



Aboriginal Knowledge Protocol: Guiding Principles for Action¹

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1. Preamble and purpose of the Protocol

This Protocol lays the foundation for building cooperative relationships and trust between the UQ researchers and research contractors, and Aboriginal participants in the Social, Cultural and Economic (SCE) study. This study is one of 6 study domains in the [Strategic Regional and Environmental Assessment \(SREBA\) Framework](#).

A key purpose of the SCE Study is to ensure that Aboriginal knowledge holders and community residents in the region have the opportunity to share their perspectives, and voice what is important to them in relation to future developments in the region. The themes and indicators chosen to measure change over time have to be meaningful for these peoples of the region, beginning with the question “what’s it like living in the region [of the Beetaloo Basin] now”?

Aboriginal knowledge shared for this study can enhance understanding of the potential impacts of development projects and lead to improved outcomes for both Aboriginal and non-Aboriginal people in the region. Cultural knowledge that is provided, will play an important role in project design, Environment Management Plans and regulatory approvals by the EPA, as detailed in the SREBA Framework.

It is important that there are parameters placed around what defines ‘Aboriginal knowledge’ for the purposes of the SCE. In defining or detailing components of Aboriginal culture that may be recorded for the purposes of this study clear ‘pathways’ are defined that address how researchers respond to, or treat this information when offered. Likewise, this Protocol outlines the rights and interests of the Aboriginal Knowledge holders in relation to the ways in which their knowledge will be respected and managed.

This Protocol is not intended as a contract, but as a ‘living document’ that will be refined as the project progresses.

We are seeking input and agreement at an organisational level to guide the development the Protocol and the Principles. However, crucially it will be informed by Aboriginal people in the Beetaloo sub-basin as they commence participation in the Study.

¹ This Protocol was developed by Sarah Holcombe, Kathy Witt and Prue Jezierski of The University of Queensland in consultation with relevant Aboriginal interest and representative organisations.



Though this Protocol is being developed specifically for use in the SCE domain of the SREBA, it will also be useful for researchers in the other domains. Some researchers working in the biophysical domains are also interacting with Aboriginal people from the region for their studies, and forms of cultural knowledge (such as traditional ecological knowledge) may be shared with them. As a result, we are establishing referral pathways for these researchers to advise the SCE researchers so they can follow-up with the Aboriginal knowledge holder/s.

We will develop a brief plain English version of this Protocol that is also updated, as necessary, over the life of the project.

2. UQ alignments with national and international ethics standards in Indigenous research

UQ is committed to promoting a culture of responsible and ethical research. According to the [*National Statement on Ethical Conduct in Human Research*](#) (*National Statement*), research conducted with or about people is considered Human research and requires obtaining ethical clearance. An additional set of ethical considerations has to be met when working with Indigenous Australians. The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) has established a [*national Code of Ethics \(2020\)*](#), which applies to academic and applied research carried out by universities, including UQ. Of particular relevance for this Protocol and associated resources, this Code also outlines the CARE Principles for Indigenous data governance. These are: Collective Benefit, Authority to Control, Responsibility and Ethics.

UQ has also developed an [*Aboriginal and Torres Strait Islander Research and Innovation Strategy*](#) (2021-2025) which sets a course for the University to pursue ethical and responsible research that contributes to cultural, social, environmental and economic benefits for Aboriginal and Torres Strait Islander peoples and communities. The strategy complies with the CARE Principles and aligns with international standards, including the [*UN Declaration on the Rights of Indigenous Peoples*](#) and the 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 ([*Nagoya Protocol*](#)).

The UQ SREBA team has gained ethics approval for the SCE component of research, which includes the development of this Aboriginal Knowledge Protocol.

Researchers external to the University are also expected to adhere to the same standards and will be named on the ethics documents, as these are updated with the project. Local Aboriginal researchers and sub-contractors will be provided training in research ethics and the expectations required of them prior to commencing work.

