



Cultural Integrity Guidelines

A Guide for the appropriate use of
Dja Dja Wurrung Indigenous Cultural
and Intellectual Property





ACKNOWLEDGEMENT

Djaara (Dja Dja Wurrung People) are the Traditional Owners of Dja Dja Wurrung Country.

The Dja Dja Wurrung pay respect to our Ancestors that have given us so much to be grateful for, their customs and traditions we are now charged with to care for by our future generations will be cherished by us through our Elders, past, present and future.

A special thank you to the Dja Dja Wurrung member Wartaka for sharing your experience, stories and knowledge that led this document.

Aboriginal and Torres Strait Islander Advice/Warning

Aboriginal and Torres Strait Islander readers are advised that the following document may contain images of people who have died.

DISCLAIMER

The Cultural Integrity Guidelines document has been developed collaboratively by DJAARA Members who participated in numerous Wartaka engagements supported by Dja Dja Wurrung Group staff.

Collaborative discussions were centred around the relevant standard setting documents referenced in the introduction.

The Dja Dja Wurrung member Wartaka have led these discussions to be grounded in the locality and experience held by Djaara, and have built the Cultural Integrity Guidelines as a representation and expression from Djaara Indigenous Cultural and Intellectual Property (ICIP).

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Dja Dja Wurrung Language

The continuation of Dja Dja Wurrung language is essential to the cultural foundations of Dja Dja Wurrung People, DJAARA and Djandak Entreprises. We provide this list to instil Dja Dja Wurrung language and practices throughout our projects, partnerships, and engagements.

DJA DJA WURRUNG	MEANING
Djaara	People of Dja Dja Wurrung Country
Dja Dja Wurrung	Yes, Yes speaking people
Djandak	Dja Dja Wurrung Country
Djandak Wi	Country Fire
Ngalturrong Yana	Walk together (Together walk)

We continue to use these words to further instil their cultural significance and importance to Dja Dja Wurrung and First Nations Peoples. We will capitalise Country, Culture, People/s, Traditional Owners, Aboriginal, Indigenous, Malamiya (Cultural Heritage) and First Nations to signify their importance throughout all documents.

Development of the Cultural Integrity Guidelines

Collective Expression	A Collective Expression refers to a Dja Dja Wurrung Expression of Indigenous Cultural Intellectual Property that has been through a process of cultural governance and has been verified by DJAARA in consultation with its membership as ICIP that is representative of the Dja Dja Wurrung Peoples as a community.
Creator	In these Guidelines, means the creator of a cultural expression in any medium.
Cultural and Natural Resources	In these Guidelines, cultural and natural resources recognises the interconnection of bio-physical, social, spiritual and cosmological relationships with native species, with emphasis on cultural connections to natural resources (Ens et. al., 2015).
Cultural Validation Process	In these Guidelines, cultural validation process means a process of approval by the board as representatives of Dja Dja Wurrung family groups and based on the knowledge base held by Dja Dja Wurrung Peoples. Cultural validation is reflective of Old Ways and observations in Country.
Djaara	In these guidelines Djaara is used to define Dja Dja Wurrung Traditional Owners as individuals while also recognising Djaara as connected to a community.
DJAARA	Business trading name of Dja Dja Wurrung Clans Aboriginal Corporation.
Dja Dja Wurrung Peoples	In these guidelines Dja Dja Wurrung Peoples is used to define everyone who identify as Dja Dja Wurrung Traditional Owners, and is representative of a whole – Ancestors, clans, family groups.
Djandak	Translates to Dja Dja Wurrung Country.
DJANDAK	An entity business of Dja Dja Wurrung Enterprises Pty Ltd.
Expression	Expressions, or cultural expressions, include: languages, music, performances, literature, songlines, stories and other oral traditions, dance, games, mythology, rituals, customs, narratives, names and symbols, designs, visual art, craft and architecture (Australian Council 2019).

<p>FAIR and CARE principles</p>	<p>The FAIR and CARE principles guide data governance that respects Indigenous Data Sovereignty. The CARE Principles for Indigenous Data Governance are people and purpose-oriented, reflecting the crucial role of data in advancing Indigenous innovation and self-determination. These principles complement the existing FAIR principles that encourage open data movements which creates tension for Indigenous Peoples who are also asserting greater control over the application and use of Indigenous data and Indigenous Knowledge for collective benefit.</p> <p>FAIR acronym: findable, accessible, interoperable, reusable.</p> <p>CARE acronym: Collective benefit, authority to control, responsibility, ethics.</p>
<p>Indigenous Cultural and Intellectual Property (ICIP)</p>	<p>The Intellectual Property of Australian Aboriginal and Torres Strait Islander peoples that is considered application of these Guidelines includes all objects, artefacts, sites, language, techniques, know how, knowledge, cultural expression, cultural heritage and works, the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and which is regarded as pertaining to a particular Australian Aboriginal or Torres Strait Islander group or their territory (Australian Council of the Arts, 2019). The definition of 'Indigenous cultural and intellectual property' (ICIP) in Our Culture Our Future: Report on Australian Indigenous Cultural and Intellectual Property Rights follows the international standard developed in 1997 by a global study undertaken by the Chairperson of the United Nations Working Group on Indigenous Populations, Professor Daes. Here it is defined as: "ICIP refers to Indigenous peoples' rights to their heritage. Heritage consists of the intangible and tangible aspects of the whole body of cultural practices, resources and knowledge systems developed, nurtured and refined by Indigenous people and passed on by them as part of expressing their cultural identity. The heritage of an Indigenous people is a living one and includes items that may be created in the future, based on that heritage. Each Indigenous community asserts ownership of this communally owned heritage material. Whether there are firm cultural rules and expectations will vary from community to community. In many communities, whether consent is necessary may depend on the circumstances of the proposed use, and if the person who wants to use it is part of the relevant cultural group. It is common for Indigenous communities to assert ownership over cultural material in those communities where cultural practices still occur or are being revived" (Janke, 2005, p96)</p>

Indigenous Data Sovereignty	The right of Indigenous peoples to govern the collection, ownership and application of data about Indigenous communities, peoples, lands, and resources. Indigenous data governance is built around two central premises: the rights of Indigenous nations over data about them, regardless of where it is held and by whom; and the right to the data Indigenous peoples require to support nation rebuilding (AIATSIS, 2022).
Moral rights	Moral rights protect the relationship between a creator or owner and their intellectual property, even if the creator no longer owns the work, or the copyright to the work. Moral rights concern the creators right to be to receive credit and attribution, and protection from inappropriate treatment (Australian Council of the Arts, 2019).
Nagoya Protocol	The objective of this Protocol is the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources which includes provisions on traditional knowledge associated with genetic resources by Indigenous and local communities (Secretariat of the Convention on Biological Diversity, 2011).
Old ways	Within these guidelines, Old ways refers to Aboriginal traditional science practices and lifeways from the past, including: traditional knowledge, skills, expertise, crafts, art, observances, customs, beliefs, oral traditions, dance and any other forms of knowledge creation or exchange.
Provenance	Within these guidelines, provenance is referring to the origin of the intangible or tangible Cultural Heritage, as well as the origin of expression of culture by a Dja Dja Wurrung creator on Country. Within the Australia Council of the Arts (2019) document, provenance is the history of ownership of an artwork and is closely related to questions of authenticity such as whether an Indigenous person produced the work, if it was created with proper regard to Indigenous customary laws and obligations (Australian Council of the Arts, 2019).
Culturally Restricted Materials	Refers to material that is restricted in some way according to the customary law and practices of Dja Dja Wurrung people. Some ICIP is restricted to cultural use according to gender, age, kinship, cultural responsibility or role. Restricted Material must not be used in a way that is contrary to the customary laws and practices of the Dja Dja Wurrung Peoples.
Wuktjarra	Translates to meanings of balance, exchange and reciprocity relevant to cultural benefit sharing.

Preface

“This work is not static, it's a living document and as you go forward into the future you just keep adding to it – it's the tapestry of the document that we're weaving.”

Dumawul, Wartaka member, 2021.

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Part 1

Introduction

The Dhelkunya Dja Country Plan (2014-2034) vision is “for the health and wellbeing of our people to be strong and underpinned by our living culture” (2017:6).

The laws, culture and rights of all Djaara are significant values to be protected, strengthened and promoted. These important values include the collective Djaara knowledge system and expressions of Indigenous Cultural and Intellectual Property (ICIP). Expressions of ICIP include traditional knowledge, cultural expressions such as songs, ceremonies, art, design, expertise and technical knowledge, and cultural heritage.

ICIP is a term used to express the tangible and intangible intellectual property which is held by individuals, families, kinships and community as a whole. It is shared, and continues to be passed down for generations. Individual rights as Djaara, and collective rights of Dja Dja Wurrung, need to be in balance to maintain the integrity, strengthening and the continuation of Dja Dja Wurrung ICIP.

The Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC) trading as DJAARA is recognised by the State Government of Victoria as the Registered Aboriginal Party for an appointed area under the Aboriginal Heritage Act 2006 (Vic). DDWCAC represents Djaara as Traditional Owners for the purposes of carrying out functions under Aboriginal Heritage Act 2006, including managing cultural heritage, representing Dja Dja Wurrung members, and protecting their rights. Culture and cultural heritage forms one of the pillars of ICIP.

The principals of ICIP place legal and moral obligations on both Djaara, as individuals, and on the Dja Dja Wurrung community, to uphold these responsibilities. As part of these responsibilities, DDWCAC are responsible for the implementation and distribution of procedures that protect and strengthen ICIP. The Cultural Integrity Guidelines (the Guidelines) have been developed to address these responsibilities of Djaara and the Dja Dja Wurrung community, as well as guide broader community and partners, through a shared understanding of ICIP.

The Guidelines contain protocols for appropriate ways of engaging with Dja Dja Wurrung with respect to cultural expressions and knowledge. The Guidelines are intended to be used by Dja Dja Wurrung members, including Dja Dja Wurrung businesses, and shared appropriately with partnering organisations.

The Guidelines support and encourage ethical conduct, culturally respectful interactions and will strengthen cultural economy. A responsible cultural economy, inclusive of Dja Dja Wurrung cultural knowledge and expressions, ensures that Dja Dja Wurrung culture is strong, maintained and protected, so that it can be enduringly passed along to future generations.

This document celebrates the living culture of the Dja Dja Wurrung, and the activation of rights and progression of objectives expressed in the Dhelkunya Dja Country Plan (2014-2034).

