



Aboriginal and Torres Strait Islander Research Engagement Protocol

1. PREAMBLE

The conduct of research undertaken on behalf of Ninti One Limited can, through partnership, provide real social, cultural and economic benefits to Aboriginal and Torres Strait Islander people and their communities. This protocol acts as a guide to both researchers and community members in how research is conducted in Aboriginal and Torres Strait Islander communities.

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This protocol is also a negotiation tool that enables the researchers and community residents to sit down and discuss the benefit-sharing arrangements and mutual expectations and outcomes from the research. It is, therefore, an active document that is specific to each research project, within the framework of best practice outlined. The sections at the bottom of each heading are rough guides only – they are to be altered and/or filled out as relevant to each project.

Continual improvement of this protocol will be taken on the advice of Aboriginal and Torres Strait Islander research partners and other researchers within Ninti One. To this extent, this protocol is a work in progress (2012).

2. PRIOR INFORMED CONSENT

2.1 All applications for research must obtain the prior informed consent of the Aboriginal and Torres Strait Islander people with whom the research is going to engage. It is important to note that consent can be retracted at any time during the research project. Informed consent is ongoing. It is the responsibility of the researcher/s to keep Aboriginal and Torres Strait Islander people who are involved in and affected by the research updated on emerging research outcomes.

2.2 Ninti One actively encourages Aboriginal and Torres Strait Islander people to be involved in designing and developing projects. This iterative methodology allows scope for investing in local relationships and acknowledges that informed consent will take several meetings and cannot be

granted at the first meeting, but only after the Aboriginal and Torres Strait Islander participants are happy with the research project and understand its implications.

2.3 Where the research project has been designed externally, the researcher/s should provide the communities and Aboriginal and Torres Strait Islander organisations involved with full details of the proposed project. This will assist applicants who wish to obtain a permit to enter Aboriginal or Torres Strait Islander land in order to conduct research in Aboriginal or Torres Strait Islander communities in seeking prior informed consent from Aboriginal or Torres Strait Islander people. The possibility of adapting the project to local interests should be explored once in the community.

2.4 Discuss: (organisation/community) and researchers from the (name of research project) are working together to (project goal).

2.5 Discuss: The story of (research project) will address and talk about (project objectives).

2.6 Discuss: This is how the project will be done collaboratively (project methodology).

3. PARTICIPATION BY ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

3.1 Aboriginal and Torres Strait Islander people should be provided with opportunities to participate at all stages of the research (see [Schedule of rates of pay for Aboriginal workers in research - 2012](#)), including project design, gathering data, writing up results and presenting the research findings in public forums, where appropriate.

3.2 Aboriginal and Torres Strait Islander participation may be facilitated by utilising existing Aboriginal and Torres Strait Islander organisations, such as local community councils. For major research projects Aboriginal and Torres Strait Islander involvement in steering committees is essential and the establishment of Aboriginal and Torres Strait Islander advisory groups recommended. Utilising Aboriginal and Torres Strait Islander governance structures that are inclusive of senior knowledge holders and those in the roles of 'owner' and 'manager' of local land is encouraged.

3.3 Conducting research with Aboriginal and Torres Strait Islander people is about relationship building and establishing trust through mutual understandings. This can only happen over many visits and over long periods of time.



3.4 The employment and training of Aboriginal and Torres Strait Islander people should be considered in all aspects of the work. Funding for this should be an integral element in all research projects (see below). Mentoring Aboriginal and Torres Strait Islander researchers is an essential element in ensuring meaningful long-term relationships and ensuring that local expertise is valued and developed. This can be assisted by co-authorship and encouragement of wider engagement by the Ninti One community researcher in Ninti One activities, such as the annual conference.

3.5 All research on Aboriginal and Torres Strait Islander lands should acknowledge the existing expertise that Aboriginal and Torres Strait Islander people possess in a range of areas. This is particularly the case in areas of land management and Aboriginal and Torres Strait Islander cultural and intellectual property. Skills and experience also need to be recognised as existing in the arena of government policy and service delivery.