3. Definitions

Aboriginal knowledge:

There is no universally accepted definition of Indigenous or Aboriginal knowledge. The term describes complex knowledge systems embedded in the unique cultures, languages, values, governance systems and worldviews of Aboriginal peoples. Other terms include traditional knowledge and traditional ecological or environmental knowledge.

Aboriginal knowledge tends to be regionally and community specific, and place based, arising from Aboriginal peoples' intimate relationship with their natural world. It is generally understood to be collective knowledge that encompasses community values, teachings, relationships, ceremony and



governance. It is cumulative and dynamic, building upon the experiences of earlier generations, and evolving in the context of contemporary society.²

Sharable knowledge:

The SCE component of the SREBA is interested in Aboriginal knowledge that is shareable only. We want knowledge that contributes to a shared understanding of life and environment for people and communities in the Beetaloo region.

The researchers will not be recording secret or sacred knowledge, or knowledge about “men’s business” or “women’s business”. If there is knowledge shared about men’s or women’s specific sites then the SCE research team will record this only as a “gender restricted site”.

If there is knowledge provided about a spiritually significant site (Dreaming site) or site complex that is widely known amongst the group then a collective decision may be made to share the Dreaming name/ ancestor. And if there are concerns about site/place protection and/or if knowledge holders seek to provide further sacred site information then the referral pathway to the NLC and/or AAPA will be engaged (see Principle 3).

Recording the precise locations of particular sites of significance is not the remit of SREBA researchers.

Knowledge holders and communities of interest:

The SCE researchers will be working with Aboriginal knowledge holders and communities of interest in the Beetaloo Basin region. Aboriginal knowledge-holders are defined, for the purposes of these studies, as Aboriginal people who are engaged in practicing and maintaining traditional cultural practices (including customary harvest) or have the responsibility and/or authority as defined by them to explain and talk about these practices and/or traditions/spiritual connections.

4. Guiding Principles

The following principles will guide the work of the researchers for the SCE study. With the exception of Principles 1 and 10, they are also relevant for researchers working across all SREBA domains. The guiding principles are:

1. Uphold commitments made in Scope of Works Study design, within Human Research Ethics Committee approval and to align the study with UQ’s existing Aboriginal and Torres Strait Islander Research and Innovation Strategy
2. Recognition that Aboriginal people own their knowledge and their intellectual property
3. Respect for the confidentiality of culturally sensitive Aboriginal knowledge/s
4. Establish collaborative and respectful relationships with Aboriginal People in the Territory
5. Respect for Aboriginal governance processes at the local and regional level
6. Traditional ecological and/or cultural knowledge and Western science and are accorded equal value
7. Support capacity building and empowerment
8. Principles of free, prior and informed consent are followed at all times
9. Benefit sharing will be explained and valued

² This definition was drawn from the *Draft Indigenous Knowledge Policy Framework: for project reviews and regulatory decisions*. Government of Canada.

See also Pp 6. Woodward, E., Hill, R., Harkness P and Archer, R. 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*. Australian Government, National Environmental Science Program, CSIRO, NAILSMA and IUCN.



10. Oversight and advice from an independent Expert Advisory Panel (EAP)

5. Guiding Principles in Action

Principle 1: Uphold commitments made in Scope of Works Study design, within Human Research Ethics Committee approval and to align the study with UQ's existing Aboriginal and Torres Strait Islander Research and Innovation Strategy

A number of commitments to stakeholders have already been made in designing the Scope of Works for this study, and these were included in our application to undertake these studies to UQ's Human Research Ethics Committee.

Scope of Works (Study design) commitments

UQ is committed to promoting a culture of responsible and ethical research. According to the [*National Statement on Ethical Conduct in Human Research*](#) (*National Statement*), research conducted with or about people is considered Human research and requires obtaining ethical clearance. UQ researchers have specific obligations to ensure that all ethics approvals are obtained prior to the work commencing.

Staff and students at UQ are required to conduct themselves in a manner consistent with the [*Australian Code for the Responsible Conduct of Research*](#), the *National Statement*, and the standards set out in the [*UQ Code of Conduct*](#).