Development of the Cultural Integrity Guidelines

The Cultural Integrity Guidelines have been developed collaboratively through engagement with a Wartaka. A Wartaka is a dedicated knowledge group of relevant experienced Djaara coming together with purpose.

The Wartaka worked together to secure an outcome on behalf of our Dja Dja Wurrung Family Groups. A series of workshops that used collaborative design processes were utilised to draw on the knowledge and experience of the Wartaka members, their systems of cultural governance, the Dhelkunya Dja Country Plan 2014-2034, and informed by current practices and protections. The Australia Council for the Arts guide: Protocols for using First Nations Cultural and Intellectual Property in the Arts (2019), is a valuable reference and resource that framed and supported the Wartaka discussions.

The Wartaka workshops were centred on a topic such as 'integrity' or 'benefit sharing'. Using a Value Proposition Canvas, the conversation was collaboratively mapped out with key notes identified. A Value Proposition Canvas is usually applied to start-ups for business modelling to make sure the product or service offering is in direct relationship with customer values and needs. In this case, it was used to map out cultural values and needs, and the offerings were protections or processes aimed at addressing the cultural values, experiences and needs that were shared. These notes were analysed and synthesised collaboratively with the Wartaka into new structures which form the foundation for the Cultural Integrity Guidelines, and were revisited by the Wartaka to ensure correct representation and interpretation of discussions were captured.

The Guidelines are grounded in the knowledge and experiences of the Dja Dja Wurrung and, through the Wartaka, aim to guide the practice of integrity, authenticity, and cultural safety of individual and shared Indigenous Cultural and Intellectual Property.

The Guidelines are a living document, intended to be regularly workshopped and reviewed with input from the Dja Dja Wurrung membership, to maintain the relevance, integrity, strength and cultural safety in its ability to support Dja Dja Wurrung living culture and Indigenous Cultural and Intellectual Property.

Overview of the Cultural Integrity Guidelines:

Guidelines:	Meaning:
Dhelk Wuka	To give goodness - respect
Mutjekilang Milrapal	Always hold - Sustaining Culture
Djadja & Djuwima	Yes - Consent To show, share - Attribution and representation
Gunditj	Belonging – Provenance (origin)
Wuktjarra	Giving to each other; Benefit Sharing
Gumbera	To watch - Protection

HOW TO USE THE GUIDELINES

The Guidelines are set out in two parts. Part 1 introduces the development and purpose of the Guidelines. Part 2 walks through the founding objectives and presents each Guideline by giving a framework to consider how to implement and maintain cultural integrity relevant to:

- Dhelk Wuka (respect);
- Mutjekilang milrapal (sustaining culture);
- Djadja (consent) Djuwima (attribution and representation);
- Gunditj (provenance);
- Wuktjarra (benefit sharing); and,
- Gumbera (protection).

The Guidelines are designed to support two distinct audiences, with the intention to be walking together with aligned purpose. Both audiences will be supporting practices that are intended to lighten the cultural load and strengthen respectful engagement with Dja Dja Wurrung Peoples' culture and ICIP in the development and maintenance of cultural economies.

AIMS:

WHAT IS THE PURPOSE OF THE GUIDELINES?

The Cultural Integrity Guidelines provide a framework to guide practice in respecting Dja Dja Wurrung collective and individual Djaara Indigenous Cultural and Intellectual Property.

The Guidelines aim to:

- Guide the lawful use of Dja Dja Wurrung ICIP that promotes cultural integrity, cultural authenticity, and cultural strengthening
- Support the ability of Djaara to practice individual and collective rights
- Advise standards and cultural considerations to be reflected in the use of cultural expressions
- Continue to establish Djaara-determined best practice in ICIP protection, use and continuation.
- Audience 1 Dja Dja Wurrung Traditional Owners including Djaara individuals, DJAARA staff, Djaara-owned businesses within Dumawul, and Djaara businesses including the Dja Dja Wurrung Group enterprises. Audience 1 may provide feedback to review, refine, update and develop the Guidelines as a living document for the purpose of alignment with the needs and aspirations of Dja Dja Wurrung Peoples.
- Audience 2 Broader communities who do not identify as a Traditional Owner on Dja Dja Wurrung Country, partnering agencies or organisations and purchasing organisations which include a company or organisation who purchases cultural services or expressions from Djaara individuals, DJAARA or Dja Dja Wurrung enterprises. Audience 2 will be guided in appropriate engagement, practice, and the expectations of Dja Dja Wurrung.

SCOPE:

WHAT DO THE GUIDELINES OFFER?

It is important to bring understanding and respect through these Guidelines to talk to how Dja Dja Wurrung Peoples, as Djaara, present and bring their voices, diverse skills and expertise today and into the future, through traditional culture and cultural practices. The scope of the Cultural Integrity Guidelines is to inform practices that promote respectful consideration of individual and collective ICIP. Underpinned by the values of cultural strengthening, continuation, and cultural safety, the Guidelines are developed to provide guidance. These Guidelines are advisory only, adaptable through the review process, and not intended to be invasive or coercive, controlling or policing in its development, use or application.

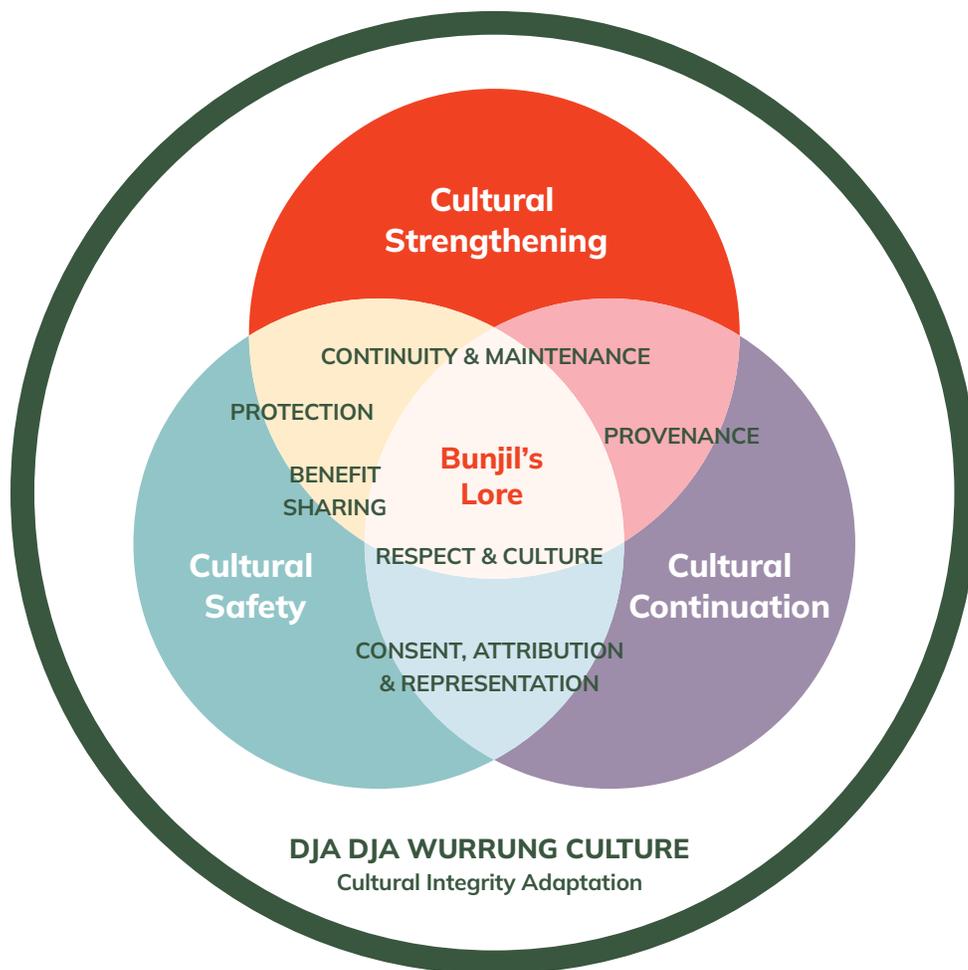


Figure 1: The relationships between the founding values for cultural protocols and customs.
 *draft infographic for values to be updated – recommendation for Djaara artist to interpret

**FOUNDING VALUES:
 CULTURAL SAFETY, STRENGTHENING
 AND CONTINUATION**

Figure 1 below represents the founding values which guided the adaption of cultural Lore, protocols and customs into this document. These values are intended to continue to guide the adaptation of Lore for our operational applications today and in the use of this document.

The values of cultural safety, cultural strengthening, and cultural continuation provide an environment where Dja Dja Wurrung culture

and knowledge is safe to be shared with future generations. The areas that overlap in the diagram represent the adaption of cultural Lore according to the foundational value.

These values must be upheld by Dja Dja Wurrung, communities, partners and stakeholders. Indigenous Cultural and Intellectual Property is one part of the wider system that uses Australian law to protect culture and knowledge. The support and celebration of Dja Dja Wurrung culture and voice, through the Guidelines, is more holistic and implements the values of cultural strengthening, cultural safety and cultural continuation.





Part 2

Guidelines

Overview of the Cultural Integrity Guidelines:

Guidelines:	Respect
Mutjekilang milrapal	Sustaining Culture
Djadja, Djuwima	Consent, Attribution and Representation
Gunditj	Provenance
Wuktjarra	Benefit Sharing
Gumbera	Protection

Objectives of the Cultural Integrity Guidelines

The objectives of these Guidelines are based in respect, sustaining culture, consent, attribution and representation, provenance, benefit sharing, and protection. These objectives are presented below (Table 1) and have been Wartaka led to form the foundation for a guiding document for the purpose of maintaining the integrity, authenticity, and continuity of Dja Dja Wurrung ICIP. These guidelines position Dja Dja Wurrung Peoples expectations on rights, protections and cultural

considerations with respect to the use of individual and shared ICIP in economic development within the creative arts, products and services sectors. The cultural considerations outlined in the Guidelines aim to support a culturally safe environment, that is respectful and supports the strengthening and continuation of Dja Dja Wurrung Peoples ICIP through celebrating and empowering Djaara and our culture.

