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SYDNEY

The University of Sydney Business School

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Indigenous Cultural and Intellectual Property Protocol for Curriculum

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Ngyini ngalawangun mari budjari Gadinurada*

We meet
together on the
very beautiful
Gadi Country

*The language of the Gadigal people is used in our acknowledgement of Country in recognition that the University's first campus at Camperdown sits on Gadigal land.

When speaking of matters regarding the lands of New South Wales, we refer to Aboriginal people. When referring to First Nations staff and students, we refer to Aboriginal and Torres Strait Islander peoples.

Aboriginal and Torres Strait Islander people should be aware that this document contains images and names of deceased persons.



**Front cover: Close up detail
of the Nguragaingun (Culture
and Community) icon from
Commissioned artwork
*Yanhambabirra Burambabirra
Yalbailinya (Come, Share and
Learn) 2020* by Luke Penrith**





Acknowledgement of Country

The University of Sydney Business School acknowledges the First Peoples of Australia, Aboriginal and Torres Strait Islander peoples, as the traditional owners and custodians of the lands of Australia.

The University of Sydney's Camperdown Campus sits on the lands of the Gadigal people with campuses, teaching and research facilities on the lands of the Gamaraygal, Dharug, Wangal, Darkinyung, Burramadagal, Dharawal, Gandangara, Gamilaraay, Barkindji, Bundjalung, Wiradjuri, Ngunawal, Gureng Gureng, and Gagadju peoples.

We recognise and pay respect to the Elders and communities of these lands, past, present and emerging, who for thousands of years have shared and exchanged knowledges across innumerable generations, for the benefit of all. Aboriginal and Torres Strait Islander peoples have shared and managed knowledge systems and resources sustainably for many thousands of years.

We value the knowledges, cultures and traditions of Aboriginal and Torres Strait Islander peoples. There is no place in Australia – water, land or air – that has not been known, nurtured and loved by Aboriginal and Torres Strait Islander peoples.

Credits and acknowledgements

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Business School

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Warning

Terri Janke and Company would like to advise readers that this paper may contain images or names of people who have since passed away.

Important legal notice

The laws and policies referred to in this publication are current as at 21 November 2021. Any reference to laws and policies are for general use only. You should not rely on this document for legal advice for a specific matter. We recommend you obtain professional legal advice from a suitable, qualified legal practitioner.

Thanks and Acknowledgements

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Use of Terms – First Nations and Indigenous

Throughout this Protocol, we use the terms 'First Nations' and 'Indigenous' to refer to Aboriginal and Torres Strait Islander people.

We use ICIP to refer to the rights Indigenous people have to their heritage, as this is a term that is widely used within International law and policy and Australia, particularly within the True Tracks® principles which form the basis for this protocol.

We acknowledge Aboriginal or Torres Strait Islander people identify themselves in a range of ways such as a clan, mob, language group and/or Country.

Foreword

The University of Sydney Business School is committed to embedding culturally competent practice in all aspects of our research, teaching and engagement. We will work to ensure that all staff, students and community members with whom we interact feel safe, respected and valued.

As part of this commitment, the *University of Sydney Business School Indigenous Cultural and Intellectual Protocol for Curriculum* supports academic and professional staff in promoting culturally safe practices across our teaching programs.

It is with great pride and respect for the knowledges and cultures of Aboriginal and Torres Strait Islander peoples that we invite you to learn from, explore, and embed this Protocol in your work. This Protocol has been co-designed with the aim of guiding, educating and directing Business School staff about the importance of cultural attribution and recognising the rights of Aboriginal and Torres Strait Islander peoples to their Indigenous Cultural and Intellectual Property. The Protocol guides educational practices that encourage self-representation of Aboriginal and Torres Strait Islander peoples and the process to establish and maintain strong relations with Aboriginal and Torres Strait Islander peoples and communities.

We recognise that Aboriginal and Torres Strait Islander knowledge and perspectives have been historically excluded or misrepresented within Western education systems, and we are committed to promoting culturally responsive curriculum practices that recognise the richness and diversity of Aboriginal and Torres Strait Islander cultures and knowledge.

The Protocol outlined in this document is intended to provide a framework for all staff in the Business School to engage in culturally responsive practices. It is envisaged that this work can help inform culturally responsive curriculum practices in your own curriculum design and development lifecycle. This Protocol provides a valuable resource for educators who seek to engage with Aboriginal and Torres Strait Islander peoples and communities, knowledge and culture in a respectful and meaningful way.



NGURAGAINGUN

Culture and community

Reflect Aboriginal and Torres Strait Islander peoples' cultural values throughout University policies, practices and relationships.

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Arist_ Garawan Wanambi
Name and date_ Totem poles, 2020.
Location_ Regiment Building,
Newtown, NSW.

The artist is a Murrakulu clansman, who lives and works in Gangan, Northern Territory.

Garawan Wanambi is a Murrakulu clansman. Married to Manini Gumana, a daughter of Dhalwangu leader, Dhakawal Gumna who was the brother of Gawinrrin Gumana AO and son of Birrikitji Gumana a senior ritual leader. Garawan and his family continue to live and work at Gangan and he has emerged as one of the most gifted of the new generation of artists based there.

His father was Mnuparriwuy Wanambi (1920-1973) one of the artists of the Yirrkala Church panels (himself a son of Garrarrambu one of Thomson's subjects) his mother was Gawirrin's sister Guthikpuy (their mother from the Dhudi Djapu clan).

After his father's death in 1973, Garawan was guided by Yanggariny Wunungmurra and through this connection paints Murrangu the counterpart of Murrakulu from the other side of Arnhem Bay.



1. Background and scope

1.1 Introduction

The University of Sydney Business School ('the **Business School**') strives to instil a culturally responsive pedagogy in teaching, learning and student life by delivering an enriching educational experience for all students. We will make every effort to expose students to different ways of thinking and understanding the world through programs that highlight and celebrate the diversity of First Nations cultures, perspectives and lived experiences in Australia.

The Business School promotes the knowledges, perspectives, experiences, and cultures of Aboriginal and Torres Strait Islander peoples and communities in programs and units of study in an accurate and respectful way. In doing so, we aim to ensure that all staff, students and community members with whom we interact feel safe, respected and valued. The University of Sydney Business School Indigenous Cultural and Intellectual Property Protocol for Curriculum ('the **Protocol**') is designed to support this commitment. We strive to model the highest standard of practice when engaging with Aboriginal and Torres Strait Islander peoples and communities. We do this by implementing Indigenous Cultural and Intellectual Property ('**ICIP**') protocols into our core business. This Protocol aims to improve our practices and strengthen our commitment to the *One Sydney, Many People Strategy 2021-2024*, a University-wide commitment to stronger, more accountable partnerships with Aboriginal and Torres Strait Islander peoples and the broader community.

1.2 Purpose of this Protocol

The Protocol was developed as part of the University's broader initiative for a unified approach to embedding a culturally respectful practice in all that we do. It provides a unified framework for all Business School curriculum-related activities under the *One Sydney, Many People Strategy 2021-2024*. Faculty level ICIP Protocols, such as this one, will sit under a broader strategy of frameworks being developed across the University. It is not to the exclusion of any subsequent protocol or framework that the University or other faculties may develop and may be used by other faculties and staff as a tool to guide curriculum development and review. The Protocol is a living document. It will evolve over time with our broader initiatives and from our learnings in implementing the principles contained within it.

1.3 Strategic vision for ICIP Protocol

The strategic vision of this Protocol is to assist staff to introduce Aboriginal and Torres Strait Islander content in the **curriculum development** of programs and units of study at the Business School. The aim is to demonstrate a whole of lifecycle approach to applying the principles outlined in this Protocol. This includes when developing, implementing, delivering and evaluating curriculum at the program and unit of study level. Creation and innovation of curriculum and learning materials through **co-design**, the **promotion of Aboriginal and Torres Strait Islander peoples' voices**, and **ongoing engagement and consultation** with Aboriginal and Torres Strait Islander people and communities is encouraged with the ultimate aim of continuously improving, learning and growing

the Business School’s curriculum and practice. The implementation of this Protocol within the Business School seeks to:

“...inspire new generations of culturally engaged students and staff and equip them with the skills, knowledge and capabilities required to navigate and lead in a rapidly changing world”, as set out in the One Sydney, Many People Strategy 2021-2024.

Diagram 1 below shows how this Protocol is relevant at both a program and unit of study level, including where staff are:

1. Creating new **curriculum materials** in an effort to design and develop new courses (i.e., curriculum mapping and scaffolding content across a program, or developing new courses and units of study);
2. Creating, incorporating, or adapting existing resources (from internal or external sources) in units of study as topics, case studies, or other forms of **learning materials** (i.e., using books, reports, films,

audio recordings, media articles, or podcasts in learning materials, when creating new materials such as case studies, or when delivering teachings); and

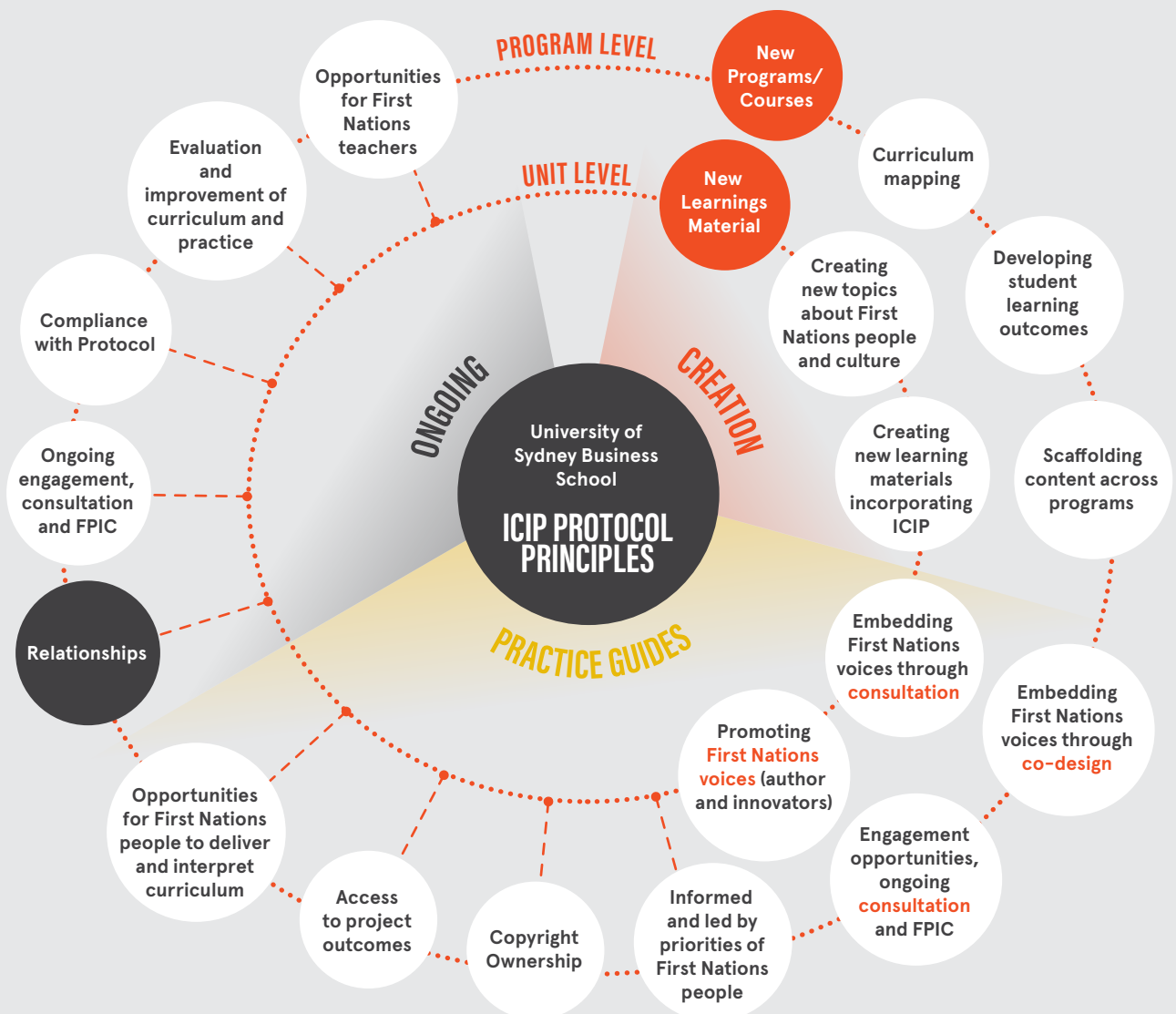
3. Reviewing existing **curriculum** or **learning materials** for compliance with this Protocol and evaluating the effectiveness of a program or unit of study against the desired student learning outcomes.

This Protocol may also be relevant for the Business School’s broader activities, projects, staff training and community engagement.

The diagram is depicted as a circle to illustrate:

- The responsibility to maintain **ongoing** respectful relationships with Aboriginal and Torres Strait Islander people and communities who we work with;
- That staff should approach the integration of ICIP content as a **continuous** learning and improvement process through creation, collaboration, reflection, review and evaluation.