3.6 This protocol is to act as a tool to encourage transparency of conduct by researchers and ongoing monitoring of the research by both the local community/organisation/researchers and also by the Ninti One Research Leadership.

3.7 Sign: Working together means that (organisation/community), the community researcher/s and some other community members agree to undertake research work. The (research institution) researchers also agree to undertake research work. Working together means that there will be benefit for (organisation/community) and the researchers, as well as benefits for the researchers through a successful project.

3.8 Sign: It is agreed by (community organisation / researchers) and (research institution) researchers that this protocol will be revisited annually over the life of the research project to ensure both that it remains active and that the project is delivering on the mutual expectations outlined herein. It is understood that copies of all of these locally drafted engagement protocols will be held by the Ninti One management.

4. BENEFITS FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

4.1 Traditional Owners and other Aboriginal and Torres Strait Islander people have the right to expect that research conducted on their lands, and in their communities, will be of benefit to them. One way of ensuring this is by designing projects in conjunction with Aboriginal and Torres Strait Islander people. Ninti One appreciates that this participatory approach takes time, but strongly

advocates that a significant element in the 'research value chain' lies in the benefits derived from the research process, rather than only in the final outcomes.

4.2 In ensuring that the research benefits Aboriginal and Torres Strait Islander people, researchers should consider the range of ways in which such benefits may be provided. These may include both monetary and non-monetary benefits. Monetary benefits include direct payment for research work and the provision of skills and training for community members. Non-monetary benefits or the development of livelihood opportunities from research cater for a wide range of formal skill levels and interests.

4.3 Aboriginal and Torres Strait Islander people working on the project must be paid at standard rates. These can include work for a half-day or full days, or as in the case of skilled interpreters, they may be paid by the hour. The schedule of rates of pay covering the range of expertise including research facilitator/project developer, cultural mediator, interpreter and study site researcher appear on the Ninti One website (<http://www.nintione.com.au/resource/RatesofPayScheduleCommunityResearchers.pdf>).

4.4 An important element in relationship building is appreciating that Aboriginal and Torres Strait Islander people value opportunities to visit country and kin who may live elsewhere, as well as accessing services in larger neighbouring centres or settlements. In order to generate goodwill, you may wish to consider not only including extended family on any trips onto country, but also being flexible with some requests, as transport is a valuable resource.

4.5 The agreed work for (the organisation/community) is:

- To facilitate research sessions with nominated community members to talk about (research topic)
- To facilitate interpreting, translation and transcription of taped sessions as required
- To make comment on the (outputs) and when happy with the results/story, give approval for it/them to be disseminated as discussed
- To store copies of the final research products (reports, publications, etc) in order to build a body of such knowledge for the community



4.6 The agreed work for the Aboriginal and Torres Strait Islander researchers/facilitators/etc (specify roles):

- To meet with the (research institution) researcher/s (approximate number of sessions/periods)
- To assist in drawing up the research questionnaire and gathering the data
- To make locally informed comment on the data
- To assist in the co-authorship of project material as relevant
- To make comment on the (research outputs) and give approval for wider dissemination

4.7 The agreed work for the (research institution) researcher is to:

- Facilitate as many information and discussion sessions as the community / Aboriginal and Torres Strait Islander researchers require to talk about the project objectives
- Assist the community in understanding the value of the research and enable them to benefit from it
- Write up the (outputs) of (research project) and ensure that a number of them are also in plain English and/or as relevant to the community.

5. ABORIGINAL AND TORRES STRAIT ISLANDER CULTURAL AND INTELLECTUAL PROPERTY RIGHTS

5.1 Applications for research projects must demonstrate a commitment to respect and uphold the rights of Aboriginal and Torres Strait Islander people under Aboriginal and Torres Strait Islander Traditional Law to full ownership and control over Aboriginal and Torres Strait Islander cultural and intellectual property that is in existence prior to the conduct of the project.