Principle Desired outcome	Guidelines & nested objectives
<p data-bbox="228 611 480 638">Dhelk wuka (Respect)</p> <p data-bbox="228 657 586 821">Dja Dja Wurrung cultural integrity and authenticity is upheld in expressions of our living culture and connection to Country.</p>	<p data-bbox="631 306 841 333">Djandak (Country)</p> <p data-bbox="631 342 1317 405">Ensure cultural economic development is sustaining Country and is healing Country according to Bunjil's Lore.</p>
	<p data-bbox="631 447 789 474">Interpretation</p> <p data-bbox="631 483 1333 611">Ensure Djaara are the speakers and interpreters of our ICIP and are expressing our culture in a way that strengthens Dja Dja Wurrung Peoples Lore, culture, customs, and continuation of the old ways.</p>
	<p data-bbox="631 653 891 680">Freedom of Expression</p> <p data-bbox="631 688 1317 785">Ensure Djaara's continuation of cultural expressions through freedom of expression are in balance with respecting the community cultural rights of all Dja Dja Wurrung Peoples.</p>
	<p data-bbox="631 825 1016 852">Cultural Integrity and Authenticity</p> <p data-bbox="631 861 1305 957">Ensure expressions continue to be connected to Knowledge Holders and provenance which strengthens the layers and spirit of ICIP.</p>
	<p data-bbox="631 997 954 1024">Culturally restricted material</p> <p data-bbox="631 1033 1328 1129">Ensure cultural business is done in the right way that is respectful and sensitive to cultural ways connected to Bunjil's Lore.</p>
<p data-bbox="228 1360 461 1423">Mutjekilang milrapal (Sustaining Culture)</p> <p data-bbox="228 1442 565 1539">Dja Dja Wurrung Peoples are strengthening and sustaining culture.</p>	<p data-bbox="631 1167 846 1194">Cultural Continuity</p> <p data-bbox="631 1203 1308 1266">Ensure that cultural continuity systems are culturally guided and sustaining culture for current and future generations.</p>
	<p data-bbox="631 1308 829 1335">Cultural Learning</p> <p data-bbox="631 1344 1273 1407">Ensure cultural learning is enabling old and new ways of expressions, ceremonies, stories and coming together.</p>
	<p data-bbox="631 1455 833 1482">Cultural Practices</p> <p data-bbox="631 1491 1338 1554">Ensure culture is guiding practice within business, projects, partnership and in how people connect with Country and ICIP.</p>
	<p data-bbox="631 1596 870 1623">Collective expression</p> <p data-bbox="631 1631 1273 1728">Ensure collective expressions represent Dja Dja Wurrung Peoples appropriately through cultural governance and authorisation.</p>

<p>Djadja (Consent), Djuwima (Attribution and Representation)</p> <p>Djaara as individuals and Dja Dja Wurrung Peoples are treated as Custodians of our ICIP, and we determine use, attribution and representation.</p>	<p>Free, Prior and Informed Consent The use of ICIP expressions is following the standards of Free, Prior and Informed consent.</p>
	<p>Attribution Ensure Djaara individuals and Dja Dja Wurrung Peoples are correctly attributed as owners of their ICIP.</p>
	<p>Representation Ensure Djaara individuals and Dja Dja Wurrung Peoples are represented appropriately in their ICIP expressions.</p>
<p>Gunditj (Provenance)</p> <p>Provenance is continuing Dja Dja Wurrung Peoples custodianship of ICIP.</p>	<p>Provenance of expression Ensure expressions hold connection to their origin.</p>
	<p>Provenance within market Ensure the integrity and authenticity of expressions are protected in the market.</p>
	<p>Cultural Knowledge Sovereignty Ensure integrity and authenticity of ICIP is upheld through governance in the storage, access and use of Expressions.</p>
<p>Wuktjarra (Benefit Sharing)</p> <p>Dja Dja Wurrung Peoples are benefitting from our ICIP and progressing objectives in the Dhelkunya Dja. Dja Dja Wurrung Country Plan 2014-2034 (2017).</p>	<p>Benefit Sharing Standards Ensure Dja Dja Wurrung community are receiving equitable sharing of benefits from their ICIP.</p>
	<p>Cultural Benefit Sharing Ensure cultural Benefit Sharing is supporting community and cultural objectives in the Dhelkunya Dja Country plan.</p>
	<p>Commercial Benefit Sharing Ensure Commercial Benefit Sharing is progressing objectives and rights in the Dhelkunya Dja Country plan.</p>
	<p>Access and Benefit Sharing of Cultural and Natural Resources Ensure Access and Benefit Sharing of cultural and natural resources are using foundational standards set out in the Nagoya Protocol, WIPO, UNDRIP as defined by Dja Dja Wurrung Peoples.</p>

<p>Gumbera (Protection)</p> <p>Current protections are supporting cultural safety, cultural strengthening and cultural continuation of Dja Dja Wurrung Peoples ICIP.</p>	<p>Sacred and Cultural Heritage</p> <p>Ensure Dja Dja Wurrung Peoples' traditional Lore, Sacred knowledge and Cultural Heritage is recognised and protected.</p>
	<p>ICIP Expectations</p> <p>Ensure Dja Dja Wurrung Peoples are utilising current law alongside traditional Lore to protect, control and be recognised custodians of our ICIP.</p>
	<p>Copyright</p> <p>Ensure Dja Dja Wurrung Peoples are utilising the rights under the Copyright Act to protect, control and embed shared moral rights of integrity.</p>
	<p>Patents and Plant Breeders Rights</p> <p>Ensure Dja Dja Wurrung Peoples are utilising current protections for the development and commercialisation of native species and associated knowledge.</p>
	<p>Certification trademark (CTM) and Geographical Indication (GI)</p> <p>Ensure certifications are celebrating and strengthening Dja Dja Wurrung culture in the market.</p>
	<p>Licensing Agreements</p> <p>Ensure Dja Dja Wurrung Peoples are benefitting from their IP and are protected to the best ability of contract law against exploitation and without impacting shared ICIP.</p>

Summary of the Cultural Integrity Guidelines objectives.

Dhelk Wuka (Respect)

“Culture is the foundation of our community’s spiritual, social and emotional wellbeing, and we need to protect it, pass it on and help others to understand and respect our ways”

- Dhelkunya Dja Country Plan, p.14

Context:

The cultural, spiritual, social and economic values of Dja Dja Wurrung culture and connection to Country needs to continue to be strengthened through upholding cultural protocols. To respect the Dja Dja Wurrung culture and to protect the cultural integrity of ICIP means practicing cultural ethics of Bundjil’s Lore. Bundjil’s Lore is essential as it underpins social, spiritual and cultural ways.

Overview:

The Respect chapter outlines the guidelines of Djandak (Country), Interpretation, Freedom of Expression, Integrity & Authenticity and Culturally Restricted Materials which aims to embed foundational cultural protocols of the Dja Dja Wurrung culture.

Objective:

Djaara as individuals and the Dja Dja Wurrung Peoples as a whole are upholding Lore through expressing our living culture and connection to Country.



Djandak (Country)

Objective:

Ensure cultural economic development is sustaining Country and is healing Country according to Bunjil's Lore.

It's about not taking too much, so that the impact to Country is minimal, securing the collective rights of Djaara's access and future generations' rights to access. The guiding moral code is always only harvest what you need, and to leave enough for Country to be healthy. Djaara wish to see healthy Country and sustainable development that practices reciprocity with Country – which means there needs to be an economy and culture of looking after Country so that Country can support us. Caring for country also means that Djaara are healing the damage that caused upside-down Country.

- Does your practice help to heal Country or peoples' connection to Country?
- Do you have the right to access resources?
- Is it sustainable practice, is there enough for others and for Country?

DJANDAK (COUNTRY) GUIDELINES

- Practice on Djandak must protect, preserve and continue obligations to care for and heal Djandak according to Bundjil's Lore.
- This includes not depleting, commodifying, or exploiting Djandak in a way that directly degrades the health of Djandak, including its physical, spiritual and cultural context, and its ability to provide for future Dja Dja Wurrung generations.
- Harm must be avoided to intangible and tangible Cultural Heritage; Culturally Restricted Materials on Country, or impacts upon the ability and environment of Country to continue to safely retain or hold Dja Dja Wurrung Cultural Heritage and Ceremonial or Culturally Restricted Materials.
- A registration and approval record of resource collection should be implemented and maintained to ensure responsible and sustainable use and to guide regenerative work on Djandak in alignment with cultural and natural resource aspirations reflected in DJAARA agreements and policies.
- Expressions of cultural integrity should continue to:
 - a. fulfill cultural obligations
 - b. educate respect for Djandak and Dja Dja Wurrung's right to healing Country.
- Impacting Dja Dja Wurrung Peoples' reputation and role in caring for Country will trigger grievance or dispute processes.

Interpretation

Objective:

Ensure Djaara are the speakers and interpreters of our ICIP and are expressing our culture in a way that strengthens Dja Dja Wurrung Peoples Lore, culture, customs and continuation of the old ways.

Individual and collective rights to interpretation should strengthen and complement each other, while also following guidance where appropriate from mentors, knowledge holders, ceremonial leaders, and collective governance. Sharing and continuing cultural expressions strengthens collective knowledge; and it is important to honour the diversity of interpretations that support a strong knowledge system.

This is also where a template disclaimer (link to template in appendix will be added in final version) is appropriate to acknowledge a personal, family, kinship or collective interpretation and its relationship with Dja Dja Wurrung culture and Country. This means that new interpretations honour ICIP appropriately through keeping it connected, and it is being expressed according to what we know. It also means that knowledge is not disrupted or misappropriated in broader uses.

Does your practice cause harm or impact obligations under Bunjil's Lore?

Does your interpretation fit with the collective values?

Are you able to exercise your right to interpretation and expression?

INTERPRETATION GUIDELINES

Dja Dja Wurrung Peoples, and Djaara individuals, have rights connected with being the primary interpreters of their culture, ICIP and Country, which includes:

- The right to practice self-determination in the interpretation of Dja Dja Wurrung cultural expressions and Country.
- The right to practice Bunjil's Lore and the cultural knowledge of Dja Dja Wurrung ICIP, as custodians, knowledge holders and ceremonial leaders.
- The right to continue the relationship of the expression to a location on Country as outlined in the guidelines for Provenance.
- The right to maintain the interpretation of ICIP through supporting or accompanying information or story, disclaimer of personal interpretation or collective representation and provenance, including guidance documents to assist the correct cultural maintenance and representations of the expression.
- The right to ensure that Dja Dja Wurrung ICIP is used in a lawful way.