Diagram 1: Embedding the Protocol in the curriculum lifecycle



2. Pathway to curriculum development

2.1 Embedding First Nations perspectives

This section provides a Pathway to Curriculum Development ('the Pathway') which staff should undertake in all curriculum projects and wider practices. Promotion of Aboriginal and Torres Strait Islander peoples' cultures, perspectives and knowledges in substantive, authentic and respectful ways can only be achieved through the voice of Aboriginal and Torres Strait Islander peoples. This is critical to embedding ICIP in curriculum in meaningful, non-tokenistic ways. First Nations peoples' voices can be promoted and embedded in Business School curriculum and processes through:

2.1.1 Co-design

Engage Aboriginal and Torres Strait Islander people and communities in key decision-making roles (as cultural experts and specialists) to lead and co-design curriculum projects.

Explore opportunities to work with the local First Nations community on improving curriculum and delivery at the Business School.

Be led by Aboriginal and Torres Strait Islander peoples' and communities' priorities for culture, learning and business.

2.1.2 Promoting Aboriginal and Torres Strait Islander peoples' voices

Research, keep yourself up to date with Aboriginal and Torres Strait Islander business developments and consider how business concepts can be matched with ICIP content, principles and case studies.

Do your due diligence on sources to include in curriculum and favour Aboriginal and Torres Strait Islander authors, creators and innovators.

Engage Aboriginal and Torres Strait Islander people to interpret and deliver curriculum and learning materials.

2.1.3 Ongoing engagement and consulting

Consult with Aboriginal and Torres Strait Islander people on the appropriateness of proposed and existing sources and materials in units.

Maintain ongoing, authentic relationships with Aboriginal and Torres Strait Islander people for opportunities outside of curriculum projects and ongoing free prior and informed consent ("FPIC") on existing projects.

Find opportunities to engage Aboriginal and Torres Strait Islander people in future projects and activities with the aim of continuous improvement of curriculum and practice.



2.2 How to use this Protocol

The Protocol provides two levels of guidance for staff wishing to undertake the Pathway to Curriculum Development. To get the best out of this Protocol we recommend that you:

1. Get an understanding and appreciation of ICIP;
2. Read the True Tracks® principles and appreciate how they can be applied to your practice;
3. Apply the Practice Guides and use the resources provided in the attachments; and
4. Where there is no guidance in the Practice Guides, use your judgement to apply the True Tracks® principles

This approach has informed the structure of the remainder of this Protocol, being:

Part 3: Indigenous Cultural and Intellectual Property.

Before staff undertake this work, they must first understand and be able to identify what ICIP is, and the rights Aboriginal and Torres Strait Islander peoples have to their ICIP.

Part 4: True Tracks® Principles for Indigenous Engagement establish a high-level framework which the Protocol is built upon. These foundational principles allow staff to think for themselves and apply the framework to new scenarios.

Part 5: Practice Guides for Using ICIP in Curriculum ('the Practice Guides'). The Practice Guides were developed in consultation with Business School staff and stakeholders. They provide support on key issues identified by Business School staff as they relate to curriculum development, delivery and evaluation. Each Practice Guide provides practical advice on:

- a. Engaging in curriculum mapping and scaffolding content across a program, or developing new courses and units of study to include Aboriginal and Torres Strait Islander peoples' perspectives, experiences, cultures and knowledge systems;
- b. Creating, incorporating or adapting existing resources containing Aboriginal and Torres Strait Islander peoples' perspectives, experiences, cultures and knowledge systems (such as books, reports, films, audio recordings, media articles, or podcasts in learning materials from internal or external sources) into teaching and learning materials;

- c. Delivering units of study and learning materials or collaborating with Aboriginal and Torres Strait Islander people and communities on the delivery of a program or unit of study; or
- d. Reviewing existing curriculum or learning materials for compliance with this Protocol and evaluating the effectiveness of a program or unit of study against the desired student learning outcomes (i.e. by engaging Aboriginal and Torres Strait Islander curriculum experts and consultants, cultural experts, and/or knowledge holders).

Attachment A: How to identify appropriate Aboriginal and Torres Strait Islander authorities supports staff in planning and identifying stakeholders for consultation on curriculum projects. This section outlines where staff should start, how to build consultation into the project plan, and suggestions to begin connecting with Aboriginal and Torres Strait Islander people.

Attachment B: Case Studies provides examples of the practical application of this Protocol and the Practice Guides at the program, course and unit level.

Attachment C: Checklist for Curriculum Projects. This attachment is a summary checklist to support staff in applying the Practice Guides during projects at the program and unit level, and during their ongoing practice at the Business School.



Arist_ Luke Penrith
Name and date_ Yanhambabirra
Burambabirra Yalbailinya, 2020.

Luke Penrith's ancestry is connected through the Wiradjuri, Wotjobaluk, the Yuin and the Gumbaynggirr Nation. His passion is mentoring and nurturing Aboriginal and Torres Strait Islander job seekers and supporting Aboriginal businesses. Lore, culture and heritage are paramount to Luke. His art reflects what he sees, hears and can smell and touch; he is a modern contemporary Aboriginal artist living in Brungle NSW. Luke's bloodlines are connected through the rivers, the mountains, the coastline and the plains.

Luke Penrith's artwork 'Yanhambabirra Burambabirra Yalbailinya' (Come, Share and Learn) has been created to represent the University of Sydney's One Sydney, Many People strategy and celebrates our collective vision for the future. Centred around the Gadi (of the Xanthorrhoea genus), acknowledging our location in the heart of Gadigal country, the flowering bud reaches out to the four pillars present in our strategy: Nguragaingun - Culture and Community (base); Eora - People (top); Ngara - Education and Research (right) and Pemulian - Environment (left).

Image: Close up detail of the commissioned artwork *Yanhambabirra Burambabirra Yalbailinya* (Come, Share and Learn) 2020 by Luke Penrith. For more information please see page 48.

3. Indigenous Cultural and Intellectual Property

3.1 How does the Business School engage with ICIP?

This Protocol encourages staff to embed Aboriginal and Torres Strait Islander peoples' voices, experiences, perspectives, knowledges and cultures within curriculum and learning materials in meaningful and substantive ways. Therefore, in collaborating with Aboriginal and Torres Strait Islander peoples and communities, or when incorporating content in curriculum and learning materials, staff will encounter the ICIP of Aboriginal and Torres Strait Islander peoples and communities.

This may occur when collaborating or consulting with Aboriginal and Torres Strait Islander people, communities or organisations on:

- the development of new programs, units of study or topics;
- the review and strategic direction of programs or units of study including student learning outcomes;
- what or whether to include existing content (i.e. books, reports, articles, films, audio recordings, links to webpages, media articles, podcasts or other materials stored in Business School archives) in curriculum learning materials; or
- when forming partnerships with Aboriginal people, organisations and communities on the delivery of programs or units of study.

This may be indirectly or directly, through information or knowledge shared with staff orally when collaborating or consulting, through the exchange of materials (written, audio, film, etc.) during consultation sessions, or when working together on

the development or delivery of program curriculum. Therefore, before implementing the True Tracks® Principles or Practice Guides, it is important for staff to first appreciate what ICIP is and what rights First Nations peoples and communities have to their ICIP.

3.2 What is ICIP?

Indigenous Cultural and Intellectual Property ('ICIP') refers to cultural heritage that belongs to a particular group of Aboriginal and Torres Strait Islander people. It incorporates both tangible and intangible elements – the object or material and the knowledge incorporated within it, the artwork and the iconography and the cultural practice embedded within it. This heritage is living heritage, handed down from generation to generation and inextricably connected to Country.

Aboriginal and Torres Strait Islander peoples have roles and responsibilities to look after culture and pass it on. Cultural knowledge is linked to Country – land and waters. ICIP comes from people and their expressions and knowledge. Many generations may contribute to the development of ICIP. In this way, ICIP is communally owned.

ICIP includes traditional knowledge and traditional cultural expression, as well as individual and collective life experiences, perspectives and priorities for communities and culture, as depicted in detail in diagram 2.

The Business School acknowledges that Australia's intellectual property laws fall short of recognising and protecting ICIP in line with article 31 of the *United*

Nations Declaration on the Rights of Indigenous Peoples. In Australia, no legal right exists for Aboriginal and Torres Strait Islander peoples and communities to manage or control their ICIP or make decisions about how it is used, represented or interpreted.

There are a number of gaps in current Australian laws, meaning there is no explicit legal right for Aboriginal and Torres Strait Islander peoples to maintain ongoing enforceable connections with their ICIP, and to stop others from debasing or misusing their ICIP.

Therefore, standard settings documents such as this

Protocol are necessary to give effect to the rights Aboriginal and Torres Strait Islander peoples need to maintain, control, protect and develop their ICIP. Further agreements will need to be considered with individual knowledge holders on specific projects, who may agree to give permission for their ICIP to be used in specific ways. By following this Protocol and the True Tracks® principles for such agreements, the rights to ICIP can remain with knowledge holders, ensuring we are engaging respectfully and appropriately with Aboriginal and Torres Strait Islander peoples.

Diagram 2: What is ICIP?



“ICIP refers to cultural heritage that belongs to a particular group of Aboriginal and Torres Strait Islander people. It incorporates both tangible and intangible elements...”

4. True Tracks® principles for Aboriginal and Torres Strait Islander engagement

The True Tracks® protocols are a set of 10 principles, developed by Terri Janke and Company. Use the Principles to prompt yourself to consider important issues when undertaking ICIP related projects to guide your use of ICIP and engagement with Aboriginal and Torres Strait Islander peoples and communities.

4.1 Respect

Aboriginal and Torres Strait Islander peoples have the right to maintain, control, protect and develop their diverse cultures. ICIP rights should be considered in addition to any legal or intellectual property (IP) rights that exist in material that contains ICIP.

4.2 Self-determination

Aboriginal and Torres Strait Islander peoples have the right to self-determination in their ICIP.

Aboriginal and Torres Strait Islander peoples should be encouraged and empowered in decision-making processes about projects that affect their ICIP. Aboriginal and Torres Strait Islander leadership in curriculum projects involving ICIP is key to supporting self-determination. Aboriginal and Torres Strait Islander involvement should be from the outset and throughout the life of the project.

Different Aboriginal and Torres Strait Islander communities may have their own specific cultural protocols that govern the access and use of ICIP.

Staff will respect customary laws and community-specific protocols as notified by Aboriginal and Torres Strait Islander peoples.

4.3 Free prior and informed consent and consultation

Free prior and informed consent ('FPIC') for use of Aboriginal and Torres Strait Islander knowledge should be sought from Aboriginal and Torres Strait Islander people before using ICIP in curriculum, learning materials or broader Business School activities. This involves ongoing negotiation and informing custodians about the implications of consent. Consultation with the owners of the traditional cultural expression should take place. FPIC is the international standard of obtaining consent from Aboriginal and Torres Strait Islander people, enshrined in the UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples) and other international instruments.¹

4.4 Interpretation and authenticity

Aboriginal and Torres Strait Islander people have legal and moral responsibilities for maintaining their culture and the interpretation of their ICIP. As the primary guardians of their cultures, Aboriginal and Torres Strait Islander people should be involved in any representation or interpretation of their ICIP.

1. The principle of free, prior and informed consent is backed by international human rights standards, such as those contained in the United Nations Declarations on the Rights of Indigenous Peoples, the Convention on Biological Diversity and the International Labour Organisation Convention 169, which are some of the leading international instruments recognising Indigenous rights.

True Tracks® ten principles

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“Aboriginal and Torres Strait Islander people have the right to share in the benefits from the use of their culture. This is especially the case where ICIP is being commercially applied.”

4.5 Integrity

Maintaining the integrity of ICIP information or knowledge is important to Aboriginal and Torres Strait Islander peoples. Having a decision-making role and influence in relevant projects is important to ensure the ongoing integrity of ICIP.

4.6 Secret/sacred and privacy

Aboriginal and Torres Strait Islander peoples have the right to keep secret their sacred and ritual knowledge in accordance with their cultural protocols. Privacy and confidentiality concerning aspects of Aboriginal and Torres Strait Islander people’s personal and cultural affairs should be respected.

4.7 Attribution

It is respectful to acknowledge Aboriginal and Torres Strait Islander people as custodians of Aboriginal and Torres Strait Islander cultural knowledge by giving them attribution. Aboriginal and Torres Strait Islander people should be able to decide if and how they are attributed.

4.8 Sharing benefits

Aboriginal and Torres Strait Islander people have the right to share in the benefits from the use of their culture. This is especially the case where ICIP is being commercially applied. The economic and other benefits from use of their ICIP should also flow back to the source communities.

4.9 Maintaining Aboriginal and Torres Strait Islander culture

Aboriginal and Torres Strait Islander cultures are not static. Measures need to be taken so that Aboriginal and Torres Strait Islander peoples can maintain, revitalise and advance their cultures. It is important to consider how a proposed use might affect future use by others who are entitled to inherit the ICIP. Importance and respect should be given to Aboriginal and Torres Strait Islander cultural practices such as dealing with deceased people and sensitive information.

4.10 Recognition and protection

Australian policy and law should be used to recognise and protect Aboriginal and Torres Strait Islander cultural and intellectual property rights. These issues can be covered in contracts, protocols and policies for better recognition.