5.2 The general term 'Aboriginal and Torres Strait Islander cultural and intellectual property' includes all aspects of Aboriginal and Torres Strait Islander peoples' cultural products and expressions as well as their cultural knowledge. It includes the totality of cultural heritage of Aboriginal and Torres Strait Islander people, including, without limitation, their intangible heritage (such as songs, dances, stories, ecological and cultural knowledge), and cultural property, which includes Aboriginal and Torres Strait Islander human remains, artefacts, and any other tangible cultural objects. However, for the purposes of undertaking research we need to separate out these types of knowledges, as they each have different implications for benefit sharing and knowledge management in research.



5.3 Aboriginal and Torres Strait Islander IP (ATSIIIP) – formally defined in the Ninti One agreements as ‘all rights based on the possession of Indigenous knowledge or skills, regardless of whether the knowledge or skills are confidential’. This needs further clarity and distinction from local and traditional knowledge, as property implies individual rights and commercial gain.

5.4 Local Knowledge – may apply to knowledge concerning food sources, ecological knowledge about seasonal patterns, as well as political and social knowledge about people’s roles and positions within the community. It is knowledge of how best to utilise local resources: human, social, cultural, physical, ecological and financial. It is this local knowledge that is most valuable to the process of undertaking research. In particular ‘background Aboriginal and Torres Strait Islander IP’ will include political and social knowledge about community dynamics. Other aspects, however, such as knowledge of flora and fauna may cross over into the more formal realm of commercialisable ATSIIIP and traditional knowledge (see below), about which a negotiated agreement will need to be reached. This aspect of local knowledge may require formal legal tools and will need to be closely negotiated.

5.5 Traditional Knowledge – again, also unique and place-based (tangible and intangible). This knowledge may refer not only to flora and fauna, but also includes esoteric and sacred traditions. This latter knowledge is held by a group structured hierarchically in a knowledge economy. Thus, although an individual may be respected as holding significant aspects of knowledge in this area, they may not be at liberty to reveal it without the permission of the group. The use of this kind of knowledge in Ninti One research will be rare and would require a negotiated agreement including a knowledge management strategy.

5.6 Thus, considering the distinctions between Aboriginal and Torres Strait Islander local knowledge – that is, knowledge that a community researcher will bring with them to a project – and Aboriginal and Torres Strait Islander traditional knowledge is important. It is recognised that in some instances clearly distinguishing these realms of knowledge may not be possible, however, and further work is being undertaken by Ninti One in this area. At all times refer back to the research project’s Aboriginal and Torres Strait Islander guides/researchers for guidance in this area. Co-authorship of reports and publications is encouraged.

5.7 Discuss: Knowledge sharing is an important aspect of the research and it is agreed that the (research institution) researcher will respect the raft of Aboriginal and Torres Strait Islander



knowledges and will refer back to the (Aboriginal and Torres Strait Islander researcher / research facilitator) as necessary for advice in this area.

5.8 Discuss: (Organisation/community) and the (research institution) researchers agree to undertake this collaborative research ethically and in ways that are culturally sensitive and locally appropriate. We recognise that we bring different skills and knowledge to the (research project) and all are equally valuable.

6. PHOTOGRAPHY, FILM, RECORDING AND MEDIA

6.1 Consideration should be given at the beginning of a research project about the types of media activities that are likely to be undertaken in the community when discussing the research proposal. Where a local Aboriginal and Torres Strait Islander media organisation exists they should be included in discussions at the outset.

6.2 The taking of photographs, making of film, video and sound recordings should be conducted sensitively; that is, 'always ask' and double check with several Aboriginal and Torres Strait Islander people if necessary.

6.3 Any Aboriginal and Torres Strait Islander people who are the subject of photographs, film, video or sound recordings and other media activities conducted as part of research projects should be asked first for their permission before publication or dissemination of the material. Their right to refuse should be respected.

6.4 It is agreed that the (research institution) researcher will always seek permission before taking any photographs, recording on film or doing sound recording from the (organisation / community) and/or the Aboriginal and Torres Strait Islander researchers.