Freedom of Expression

Objective:

Ensure Djaara's continuation of cultural expressions through freedom of expression are in balance with respecting the community cultural rights of all Dja Dja Wurrung Peoples.

This is a balance of respecting an individual and the collective rights of representation in expressions of ICIP. Djaara have the right to the continuation of ICIP through individual interpretation and expression of culture. Collectively, Djaara also have the right to cultural governance of how Dja Dja Wurrung Peoples are being represented as a community through expressions of culture. (See Collective Expression and Representation for more information).

Both individual and shared expressions are intended to be upheld because the continuation of culture keeps Djaara spirit strong, connected to Country, and creates opportunities in sharing our cultural expressions of ICIP. To support integrity of both individual expression and traditional expression it is recommended a disclaimer is used to state whether it is a individual, family or community expression.

Have you said where this expression is from and whose interpretation it is?

A sample disclaimer can be found in appendix. (link to template in appendix will be added in final version)

FREEDOM OF EXPRESSION GUIDELINES

- Every Dja Dja Wurrung person has the right of freedom of expression of culture for ceremonial, personal, professional or economic reasons.
- Consideration is needed as to the appropriateness of altering or adapting sensitive tangible and intangible cultural heritage to minimise any impact to community cultural rights of continuation and cultural integrity.
- New expressions should not disrupt the relationship to ceremonial leader or knowledge holder, Law/Lore, core messaging or integrity of Traditional Knowledge through acknowledging origins as outlined in the guidelines Attribution, Representation and Provenance of Expression (link to guideline will be added in final version).
- Djaara individuals and Dja Dja Wurrung community have the right to collectively express their shared culture as a community, clan, family group, kinships or nation in a culturally safe and self-determined way.
- A disclaimer should be used to state representation as outlined in the guidelines in Representation (link to guideline will be added in final version).
- Djaara have the right to practice self-determination in practicing and developing artistic and cultural expressions through cultural diversity in their ICIP expressions.
- Provenance should be considered in interpretation and representation of expressions where there is a direct or identifiable connection to Place.

Cultural Integrity and Authenticity

Objective:

Ensure expressions continue to be connected to Knowledge Holders and provenance which strengthens the layers and spirit of ICIP.

Some expressions are going to be documented in print, and some will be from families and from Country. All are important for expressing a strong, resilient, and healthy system of ICIP. The important thing here is to say where your expression is from, to keep it connected to its origin, and to keep the authenticity and integrity of what is being shared.

Practice must have integrity and proper intent. On occasion what people may say has not been verified or collectively agreed and this may disrupt sacred knowledge of Djaara ways, unless fully informed of its origins and where it fits in Djaara culture. Ask first, cross check and follow old ways of coming to decisions together through ceremonial teachings.

CULTURAL INTEGRITY AND AUTHENTICITY GUIDELINES

- Authenticity and integrity of expressions of ICIP is at the discretion of the individual person through their consultation with community and ceremonial leaders.
- Integrity and Authenticity must be practiced through appropriate consent, interpretation and representation disclaimer, and acknowledgement of the origin of knowledge or provenance (link to template in appendix will be added in final version).
- Shared expressions need to be authorised by the relevant family group(s), knowledge holder or ceremonial leader, for use with the appropriate consent, disclaimer, statement of use and acknowledgement.
- Collective expressions used by external parties must be approved for use through cultural governance structures at DJAARA, for use in representing Dja Dja Wurrung Peoples, culture and knowledge.
- Once consent or approval for use of a Collective Expression is obtained, there should not be any changes without the prior written consent of DJAARA or the individual or family group knowledge holders or ceremonial leader.

Culturally Restricted Material

Objective:

Ensure cultural business is done in the right way that is respectful and sensitive to cultural ways connected to Bunjil's Lore.

It is important to empower Djaara to keep the integrity of restricted cultural material. This might be gendered knowledge, ceremony, places, or practice such as the use of materials from Country for ceremonial purposes. Practicing appropriately strengthens cultural continuity, relationships with knowledge holders and Country, as well as the health of the ICIP system.

Is it appropriate to sell ceremonial material in this case?

Is this gendered or sacred knowledge?

Cultural guidance can be from your mentor or ceremonial leader.

CULTURALLY RESTRICTED MATERIAL GUIDELINES

- Lore should not be disrupted in a way that disconnects traditional storylines, cultural protocols, core values or messaging. This includes respecting men's or women's business and significant places. Cultural appropriateness must be practiced but is at the discretion of individual and collective rights.
- Any restricted cultural material must have agreements on proposed use in line with customary law, shared rights and obligations or as agreed by the Collective Expressions process for agreed purposes set out in an ICIP agreement.
- Cultural material should not be compromised or diminished in ceremonial value through use in commercial settings. It breaks Lore to practice cultural commodification and impacts the health of Dja Dja Wurrung Peoples.
- Access to culturally restricted materials must be culturally appropriate, lawful, and not diminish the rights of other Dja Dja Wurrung people or the health and sustainability of Country.

Mutjekilang Milrapal (Sustaining Culture)

“The laws, customs and stories that make up Dja Dja Wurrung culture guide the way we behave and the decisions we make every day. We pass these on to our young ones through song and dance, and through storytelling and walking Country, so that they can carry on our peoples’ connection to Country”

- Dhelkunya Dja Country Plan 2014-2034, p.14).

Context:

Dja Dja Wurrung people have the right to cultural continuity as outlined in the United Nations Declaration on the Rights of Indigenous Peoples. It is Djaara’s role to pass on stories, values and to keep Dja Dja Wurrung culture living. Sustaining culture through old and new ways of transmitting culture such as storage systems, teachings, practices and expressions is integral to continuing culture.

Overview:

The Cultural Continuity and Maintenance chapter outlines the guidelines of Continuity and Future Custodians, Cultural Learning, Cultural Process and Mentors which aims to embed these foundational rights of maintaining connection to Country and culture.

Objective:

Dja Dja Wurrung Peoples are sustaining and strengthening identity in connection to living culture and Country.



Cultural Continuity

Objective:

Ensure that cultural continuity systems are culturally guided and sustaining culture for current and future generations.

This guideline is about keeping, strengthening, and continuing Dja Dja Wurrung ICIP. Dja Dja Wurrung ICIP has as a fingerprint of its own – connected to Country and ancestors. Some of these traditional cultural stories are reflected on as going underground, or are in pieces held by Djaara, kinships and Country.

To be able to connect pieces of the puzzle there needs to be processes for the cultural way of reclaiming and healing knowledge. This includes how it is taught, accessed and shared appropriately according to self-determination, cultural safety and cultural ways held by knowledge holders, Lore keepers and ceremonial leaders.

How can we recover and restore culture?

How can we then pass that on to current membership and younger generations?

CULTURAL CONTINUITY GUIDELINES

- Dja Dja Wurrung Peoples have the right to preserve, continue and maintain access to their traditional and contemporary ICIP, and to pass on to current and future generations.
- ICIP should be expressed, taught and accessed as determined by Dja Dja Wurrung knowledge holders, Lore keepers and ceremonial leaders.
- Provisions should be made for Dja Dja Wurrung Peoples to have long term storage in an appropriate repository, with provision for access to materials that have been created for the purpose of expressing shared ICIP for current and future generations.
- Traditional ICIP that holds values, information or core meaning should not be reinterpreted in a way that disrupts, misinforms, or misappropriates knowledge.
- Interpretation of Traditional ICIP that holds values, information, or core meaning must uphold connection to Ancestors, Lore and cultural continuity for future generations.

Cultural Learning

Objective:

Ensure cultural learning is enabling old and new ways of expressions, ceremonies, stories and coming together.

Cultural learning occurs and is continued through bringing people together on Country for cultural ways and practices. The ability to share culture through expressions is facilitated through bringing people together on Country and gatherings. Coming together on Country for cultural learning is important to support and was reflected on as being a challenging journey in upholding cultural knowledge, but also highlights the resilience, strength, adaptability, and determination of the Dja Dja Wurrung community.

Mentors are important in walking alongside Djaara, nurturing and supporting cultural learning, and through adaptation of old ways. Mentors provide a relationship which upholds cultural integrity, strengthening, safety and continuation with Dja Dja Wurrung creators, in line with the Cultural Integrity Guidelines and cultural practices.

How might we create cultural learning opportunities for community?

In undertaking my responsibilities, how am I supporting cultural learning?

How am I sharing cultural learning?

CULTURAL LEARNING GUIDELINES

- Djaara have the right of self-determination to culturally inform the design of learning opportunities, pathways of continuation and sharing through the cultural exchange of knowledge.
- Old ways of cultural learning are to be supported by mentors who provide guidance in appropriate learning, practices, and expressions.
- Cultural Learning should also follow guides on Culturally Restricted Material, to avoid implicating or impacting Dja Dja Wurrung community or individual's ICIP and cultural moral rights.

Cultural Practices

Objective:

Ensure culture is guiding practice within business, projects, partnership and in how people connect with Country and ICIP.

Cultural practices highlight the importance of consideration for how things were traditionally practiced. While some of these practices are no longer suitable now, new ways should still be aligned with the old ways. This keeps the integrity, authenticity, and spirit of culture.

This guideline also speaks to the process of engagement through commercial projects, which should engage Dja Dja Wurrung through genuine partnership and empowerment. This means Dja Dja Wurrung should be engaged from project inception and through involvement, shape the project according to Traditional Owner rights and the Cultural Integrity Guidelines.

Is my process aligned to the old ways?

Does this process support shared rights and what is in the Cultural Integrity Guidelines?

CULTURAL PRACTICES GUIDELINES

- Djaara have the right to oversee a suitable process, timeframe, concept, and methodology in relationship to cultural processes for their ICIP and expressions, which should be embedded from project inception.
- For expressions that are sensitive to ceremonial practice or preparation, the appropriate process and plan should be established and approved by the creator, knowledge holder or DJAARA, to ensure cultural integrity is maintained.
- For larger commercial or departmental projects, opportunities for cultural learning, sharing, review of interpretations and/or expressions at important milestones are to be embedded, especially prior to publication or broader presentation of ICIP expressions.

Collective Expression

Objective:

Ensure collective expressions represent Dja Dja Wurrung Peoples appropriately through cultural governance and authorisation.

A Collective Expression refers to a Dja Dja Wurrung Expression of Indigenous Cultural Intellectual Property that is suitable to represent the Dja Dja Wurrung Peoples as a whole. It communicates that the expression has been through a process of cultural governance and has been verified by DJAARA in consultation with membership and ICIP processes.