5. Practice Guides for using ICIP in curriculum

5.1 Applying the Practice Guides for the Curriculum Lifecycle

5.1.1

The Practice Guides ('PGs') aim to support staff in applying the True Tracks Principles in day-to-day practice. They can be considered at all stages of the curriculum lifecycle, including when developing, delivering or reviewing curriculum and learning materials.

5.1.2

Not all the PGs will be relevant for every given activity, however, they could all be considered where staff would like to explore opportunities to embed the perspectives, cultures, experiences and knowledge systems into curriculum.

5.1.3

The section 5.1.5 provides a summary of the key principles arising out of the PGs. To support staff's understanding of the application of the PGs at each stage of the curriculum lifecycle (development, delivery and review), the key principles are broken up as such.

5.1.4

Staff can also refer to the Checklists provided in **Attachment C: Checklist for Curriculum Projects**, which applies the PGs at both the unit and program level, as well as an ongoing checklist for staff to apply in all their activities, regardless of the level of study.

5.1.5 Summary of the key principles arising out of the Practice Guides

Development:

1. Explore ways to embed and promote Aboriginal and Torres Strait Islander voices, perspectives and experiences in curriculum and learning materials.
2. Promote Indigenous-led projects and develop content through co-design and partnership opportunities with Aboriginal and Torres Strait Islander people.
3. Consult and seek consent from Aboriginal and Torres Strait Islander people and communities on curriculum projects that involve their ICIP, including the design of programs/units, use of existing resources, photographs and recordings, cultural mourning protocols, language stories and song lines.
4. Respect self-determination of Aboriginal and Torres Strait Islander people and communities through copyright ownership of curriculum and learning materials developed in collaboration.
5. Ensure benefits from curriculum projects flow back to Aboriginal and Torres Strait Islander collaborators and source communities.
6. Store ICIP material used by the Business School with consents from Aboriginal and Torres Strait Islander collaborators and source communities in culturally appropriate ways.
7. Ensure Aboriginal and Torres Strait Islander people and source communities can access ICIP material stored at the Business School.

Delivery:

8. Find opportunities to engage and partner with Aboriginal and Torres Strait Islander people and organisations in the delivery/teaching of curriculum and learning materials that involve them at the unit of study and program level, and the community through excursions on Country.
9. Acknowledge Aboriginal and Torres Strait Islander collaborators and source communities as co-authors of the curriculum and learning materials, and the Traditional Custodians of ICIP shared/used by the Business School.
10. Engage Aboriginal and Torres Strait Islander people as guest speakers, cultural experts, consultants on negotiated terms, with fair payment and attribution.
11. Deliver ICIP content in culturally safe and respectful ways by using Traditional Custodians Notices and cultural sensitivity notices on curriculum and learning materials.

Review:

12. Reflect on staff practice, the implementation of this Protocol, key learnings, and how the Business School can improve.
13. Find ways to re-engage and maintain relationships even after curriculum projects end, i.e. through feedback, review, new projects or amending existing curriculum and learning materials, delivery of curriculum and learning materials (as outlined above).
14. Review the Business School's use of ICIP in curriculum and learning materials (i.e. images, recordings or films of Aboriginal and Torres Strait Islander people for compliance with cultural mourning protocols).
15. Checking the Business School's use of ICIP content does not exceed the scope of the original consents given.
16. Seek feedback from Aboriginal and Torres Strait Islander peoples and communities (including collaborators, consultants, Elders, representative bodies) on the development, delivery and review of curriculum materials, and the implementation of this Protocol.
17. Strive for continuous growth and improvement in the Business School's practice and find ways to improve the delivery of existing content – i.e. engaging collaborators, Aboriginal and Torres Strait Islander cultural experts, knowledge holders or consultants to interpret or deliver content created at the Business School.

5.2 Co-design of curriculum and learning materials**5.2.1**

Staff are encouraged to undertake curriculum projects to embed the voices, cultures, perspectives and knowledges of Aboriginal and Torres Strait Islander peoples through co-design. Co-design ensures the voices and priorities of Aboriginal and Torres Strait Islander peoples and communities are at the forefront of both the development and direction of curriculum projects, as well as embedded within curriculum and learning materials.

5.2.2

Through co-design, staff can identify the priorities of Aboriginal and Torres Strait Islander people and communities as relevant to particular programs, units of study or topics. This ensures the project is beneficial to and approved by the Aboriginal and Torres Strait Islander community. This also means that the project outcomes are more likely to be culturally sanctioned and supported by Aboriginal and Torres Strait Islander people.

5.2.3

When engaging in curriculum projects involving the planning, collection, analysis and dissemination of information or knowledge, in any format or medium, which is about or may affect Aboriginal and Torres Strait Islander peoples, either collectively or individually, staff should also comply with the [AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research](#). The code should be referred to during planning and design of program and unit level projects, as well as the review of Business School curriculum for quality assurance.

5.2.4 What is co-design?

Co-design refers to the process of working with Aboriginal and Torres Strait Islander people and communities in curriculum projects to create and facilitate desired outcomes. This involves two or more parties working together to achieve a common goal with shared interests in the design, processes, outcomes and benefits of the project.

The key elements of an authentic and genuine co-design are:

- Early engagement with lead time and opportunity to consider how values align between partners;
- Open and transparent conversations are had about the proposed project and its desired outcomes;
- Everyone understands their obligations and expectations in the collaboration and the challenges involved;

- FPIC is obtained from all Aboriginal and Torres Strait Islander participants for the project to go ahead;
- Aboriginal and Torres Strait Islander people are involved as key decision makers about projects that involve them, their communities and their cultures;
- Aboriginal and Torres Strait Islander viewpoints are prioritised and empowered, not just consulted in projects;
- The collaboration is flexible and adaptable to the project at hand; and
- Designed with the priorities of Aboriginal and Torres Strait Islander peoples and communities in mind with a view of mutual benefit.

When undertaking co-design projects, staff should also communicate in ways that respect and accept cultural differences. This includes respect for Traditional Owners custodianship of the land and local cultural protocols of the First Nations community involved in the project. Work with Aboriginal and Torres Strait Islander peoples to identify appropriate local cultural protocols and change standard practice in respect of these protocols. This includes:

- Building appropriate timeframes into curriculum projects involving ICIP which recognises internal consultation processes and protocols within Aboriginal and Torres Strait Islander communities;
- Maintaining ongoing channels of communication for feedback, review and maintenance of ICIP incorporated into curriculum projects; and
- Providing opportunities for ICIP owners and custodians to share, interpret and present their own stories and ICIP in culturally appropriate and relevant ways.

5.3 Consultation on curriculum projects

5.3.1

Consultation and consent are critical to the design, planning, and delivery of projects seeking to embed the voices, perspectives and cultures of Aboriginal and Torres Strait Islander peoples and communities in curriculum. This is necessary when:

- Proposing a co-design project with Aboriginal and Torres Strait Islander people and communities to develop programs, units of study or topics; and
- Proposing to embed existing content regarding Aboriginal and Torres Strait Islander people, communities, and their culture into curriculum learning materials.

5.3.2 What is consultation?

Consultation is the process of reciprocal exchange of views, ideas and information. Consultation is a necessary precursor to obtaining free, prior and informed consent.

For Aboriginal and Torres Strait Islander peoples and communities, it is a cultural practice to engage in deep listening – to pause, think and engage in respectful discussions. Deep listening should be embedded in consultation processes. Listen to understand – not to reach a specific outcome.

5.3.3 Consultation approach: not one-size fits all

First it is important to remember that there is no singular approach to communicating, engaging and consulting with Aboriginal and Torres Strait Islander people. Some questions to consider include:

- Who should we be consulting with?
- What is the subject of the consultation? (Depending on the nature of the project, extent of ICIP use may affect the approach)
- Are you allowing enough time for consultation? Are you consulting early enough?
- Are you prepared to make changes or end the project if it does not receive support?
- Do we understand that the consultation process may lead to changes to the project brief, timeline and budget?
- What are the capacities and needs of the Aboriginal and Torres Strait Islander people and communities?
- It may be the case that consultation is conducted in different modes – face-to-face meetings, telephone conversations, emails, video conferencing as appropriate for the Aboriginal and Torres Strait Islander people and communities being consulted.
- Interpreters may also be required for Aboriginal and Torres Strait Islander people or community members whose first language is not English.
- Cultural protocols on communication may also vary between Aboriginal and Torres Strait Islander groups or within communities. These will need to be considered in consultations. For example, separate meetings may be required for female and male members of the community.

It is important to communicate the budget and time constraints during the consultation process and be flexible to changes. Refer to and comply with the [AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research](#) when engaging in consultations that may involve the collection of cultural knowledge, secret or sacred information, or personal information.

5.3.4 Consultation scope and planning

A general rule of thumb for consultations is that: the wider the use of ICIP, or the greater the impact of the project, the wider the scope of consultation required. For instance, complex projects that involve ICIP belonging to multiple communities or language groups, or using ICIP in a multi-party project (for example, Aboriginal and Torres Strait Islander languages and stories) should have a well-considered consultation plan. This is to help with keeping track of the relevant Aboriginal and Torres Strait Islander people being consulted, the different strategies that may be involved, and to document consultation outcomes.

5.4 Obtaining consents

5.4.1

Ensure consent is given and recorded once consultation is complete. There are no prescriptive means of obtaining FPIC. When obtaining consent, consider whether the following elements of FPIC have been satisfied:

Free

- free from coercion, intimidation, and pressure
- free to say yes
- free to say no

Prior

- sought before a project or activity begins
- enough time to consider all implications of consent
- enough time to consult within community on implications

Informed

- transparent on the nature, context, size, deadlines, audience, outcomes, delivery, risks, benefits and all proposed uses of ICIP
- clear, plain English communication
- using an interpreter if necessary

Consent

- recorded in a written agreement
- details on relevant conditions, restrictions or cultural protocols attached to consent (for example, restrictions on use)

5.4.2

Where consent is withheld for the use of ICIP or for the proposed project to go ahead, don't use the content. Doing so could be a breach of copyright or customary laws.

5.4.3

FPIC is also an ongoing obligation held by staff for the life of curriculum projects. Where projects undergo change which take it outside of the consent given, staff must re-consult and obtain fresh consent for the new proposed use. For instance, where staff seek to:

- adapt or change ICIP material contained in existing curriculum material;
- offer new interpretations of case studies containing ICIP, or personal histories of Aboriginal and Torres Strait Islander people or communities in existing curriculum material or teaching resources;
- use ICIP material in a new context (for example, in a different course, unit of study, or topic); or
- speak for the material or interpret it, where consent was only given to reproduce it in curriculum or learning materials.

5.5 Copyright in curriculum materials and learning resources

5.5.1 Discussing copyright ownership upfront

Copyright ownership of curriculum materials and resources should be discussed with the relevant First Nations person or community during the planning stage of curriculum projects. Identify who the appropriate copyright owner should be, and what agreements are required to ensure copyright ownership rests with the appropriate people. This should be considered alongside the University's IP Policy.

5.5.2 Negotiating copyright ownership and licences

Where possible, Aboriginal and Torres Strait Islander people and community bodies should be empowered to create curriculum and learning resources where they can be the owners of the copyright in the written materials, films, recordings and other works that capture ICIP at the Business School. This is important to respect the right of Aboriginal and Torres Strait Islander people to control how their ICIP is used and shared. It also supports cultural maintenance of ICIP. In other instances, where copyright vests in the Business School or project partners, ICIP consent should be obtained, and the rights to deal with the ICIP should be negotiated.

Where an Aboriginal or Torres Strait Islander person or source community owns the copyright on behalf of the community, the Business School should negotiate a license to use the materials for curriculum and teaching purposes. Where the Business School seeks to own copyright in materials, staff must be transparent with Indigenous contributors to the project regarding copyright ownership and their intended uses of ICIP. Indigenous knowledge holders should be informed before the materials are created and as part of the consultation and consent processes.

5.5.3 Copyright and ICIP consents

Where it is agreed that the Business School or another party is to be the copyright owner of newly created materials, images or sound recordings, staff must still obtain permission to use the ICIP in the curriculum material. Permission and rules around the use of ICIP in curriculum projects can be detailed in written cultural clearance forms which give the Business School consent from knowledge holders to use the ICIP captured in curriculum or learning materials.

5.6 Using existing ICIP materials

5.6.1

Where staff seek to embed existing content about Aboriginal and Torres Strait Islander people, communities, and their cultures into curriculum and learning materials (for instance, books, reports, articles, films, audio recordings, links to web-pages, media articles, podcasts or materials stored in Business School archives) ('pre-existing materials'), the authenticity and integrity of these sources should be checked. Consider:

- Was the resource likely to have been created with the consent of Aboriginal and Torres Strait Islander peoples?
- Is the methodology still relevant or current? If outdated, you may need to consider more recent materials.
- Is there outdated language and terminology?
- Is the Aboriginal and Torres Strait Islander peoples' voice empowered in the work?
- Does the Aboriginal and Torres Strait Islander community perspective come out strong in the resource?

5.6.2 Do your due diligence

Exercise due diligence when using pre-existing materials containing ICIP. Look for and favour Aboriginal and Torres Strait Islander authors, First Nations-led research and investigate whether FPIC processes have been followed in the creation of pre-existing materials. Where materials containing

ICIP are authored by non-Indigenous people, engage First Nations people and pay them to interpret the material for inclusion in curriculum and learning materials, and in the classroom.