Contracted researchers (by UQ) are also expected to adhere to the same standards and will be named on the ethics documents. Local Aboriginal researchers and sub-contractors will be provided training in research ethics and the expectations required of them prior to commencing work.

All human research must comply with the *National Statement* and demonstrate the values of research merit and integrity, justice, beneficence and respect.

Research involving Aboriginal and Torres Strait Islander Peoples must also be conducted in accordance with:

- [Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and Communities: Guidelines for Researchers and Stakeholders](#)
- [Keeping Research on Track II](#)
- [AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research.](#)
- Human Research Ethics Committee approval commitments

On 17 January 2022, the University of Queensland Human Research Ethics Committee approved the ethics submission for this study to commence. The research team (and the NT Government and supporting organisations) note that variations to the proposed activities may need to be made and these will be covered by lodging a variation to the human ethics approval documentation.

The ethics application highlights that in undertaking this work, we are guided by the United Nations Declaration on the Rights of Indigenous Peoples 2007 (UNDRIP). The Australian government endorsed the Declaration in 2009^{3,4}. The development of the Declaration was championed and

³ UN News (2009) *Experts hail Australia's backing of UN declaration of indigenous peoples' rights*, <https://news.un.org/en/story/2009/04/295902-experts-hail-australias-backing-un-declaration-indigenous-peoples-rights>

⁴ The Australian Government has not yet formally incorporated UNDRIP into law and policy, although many have called for action on full implementation (e.g. AHRC 2021 Incorporating UNDRIP into Australian law would kickstart important progress,



negotiated by Indigenous Peoples from all over the world, and remains the most comprehensive instrument on the specific individual and collective rights of Indigenous Peoples.

The core UNDRIP Articles relevant to the SCE Studies and Strategic Assessment, as well as the SREBA more broadly are:

- Participation in decision-making; Free Prior and Informed Consent (Articles 10, 11, 19, 28, 29 and 32)
- Self-determination, development and economic and social rights; Indigenous peoples' rights to determine how they want to develop whilst having equal access to the services the broader community has access to (Articles 18, 19, 20, 21, 22, 23).
- Language cultural and spiritual identity, protecting and promoting Indigenous Peoples' cultural rights. (Article 11, 12, 13)
- Rights to country, resources and knowledge. (Articles 25-32).

Uphold Alignment with UQ's Aboriginal and Torres Strait Islander Research and Innovation Strategy

Alignment with the UQ Aboriginal and Torres Strait Islander Research and Innovation Strategy ('the strategy') which also operates in the context of standards, regulations and strategies across international, Australian and University domains.⁵

International alignments

As noted in Section 2, page 2, this Protocol aligns with, and is informed by existing documents including those set out in the UQ strategy and SREBA Framework.

In addition, we note especially Article 31: 1 of the UNDRIP (2007):

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Principle 2: Recognition that Aboriginal people own their knowledge and their intellectual property

This Protocol acknowledges and respects Aboriginal people's prior rights over their own knowledge and intellectual property.

Aboriginal groups and communities have their own protocols to manage customary knowledge. These protocols have been developed over many generations. They are embedded in rights to land and ceremony and are usually hierarchical, inherited and locally defined. Researchers need to be aware of these protocols, respect them, understand them and work with them as an

<https://humanrights.gov.au/about/news/opinions/incorporating-undrip-australian-law-would-kickstart-important-progress>). *The Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia* by the Joint Standing Committee on Northern Australia also made a recommendation that UNDRIP, and specifically FPIC, be enshrined in law (2021) https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia/CavesatJuukanGorge

⁵ [UQ Aboriginal and Torres Strait Islander Research and Innovation Strategy 2021-2025.pdf](#)



ongoing part of collaborative research.⁶

Through the consent and documentation processes of these studies, researchers will ensure that intellectual property is acknowledged and represented as requested by those sharing it.