Collective Expressions aim to support cultural integrity and authenticity, and to protect Dja Dja Wurrung Peoples' rights against misuse or misrepresentation of Dja Dja Wurrung membership.

For external use a partner or purchasing organisation must enter into a license agreement for the appropriate and authorized use of Dja Dja Wurrung ICIP using Dja Dja Wurrung Clans Aboriginal Corporation Artwork Licence Agreement 2020 or Dja Dja Wurrung Clans Aboriginal Corporation Cultural Permission Agreement 2020.

COLLECTIVE EXPRESSION GUIDELINES

- Collective Expressions should be used where the expression aims to represent the Dja Dja Wurrung Peoples collectively.
- To seek the use of a Collective Expression, the appropriate process and licensing agreement for use should be followed as advised by DJAARA.
 - a. The licensing agreement should follow the considerations in the guideline Licensing Agreements (link to template in appendix will be added in final version) to ensure the ICIP expression has been re-presented with proper regard to customary law, cultural obligations, and cultural integrity.



Djadja (Consent), Djuwima (Attribution and Representation)

“As our Country’s first people, Djaara have an established place in society and are empowered to manage our own affairs.”

- Dhelkunya Dja. Dja Dja Wurrung Country Plan 2014-2034 (2017:24)

Context:

Cultural safety relies on the appropriate practice of consent, attribution, and representation. Appropriate practices include the way in which the broader community, private sector, market, state and local partners engage with Dja Dja Wurrung Traditional Owners; and responsibly applies to the cultural safety between Djaara (people). It is the empowerment and responsibility of the Dja Dja Wurrung Peoples and of the Djaara individual to manage their ICIP expressions.

Overview:

This section outlines guidelines for appropriate ICIP consent, acknowledgement and representation, which is underpinned by the principles of self-determination and Free, Prior and Informed Consent (UNDRIP, 2008; Australia Council for the Arts, 2019). This guide for Consent, Attribution and Representation aims to keep individual creators connected to the collective expression, through appropriate attribution of Dja Dja Wurrung ICIP. Continuity of connection will aid cultural safety, authenticity, and integrity supported through disclaimers of representation and in the standards for free, prior and informed consent.

Objective:

Djaara as individuals and Dja Dja Wurrung Peoples are custodians of our ICIP and we determine use, attribution and representation.



Free, Prior and Informed Consent

Objective:

Ensure the use of ICIP expressions follows the standards of Free, Prior and Informed consent.

The use of ICIP must seek Free, Prior and Informed Consent from a Djaara creator, knowledge holder/ custodian or DJAARA, as the representative of Dja Dja Wurrung Traditional Owners. Where ICIP expressions are intended to represent the collective Dja Dja Wurrung community, these expressions must be supported by DJAARA and in consultation with its membership. Cultural safety must be practiced through being able to say 'no'.

When there is a cultural expression that involves entering into a license agreement for copyright uses, if the agreement requires changes to the DJAARA template, or if the creator needs legal advice, the cost of seeking legal advice should be covered by the contracting partner. The creator has the right to acknowledgement, restrict the use of their expression and the right to protect shared ICIP related to community rights.

Have you given permission for the use of your expression?

Has the relevant knowledge holder given you permission?

FREE, PRIOR AND INFORMED CONSENT GUIDELINES

Any use of ICIP knowledge or expressions requires the Free, Prior and Informed Consent of the knowledge holder, creator or through the Collective Expression process. This means that:

- A Djaara individual (for individual expressions) or DJAARA (for Culturally Authorised Expressions) are able to say 'no' to being involved without any negative consequences;
- A Djaara individual or DJAARA must provide Free, Prior and Informed Consent for use of cultural expressions prior to any work being undertaken;
- A Djaara individual or DJAARA are given full details of how the ICIP or expression they provide will be used, how it will be shared and for what purpose, to inform consent or permitted use purposes in an agreement;
- When expressions are entered into contracts or subject to IP laws, information must be given to the Djaara individual or DJAARA of any contractual or other rights, interests, obligations, or restrictions that may impinge on IP rights or ICIP, including those which may be imposed upon the contractor/ project partner/collaborator or licensee;
- A Djaara individual or DJAARA must be informed about any likely negative consequences or risks they are exposing themselves to in providing the information, to the best knowledge available by the person seeking consent;
- Seeking consent must be ongoing, this includes any new proposed uses of ICIP expressions, other than those originally approved; and
- The right to legal representation, as part of best practice of Free, Prior and Informed Consent, should be reflected in external agreements where necessary.

Attribution

Objective:

Ensure Djaara individuals and Dja Dja Wurrung Peoples are correctly attributed as owners of their ICIP.

Attribution is an important form of connection and ownership of expressions. It helps Djaara and other Traditional Owner groups to stay connected with their ICIP and expressions, and it is an important part of protection, integrity, and authenticity to avoid disconnection of knowledge holders from their ICIP. This means attributions should be connected to Country, acknowledge cultural exchange and trading with other nations.

Misrepresented attributions have led to appropriation and disconnection of important ICIP. For example, weaving styles hold Lore and stories, and some weaving styles have now been primarily attributed inappropriately to other groups, which has the effect of erasing history and disconnects Djaara from their Ancestors' expressions and ICIP. Other instances of lack of attribution are experienced as appropriation.

Have the right people been attributed?

Has shared ICIP been correctly acknowledged?

A template for shared acknowledgement is here ([link to template in appendix will be added in final version](#)).

ATTRIBUTION GUIDELINES

- As stipulated under the moral rights of the Copyright Act 1968 (Cth), creators have the right to be attributed, which should be appropriately embedded into license agreements.
- Although communal moral rights (Australia Council for the Arts, 2019) are not recognised by the Copyright Act 1968, the Dja Dja Wurrung Peoples as a whole have the right to be acknowledged as owners and custodians of their shared ICIP, which should be embedded in license agreements as appropriate.
- Individual expressions should acknowledge where Dja Dja Wurrung ICIP has been shared from including: contributors; teacher/mentor; and provenance of knowledge or expression, where appropriate to do so; and
- Attributions and acknowledgements need to involve consultation with relevant knowledge holder, creator or DJAARA for proper wording, consent or accompanying story.

Representation

Objective:

Ensure Djaara individuals and Dja Dja Wurrung Peoples are represented appropriately for their ICIP expressions.

Both individuals and Dja Dja Wurrung people as community are morally and legally responsible for their ICIP, and that ICIP belongs to both the DDW Peoples and individual expressions.

Djaara, Dja Dja Wurrung Country and Kulin Nations are diverse – and share a diversity of expression, identity and Place. As part of ICIP, these three entities are to be empowered and celebrated through cultural strengthening and the continuation of a living and evolving culture.

Some expressions or interpretations may not be shared by everyone and therefore may not be appropriate to acknowledge as a collective expression of all Dja Dja Wurrung Peoples. However, cultural expressions that are intended to be representative of the Dja Dja Wurrung people overall, need to be Collective Expressions that are supported by the community to uphold the integrity and authenticity of Dja Dja Wurrung ICIP.

Who does your expression represent?

If it is meant to represent the community, has this been culturally approved?

REPRESENTATION GUIDELINES

- Individual expressions: Where a Dja Dja Wurrung person is representing an expression that is their own personal interpretation, the individual should apply a disclaimer to assert that it is not representative of Dja Dja Wurrung community as a whole.
- Dja Dja Wurrung Peoples' representation: For representations of Dja Dja Wurrung Peoples as a whole, the ICIP expression, knowledge or material, should be an agreed Collective Expression as outlined in the guideline Collective Expression (link to guideline will be added in final version).
- Kulin Nations ICIP: Respectful use of shared Kulin cultural expressions, knowledge and history should include acknowledgement of shared ICIP including ceremony, protocols, story, song/travel lines, trading economy and cultural exchange that is particular to Country. Traditional intertribal protocols should be continued. Respect all Traditional Owner Nations: Cultural appropriation from other Traditional Owner Nations' ICIP is not supported.
 - a. Expressions that seek to use or represent other Traditional Owner Nation's ICIP expressions should practice Free, Prior and Informed Consent as well as appropriate attribution, representation and acknowledgement.
 - b. Where the Djaara creator has connection to, or belonging associated with, another Traditional Owner Nation and the expression uses ICIP expression from that Nation, ICIP should also be attributed to that Nation.
- Reasserting authority over cultural practice is a celebration of the cultural strengthening of Dja Dja Wurrung ICIP and culture. Where there are expressions that are being reclaimed or repatriated, this should go through a cultural validation process by DJAARA; and then communicate the appropriate interpretation and acknowledgement of Dja Dja Wurrung Peoples.

Gunditj (Provenance)

“The right to maintain our spiritual, material and economic relationship with the land and its resources.”

- Dhelkunya Dja. Dja Dja Wurrung Country Plan 2014-2034 (2017:10).

Context:

Maintaining the spiritual, material and economic relationship with Country is intended to be upheld through provenance. Provenance here relates to the cultural origin of an expression. The cultural provenance of ICIP is core to integrity, authenticity and to the rights outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, United Nations 2008).

Overview:

Provenance is a way to combat appropriation, inauthentic goods, bio-piracy and exploitation of ICIP expressions by strengthening the importance of origin within the market. These issues arise out of Australian commercial law not recognising the shared and ancestral nature of ICIP. This section is a guide for keeping connection to provenance for expressions, within the market and with ICIP in recorded information.

Objective:

Provenance is continuing Dja Dja Wurrung Peoples custodianship of ICIP.



Provenance of Expression

Objective:

Ensure expressions hold connection to their origin.

Provenance of expressions are important because they are connected to identity, custodianship and Country. Provenance can also play a role in articulating that you have permission, are attributing and representing knowledge holders correctly, and are upholding their right to continued connection to their ICIP. This recognises Dja Dja Wurrung rights, clans and family groups in the Recognition and Settlement Agreement as well.

Within commercial settings provenance is important to demonstrate authenticity and integrity of where the expression has come from. In commercial settings, there are experiences of appropriation, misleading information and exploitation of ICIP. While this is hard to combat, the strengthening of provenance will highlight where expressions have been or may be appropriated or displaced.

What is the provenance of your expression?

How are you going to show the provenance?