5.6.3 Get consent

Consult with Aboriginal and Torres Strait Islander peoples and communities whose ICIP is contained in pre-existing materials before incorporating it into curriculum or learning activities. Staff may need permission from both the First Nations person and/or source community of the ICIP as well as the copyright owner of pre-existing materials (if different). Consultation is especially necessary where Aboriginal and Torres Strait Islander people are not listed as authors of pre-existing materials containing ICIP.

5.7 Photographing or recording Aboriginal and Torres Strait Islander people

5.7.1

When staff photograph or record Aboriginal and Torres Strait Islander people for inclusion in the curriculum, they should seek consent in writing to do so.

5.7.2

Consent should be obtained to photograph, record or film Aboriginal and Torres Strait Islander people speaking, performing and sharing ICIP, stories and other cultural information. This may be for inclusion in curriculum or learning materials, promotional purposes or other activities and events conducted on campus, for instance:

- film-based case studies;
- live/pre-recorded lectures;
- when promoting programs/courses with Aboriginal and Torres Strait Islander partner organisations;
- during events such as graduation ceremonies or orientation where cultural ceremony or dance performances are recorded. Staff may also seek to use photographs and recordings of Aboriginal and Torres Strait Islander people contained in existing Business School archives.

5.7.3

If filming on Country, consent should be obtained from Aboriginal and Torres Strait Islander Rights holders. This includes when seeking to film or sound record on properties, locations, or environments which are controlled, managed or owned by Indigenous Rights holders. This may include built environments such as office spaces, or natural landscapes such as cultural or sacred sites. Staff should identify and consult with individuals, communities, organisations or other bodies that control, manage or own the space prior to

Case Study_ Remote and Rural Enterprise Program (RARE)

RARE is an opportunity for students to go beyond the classroom to solve real-world problems in rural and remote regions. Our projects aim to deliver practical and accessible recommendations, and emphasise to students the importance of community consultation, researching best practice, and adapting business models to the community context. The program provides remote and First Nations communities with actionable strategies to implement community identified social enterprise opportunities that maintain the integrity of culture and create social and financial benefits through employment linked to culture and Country. Through RARE, students from the University of Sydney Business School work alongside remote and First Nations entrepreneurs in rural communities to create community-owned solutions in a range of environmental and cultural contexts, completing over 150 projects to date.

This well-crafted program is an exemplar of embedding ICIP at the program level in business curriculum. RARE captures the True Tracks® principles of respect and self-determination through knowledge transfer, capacity building, and respectful partnerships with First Nations communities to develop community-owned business ventures.

For more information on RARE, please refer to Section 9.1.



filming. For example, where the Business School makes a recording in a national park which is managed by a Local Aboriginal Land Council, or a building leased or owned by an Indigenous organisation.

5.7.4

Before doing so, staff should consider the following:

- Do I have consent to photograph, film or record the participant(s) in the first place? Is this consent recorded in writing (i.e. through a clearance or film release forms)?
- Have I clearly explained the purpose of the recording, my intended uses of the film/image/audio, and who will own the copyright to the recording to the participants who will feature in the recording? (Including whether it will be shared widely online, to staff, students or broader audiences, for teaching purposes and what the topics/subjects it will be broadcasted in)
- Have all the relevant materials and information been provided to the participants, so their consent is free, prior and informed?
- Do I have consent to use/publish/broadcast the images and recordings of the participants and/or site/location in my project?
- For larger projects involving filming on Country, Aboriginal and Torres Strait Islander communities or far-reaching projects that may impact on the source community, how do I contact the cultural authority to get consent?
- Have I used the relevant materials available at the University to record consent?
- Are there people under 18 being recorded? Is there written consent from a parent/guardian?
- Are the contact details of relevant people recorded, so that we can contact them for refreshed consent as needed?
- Where and how will we acknowledge the Country filmed and give it attribution?
- Have the participants been consulted on the appropriate cultural mourning protocols to follow (if any), and recorded these details in the consent form, including next of kin details?
- Are there future review points of this material, so we can contact people as required to observe any cultural mourning or other protocols?

5.7.5

The Business School recognises that taking photos or recordings of certain places, sites or cultural objects may be prohibited as:

- It may be illegal to do so – there are laws that restrict or prohibit the capturing of certain places, such as Commonwealth parks or reserves e.g.: See [Uluru Kata Tjuta National Park Film and Photography Guidelines](#); and/or²
- It may be against cultural protocols to do so. If going on Country to film, take Indigenous advisors with knowledge of Country with you, and be careful with drone filming to ensure respect for this protocol.

5.7.6 Copyright in film, photographs and recordings

Staff should also be aware that when interviewing, filming and recording Aboriginal and Torres Strait Islander people in projects, they will create copyright in the written notes, films and sound records. Written agreements should be considered with Aboriginal and Torres Strait Islander people or community bodies to specify the legal type of permission given – this could range from:

- giving copyright ownership to the participants and obtaining permission to use the content for a specific purpose; or
- obtaining copyright ownership, however giving Aboriginal and Torres Strait Islander people and/or community a perpetual licence to use the material in ways that benefit them.

5.8 Cultural mourning and deceased peoples' images

5.8.1

Special care should be taken when using images or recordings (film or audio) of Aboriginal and Torres Strait Islander people. This is because cultural mourning protocols may apply in some First Nations communities, meaning the reproduction of names, photographs and images of deceased Aboriginal and Torres Strait Islander people is not permitted during the mourning period. There can also be sensitivities around using names or displaying images of Aboriginal and Torres Strait Islander people who have been deceased for a long time. Maintaining ongoing relationships with Aboriginal and Torres Strait Islander people can ensure that two-way discussions occur on a regular basis, and the University can be notified of any protocols that will need to be followed when someone passes away.

2. For example, the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* requires permits and imposes restrictions for commercial filming, photography and other creative work on certain Commonwealth parks and reserves.

5.8.2 Consulting on cultural mourning protocols before recording

When engaging on projects involving the recording of Aboriginal and Torres Strait Islander people in film, audio or photography, staff should:

- Ensure that the details of all participants of the recording and their communities are obtained;
- Consult the participant(s) on the relevant cultural mourning protocols that should be followed in the event of their death and the appropriate family representatives to contact;
- Record these details in the performance/release form; and
- Store these details together with the recorded material to ensure other staff can readily locate this information.

5.8.3 Using images/recordings contained in existing archives or online

When using images or recordings of Aboriginal and Torres Strait Islander people contained in existing archives, staff should:

- Do their due diligence, and identify the person(s) in the image or recording;
- Ensure there are no references to and images of deceased Aboriginal and Torres Strait Islander people without the consent of the family representatives;
- Consult with family representatives of deceased persons before using the name and/or image of deceased Aboriginal and Torres Strait Islander people;
- Consult with the relevant First Nations community where unable to locate family representatives.

5.8.4

If a family representative grants permission for staff to use the name and/or image, this must be recorded in writing, outlining the conditions for use. Conditions might include that the name and/or image is used for limited purposes, alternatives names are used, or measures to cover or obscure the face of the deceased person. Consult and seek permission regarding appropriate wording and use a deceased person's warning notice.

5.8.5

If an Aboriginal or Torres Strait Islander person passes away after their name and/or image has been recorded in a publication or recording, staff should obtain written consent for the continued use and distribution of the publication or recording (including name, image and voice). Consent should be obtained

from the family and/or community unless this has been previously authorised with the individual Aboriginal or Torres Strait Islander person in writing.

5.8.6 Cultural sensitivity warnings

Staff should ensure appropriate warnings are provided on curriculum and learning materials which feature ICIP or images of people who have passed away (this includes written materials, lectures materials, lecture recordings, films, or photographs). An example of a Cultural Sensitivity Warning Notice is provided below.

Cultural Sensitivity Warning Notice

WARNING: The following [document/material] contains the name, image, likeness, recording or other information of deceased persons of Aboriginal and Torres Strait Islander descent. It also contains language that may be considered offensive to some audiences.

5.9 Using language, stories, or song lines in curriculum or place naming

5.9.1

Aboriginal and Torres Strait Islander languages are the living cultural heritage and are linked to people, place and identity. Where staff would like to use or promote Aboriginal and Torres Strait Islander languages in curriculum, learning activities or for place naming (i.e. of buildings, or conference rooms), staff must:

- Consider the local context and whether the use of the language, story or song line is appropriate;
- Consult with the appropriate Aboriginal and Torres Strait Islander communities or cultural authorities and get consent for any proposed use;
- Consult on the appropriate spellings, pronunciations and meanings, and whether the proposed context is culturally appropriate;
- Respect and implement any feedback received from consultations; and
- Do not use language words, stories, or song lines in curriculum or place naming where consent is withheld.

5.9.2

Care should also be taken when seeking to use the names of Aboriginal and Torres Strait Islander people. Consult with family members and obtain consent.

5.9.3

Refer to the processes for consultation and obtaining consent in parts 5.3 and 5.4.

5.10 Benefit sharing

5.10.1

Aboriginal and Torres Strait Islander peoples and communities have the right to benefit from the use of their ICIP, particularly if it is used widely or commercially applied. Discuss benefits at the outset with the relevant Aboriginal and Torres Strait Islander people and communities, when obtaining free prior informed consent for ICIP use.

5.10.2

Benefits must always be fair and equitable, determined on mutually agreed terms, and reflect the contributions, skills and input of Aboriginal and Torres Strait Islander people. Benefits can be:

- **monetary** – such as payment of fees or royalties; and/or
- **non-monetary** – such as knowledge transfer, capacity building, providing access to archives and copies of materials, paid opportunities to interpret and deliver content to students and/or contributing to community projects, engaging the community for cultural tours, excursions on Country or for performances at opening events.

5.10.3

Agreed benefits should be reflected in written agreements. Where staff seek new uses of ICIP, this requires sharing additional benefits with the relevant Aboriginal and Torres Strait Islander contributors and source communities of the ICIP. For instance, where staff wish to use learning materials developed and co-designed with Aboriginal and Torres Strait Islander people in a new program or unit of study, this will require fresh consent for the new use of ICIP as well as additional benefits. Staff should re-consult with the Aboriginal and Torres Strait Islander contributors or source communities and consider the benefits identified above at 5.10.2.

5.11 Guest speakers – engaging on fair terms

5.11.1

Aboriginal and Torres Strait Islander people are the experts of their cultures. Staff must ensure fair remuneration for the culture, knowledge, language, histories, and/or perspectives shared when engaging Aboriginal and Torres Strait Islander people as guest speakers (including for the delivery of curriculum and learning materials, at special events or graduation ceremonies).

5.11.2

Staff must engage in good faith negotiations regarding payment, considering the cultural and/or other expertise of the guest speaker, their cultural authority and status within the Aboriginal and Torres Strait

Islander community, the time involved in delivering the lecture, time spent preparing, and the costs involved with delivering the speaking engagement and time travelling to and from venues.

5.11.3

Staff should also seek to uphold the Business School's commitment to maintaining ongoing, mutually beneficial, and respectful relationships with Aboriginal and Torres Strait Islander people who are engaged to speak. Find opportunities to invite them back for further speaking events, and where the lectures are recorded, ensure the guest speaker is appropriately compensated for the Business School's continued use of the recording.

5.12 Storage and access

5.12.1

Aboriginal and Torres Strait Islander people and communities have the right to ongoing access and control of material incorporating ICIP created, used and stored at the Business School. To respect this, staff should ensure Aboriginal and Torres Strait Islander collaborators and source communities can access copies of materials for cultural records. This is essential for the health and wellbeing of culture and to ensure Aboriginal and Torres Strait Islander peoples' priorities for culture are being met.

5.12.2

When creating curriculum or learning materials incorporating ICIP, consider how these materials will be stored and managed in culturally appropriate ways. This involves staff appropriately tagging and filing content to reduce the risk of it being used by others without permission and providing descriptions of the materials to ensure the names of people, places and other information is clearly listed where participants/collaborators need to be consulted in the future.

5.12.3

Consult with Aboriginal and Torres Strait Islander collaborators or source communities and identify rules around:

- Who will house the material (will it be stored by the Business School or a community representative body, or both?);
- Where the material can be stored (for instance, in hardcopy or digital archives, online, or restricted or unrestricted platforms such as internal or external facing platforms);
- How the material can be used and who can access it (including cultural restrictions regarding the use of the material);
- Whether the material can be digitalised for storage purposes.

5.13 Excursions on Country – respectful engagement with Aboriginal and Torres Strait Islander peoples and community

5.13.1

Staff may wish to arrange excursions on Country for students to enhance student outcomes and experiences at the Business School. Excursions on Country may involve visiting Aboriginal and Torres Strait Islander land or organisations, speaking with Traditional Owners and custodians, cultural immersion, or tours on Country.

5.13.2

Before arranging staff or students' excursions, seek permission from the relevant Traditional Owners who may grant access to specific areas of Country and at specified times. Traditional Owners may clarify the process for going on Country, and what protocols or practices must be observed. Staff must respect Country during the visits, do not litter or destroy things, or take things from Country, like rocks, shells or sample plants.