Principle 3: Respect for confidentiality of culturally sensitive Aboriginal knowledge/s

The study will collect sharable information in order to report on community level aggregated data. Researchers are aware they may be offered information that could be sensitive, confidential or secret.

To ensure that data collected is **sharable**, researchers will:

- use publicly or readily available data wherever practicable, to inform the Study
- protect confidential and secret Aboriginal knowledge in accordance with the respective Acts and this Protocol
- collect or share information only with proper processes for agreement and consent
- acknowledge that Aboriginal people/communities will determine whether to share their knowledge, and what aspects of that knowledge they wish to share in confidence, with direction of how this data/information is to be handled by researchers and UQ
- manage information shared according to the **referral pathways** established (see below – this Section) and the human ethics data handling and storage standards. UQ has an internal, password secure data management system that will be used if appropriate
- undertake researcher triangulation and feedback of findings to participants to ensure that the findings captured the full range and depth of the data collected to the extent that it is shareable

UQ data storage and on-going management of data

Storage: All interview data will be carried by project researchers in the field with care taken to secure it (e.g. notes kept in personal backpacks and locked rooms during fieldwork). Upon return to UQ will be stored safely in offices at The University of Queensland in Brisbane (only accessible by staff). Electronic files will be stored on the RMS server, which is password protected.

Post-project data management: Data will be stored and archived and then destroyed according to UQ management RMS.

Access Provisions: Only UQ Team members will have access to the project files containing raw information (ie fieldnotes and recordings) gathered during the project.

Disclosure: Disclosure of individual information will be as per the consent form.

Use/re-use: There will not be secondary use of the data collected by UQ without permission or collaboration - un-analysed/un-published data will not be available for re-use or use for another purpose.

Transfer of data: Un-analysed/un-published electronic data files will be directly transferred from field equipment to the secure RMS server.

⁶ Holcombe, S., Janke, T and Davis, M. 2009, *Indigenous Ecological Knowledge and Natural Resources in the Northern Territory: Guidelines for Indigenous Ecological Knowledge Management (including archiving and repatriation)*, p.11



NTG Data Management

Database: The Northern Territory Government is developing a database for storage of data collected through the SREBA process. Access to the database and the information within it can be restricted to certain user groups, or to align with the SCE Knowledge Protocol where appropriate. The intention is to make as much SREBA data as possible publicly available and easily accessible.

Referral Pathways

It is possible that Aboriginal knowledge holders will share cultural knowledge information in more detail than required for the SCE study. This may include specific sacred site-based information in order to seek to protect places of significance. This may be with the view to recording or registering sites with the AAPA, or to ensure that the NLC is aware of places or sites of significance. Knowledge holders may have a preference for the organisation. SCE researchers will ensure that this information reaches the appropriate organisation, as sought by the knowledge holders. Discussions have been held with the AAPA and NLC, and they are delegating a staff member contact per organisation for the SCE researcher to engage with and ensure follow-up of on-Country Aboriginal knowledge holder concerns.

Likewise, we are ensuring that there are open lines of communication with researchers in the other SREBA domains who also interact with Aboriginal knowledge holders so the same referral pathways can be activated.

Principle 4: Establish collaborative and respectful relationships with Aboriginal People in the Territory

Throughout the Study, researchers will work in collaboration with Aboriginal people (and/or their representatives) in the region, to design relevant indicators for representing Aboriginal knowledge and to support the consideration of cultural values into policies and strategies governing future development. These relationships will be built on mutual respect and will facilitate sharing of study progress and outcomes.

Principle 5: Respect for Aboriginal governance processes at the local and regional level

Our approach to this Study emphasises enabling two-way governance, as advocated by the Australian Indigenous Governance Institute.⁷ Two-way governance begins with the step of mutual understanding, so our aim is two-fold. Firstly, we will aim to ensure that the region's Aboriginal peoples understand the SREBA, SCE Studies, Strategic Assessment, and development context. This is also the key role of the newly appointed CSIRO Onshore gas liaison officer.