See here for a template disclaimer of provenance. (link to template in appendix will be added in final version)

PROVENANCE OF EXPRESSION GUIDELINES

The relevant creator, knowledge holder and Dja Dja Wurrung community have the right to have an ongoing relationship with their living ICIP expressions through tools and mechanisms that uphold provenance and continued connection.

- Show provenance through a Copyright notice, disclaimer, plaque or information to accompany the expression.
- Integrity and authenticity of provenance should also be upheld through the appropriate processes outlined within Restricted Material and Consent, Attribution and Representation.

Provenance within Market

Objective:

Ensure the integrity and authenticity of expressions are protected in the market.

Provenance in the market is important because a Djaara expression is retained in the representation of the relationships and knowledge Djaara hold with Djandak (Country). Djaara's expressions are built from the right people to speak for the right Country, which include relationships of people, Country, history and culture, as well as much deeper knowledge. Without the authenticity or integrity of a Djaara expression demonstrated through provenance, this expression might be appropriated or dislocated on Dja Dja Wurrung Country. This is important because not only might it mean that ICIP has been appropriated and exploited, but it disrupts the knowledge Djaara hold in unique association to their Djandak.

The use of a Dumawul certification and trademark system is encouraged to support the validation of authentic expressions and authorised products that are recognisable as Dja Dja Wurrung expressions, to keep connected to Djaara and Djandak.

How will you show provenance in the marketplace?

PROVENANCE WITHIN MARKET GUIDELINES

- Certification and trademark tools should be used where appropriate to signify the provenance of the expression in the marketplace and to show continued relationship of Dja Dja Wurrung to that expression.
- Traceability of ICIP within the market should utilise geographic indicators, barcode or blockchain technology for ICIP products when available.
- a. When available to do so, traceability of cultural and natural resources and materials will assist to combat counterfeit markets and biopiracy.

Cultural Knowledge Sovereignty (Data Sovereignty)

Objective:

Ensure integrity and authenticity of ICIP is upheld through governance in the storage, access and use of Expressions.

While there are regulatory frameworks for repositories, if Dja Dja Wurrung ICIP is recorded for project purposes or as a Collective Expression, Dja Dja Wurrung individuals have the right to self-determination regarding the storage, access and use permissions of their ICIP. Agreements, data principles and community-led labels which show the permitted purposes and uses of the ICIP will assist to maintain integrity and authenticity.

Experiences of sharing knowledge has led to knowledge being used outside of the context in which it was given. Within the global commercial space, knowledge has been used within unsuitable health-measure frameworks or appropriated, stolen and exploited (e.g. in the pharmaceutical space). While we cannot protect knowledge already in the public domain, copyright and contract law provide the ability to embed permitted storage, access, use and ownership requirements of ICIP.

How will my expressions or knowledge be used?

What do I permit for its storage, access or use?

CULTURAL KNOWLEDGE SOVEREIGNTY (DATA SOVEREIGNTY GUIDELINES)

Dja Dja Wurrung have the right to self-determination and in controlling their ICIP through recorded agreements, which embed cultural knowledge via data sovereignty, including how ICIP is shared, stored, accessed and used. This is important for protecting Traditional Owner rights, interests, self-determination and ownership in ICIP. The following principles and labels should be applied where appropriate and be mindful of shared ICIP with other Traditional Owner groups:

- Where appropriate, use agreed FAIR and CARE principles (link to principles will be added in final version) to guide how to collect, expectations on storage and use of data as determined by Djaara for individual expressions and DJAARA for collective expressions.
- While FAIR principles are in line with open data and open science movement, the CARE guidelines enable the assertion of greater control over use and application of Indigenous knowledge and data for collective benefit; and should be used in line with the Cultural Integrity Guidelines. Where appropriate, the use of Traditional Knowledge and Bio Cultural Labels (link to labels will be added in final version) as data governance tools will enable:
 - a. the practice of CARE integrity in a safe space;
 - b. guide how we manage data;
 - c. signify the protection or benefit sharing of the use of data; and
 - d. maintain the appropriate sharing of data once it is stored as determined by the knowledge holder or DJAARA for shared expressions.

Wuktjarra (Benefit Sharing)

“Core to achieving our goals of self-determination and improved community wellbeing is the need to develop a sustainable economic base. Building on our strengths, we have competitive advantages through our culture, traditional knowledge of Country, asset base and rights to resources.”

- (Dhelkunya Dja. Dja Dja Wurrung Country Plan 2014-2034, 2017:26).

Context:

Benefit Sharing, including Access and Benefit Sharing for biological resources, is important for the fair and equitable sharing of benefits for, or arising from, ICIP.

Overview:

Benefit Sharing provides a platform for fair and equitable sharing of shared ICIP which may be through monetary or non-monetary benefits. Benefit sharing provides the opportunity to give back to community through cultural or economic sharing, but must practice foundational standards such as self-determination and Free Prior and Informed Consent.

Objective:

Dja Dja Wurrung Peoples are benefitting from our ICIP and progressing objectives in the Dhelkunya Dja. Dja Dja Wurrung Country Plan 2014-2034 (2017).



Benefit Sharing Standards

Objective:

Ensure Dja Dja Wurrung Peoples are receiving equitable sharing of benefits from their ICIP.

Benefit Sharing is important in valuing ICIP and supporting social, cultural and economic development rights outlined in UNDRIP (2008). Benefit Sharing can be monetary (e.g., royalties, employment or compensation), and non-monetary (e.g., cultural learning or sharing Expressions for cultural strengthening and continuation). Benefit Sharing should be grounded in self-determination and on a case-by-case basis, and support progressing the objectives in the Dhelkunya Dja (Dhelkunya Dja Country Plan, 2017).

Benefit Sharing is important because it is founded in reciprocity and encourages reciprocal practice by non-Indigenous commercial entities and department agencies that support the progression of Dhelkunya Dja (Dhelkunya Dja Country Plan, 2017) objectives. To access Dja Dja Wurrung ICIP without reciprocity is exploitative, which highlights the importance of this principle. Equity and fairness must be practiced, which can be a difficult balance in the commercial space. It is important not to be pushed into a colonial or purely commercial mindset. The value of ICIP is also cultural for self, community and Country.

What is fair and equitable benefit sharing for your expression? What should benefit sharing look like for shared ICIP?

BENEFIT SHARING STANDARDS GUIDELINES

- Practice the Free, Prior and Informed Consent standards for the use of individual and shared ICIP.
- Monetary and non-monetary benefits should be considered on case-by-case basis by Djaara individual and DJAARA Group, which may be in the form of Cultural Benefit Sharing; or Commercial Benefit Sharing; or Access and Benefit Sharing; in line with the Nagoya Protocol for cultural and biological resources and materials (Secretariat of the Convention on Biological Diversity, 2011).
- Benefits should be negotiated and on mutually agreed terms. If it is an external commercial project, it is recommended that benefits are formalised through an ICIP agreement or artwork licensing agreement.
- Agreements with an individual creator are recommended to integrate benefit sharing with collective for large commissions.
- Agreements for Collective Expressions must be through the cultural governance as outlined in the guidelines in the Collective Expression section.

Cultural Benefit Sharing

Objective:

Ensure Cultural Benefit Sharing is supporting community and cultural objectives in the Dhelkunya Dja Country plan.

Cultural Benefit Sharing is a way to share back to community from shared and ancestral ICIP expressions. This may be hard to resource or support, such as cultural learning practices, time dedicated to being a mentor, sharing an expression back to the community for cultural continuation. The foundational standards for Benefit Sharing should be practiced here and be determined by the Creator or the Dja Dja Wurrung Group who may be negotiating a commercial project.

Cultural Benefit Sharing is important because it is a way to look after each other, and practice the values of Cultural Continuation, Cultural Strengthening and Cultural Safety. If you are fortunate to have been passed on knowledge it is reflected on as a cultural responsibility to share back to the community or to pass on for future generations.

How might benefits from this Expression support cultural strengthening, continuation and safety?
What cultural objective would I like to support?

CULTURAL BENEFIT SHARING GUIDELINES

Cultural Benefit Sharing must support Djaara self-determination, mutual agreement, obligations to Country and culture, and determined through a case-by-case basis. Cultural Benefit Sharing may be through:

- Practicing the values of the Cultural Integrity Guidelines and Dhelkunya Dja Country Plan;
- Supporting the development of systems outlined in the Cultural Integrity Guidelines;
- For larger projects where appropriate, resourcing progression of objectives within the Dhelkunya Dja Country Plan or system development of the Cultural Integrity Guidelines.

Commercial Benefit Sharing

Objective:

Ensure Commercial Benefit Sharing is progressing objectives and rights in the Dhelkunya Dja Country plan.

Commercial Benefit Sharing is an opportunity to share back to Dja Dja Wurrung community and Country for traditional ICIP expressions. This embeds the fair and equitable sharing of commercial uses of ICIP, which can be used to resource objectives or rights progression to benefit Dja Dja Wurrung and Country for future generations.

Commercial Benefit Sharing is important. It is an opportunity to resource the objectives in the Dhelkunya Dja Country Plan, support community benefits, fund or support the groundwork which needs to be done – from systems of cultural processes or structures for knowledge healing. The foundational standards for Benefit Sharing should be practiced here and is to be determined on a case-by-case basis.

(An example may be where suitable large scale State or commercial projects which use shared ICIP expressions enter into a 10% benefit sharing arrangement to share back to all Dja Dja Wurrung.)

What are you giving back?

How do you value the exchange of ICIP, could this provide benefits to Country and community?

COMMERCIAL BENEFIT SHARING GUIDELINES

- Copyright owners of expressions can negotiate to receive royalty payments for authorised uses of their works.
- Collaborative works should reflect the collective rights of Dja Dja Wurrung to own, control and maintain ICIP.
- ICIP or licensing agreements should reflect the delivery of an outcome or expression, but not handover community ICIP.
- Within larger commercial or department projects, the value of Indigenous Cultural Intellectual Property must be respected in every stage of dealings with Dja Dja Wurrung ICIP with benefit sharing that includes:
 - a. Progressing and supporting systems that underpin the Cultural Integrity Guidelines outlined in the guidelines Mutjekilang milrapal (Sustaining Culture), Provenance and Protection (link to guidelines will be added in final version);
 - b. Benefit Sharing that resources the progression of objectives within the Country Plan or community education funds.

Access & Benefit Sharing of Cultural & Natural Resources

Objective:

Ensure Access and Benefit Sharing of cultural and natural resources are using foundational standards set out in the Nagoya Protocol, WIPO, UNDRIP as defined by Dja Dja Wurrung Peoples.