5.13.3

Best practice would also necessitate that Traditional Owners being employed to guide staff and students when visiting Country to ensure compliance. For overnight stays, use Aboriginal and Torres Strait Islander services such as camping grounds, tour guides advisors etc. This is an opportunity to build positive relationships within the community, as well as an opportunity for benefit sharing.

5.14 Acknowledgement and attribution

5.14.1

When collaborating with Aboriginal and Torres Strait Islander peoples and source communities on the co-design of curriculum and learning materials, ensure collaborators and source communities are acknowledged as co-authors and the Traditional Custodians of any ICIP contained in the materials.

5.14.2

Before publishing, communicating or displaying any materials, ensure:

- you have consulted Aboriginal and Torres Strait Islander collaborators and source communities, or partner organisations and how they would like to be acknowledged/credited;
- you have consulted on the correct spellings, title and reference for written materials and/or pronunciations for verbal acknowledgements;
- attribution is in a prominent place on all materials

incorporating ICIP (including written learning materials, presentation slides, recordings, the University website, intranet, or verbally when delivering lectures/programs/units of study designed with Aboriginal and Torres Strait Islander people and communities. This is in addition to attribution of the copyright owner or creator of the materials; and

- respect where decisions are made not to be publicly attributed or acknowledged.

5.14.3

Provided below is an example of a Traditional Custodian's Notice which can be included on curriculum and learning materials or other materials incorporating ICIP. Such notices advise readers or viewers of the content enclosed, recognise and respect the rights of Aboriginal and Torres Strait Islander source communities, and warn that consent may be required in order to use the material.

Traditional Custodian's Notice

.....
This work embodies traditional knowledge of the [NAME] community. It was created with the consent of the custodians of the [NAME] community. Dealing with any part of the work for any purpose that has not been authorised by the custodians is a serious breach of customary law of the [NAME] community and may also breach the Copyright Act 1968 (Cth). For enquires about permitted reproduction of the traditional knowledge contained in this work, contact [NAME] community [insert contact email].

5.15 Sacred secret material and personal and private Information

5.15.1

The Business School acknowledges that some information and ICIP may be sacred or secret, as they are spiritually significant to Aboriginal and Torres Strait Islander peoples. There may also be cultural obligations that restrict access and use of ICIP to certain times, purposes or only by a certain gender or level of seniority within a community. Dissemination of culturally sensitive information or knowledge outside of cultural protocols can cause harm to not only the community, but the integrity of the knowledge and individuals who read such knowledge.

5.15.2

Staff can identify protocols around secret, sacred and private information by consulting with Aboriginal and Torres Strait Islander people, and:

- make enquiries into the secret/sacred or confidential nature of any ICIP received;
- speak to Elders or Aboriginal and Torres Strait Islander people in authority to identify any sensitivities, sacred or religious issues, cultural protocols and restrictions relating to that material;
- where the proposed use of the ICIP material is to be shared widely, ensure broader consultation with the Aboriginal and Torres Strait Islander communities;
- make an appropriate record of any identified restrictions for future staff;
- follow identified cultural protocols or restrictions relating to secret and sacred material; and
- use notices and disclaimers to inform viewers material may contain sensitive cultural information or depict images of deceased Aboriginal and Torres Strait Islander peoples.

5.15.3 Respecting personal and private information

The privacy and confidentiality concerning aspects of Aboriginal and Torres Strait Islander peoples' personal and cultural affairs must also be respected. Consult with Aboriginal and Torres Strait Islander peoples before sharing information of a private or personal nature, including biographical information and cultural identity.

5.16 Review and feedback

5.16.1

It is important to provide ongoing opportunities for Aboriginal and Torres Strait Islander people and communities to provide feedback on curriculum and learning materials developed at the Business School pertaining to Aboriginal and Torres Strait Islander peoples and their culture. This is crucial for staff in ensuring the cultural integrity and appropriateness of curriculum and learning being delivered.

5.16.2

Staff should engage Aboriginal and Torres Strait Islander people with paid opportunities (as collaborators, consultants, cultural experts, artists, or other) to give feedback on curriculum and learning materials containing the perspectives, experiences, and cultures of Aboriginal and Torres Strait Islander peoples. This is necessary to assess the risks and benefits of using the curriculum and learning materials or engaging in the curriculum project in the context of the collective rights and interests of Aboriginal people.

Staff should seek guidance on:

- how this content is being used at the Business School and incorporated into curriculum and learning materials;
- how this content is being delivered during Business School teachings (including the method of transmission, interpretations of the content, and who is involved with delivery); and
- if some time has passed since the content was created, consider whether the content is still relevant and appropriate, and a review of compliance with cultural mourning protocols is necessary.

5.16.3

Mechanisms of systematic review of curriculum and learning materials for compliance with cultural protocol allows staff to stay accountable to Aboriginal and Torres Strait Islander collaborators and the community, maintain ongoing and respectful relationships, and identify areas of improvement at the Business School.

5.16.4 Reflections and learnings

Staff should engage in critical reflection after completing collaborative projects with Aboriginal and Torres Strait Islander people and communities, and incorporating content containing the perspectives, experiences and cultures of Aboriginal and Torres Strait Islander peoples in curriculum and learning materials. This may be undertaken retrospectively, to projects completed prior to the existence of this Protocol and future projects. Consider:

- the extent to which this Protocol was implemented;
- what improvements can be made to the Business School's practice, or this Protocol, and where do staff need more help or support?;
- should Aboriginal and Torres Strait Islander cultural experts, consultants, curriculum experts be engaged? Should an advisory council of Elders or community body be established for the review of curriculum materials, student learning outcomes or the delivery teachings?;
- has the development, delivery and storage of the curriculum and learning materials been in accordance with the True Tracks® principles, this Protocol, and any agreement formed with Aboriginal and Torres Strait Islander collaborators or source communities?; and
- how do staff deal with curriculum and learning materials that have not been developed in accordance with this Protocol?

Case Study_ Shaping the Curriculum
- Embedding Indigenous Cultural
Competence in the Master of Business
Administration

In 2021, the Master of Business Administration (MBA) team undertook a project to Indigenise the MBA curriculum. The project focussed on embedding Indigenous Cultural Competence ('ICC') in the MBA and documenting their journey to assist staff undertaking similar projects. From consultations, participants mapped where the MBA already addresses the ICC criteria and where more can be done. In the first iteration of the re-shaped program, the following changes were introduced:

1. To assess students' cultural competence at the beginning;
2. To assess a student's cultural competency at the end of their degree utilising The True Tracks® principles as a framework

The outcomes of this project are documented in [Shaping the Curriculum - Embedding Indigenous Cultural Competence in the Master of Business Administration](#). The document provides readers with context and learnings from this process and provides helpful templates, flow charts, and step-by step guidance for other courses seeking to embed ICIP in business curriculum.

For more information on the project, please refer to Section 9.2.

Image: Close up detail of the Ngara (Education and Research) icon from commissioned artwork *Yanhambabirra Burambabirra Yalbailinya (Come, Share and Learn)* 2020 by Luke Penrith. For more information please see page 48.

6. Implementation of Protocol

This Protocol is to be applied and implemented across the Business School. Employees are responsible for the implementation of this Protocol in their area of work.

The Associate Dean (Indigenous Strategy and Services) and Associate Dean (Programs) will oversee the implementation of the Protocol and will regularly review the Protocol to ensure it remains relevant and continues to lead best practice. Feedback in relation to the Protocol is welcomed from all stakeholders and will be incorporated as input to maintaining and revising the Protocol.

The Business School is committed to resourcing and supporting staff and students to understand ICIP rights and how they implement this Protocol. Regular training for staff will be provided on the implementation of the Protocol and the obligations contained within it.



The University is committed to continual improvement to empower Aboriginal and Torres Strait Islander peoples across all activities. In line with the *One Sydney, Many People Strategy 2021-2024*, the Business School will:

“...be brave and embrace the notion of being community-led and enhance the legacy of Australia’s first and most prestigious university, celebrating and empowering Aboriginal and Torres Strait Islander students, staff and communities.”³

3. *One Sydney, Many People Strategy 2021-2024*, page 6.

7. Glossary

Abbreviations

FPIC	Free, Prior and Informed Consent
ICIP	Indigenous Cultural and Intellectual Property
ICIP Protocol	Indigenous Cultural and Intellectual Property Protocol
NCCC	National Centre for Cultural Competence
PG	Practice Guide
RARE	Remote and Rural Enterprise Program

Business School University of Sydney Business School

Definitions

Curriculum material means the materials created during the development and design of courses, programs, units of study. For instance, curriculum maps, project maps, programs scaffolds and other project materials.

Indigenous Cultural and Intellectual Property or **ICIP** refers to the rights Indigenous peoples have in relation to all aspects of their cultural heritage, including:

- traditional knowledge (scientific, agricultural, technical and ecological knowledge, ritual knowledge, and life experience),
- traditional cultural expression (stories, designs and symbols, literature and language),
- performances (ceremonies, dance and song),

- cultural objects (including, but not limited to arts, crafts, ceramics, jewellery, weapons, tools, visual arts, photographs, textiles, contemporary art practices),
- human remains and tissues,
- the secret and sacred material and information (including sacred/historically significant sites and burial grounds), and
- documentation of Indigenous peoples' heritage including life experiences, perspectives, priorities for their communities and Country in all forms of media such as in films, photographs, artistic works, books, reports and records taken by others, sound recordings and digital databases.

Indigenous people refers to persons of Australian Aboriginal or Torres Strait Islander descent and the clans or language groups and communities that they belong to.

Learning materials means course materials or other academic material developed, created or used by the faculty, students, or administration in connection with the facilitation or evaluation of student learning outcomes including, but not limited to assessment tasks, case studies, hypotheticals, books, reports, articles, PowerPoint slides, films, audio recordings, lecture recordings, media articles, podcasts or other written, digital or audio-visual material.

Secret and Sacred Material means ancestral remains, secret and sacred objects, or information, records or material of a secret or sacred nature, as identified by Indigenous people.

8. Attachment A: How to identify appropriate Aboriginal and Torres Strait Islander authorities

A common challenge experienced by staff seeking to incorporate ICIP into curriculum and learning materials is the process of identifying who to consult. Staff have a responsibility to do their due diligence, research and consult with various Aboriginal and Torres Strait Islander stakeholders in identifying the appropriate authorities for all curriculum projects relating to ICIP.

8.1 Where to start?

For projects involving the creation of new curriculum materials incorporating ICIP, the first step of consultation is to seek advice regarding who to consult, as well as the extent of appropriate consultation from:

- Traditional Owners or cultural or language custodians, where known;
 - Cultural advisors and consultants including Aboriginal and Torres Strait Islander people, communities and custodians with whom the Business School has ongoing relationships with (i.e. trusted Aboriginal and Torres Strait Islander leaders and partners, the National Centre for Cultural Competence ('NCCC'));
 - First Nations businesses and organisations such as representative bodies of particular communities (including local, regional or state Aboriginal Land and Community Councils, prescribed bodies corporate and the Australian Institute of Aboriginal and Torres Strait Islander Studies);
 - Aboriginal and Torres Strait Islander organisations in the relevant industry of the curriculum subject matter/topic of, such as:
 - Industry-specific First Nations organisations/businesses (list provided at 8.3);
 - Indigenous educational bodies – all states and territories are represented by Aboriginal educational consultative groups such as Aboriginal Education Consultative Group etc;
 - Aboriginal and Torres Strait Islander rangers and land organisations (i.e. native title organisations);
 - Indigenous art centres – there are regional and local Indigenous art centres that represent many First Nations artists across Australia;
 - Language and cultural centres – there are over 100 Aboriginal and Torres Strait Islander language groups, most with their own language networks and centres. First Languages Australia is a good point to start;
 - Health and medical Aboriginal and Torres Strait Islander agencies; and
 - State and national libraries, art galleries and museums.
 - Where consulting on incorporation of existing ICIP materials into a unit of study, staff should also identify and seek consent from the Aboriginal or Torres Strait Islander person who authored or featured in the work, the source Aboriginal or Torres Strait Islander community, or local Indigenous bodies or organisations of the source community.
- Overall, staff should speak to those Aboriginal and Torres Strait Islander people and communities who will be directly involved with or impacted by the curriculum project. Place and context will be important when identifying appropriate stakeholders. Where staff are unsure, they should seek advice on who to

consult and the extent of consultation necessary. Staff should also account for appropriate time and budgets in their stakeholders' engagement plan. The above organisations are good starting points for doing so.

8.2 Building consultation into the project plan

Time should be allowed to identify the right Aboriginal and Torres Strait Islander people to speak to. It should also not be assumed that once those people are identified, that they will be available immediately. Often, people in community balance multiple professional roles as well as cultural obligations. Time should be provided to not only identify the right people for a particular project, but also to build the relationship to promote meaningful engagement. The Business School's goal is to build ongoing respectful relationships, and this approach provides the best opportunity to support that aim. Not everyone will be willing or available to engage, and this also needs to be respected.

A non-exhaustive list of key contacts is provided below. This can be used as a starting point for staff in identifying the relevant Aboriginal and Torres Strait Islander stakeholders. Staff should begin by identifying those directly impacted by the project, and ask the question: is there anyone else I should be speaking to? The next part shows some examples on where to start looking.