Secondly – we will aim to ensure that the SCE researchers – via the anthropologists – collaborate through the customary decision-making processes, which may include listening to Junggayi for Country, as directed by customary knowledge holders.

Principle 6: Traditional ecological and/or cultural knowledge and Western science and are treated with equal value

Both Indigenous knowledge and western scientific knowledge systems are equally valued and the integrity of Aboriginal knowledge needs to be maintained when it is considered alongside western science.

⁷ AIGI (2013) *The Indigenous Governance Toolkit: 2.2 Two-Way Governance*, <https://toolkit.aigi.com.au/toolkit/2-2-two-way-governance>



Our approach aligns with that developed in the *Our Knowledge Our Way: Best Practice Guidelines* (2020)⁸, where science and Indigenous knowledge systems are woven together to build a more comprehensive knowledge base that could be achieved by any one knowledge system alone. The purpose of the research engagement is to mobilise diverse and disparate knowledges to co-generate mutual learnings across knowledge systems.

Principle 7: Support capacity building and empowerment

The activities undertaken for the SCE Study will play an important role in supporting participatory decision making about the future of the Beetaloo region, and therefore upholding the rights and interests of the region's Aboriginal people. The information gathered, insights gained, and conclusions reached are all designed to engage potentially impacted communities and individuals so that they can participate in good faith, in meaningful dialogue.

These activities do not constitute an FPIC process in themselves, though should contribute to the information base required for FPIC and provide a meaningful opportunity for participation in development planning.⁹

There will also be ample opportunity to share scientific information and assist local Aboriginal people to better understand potential impacts of any hydraulic fracturing industry and their avenues for having a voice in the regulatory approvals and decision-making process. Likewise, the referral pathways established (under Principle 3) also ensure that Aboriginal peoples voices are heard, as SCE researchers can act as a conduit, where advised, to the appropriate organisations.

UQ has proposed to enable a network of Aboriginal researchers for the region in the collection and recommendations for ongoing monitoring of data and information collected through the Study, with training for community-based researchers.

Principle 8: Principles of free, prior and informed consent (FPIC) are followed at all times

This fundamental principle means that:

- Consent to participate is given voluntarily without coercion
- Consent is sought sufficiently in advance of the commencement of any project
- The engagement and type of information provided prior to seeking consent and in the ongoing engagement
- Customary decision-making processes are followed, which may include forms of collective decision-making of the knowledge holders
- Consent is an ongoing, not one-off, process.

Specifically, in compliance with human ethics, FPIC will be obtained from anyone offering their participation in the Study, per the Consent Forms attached to this Protocol. Withdrawing consent is possible without consequence. If a participant seeks to withdraw or modify content, update content and remove content, there are processes to enable this to occur as part of the project.

⁸ See Pp86. Woodward, E., Hill, R., Harkness P and Archer, R. 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*. Australian Government, National Environmental Science Program, CSIRO, NAILSMA, IUCN.

⁹ Further information on FPIC is available at: Ashurst (2021) *Free, prior and informed consent*, <https://www.ashurst.com/en/news-and-insights/insights/free-prior-and-informed-consent/>



All participants will be provided with a participant information sheet prior to commencement of interviews and participation in interviews and workshops. Researchers will take time to explain the Protocol in interview/survey processes.

Principle 9: Benefit sharing must be explained and valued

These studies aim to be a process of empowerment for communities to set the scene for their involvement and decision-making for potential future hydraulic fracturing production and other developments in the region.

As outlined in the SREBA Framework, benefits for people in the region to be involved in these studies are to have direct input into:

- Identification or refinement of setback distances or buffer areas, and possible “no-go zones”
- Establishing relevant values and indicators for regional scale monitoring for cumulative impacts over time
- Strategic infrastructure planning to mitigate potential impacts on communities within the region
- Community engagement strategies between industry, Government and communities within the region
- Project-level social impact assessments and management plans by proponents using this information
- Potential training, upskilling and business development programs for the region
- Regular reporting to communities within the region of the social, cultural and economic impacts and opportunities associated with industry development

Principle 10: The Expert Advisory Panel (EAP) will provide independent advice and oversight

The SCE SREBA study has established an Expert Advisory Panel for independent advice and oversight of all project activities from engagement to data collection, analysis and reporting. The Panel is chaired by Professor Bronwyn Fredericks, Pro Vice-Chancellor of Indigenous Engagement at the University of Queensland and currently includes highly experienced professors and professionals who will be named with their permission.