Access and Benefit Sharing, as opposed to general Benefit Sharing, is focused on cultural and natural resources. Access and Benefit Sharing refers to the way in which cultural and natural resources (including genetic resources) may be accessed, used and the benefits arising from utilisation are shared with the People or Country who provided them (WIPO, 2018). Access and Benefit Sharing must be established through the appropriate practice which is outlined in the Cultural Integrity Guidelines, and using the foundational standards set out in the Nagoya Protocol (Secretariat of the Convention on Biological Diversity, 2011), World Intellectual Property Organisation (WIPO, 2018) and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2008) and as determined by Dja Dja Wurrung Peoples.

This is important because of bio-piracy – the stealing or appropriation of Indigenous knowledge associated with cultural and biological resources, which lead to patents, exploitation and economic disadvantage from the use of that ICIP.

Has the right process been followed for Access and Benefit Sharing?

Has there been clarity of benefits through Free, Prior and Informed Consent standards?

ACCESS & BENEFIT SHARING OF CULTURAL & NATURAL RESOURCES GUIDELINES

- The use, expression or research on biological resources of native species on Dja Dja Wurrung Country, or that have connection to Dja Dja Wurrung ICIP, must follow standards set out in the Nagoya Protocol (Secretariat of the Convention on Biological Diversity, 2011) and the World Intellectual Property Organisation (WIPO, 2018).
- Benefit sharing arising out of intellectual property can be in a form of monetary and non-monetary benefits connected to provenance (balance, exchange, wuktjarra).
- Dja Dja Wurrung Peoples have the right to sustainable economic development from cultural and natural resources on Dja Dja Wurrung Country. Benefit Sharing therefore may be through the progression of access and use rights for Dja Dja Wurrung should also be considered in Benefit Sharing in association with biological resources.



Gumbera (Protection)

“We will strive to maintain, control, protect and develop our traditional knowledge and traditional cultural expressions”

- Dhelkunya Dja. Dja Dja Wurrung Country Plan 2014-2034 (2019:11).

Context:

While Australian Law does not recognise shared and ancestral Intellectual Property, which is expressed as ICIP, there are current legal approaches to protect knowledge in a way that aims to support a healthy cultural environment. To ensure cultural safety, cultural strengthening and cultural continuation, we must ensure healthy and safe environments to share culture to current and to future generations.

Overview:

This chapter outlines guides for ICIP protection considerations through the principles outlined in the below guideline sections Sacred and Cultural Heritage, ICIP Expectations, Copyright, Patents and Plant Breeders Rights, Certification and Geographical Indicators, and Licensing Agreements.

Objective:

Current legal protections are supporting cultural safety, cultural strengthening and cultural continuation of Dja Dja Wurrung Peoples ICIP.



Sacred and Cultural Heritage

Objective:

Ensure Dja Dja Wurrung Peoples' traditional Lore, Sacred knowledge and Cultural Heritage is recognised and protected.

Intangible and tangible Cultural Heritage is protected under the Aboriginal Heritage Act 2006 (Victoria). Cultural Heritage is important because it is a core part of ICIP, identity and connection to Country. Certain materials from Country are Cultural Heritage and it is important that these are accessed in appropriate ways that comply with the requirements of the Aboriginal Heritage Act 2006 and are aligned with the legislative functions of Dja Dja Wurrung Clans Aboriginal Corporation (DJAARA) as the appointed Registered Aboriginal Party.

Continuing to define, educate and advocate the right practices will continue to progress Goal 3: Cultural Heritage in the Dhelkunya Dja Country Plan 2014-2034.

SACRED AND CULTURAL HERITAGE GUIDELINES

Djaara as individuals and Dja Dja Wurrung Peoples have the right to keep confidential any information concerning their cultural practices, traditions and beliefs, and information that may be controlled in relation to the guideline Restricted Material (link to guideline will be added in final version).

Requirements for the management and protection of Aboriginal cultural heritage and associated intangible heritage (e.g., oral history, traditional knowledge), are set out in the Aboriginal Heritage Act 2006 and must be complied with. The Act provides for the registration of Aboriginal intangible heritage by a registered Aboriginal party, registered Native Title holder or a Traditional Owner group entity who may apply to the Secretary to register recorded Aboriginal intangible heritage on the Victorian Aboriginal Heritage Register. The Act defines "Aboriginal intangible heritage" in section 79B as meaning:

- Any knowledge of or expression of Aboriginal tradition, other than Aboriginal cultural heritage, and includes oral traditions, performing arts, stories, rituals, festivals, social practices, craft, visual arts, and environmental and ecological knowledge, but does not include anything that is widely known to the public.
- Aboriginal intangible heritage also includes any intellectual creation or innovation based on or derived from anything referred to in subsection (1).

ICIP Expectations

Objective:

Ensure Dja Dja Wurrung Peoples are utilising current law alongside traditional Lore to protect, control and be recognised custodians of our ICIP.

ICIP is not recognised or reflected in Australian law. To support the protection of Dja Dja Wurrung ICIP, current laws and protections should be utilised to the best ability of the creator, knowledge holder and/or the Dja Dja Wurrung Group through Intellectual Property law protective tools such as copyright, trademarks, designs, patents, plant breeders rights and licensing arrangements.

It is important to raise awareness to avoid incidents of commercial exploitation of cultural objects and appropriation of expressions. Some expressions, including art styles and language, have been appropriated by non-Indigenous parties who register a trademark as their own expression, resulting in disrupting and dislocating the ICIP from custodians. While there needs to be continued advocacy of specific protections for ICIP, current protections will need to be used and recognition of shared ICIP embedded where there is an opportunity.

Has the right process been followed for Attribution, Provenance, Access and Benefit Sharing and Protection?

Has there been clarity of benefits through Free, Prior and Informed Consent standards?

ICIP STANDARDS GUIDELINES

- As there is no specific Australian law to protect ICIP, current protections should be embedded to the best ability of the creator, knowledge holder and/or Dja Dja Wurrung Group, through Intellectual Property law protective tools such as copyright, trademarks, designs, patents, plant breeders rights and licensing arrangements.
- Protecting the integrity and continuation of ICIP may be through ownership arrangements, control of ICIP use, attribution, acknowledgement, provenance disclaimers and/or Benefit Sharing arrangements.
- Any internal or external party must disclose if any registered Intellectual Property (IP) rights will be generated in relation to any Dja Dja Wurrung ICIP; and to negotiate ownership and use terms prior to registration of IP rights, which include copyright, trademarks, designs, patents, plant breeders rights or commercialisation details:
 - a. Discuss and negotiate ownership with Djaara creator or DJAARA, prior to registration of IP rights, following standards of Free, Prior and Informed Consent;
 - b. Provide details of commercialization plan prior to registration;
 - c. Where Dja Dja Wurrung Peoples ICIP is the source of a patent of plant breeders rights, negotiate and enter an Access and Benefit Sharing Agreement with a Djaara individual or DJAARA (for Culturally Authorised Expressions) as set out in the guidelines detailing Benefit Sharing (link to guideline will be added in final version).

Copyright

Objective:

Ensure Dja Dja Wurrung Peoples are utilising the rights under the Copyright Act to protect, control and embed shared moral rights of integrity.

Copyright is a type of intellectual property which gives the owner rights that are outlined in the Copyright Act 1968 (Cth). These rights are automatically given to a Creator of an Expression, which includes many manifestations in the general areas of art, literature, performance, music and film. For a more detailed list, please refer to Australia Council for the Arts (2019:11), or the Copyright Act 1968 (Cth). Copyright affords the holder of that copyright ownership, control and protection of the Expression for the lifetime of the Creator plus 70 years after death.

Copyright rights include moral rights and performers rights. Moral rights include the right of integrity, attribution and the right against false attribution, which are important because this gives the Creator an opportunity to attribute shared ICIP or representation. Performers rights enable the performer to control recordings and the sharing of their performance. A template media notice can be found here (link to appendix once developed).

Are your rights being respected?

Are you upholding shared rights?

COPYRIGHT GUIDELINES

Copyright is automatically attributed to the creator and includes a bundle of specific rights under the Copyright Act 1968 (Cth) including the moral rights of integrity, attribution and the right against false attribution (Australia Council for the Arts, 2019:11). For shared ICIP the following should be considered:

- Individual moral rights should be upheld according to the values of Dja Dja Wurrung outlined in this guideline document; and, where possible, an acknowledgement of shared ICIP in order to embed shared rights.
- Royalties or fees for the use of the expressions should consider Benefit Sharing arrangements with the creator, involved knowledge holders and, where appropriate, Dja Dja Wurrung Group, where representations of shared ICIP have been included.

Patents and Plant Breeders Rights

Objective:

Ensure Dja Dja Wurrung Peoples are utilising current protections for the development and commercialisation of native species and associated knowledge.

The commercialization and development of native species is happening in the food, botanical, cosmetic, medicinal, pharmaceutical and biotechnology sectors. The biotechnology sector includes utilising genetic resources to create new materials, an example of this is the use of a native Australian species used to develop new building materials and products from spinifex grass resin (Janke, 2018). There are natural materials and knowledge of the use of native species within ICIP, and industries are always looking for new products and developments through research and engagement (WIPO, 2018).

With the development of these sectors comes the risk of appropriation or exclusion from the economic and social benefits that may flow from these developments and industries. Patents and Plant Breeders Rights must also consider shared ICIP with other Traditional Owner groups. This highlights the importance of Benefit Sharing and Free Prior and Informed Consent, which includes how the knowledge or native species might be developed or commercialised, ownership and benefit sharing arrangements.

PATENTS AND PLANT BREEDERS RIGHTS GUIDELINES

The following principles must be upheld in dealings with Patents and Plant Breeders Rights:

- Discussion and negotiation of ownership of expression, prior to registration of IP rights, must follow standards of Free, Prior and Informed Consent and mutual agreement with the creator, knowledge holder, DJAARA and/or other Traditional Owner Nations;
- Provide details of commercialisation prior to registration to ensure the values of cultural safety, cultural continuation and cultural strengthening are upheld;
- Where shared Dja Dja Wurrung Peoples ICIP is the source of a patent or plant breeders rights, negotiate and enter an Access and Benefit Sharing Agreement with relevant parties to ensure shared benefits.

Certification Trademark (CTM) & Geographical Indication (GI)

Objective:

Ensure certifications are celebrating and strengthening Dja Dja Wurrung culture in the market.