8.3 Suggestions to connect

Procurement and business

- Supply Nation, Registrar of Indigenous businesses for supplier diversity: <https://supplynation.org.au>
- Yarpa Hub, Supports Indigenous business and employment opportunities: <https://yarpa.com.au>
- Indigenous Chambers of Commerce:
 - New South Wales Indigenous Chamber of Commerce <https://nswicc.com.au>
 - Kinaway - Victorian Aboriginal Chamber of Commerce <http://www.kinaway.com.au>
 - South East Queensland Indigenous Chamber of Commerce <http://www.seqicc.com.au>
 - Aboriginal Business Industry Chamber of SA <https://abicsa.org.au>
 - Northern Territory Indigenous Business Network <http://www.ntibn.com.au>
 - Tasmanian Indigenous Chamber of Commerce.

- Indigenous Business Australia, Supports Indigenous people in business: <https://iba.gov.au>
- Indigenous Land and Sea Corporation, Supports Indigenous people in connecting to Country: <https://www.ilsc.gov.au>
- First Australians Capital, Provides business and financial support services: <https://firstaustralianscapital.org>
- Black Woman Magic, Indigenous story sharing podcast: <https://www.blackmagicwoman.com.au>
- Indigitek, Community of Indigenous people in the tech industry: <https://www.indigitek.org.au>
- Indigilab, Indigenous and non-Indigenous scientists fighting climate change: <http://www.indigilab.com.au>
- Blak Markets, Provides training, education and community-based programs and services for Indigenous people: <https://blakmarkets.com.au/pages/about-us>
- Terri Janke and Company, Indigenous Commercial Law firm: <https://www.terrijanke.com.au>

Music

- Music regional peak bodies and associations:
 - Broome Musicians Aboriginal Corporation (Kimberley Region)
 - Central Australian Aboriginal Media Association (CAAMA) <http://caama.com.au>
 - Djinda Boodja (formerly known as Abmusic) <https://www.djindaboodja.org>
 - Songlines Music Aboriginal Corporation (Victoria) <http://songlines.net.au>

Dance and theatre

- BlakDance, National peak body for Indigenous dance: <https://www.blakdance.org.au>
- State Indigenous theatre companies:
 - Bangarra Dance Theatre (Sydney) <https://www.bangarra.com.au>
 - Ilbjerri Theatre Company (Melbourne) <http://ilbjerri.com.au>
 - Yirra Yaakin (Perth) <https://yirrayaakin.com.au>

Languages

- First Languages Australia, Works to strengthen Indigenous languages
<http://www.firstlanguages.org.au>
- State and regional representation language bodies:
 - Victorian Aboriginal Corporation for Languages
<http://www.vaclang.org.au>
 - Queensland Indigenous Languages Advisory Committee <http://www.qilac.org.au>
 - Kimberley Language Resource Centre
<https://www.klrc.org.au/home>

Sciences and research

- Peak research bodies:
 - Australian Institute of Aboriginal and Torres Strait Islander Studies <https://aiatsis.gov.au>
 - Lowitja Institute <https://www.lowitja.org.au>
 - National Indigenous Research and Knowledge Network <http://www.nirakn.edu.au>

Health services

- Peak health body
 - National Aboriginal Community Controlled Health Organisation <https://www.naccho.org.au>
- The Lime Network, Leaders in Indigenous medical education: <https://www.limenetwork.net.au>
- Over 140 Aboriginal Community Controlled Health Services/Aboriginal Medical Services across Australia <http://www.naccho.org.au/member-services/naccho-member-services>

Education

- State and Territory Education Consultative Groups:
 - NSW Aboriginal Education Consultative Group
<https://www.aecg.nsw.edu.au>
 - ACT Aboriginal and Torres Strait Islander Education Advisory Group
 - QLD Indigenous Education Consultative Committee
 - SA Aboriginal Education and Training Consultative Body
 - VIC Aboriginal Education Association Incorporated <http://www.vaeai.org.au>
 - NT Indigenous Education Council
 - Tasmanian Aboriginal Corporation for Education
 - WA Aboriginal Education and Training Council
- Indigenous Units and centres in universities across Australia <http://natsihecedu.au>

Media and journalism

- Indigenous media associations and broadcasters:
 - Brisbane Indigenous Media Association (Brisbane)
<https://triplea.org.au/category/community>
 - Central Australia Aboriginal Media Association (Central Australia) <http://caama.com.au>
 - Central Queensland Aboriginal Corporation for Media (Central Queensland)
 - First Nations Media Australia, Peak body for First Nations not-for-profit broadcasting, media and communications (formerly known as Indigenous Remote Communications Association, IRCA)
<https://firstnationsmedia.org.au>
 - Gadigal Information Service Aboriginal Corporation (New South Wales)
<https://kooriradio.com/about>
 - Goolarri Media Enterprises (Kimberley region)
<http://www.goolarri.com>
 - Mount Isa Aboriginal Media Association
 - National Indigenous Television
<https://www.sbs.com.au/nitv>
 - National Indigenous Radio Service
<http://www.nirs.org.au>
 - South Eastern Indigenous Media Association (Victoria) <http://www.3knd.org.au>
 - Torres Strait Islander Media Association (Torres Strait) <http://www.tsima4mw.org.au>
 - Indigenous X <https://indigenoux.com.au>
- Indigenous newspapers:
 - Koori Mail <http://koorimail.com>
 - National Indigenous Times <https://nit.com.au>

Note: Where staff are engaging in larger projects involving the use of ICIP in curriculum and learning materials, this may have the capacity to affect a range of people or communities in different ways. It is prudent to consult widely to ensure the project benefits from the perspectives and approval of the whole community it affects. As a rule of thumb, ask each person that you consult with whether there is someone else that you should also be speaking to in relation to the project or use of ICIP. Consultation with a select few members of the source community does not automatically mean that the community as a whole support the project. Staff must appreciate that when done correctly, consultation may require a range of people, communities, groups and organisations, and is ongoing.

Industry specific protocols and guides

Our Culture : Our Future Report on Australian Indigenous Cultural and Intellectual Property Rights – Michael Frankel and Company, 1999.
<https://www.terrijanke.com.au/our-culture-our-future>

True Tracks®, Respecting Indigenous knowledge and culture, Terri Janke - <https://www.newsouthbooks.com.au/books/true-tracks>

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

Screen Australia, Pathways and Protocols – A filmmaker’s guide to working with Indigenous People, culture and concepts
<https://www.screenaustralia.gov.au/getmedia/16e5ade3-bbca-4db2-a433-94bcd4c45434/Pathways-and-Protocols.pdf>

United Nations Declaration on the Rights of Indigenous Peoples
<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

The Australian Business Guide to Implementing the UN Declaration on the Rights of Indigenous Peoples
https://unglobalcompact.org.au/wp-content/uploads/2020/11/Australian-Business-Guide-to-Implementing-the-UN-Declaration-on-the-Rights-of-Indigenous-People_FINAL.pdf

United Nations Human Rights Office of the High Commissioner – Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework
https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

United Nations Global Compact – A Business Reference Guide: United Nations Declaration on the Rights of Indigenous Peoples –
<https://www.unglobalcompact.org/library/541>

Australian Human Rights Commission – Wiyi Yani U Thangani (Women’s Voices): Securing our Rights, Securing our Future
<https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/wiyi-yani-u-thangani>



Case Study_ 'Responsible Business Mindset' Indigenous Stewardship Content

'Responsible Business Mindset' (BUSS5220) is a core unit in the Master of Commerce program at the University of Sydney, co-ordinated by Dr. Anna Young-Ferris, an academic at the Business School specialising in sustainability and climate change accounting. Dr. Young-Ferris has introduced Indigenous stewardship as one of the foundational concepts within the unit of study. The aim is to instil within students a new ontology for business and wisdom about the interdependent nature of business and the communities and natural environment it relies on. Students are asked to critically examine widely accepted business models grounded in ideals of shareholder primacy and Western Capitalism.

This is an exemplar of embedding ICIP at the unit level in business curriculum. New topics have been created that introduce students to First Nations people and culture, and the unit is subsequently working to embed First Nations voices through consultation.

For more information on 'Responsible Business Mindset' (BUSS5220) Indigenous Stewardship Content, please refer to Section 9.3.

9. Attachment B: Case studies

Three case studies are outlined below based on existing curriculum projects at the Business School. The case studies illustrate practical examples of where Business School staff have sought to embed the voice, perspectives, experiences and culture of Aboriginal and Torres Strait Islander peoples and communities within programs, units of study and topics. Staff are encouraged to refer to the case studies for inspiration as to how they can work with First Nations peoples and communities through co-design, partnerships and to incorporate existing materials into curriculum.

9.1 Program Level

9.1.1 CASE STUDY: Remote and Rural Enterprise Program (RARE)

The Remote and Rural Enterprise Program ('RARE') was the vision of the late Dr. Richard Seymour, a senior lecturer in entrepreneurship who advocated for action research projects that create a two-way learning exchange between remote communities and students.

RARE allows students to work with and in a remote or First Nations community and practically apply the skills they are taught within their accredited coursework. The projects are offered within several units of study each semester, at both the undergraduate and postgraduate level.

The program provides remote and First Nations communities with actionable strategies to implement community identified social enterprise opportunities that maintain the integrity of culture and create social and financial benefits through employment linked to culture and Country. The program also enhances the cultural competency of students as they work alongside First Nations Australians, often for the first time.

Aims:

The program was introduced to give students a richer learning experience through solving 'real-world' community identified problems and simultaneously, providing under-resourced remote and First Nations entrepreneurs and communities with access to strategies and connections to take their social enterprise initiatives forward.

Despite the fact that remote and First Nations communities face particularly high rates of unemployment and fewer positive health and social wellbeing outcomes, these communities are often full of entrepreneurial ideas stemming from traditional knowledge and cultural practices. This, coupled with a strong desire for self-determination and financial independence has led to a focus on alternative ways to generate local and community focused solutions, of which as social enterprises forms part of the solutions to complex problems.

After a period of community engagement by the RARE Program Manager, the 'project' is embedded within a relevant unit of study, where students engage with the local community, understand and assess problems, research and create solutions, and

ensure that the recommendations they provide are an appropriate cultural fit. The Program emphasises community-led initiatives, structured consultation, reviewing local markets, researching best practice, and adapting business models to suit challenging remote environments and socio-cultural differences.

Students develop and deliver practical and accessible recommendations, backed by rigorous academic literature and market-relevant data and information. Project outcomes include business plans, feasibility studies, strategic plans, information memorandums, policy documents, practical outputs such as websites, marketing plans and materials or specific analysis of a particular issue or opportunity relevant to an enterprise.

The projects:

Student groups and social enterprise partners work together to find innovative ways to leverage local resources and create viable businesses. Project initiatives are informed and driven by the community, and the program acknowledges culture as playing a key role in the success of efforts to positively impact a community. The importance of ownership at a community level is also fundamental to the Program.

Since 2019, RARE has been focusing on native grains and First Nations agriculture projects, with increased community interest in the potential for economic activity connected to culture and Country stemming from this new sector.

The most recent new addition to the RARE program has been our BUSS4903 'Social Innovation in Indigenous Communities' unit of study for Bachelor of Advanced Studies students. In this unit, students have worked directly with leading First Nations figures to develop solutions at various units of analysis. Some examples are:

- A blockchain designed in collaboration with Atlassian 'Grainchain', aimed at creating transparency in the Indigenous native grains industry to ensure an equitable return to the knowledge holders in this space – the First Nations communities and organisations
- A policy document aimed at the NSW State Government outlining the current barriers and potential benefits to First Nations communities accessing Travelling Stock Route (TSR) lands for both cultural and economic activity, harvesting local grasses and grains to make flour.
- A supporter acquisition toolkit for Yuin organisations, was designed to build awareness of the local potential for native grains production and to build a much needed eco-system of financial and in-kind supporters that can contribute in various ways to the progress on this new Indigenous-led sector.

The outcomes of RARE projects provide a blueprint for First Nations entrepreneurs, a tangible takeaway that can be used to overcome strategic challenges, attract new investment and bring the community on board with their plans to create change. All outputs of the RARE program are wholly owned by the entrepreneurs and the communities that are worked with.

Community benefit:

Through RARE, students from the University of Sydney Business School have been working alongside remote and First Nations entrepreneurs in rural communities to create community-owned solutions in a range of environmental and cultural contexts. They have worked with RARE partners in communities across all of Australia in the completion of over 150 projects.

Learnings and future opportunities:

This well-crafted program captures the True Tracks® principles of respect and self-determination through knowledge transfer, capacity building, and respectful partnerships with remote and rural First Nations communities to develop community-owned business ventures. The integrity in cultural heritage is also maintained where students are led by the priorities of the partner communities, while fostering economic benefits that flow back to their source communities.

These projects demonstrate the powerful role that the University can play in supporting rural and remote First Nations communities while also enhancing cultural competency and experiences for students. The University can strive for continuous improvement in such projects by continually asking the questions posed by this Protocol and applying the True Tracks® principles to protect Indigenous ownership of ICIP.