The Panel will review processes and outputs from the study on a regular basis, including checking for potential concerns about information sharing.



Record of consent of the Research Participant:

Workshop or Focus Group or Interview

Name of participant

I agree to be involved in this study. I have been provided an information sheet and the content has been explained to me. I understand the nature and purpose of the study and acknowledge that:

- I consent to participating in the study.
- I understand that my taking part is voluntary. I am free to withdraw at any time without explanation. In the event that I withdraw, any data collected from me will be removed from the record if possible. I also understand that my withdrawal will have no consequences for me whatsoever.
- I understand that my input will be recorded.
 - Consent to Video/Audio recording Notes only
- I understand that all recordings, transcripts, and information that I provide will be kept confidential and stored in a secure location.
- I consent to the Researchers using information I provide for purposes of the study and reporting on the study.
- I will not be receiving payment for my involvement in this research.
- *Tick which is applicable:*
 - I consent to my name and organisation being listed as being part of the study.
 - I consent to my words being quoted in any reporting and would/would not like my name to be used. If quoted, I understand that I will be given the opportunity to check the quote.
 - I do want my name used or to be identified in the report or online content.
- By taking part in the study, I understand that photographs and/or video may be taken. I give permission for images in which I appear to be used by The University of Queensland as part of the study and do not expect any payment. Permission includes their use in printed and online material, including social media and project communications.
 - Consent to Video/Audio use Do not use photos/videos
- I understand that the project findings may be used to provide a baseline in future updates to the SREBA and may be published as part of a SREBA report or online as part of a NT Government database.
 - I want to receive a summary of the findings at the end of the project at the contact address below.

Contact address or email:

Signed by the participant

Signature: Date:

Ethics ID number: 2021/HE001626



Alternate record of consent of the Research Participant

This form is to be completed by the Researcher where the participant is unable to sign

Workshop or Focus Group or Interview

Name of participant:

agrees to be involved in this study. They have been provided an information sheet and the content has been explained to them. They understand the nature and purpose of the study and acknowledge that they:

- consent to participating in the study Yes
- understand that taking part is voluntary. That they are free to withdraw at any time without explanation. In the event that they withdraw, any data collected will be removed from the record if possible. They also understand that withdrawal will have no consequences whatsoever. Yes
- understand that their input will be recorded and that all recordings and transcripts will be kept confidential and stored in a secure location. Yes
 Consent to Video/Audio recording Notes only
- consent to the Researchers using information provided for purposes of the study and reporting on the study. Yes
- understand that they will not be receiving payment for my involvement in this research. Yes
- consent to their name and organisation being listed as a participant in the study Yes No
- consent to their words being quoted in any reporting and would/would not like their name to be used. If quoted, they understand that they will be given the opportunity to check the quote Yes No
- they do want their name used or to be identified in the report or online content Yes No
- understands that photographs and/or video may be taken during their participation in the study Yes No
- give permission for images in which they appear to be used by The University of Queensland as part of the study and they do not expect any payment. They understand that permission includes their use in printed and online material, including social media and project communications Yes No
- understand that the project findings may be used to provide a baseline in future updates to the SREBA and may be published online accessible for anyone to read. Yes No
- They want to receive a summary of the findings at the end of the project at the contact address below. Yes No

Contact address or email:

Signed by the Researcher: I, (name of the Researcher)

..... confirm that the participant has given verbal agreement to participate in the study and conveyed their wishes with respect to the optional matters listed above.

Signed (Researcher)..... Date:.....

Ethics ID number: 2021/HE001626