAND

- ☐ What will happen in the research and how long it will take.
- ☐ What the researchers, including me, are able to do in the research.
- ☐ What will be learnt from doing the research and how my community will benefit.
- ☐ That some things might affect the research, like bad weather or cultural business.
- ☐ What will happen to the written information, recordings, photos, video, etc, collected in the research.
- ☐ Who is paying the researcher and why they want to do the research.
- ☐ Who to contact if I'm unhappy with how the research is going.

WHAT WORDS MEAN

ABORIGINAL KNOWLEDGE

This is all of the stories and the culture (that you can see and hear) that are passed on from the old people. These stories and ways of doing things are held by the community, not just one person. But different people will hold different stories. These stories and culture are close to the land and Aboriginal identity.

INTELLECTUAL PROPERTY (IP)

Applies to 'things' that are made because of the research. These include anything that is written, such as reports, or recorded in sound or image. They become 'property' that can be owned. IP laws in Australia include the Copyright Act, the Patents Act, Plant Breeders Right Act, Trade Marks Act and the Designs Act.

see crc-rep.com/sites/default/files/upload/bp1_intellectual-property-rights-in-australian-law.pdf

and crc-rep.com/sites/default/files/upload/bp5_aboriginal-and-torres-strait-islander-knowledge-western-knowledge-and-ip.pdf

WHAT WORDS MEAN

BACKGROUND INTELLECTUAL PROPERTY

This is the knowledge people bring with them into a project, the stories and culture that you have before the project starts. This is the knowledge that you own, rather than what you learnt through the project.

COMMERCIALISATION

If research is commercialised then it becomes a money-making business. If money is going to be made out of research then a legal agreement has to be made between the Aboriginal people whose knowledge contributes to the research and Ninti One. This agreement will talk about how any money might be divided up and how people might benefit.

EMILY COX



The ochre is country. The circles below country is all the knowledge. The footsteps show people coming for a meeting, men and women, Aboriginal (brown feet) and visiting researchers (white feet). They are all sharing their stories. The yellow dots in the circle are stories that can be given out (public) stories. The grey dots in the circle are the secret or private stories.

The ochre dots are stories or knowledge that can be talked about to help people understand, but they can't be taken away. They talk and agree about what good the research can do. They come to be friends. Everybody is happy and they walk off together.

ISOBEL
NAMPITJINPA
GOREY



Alice Springs is the half circle at the top of the painting. The visiting researcher travels from Alice Springs to the community. In the middle is a community meeting. The white U shapes are the visiting researchers sitting down with community leaders to explain and to ask permission. The community leaders say OK. Then the visitors go out to talk with families in the community and in outstations. They go with local Nintiringtjaku workers (brown footsteps).

They sit down and explain and ask questions and listen. The Nintiringtjaku workers explain in language and English so everyone understands. The Nintiringtjaku workers help people to talk up about what is OK to write down and what is private.



MARGARET ORR



In the middle of the painting is a Council meeting. Grey people (U) are seniors, the old people. Brown U are the community members. White U are the visiting research workers. The meeting gives permission for visiting researchers to go out and talk to the community. One group of community people talk into tape recorders (U with rectangle above). They can decide if their stories are OK to share or if they are private and confidential. Other people talk and the researchers write down what they say (white books). The people are OK for the researchers to take their words away for the research, but they have to give a copy to the community people. Another group talks up strong to the visiting researchers and gives them good ideas but says the stories are confidential (brown books), and the researchers can't write them down.

TOPSY DIXON



Council meeting is the first thing. The visitors come to ask permission. Council people ask lots of questions and talk up strong for the community. Council says OK for the research. They tell the visitors who they should go and talk to: some families, some outstations. The visitors go where Council says.

When the visitors talk to families they show respect and they listen. They use a tape recorder. When they have visited everybody they go back again and give a copy of the tape back to the family. This is a good time for them to check if it is OK. This is a good time for them to check if it is OK to use everything on the tape or if something is private.

JONI WILSON



The hand means that at the end of all the people meeting together, everyone is happy, everything has been done the right way. The researcher comes into a community to discuss the document, whatever is needed. The local people meet with them to hear what has to be said. The next step is that the researcher has to meet with the elders and show the document to them. Then the local people and the elders meet about the document and the sacred stuff. Then they take the document and the sacred stuff to show the researchers where they can work or what to respect and who to go to. The sacred stuff and stories are to be left where it was heard and the researchers and the elders trust each other and respect everyone. The researcher should always respect where they are and respect the community and the people.

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The design on the back cover is from Waltja's committee meeting in 2006. The artist is unknown.

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The full Aboriginal Knowledge and Intellectual Property Protocol, on which this Community Guide is based, is available for download from:
www.nintione.com.au/welcome-website-portal-ninti-one-limited/resource-centre or from the Waltja website: **www.waltja.org.au**

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