Image: Architectural detail, The University of Sydney Business School on Gadigal Country

9.2 Course level

9.2.1 CASE STUDY: The University of Sydney Business School - Shaping the Curriculum - Embedding Indigenous Cultural Competence in the Master of Business Administration

In 2021, the Master of Business Administration (MBA) team undertook to a project to Indigenise the MBA curriculum. The project focussed on embedding Indigenous Cultural Competence ('ICC') in the MBA and documenting their journey to assist other staff in undertaking similar projects. The document '[Shaping the Curriculum - Embedding Indigenous Cultural Competence in the Master of Business Administration](#)' details their approach to the project and diagram 3 illustrates the steps to Indigenising the MBA Curriculum as outlined in the document.

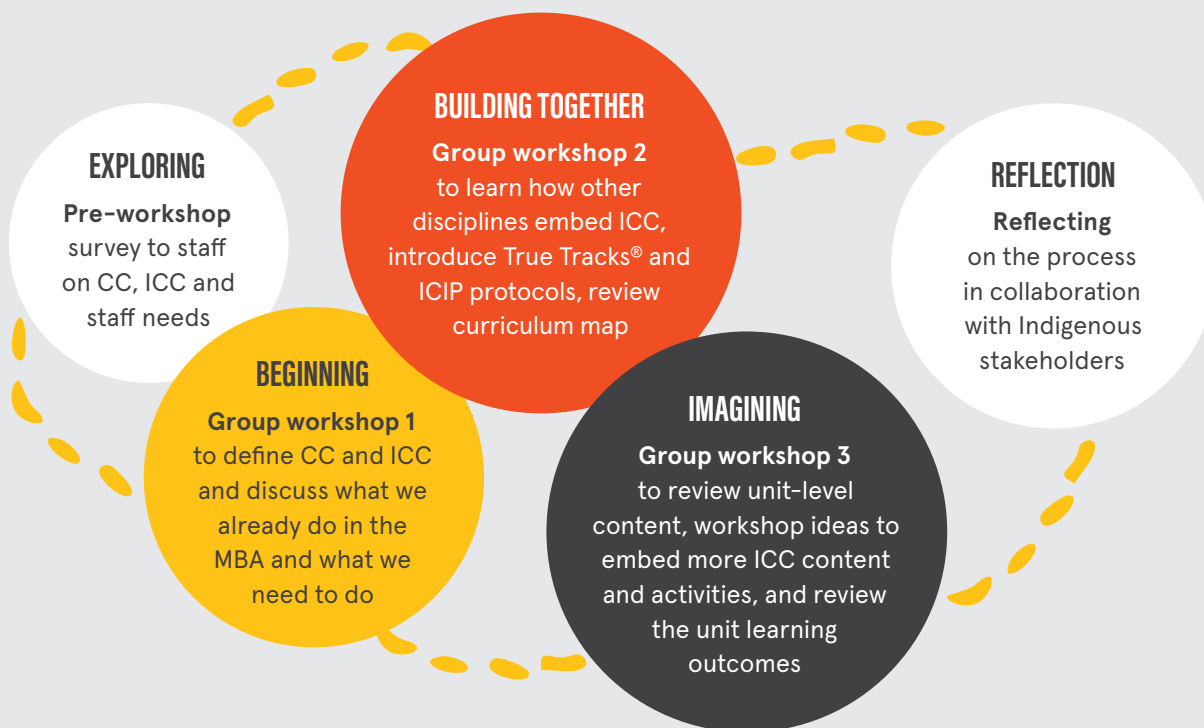
The project was also underpinned by constructive alignment with and focus on student experience. **The True Tracks® Principles** were used to inform the process as well as the outputs of this project. In the document, staff undertaking similar projects to re-shape programs (whether in business or otherwise), are encouraged to adopt ideas and procedures shared, with the aim of developing culturally aware and culturally competent graduates.

Co-designing Business School programs:

A collaborative and consultative approach was taken to developing and mapping ICC in the MBA. Aboriginal and Torres Strait Islander consultants were engaged throughout the process and in each workshop. Consultants shared relevant case studies, learning materials and offered to workshop bespoke learning activities with each unit coordinator one on one.

Value was centred on unpacking personal, insightful and challenging experiences, hearing different perspectives (from students, consultants and teachers), and engaging in deep conversations about ICC. This approach was said to be invaluable for staff to further develop their skills and knowledge, gain confidence in their ability to incorporate ICC in the MBA, and to make meaningful connections between ICC and their subject content.

Diagram 3: Steps to Indigenising the Business Curriculum



Project outcomes:

From consultations, participants mapped where the MBA already addresses the ICC criteria and where more can be done. In the first iteration of the re-shaped program, the following changes will be introduced:

1. **To assess students’ cultural competence at the beginning:** A Cultural Competency Self-Reflection activity during orientation which encourages MBA students to explore, understand and become aware of their cultural competence;
2. **To assess a student’s cultural competency at the end of their degree:** assessment criteria reflecting the ICC criteria listed earlier are to be added to the final Capstone unit. Here, the True Tracks® principles are utilised in learning, requiring students to articulate how their chosen principle applies to the project design for development of the client’s minimum viable product.

The document also provides helpful templates, flow charts, and step-by-step guidance which can be used by other staff in undertaking a similar journey in embedding ICC in programs at the Business School.

Learnings and future opportunities:

The project team also shared some of their learnings from the project and the importance of continued learning and further development. For instance, the team identified future opportunities to improve their practice and support curriculum development, including:

- Advisory groups of Aboriginal and Torres Strait Islander representatives to provide guidance and consultation.
- Encouraging more Aboriginal and Torres Strait Islander students and staff into programs.
- Seeking encounters and collaborations with First Nations business partners.
- Provide training and continuous learning opportunities for staff.
- Providing authentic learning opportunities on Country.

This case study demonstrates how to apply the True Tracks® principles in practice, showing how this Protocol may be applied to other courses.

9.3 Unit level

9.3.1 CASE STUDY: 'Responsible Business Mindset' (BUSS5220) Indigenous Stewardship Content

'Responsible Business Mindset' (BUSS5220) is a core unit in the Master of Commerce program at the University of Sydney, co-ordinated by Dr. Anna Young-Ferris, an academic at the Business School specialising in sustainability and climate change accounting.

Introducing the concept of Indigenous stewardship in business

Dr. Young-Ferris has introduced Indigenous stewardship as one of the foundational concepts within the unit of study. The aim is to instil within students a new ontology for business and wisdom about the interdependent nature of business and the communities and natural environment it relies on. Students are asked to critically examine widely accepted business models grounded in ideals of shareholder primacy and Western Capitalism.

The unit focuses on the concept of Indigenous stewardship as an alternative to deeply entrenched theories and practices such as shareholder primacy and relentless economic growth. In doing so, it explains how business might be reframed as in relationship with its communities, customers and the environment; taking on the role of conservers, preservers, and caretakers of nature. In drawing on this Indigenous wisdom, the suggestion is business models could be transformed to only take what is needed without causing harm to the environment and humanity.

Enhancing cultural competence in learning materials

At the micro-level, Indigenous stewardship is introduced into learning materials such as lecture materials (Topic 1 and 11), workshop activities (Topic 11) and the final case study assessment. This comprises a written report and submitting a presentation. Students are asked to prepare various report elements for a hypothetical mining case company "Mines R Us" that is seeking to transform and rebrand itself as a responsible business following two significant incidents. The incidents are modelled on the 2020 Rio Tinto Juukan Gorge incident and the 2015 Samarco (BHP Billiton and Vale joint venture) dam collapse.

For example, for the final assessment students must look inside Rio Tinto's company reporting following the Juukan Gorge incident and critically assess whether the company is using sustainability reporting as an avenue for 'greenwashing' and only telling the 'good' news stories. The unit also strives to

promote Indigenous voices in the learning materials by referencing a discussion paper written by Dr. Terri Janke, Wuthathi and Meriam woman, on '*Indigenous knowledge: issues for protection and management*'⁴ and sharing a YouTube of Jirra Lulla Harvey, a Yorta Yorta and Wiradjuri woman discussing what leaders can learn from Indigenous experience, and how stewardship, community, values and resilience contribute to a different approach to leadership.⁵

Students are also encouraged to reflect on the University's practice and critically examine the University's sustainability strategy in the context of the 'Caring for Country' concept (akin to Indigenous stewardship) that underpins the strategy and their learnings from the unit. This demonstrates how students are taught to proactively look deeper and more critically to ensure that Indigenous wisdom is appreciated (rather than appropriated) in the most respectful way.

Overall, the concept of Indigenous stewardship is embedded in the student learning outcomes, as well as assessment tasks, marking criteria and the rubric, ensuring students are fully immersed.

Delivery of learning materials in culturally respectful ways

In delivering the learning materials, an Acknowledgment to Country is performed for every lecture and at the start of each workshop. Teaching staff are asked to meaningfully provide an Acknowledgement of Country, making reference to how First Nations cultures know how to live in harmony with nature and each other. Staff are encouraged to connect deeply with an Acknowledgment of Country to demonstrate to students that an acknowledgement is not tokenistic; it is one of many ways to show genuine respect for Aboriginal and Torres Strait Islander peoples.

Responding to student feedback

Student feedback revealed that students wanted more information on how they could better understand more about the history of the treatment of First Nations peoples in Australia and what they could do to uplift and empower communities. This realisation led to the inclusion of a workshop note and link to the National Centre for Cultural Competence (NCCC) which offers a range of online and in-person education and training options for individuals, groups and organisations to develop their cultural competence. This promotes avenues for students to expand their understanding of cultural competence outside of the unit of study.

4 Janke, T. (2018). Indigenous knowledge: issues for protection and management. Discussion Paper. Retrieved from: https://www.ipaustralia.gov.au/sites/default/files/ipaust_ikdiscussionpaper_28march2018.pdf, 5 March 2022

5 <https://www.infoq.com/presentations/indigenous-stewardship/>

Image: Exterior of The University of Sydney Business School on Gadigal Country



Reflections

In developing the learning materials, it was also acknowledged that some compromises were made when setting up the course that initially inhibited their holistic embrace of Indigenous stewardship. For instance, there was a hesitancy to use the term ‘Indigenous stewardship’. Instead, the less explicit ‘Indigenous frameworks’ was opted for to ensure it received approval through the University process without challenge. It was a reflection that was an unintended hesitance around enabling full ownership and empowerment for First Nations peoples.

Following this, staff consulted an Indigenous colleague to help the team navigate the complex terrain of this work and they have also started to explore ways to ensure First Nations voices in the curricula, by starting a process to engage directly with the NCCC. Ideally, not only Aboriginal and Torres Strait Islander colleagues within the University will be consulted – but broader people and communities will be consulted. It is important not to culturally overload Aboriginal and Torres Strait Islander staff, as well as understand that they cannot speak for all First Nations groups.

Learnings and future opportunities

The reflections above show the University’s commitment to continuous improvement. Ultimately, this unit is growing towards a stronger approach to engaging with Indigenous knowledge and perspectives in education. Continual strengthening will thoroughly embed the central tenets of caretaking and reciprocity, interconnectedness, interdependence, collectivism and acknowledgement of future generations in a business content.

The course powerfully exemplifies the True Tracks® principles of respect, self-determination, integrity, attribution, sharing benefits, maintaining Indigenous culture, and recognition and protection. This is achieved through its careful curation and well-thought-out structure. The content is designed with consultation and through the lens of cultural appreciation which teaches students to critically examine and reconceptualise internalised business concepts. This process can be strengthened by increasing the voice of Aboriginal and Torres Strait Islander people in the unit (for instance, by bringing in First Nations guest lecturers to teach), as well as co-design and consultation on the development of new learning materials (including lecture materials, workshop activities and the final case study assessment).

10. Attachment C: Checklist for curriculum projects

10.1 Program level

The University encourages looking at ways to embed and promote the voices, perspectives, cultures and experiences of Aboriginal and Torres Strait Islander peoples and communities in Business School programs and courses in respectful and authentic ways. The following checklist should be followed to guide your application of the PG's when planning, undertaking and completing curriculum projects. It is envisaged that more comprehensive materials will become available, and as they are created will be shared across the University. The checklists set out below serve as a starting point.

Pre-project planning:

- Respect:** Have you considered the purpose of this project/what you are trying to achieve?
- Is this proposed project in line with Aboriginal and Torres Strait Islander peoples'/communities' priorities for the subject/topic?
- Have you considered establishing an advisory group or committee of Elders to guide the project?
- Self-determination:** Who will we approach to consult with, lead and co-design the curriculum project? (i.e. in curriculum mapping, scaffolding programs, or designing units of study)
- Ownership:** Are there agreements/contracts in place making it clear that the Aboriginal and Torres Strait Islander people are the owners of any ICIP?
- Maintenance:** How does the project affect Aboriginal and Torres Strait Islander people and the source community of any ICIP?
- Consultation:** Have you allowed for enough time and enough budget to engage in proper consultations with Aboriginal and Torres Strait Islander people and source communities regarding the proposed curriculum project and the considerations outlined in this Protocol?
- Have you allowed enough time to make changes or end the project if it doesn't receive support?
- How are you ensuring Aboriginal and Torres Strait Islander people we collaborate with are not experiencing undue pressure due to University deadlines? Do we have a consultation plan?
- Consent:** Is the curriculum project welcomed by the community?
- Do we understand what FPIC is? Do we have written FPIC from the appropriate Aboriginal or Torres Strait Islander person and/or source community to proceed with the curriculum project?
- Benefit sharing:** Have you consulted and agreed on appropriate benefit sharing arrangements?
- Protection:** Do we have a process in place to respect and comply with cultural protocol?
- Are there effective and safe grievance mechanisms in place for resolution of any disputes relating to any use of ICIP?