Dja Dja Wurrung identity and expressions can be viewed as a trademark. They have layers of communication and meaning that are specific to Dja Dja Wurrung. When misleading products are brought into the market, this disrupts connections to ICIP, which can also be felt as locking people out of their identity. While certifications and trademarks will not fully protect expressions, they strengthen markets that want genuine products or expressions.

A Dja Dja Wurrung certification could contribute and support authenticity and bring ethics to the standards that are set out throughout this document. Certification would also be aimed at protecting the commercial value of Djaara expressions through provenance and market positioning. These certifications should have an offset cost for Djaara, which may rely on benefit sharing from larger projects.

What kind of certification would benefit you and your expression?

CERTIFICATION TRADEMARK (CTM) & GEOGRAPHICAL INDICATION (GI) GUIDELINES

To protect the integrity, authenticity and value of Dja Dja Wurrung expressions, including goods and services, the following standards are recommended to form three types of Dja Dja Wurrung Group CTM:

- The expression is produced by a Djaara enterprise, and cultural knowledge, storyline, values and practices are continued in the expression.
- The expression is produced by a Djaara enterprise, and the cultural expression strengthens knowledge, practice and sustainable practice on Country, through cultural benefit-sharing.
- Expressions are derived, continued and created from Dja Dja Wurrung Country.
- The use of GI to identify expressions originating from Dja Dja Wurrung Country must consider that
- the CTM standards that will be used to apply for GI should strengthen and be inclusive of a wide range of Djaara businesses.

Licensing Agreements

Objective:

Ensure Djaara are benefitting from their IP and are protected to the best ability of contract law against exploitation and without impacting shared ICIP.

Licensing agreements should be used to own and control ICIP but share and celebrate Djaara culture for permitted purposes. Licensing agreements are to provide the right to use an expression, which might be an artwork embedded in a building, or knowledge used on a tour or sign. This helps non-Djaara organisations to license expressions in the right way, which includes seeking consent, representation and potentially benefit sharing to the creator and DJAARA.

There are also ways in which the creator who is licensing their expression can protect shared ICIP, and attribute shared culture and disclaim appropriate representation. The key consideration in licensing agreements is not to impact shared ICIP while also being able to benefit from individual ICIP.

LICENSING AGREEMENTS GUIDELINES

- In a Licensing Agreement, information on ownership, rights, interests, obligations or restrictions that relate to ICIP, IP, Cultural Heritage and Copyright must be identified prior to entering a Licensing Agreement.
- The Licensing Agreement process must follow guidelines outlined in this document and the following matters must be considered closely to protect individual and collective ICIP rights:
 - a. Where there is a license agreement to grant the use of that expression by a licensee, shared ICIP should be excluded and not be assigned exclusively to a licensee outlined in the definitions and terms of the agreement. Terms within the license should have tight control of the permitted purposes for use to protect shared ICIP.
 - b. The creator of the expression automatically holds Copyright, which means the ownership lies with the individual. However, it is recommended that the individual acknowledges relationships and follow the guidelines outlined in the guidelines Provenance, Protection and Consent, Attribution and Representation (link to guideline will be added in final version).
 - c. For the use of Collective Expressions, the expression is owned by DJAARA representing Dja Dja Wurrung Peoples as a community, but it is recommended the guidelines Collective Expression, Provenance and Consent, Attribution and Representation (link to guideline will be added in final version) are followed in line with the use of the Dja Dja Wurrung Clans Aboriginal Corporation Cultural Permissions Agreement 2020.



Review of Guidelines

A review of the Cultural Integrity Guidelines is recommended every 12 months, or as required, to ensure it remains relevant to the interests of Dja Dja Wurrung Peoples.

In addition to the 12-monthly review, parties to which the Cultural Integrity Guidelines apply, can recommend changes.

Any changes recommended will be subject to current governance processes for approval and inclusion in the Cultural Integrity Guidelines.

DISPUTE RESOLUTION

[To be completed – dispute processes apply to the interpretation and practice of the Guidelines. The review processes should address CIG content.]

- Cultural processes for dispute resolution will be appropriately implemented.
- DJAARA grievance and dispute policy applies.
- Australian Law standards within Copyright and license agreement dispute clauses determine resolution processes.



References and Resources

RELEVANT STANDARD SETTING DOCUMENTS

Australia Council, 2019, Protocols for using First Nations Cultural and Intellectual Property in the Arts, <https://australiacouncil.gov.au/investment-and-development/protocols-and-resources/protocols-for-using-first-nations-cultural-and-intellectual-property-in-the-arts/>.

Dhelkunya Dja Land Management Board, 2018, Joint Management Plan for the Dja Dja Wurrung Parks: Strategy. Melbourne, Australia: Dhelkunya Dja Land Management Board, available at: <http://www.dhelkunyadja.org.au/files/Oct-18-Strategy.pdf>.

Dja Dja Wurrung Clans Aboriginal Corporation, 2017, Dhelkunya Dja: Dja Dja Wurrung Country Plan 2014-2034, available at: <https://speedyassets.s3.ap-southeast-2.amazonaws.com/djaara/Dhelkunya-Dja-Country-Plan-2014-2034.pdf>.

Ens, et al., 2015. Indigenous biocultural knowledge in ecosystem science and management: Review and insight from Australia. *Biological Conservation*, 181, pp.133–149.

Janke, T., 2018, From smokebush to spinifex: Towards recognition of Indigenous knowledge in the commercialization of plants. *International Journal of Rural Law and Policy* (1). Article ID 5713. <http://dx.doi.org/10.5130/ijrlp.i1.2018.5713>

Janke, T., 2005, Managing Indigenous Knowledge and Indigenous Cultural and Intellectual Property, *Australian Academic & Research Libraries*, 36:2, 95-107, DOI: 10.1080/00048623.2005.10721251.

Kimberley Land Council, 2011, Kimberley Land Council. Intellectual Property and Traditional Knowledge Policy, KLC Research, Ethics and Access Committee (REAC), Kimberley Land Council Aboriginal Corporation (KLC), v06.09.11, available at: <https://static1.squarespace.com/static/59fecece017db2ab70aa1874/t/5ab0a8600e2e72e816fe4288/1521526883405/klc-intellectual-property-and-traditional-knowledge-policy%281%29.pdf>.

State of Victoria, 2006, Aboriginal Heritage Act 2006, available at: <https://www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006/025>.

State of Victoria, 2013, Recognition and Settlement Agreement under the Traditional Owner Settlement Act 2021 (Vic) between Dja Dja Wurrung Clans Aboriginal Corporation and The State of Victoria, available at: Volume 1 of 2: <https://files.justice.vic.gov.au/2021-06/vol1recognitionandsettlementagreement.pdf> and Volume 2 of 2: <https://files.justice.vic.gov.au/2021-06/vol2recognitionandsettlementagreementpart1.pdf> , with complete documentation available at: <https://www.justice.vic.gov.au/your-rights/native-title/dja-dja-wurrung-settlement>.

United Nations, 2008, United Nations Declaration on the Rights of Indigenous Peoples, United Nations, available at: https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

World Intellectual Property Organization (WIPO), 2018, A Guide to Intellectual Property Issues in Access and Benefit-sharing Agreements. WIPO: Geneva, available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1052.pdf .

Woodward, E., R. Hill, P. Harkness, and R. Archer (Eds), 2020, Our Knowledge Our Way, in Caring for Country: Indigenous-led approaches to strengthening and sharing our knowledge for land and sea management. Best Practice Guidelines from Australian experiences. NAILSMA and CSIRO, available at: file:///C:/Users/vickr22/Downloads/OKOW%20Guidelines_FULL.pdf.

Secretariat of the Convention on Biological Diversity, 2011, Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. The Convention on Biological Diversity, United Nations Environmental Programme, Montreal, Quebec, Canada, available at <https://www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf>.

Related Legislation and Resources

Aboriginal Heritage Act 2006 (Victoria)

Aboriginal Heritage Regulations 2018 (Victoria)

Traditional Owner Settlement Act 2010 (Victoria)

Charter of Human Rights and Responsibilities Act 2006 (Victoria)

Copy Right Act 1968 (Cth)

First Peoples – State Relations Group, Guidelines for recording Aboriginal intangible heritage on the Victorian Aboriginal Heritage Register, available at: <https://www.firstpeoplesrelations.vic.gov.au/guidelines-recording-aboriginal-intangible-heritage-victorian-aboriginal-heritage-register>

United Nations Global Compact, United Nations Declaration on the Rights of Indigenous Peoples: A Business Guide, available at: https://d306pr3pise04h.cloudfront.net/docs/issues_doc%2Fhuman_rights%2FIndigenousPeoples%2FBusinessGuide.pdf

United Nations Human Rights Office of the High Commissioner, 2013, Free, Prior and Informed Consent of Indigenous Peoples, available at: <https://www.ohchr.org/Documents/Issues/IPeoples/FreePriorandInformedConsent.pdf>

World Intellectual Property Organisation, Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions/Folklore, available at: <https://www.wipo.int/tk/en>

IP Australia (2022), Tools and Resources. [online] Available at: Tools and resources | IP Australia <https://www.ipaustralia.gov.au/tools-resources>

Global Indigenous Data Alliance (2022), FAIR and CARE principles. [online] Available at: <https://www.gida-global.org/care>

AIATSIS (2019), Delivering Indigenous Data Sovereignty. [online] Available at: <https://aiatsis.gov.au/publication/116530>

APPENDIX A: NOTICES AND DISCLAIMERS

PLACEHOLDER templates to be added once developed:

Disclaimer templates for provenance, representation, interpretation, permissions and permitted use.

Media notice for filming

Template for acknowledgement and attributions

APPENDIX B: RESOURCES

DDWCAC CULTURAL PERMISSION AGREEMENT

DDWCAC ARTWORK LICENCE AGREEMENT

DJA DJA WURRUNG INTELLECTUAL PROPERTY AGREEMENT 2019



Dja Dja Wurrung Clans Aboriginal Corporation
Trading as DJAARA
PO Box 1026 Bendigo VIC 3552

DJAARA: 13-15 Forest Street
Bendigo VIC 3550

DJANDAK: 3/204 Strickland Road
Strathdale VIC 3550

T: +61 (03) 5444 2888
F: +61 (03) 5441 6472

djadjawurrung.com.au

Dja Dja Wurrung Clans Aboriginal Corporation ICN: 4421