During curriculum projects:

- Respect:** Are you being led by the priorities of Aboriginal and Torres Strait Islander people and communities for their culture in the design and delivery of programs and courses?
- Self-determination:** Are you implementing and taking on the feedback being given by Aboriginal and Torres Strait Islander collaborators?
- Consultation:** Are you providing frequent updates/opportunities for feedback?
- Consent:** Is FPIC being implemented at all stages and levels of the project? Are there frequent opportunities for feedback/consent?
- Benefit sharing:** Are you embedding opportunities within the program/course to partner with First Nations people, communities and organisations in the delivery/teaching of curriculum materials or through excursions on Country?
- Are you paying fair remuneration to cultural experts, Aboriginal and Torres Strait Islander collaborators, consultants and curriculum experts?
- Protection:** Have you sought advice on cultural considerations or sensitives that should be addressed through consultation? (i.e. from the NCCC)
- Have you discussed any restrictions on use of ICIP material? (i.e. culturally sensitive, private or personal, or secret/sacred)

After curriculum projects:

- Respect:** How will we maintain the relationship with the Aboriginal or Torres Strait Islander person/ collaborator and source community? (i.e. in ongoing/future projects, events, or community activities)
- Attribution:** Have you attributed the Aboriginal or Torres Strait Islander collaborator as a co-author and consulted them on the wording and form of attribution?
- Have you acknowledged the source Aboriginal or Torres Strait Islander community and consulted on the wording and form of acknowledgement? (i.e. by using a Traditional Custodians Notices)
- Benefit sharing:** Are you following up and delivering on agreed upon benefit sharing arrangements? (i.e. by engaging Aboriginal and Torres Strait Islander people as guest speakers, cultural experts, consultants on fair terms and with fair remuneration)
- Are you sharing access to project outcomes?
- Maintenance:** Are you storing project outcomes in culturally appropriate ways? Have you consulted on this?
- Are you using cultural sensitivity notices on curriculum and learning materials where they contain culturally sensitive content?
- How are you ensuring that Aboriginal and Torres Strait Islander people and source communities can access ICIP material stored at the Business School?
- Consents:** Are you storing written consents from Aboriginal and Torres Strait Islander collaborators and source communities with project outcomes? Would the consent forms be plainly visible to future staff before accessing/using project outcomes?
- Are the project outcomes being used, stored, and managed in accordance with the consents obtained?
- Do we need to obtain fresh consent for any use outside of the original consents obtained?
- Protection:** Have we complied with this Protocol in developing the curriculum materials? If we have not, how will we rectify non-compliance?

10.2 Unit of study Level

Planning a unit of study:

So, you're exploring ways to embed and promote the voices, perspectives, cultures and experiences of Aboriginal and Torres Strait Islander peoples and communities in a unit of study learning materials. Provided below is a summary checklist of the PGs. Use them to guide your planning, development and delivery of a unit of study.

Exploring ways to incorporate ICIP in a Unit of Study:

- Respect:** Are you looking for and favouring materials authored by Aboriginal and Torres Strait Islander people? Have you done your due diligence on materials you want to include in the unit of study? Is the material culturally appropriate? Where you're unsure, have you consulted with the appropriate Aboriginal and Torres Strait Islander people?
- Are you engaging Aboriginal and Torres Strait Islander people as guest lecturers to share their knowledge or interpret materials authored by non-Indigenous people? Are they remunerated for their knowledge and time?
- Are you partnering with Aboriginal and Torres Strait Islander communities, businesses or organisations during the delivery of the unit of study? Are contracts in place so any ICIP rights remain with Traditional Owners?
- How are you developing relationships with Gadigal people on which the Business School campus resides outside of curriculum projects? (i.e. for Welcome to Country on the first lecture or workshop of the course/program, for performance and ceremony, or engaging in community initiatives)
- Consultation:** Will you engage an Aboriginal or Torres Strait Islander person/organisation such as an Elder, Indigenous knowledge holder, consultant or First Nations curriculum expert to consult regarding the use of existing materials or the development of new learning materials? (i.e. topics, lecture materials, workshop materials, assessment tasks featuring ICIP)
- Have you allowed for enough time before the delivery of the unit of study to properly consult with Aboriginal and Torres Strait Islander people and source communities regarding the use of new/existing ICIP materials of study and the considerations outlined in this Protocol?
- Have you allowed enough time to make changes or end the project if it doesn't receive support?
- Consent:** Do we need consent from the copyright and ICIP owner (if different) of any existing materials?
- Are the ICIP topics within the unit of study welcomed by the community?
- Maintenance:** How does use of this content affect Aboriginal and Torres Strait Islander people and the source community of any ICIP?
- Benefit sharing:** Have you consulted and agreed on appropriate benefit sharing arrangements?
- Protection:** Do we have a process in place to respect and comply with cultural protocol?

Developing a Unit of Study:

- Respect:** Have you included an Acknowledgement of Country at the beginning of lectures/workshops, and on curriculum/learning materials?
- Self-determination:** Are you implementing and taking on the feedback being given by Aboriginal and Torres Strait Islander collaborators, consultants, the community, or students regarding the proposed learning materials?
- Interpretation:** Have I offered an opportunity for the Traditional Custodians or appropriate Aboriginal and Torres Strait Islander people to check how the content is explained?
- Benefit sharing:** Are you embedding opportunities within the unit of study to partner with Aboriginal and Torres Strait Islander people, communities and organisations in the delivery/teaching of the unit or through excursions on Country?

- Are you paying fair remuneration to cultural experts, First Nations collaborators, consultants and curriculum experts?
- Consultation:** Have you sought advice on cultural considerations or sensitivities that should be addressed through consultation? (i.e. from the NCCC?)
- Have you discussed any restrictions on use of ICIP material? (i.e. culturally sensitive, private or personal, or secret/sacred)
- Are there effective and safe grievance mechanisms in place for resolution of any disputes relating to any use of ICIP?
- Consent:** Do we understand what FPIC is? Do we have written FPIC from the appropriate copyright owner/ Aboriginal or Torres Strait Islander person and/or source community to proceed with delivering the unit of study?

Delivering a unit of study:

- Respect:** Have you included an Acknowledgement of Country at the beginning of lectures/workshops, and on curriculum/learning materials? Are staff given guidance on how to give an acknowledgment authentically?
- Attribution:** Have you attributed Aboriginal and Torres Strait Islander collaborators as co-authors, the authors of source materials used, and consulted on the wording and form of attribution?
- Have you acknowledged the source Aboriginal or Torres Strait Islander community and consulted on the wording and form of acknowledgement? (i.e. by using a Traditional Custodians Notices which puts other staff and students on notice of ICIP obligations)
- Consultation:** Are you providing opportunities for feedback on the learning materials/delivery of the ICIP content?
- Benefit sharing:** Are you following up and delivering on agreed upon benefit sharing arrangements? (i.e. by sharing access to project outcomes, engaging Aboriginal and Torres Strait Islander people as guest speakers, excursions on Country, cultural experts, consultants on fair terms and with fair remuneration)
- Maintenance:** Are you storing curriculum and learning materials in culturally appropriate ways? Have you consulted on this?
- Are you using cultural sensitivity notices on learning materials where they contain culturally sensitive content?
- Consents:** Are you storing written consents from Aboriginal and Torres Strait Islander collaborators and source communities with the learning materials? Would the consent forms be plainly visible to future staff before accessing/using project outcomes?
- Are the project outcomes being used, stored, and managed in accordance with the consents obtained? (i.e. on staff/student intranets, online, for a particular topic or unit of study, to be delivered by a particular staff member)
- Do we need to obtain fresh consent for any use outside of the original consents obtained?
- Protection:** Have you complied with this protocol in developing learning materials? If we have not, how will we rectify non-compliance?

10.3 Ongoing for program and unit of study levels

Staff must maintain ongoing respectful relationships with Aboriginal and Torres Strait Islander people and communities who we work with in developing curriculum at the Business School and strive for continuous learning and improvement of both curriculum and practice through creation, collaboration, reflection, and review.

The checklist provided below summarises how the PGs can be applied to maintain ongoing and reciprocal relationships with Aboriginal and Torres Strait Islander people and communities, and how staff can work with Aboriginal and Torres Strait Islander people for the ongoing improvement of curriculum and practice. While there is no one-size-fits-all approach, the below is provided as general guidance.

- Continuous improvement:** How can we continue to improve the curriculum through new programs/courses, or review and amendment of existing programs/courses? (i.e. by introducing more perspectives, experiences, culture, and voice of First Nations peoples in curriculum, changing the way we deliver curriculum, or engaging in community initiatives)
- How can we continue to improve the unit of study? (i.e. by referring to more Aboriginal and Torres Strait Islander authors of articles, books, reports etc or Indigenous knowledge holders sharing their perspectives, experiences and cultures through podcasts, Ted Talks, audio/film recordings, engaging Aboriginal and Torres Strait Islander people to co-design learning materials, or as guest lectures on topics)
- Ongoing relationships:** How are you developing relationships with Gadigal people on which the Business School campus resides outside of curriculum projects? (i.e. can the unit of study get involved with community initiatives?)
- Consultation/Consent:** How will you seek advice on ways to embed and promote the voices, perspectives, and experiences of Aboriginal and Torres Strait Islander people and communities in curriculum?
- Is there scope to consult with the local First Nations community, collaborators, Indigenous knowledge holders etc. through community workshops or advisory councils on ways to improve the Business School curriculum? (i.e. during course evaluation, short term (ad hoc) review, and long term strategic/quality review)
- Are you providing opportunities for ongoing feedback and review of curriculum project outputs at the program, course, unit and topic level? (i.e. through student feedback, processes for community review/approval or course evaluation)
- Protection:** Are you reviewing compliance with this Protocol and consents obtained in existing curriculum and learning materials? (i.e. during course evaluation, short term (ad hoc) review, and long term strategic/quality review)
- Reflection:** Have you reflected on your practice and implementation of this Protocol during the curriculum project?

Tony Danyala(1935-2004), Liyagawumirr
Garrawurra clan, Dhuwa moiety, worked
Milingimbi and Ramingining.
Dupun, hollow-logs c.1984
Wood, ochre and synthetic polymer.
142.5 x 19 cm max. Collected by D Mundine
1980s, purchased JW Power bequest 1984-85.
JW Power Collection, University of Sydney,
managed by Museum of Contemporary Art,
PW1984.150.1-4. © Estate of Tony Danyala.
Copyright Agency, 2021.

At part of our commitment to the
Indigenisation of our physical space,
this artwork is on display at The
University of Sydney Business School
on Gadigal Country.



Artwork



Title: *'Yanhambabirra Burambabirra Yalbailinya' (Come, Share and Learn), 2020. Artist: Luke Penrith*

The University thanks artist Luke Penrith for the creation of his artwork *'Yanhambabirra Burambabirra Yalbailinya (Come, Share and Learn)*. This work has been created to represent the *One Sydney, Many People* strategy and celebrates our collective vision for the future.

About the artwork

'Yanhambabirra Burambabirra Yalbailinya' depicts a rich interconnected story of knowledge, community and growth, reflecting the history and future aspiration of the University. At the centre of the artwork is the Gadi (of the Xanthorrea genus), found on the grounds of the University campus and acknowledges our location in the heart of Gadigal country. The central flowering bud reaches out with its orange ochre heartbeat and travels to the four pillars present in our strategy: **Nguragaingun** – Culture and Community (base); **Eora** – People (top); **Ngara** – Education and Research (right) and **Pemulian** – Environment (left).

The heartbeat continues on to form four fire circles, each signifying a season of the year, and further to create two waves of knowledge corners (top right and base left). The fire and flame motif links to the desire to share knowledge and to prosper along the journey. The four coolamons support this journey through nurturing, sharing and nourishing that is required along the way.

On two of the coolamons are clapsticks, representing welcoming with song, finding food with digging sticks, grinding grains and preparing food. The other two coolamons feature progressively growing triangle shapes, reflecting growth.

We know that everyone's journey is not always direct. Our visitors' circle, at the base right corner, tells the story of people on a journey, not lost, but still discovering along the way. Our visitors, at the top left corner, are on a clear path, and shown with considered balance.

Throughout there is representation of water, sky, sea, sand and river, all speaking of Country where the journey began.

The symmetry of the design and numerical repetition tells the story of investing in people, creating balance and harmony through perseverance and determination. You may have to complete the same task multiple times before the balance is achieved.

Artist's biography

Luke Penrith's ancestry is connected through the Wiradjuri, Wotjobaluk, the Yuin and the Gumbaynggirr Nation. His passion is mentoring and nurturing Aboriginal and Torres Strait Islander job seekers and supporting Aboriginal businesses. Lore, culture and heritage are paramount to Luke. His art reflects what he sees, hears and can smell and touch; he is a modern contemporary Aboriginal artist living in Brungle NSW. Luke's bloodlines are connected through the rivers, the mountains, the coastline and the plains.

