



WINTJIRI WIRU

ANANGU CULTURAL & INTELLECTUAL PROPERTY PROTOCOLS



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AYERS ROCK
RESORT**

WINTJIRI WIRU

Anangu Cultural and Intellectual Property Protocols

Introduction

Voyages Indigenous Tourism Australia Pty Ltd, a wholly owned subsidiary of the Indigenous Land and Sea Corporation, is the owner and operator of Ayers Rock Resort. The Resort lies at the gateway to Uluru-Kata Tjuta National Park in the Northern Territory of Australia.

Voyages acknowledges the Anangu Custodians of the land on which the Wintjiri Wiru Sound and Light Show Project will be built and operate (**Wintjiri Wiru Project**). We recognise that Anangu have lived on this land for many thousands of years and are one of the oldest living continuous cultures in the world. Voyages acknowledges Anangu's continuing connection to land, water, sky, culture and community, pays respect to all Anangu and welcomes the opportunity to celebrate Anangu culture through the Wintjiri Wiru Project.

Voyages sees an Australian hospitality and tourism industry which connects guests, visitors and staff to the unique living beauty, knowledge, art, culture and diversity of Australia's Indigenous communities through cultural tourism. We see a place where Indigenous people have their voices and culture elevated, respected and celebrated. Voyages' core purpose is to create opportunities for Aboriginal and Torres Strait Islander peoples through cultural tourism and we have a strong commitment to social, environmental and cultural responsibility and Indigenous economic development. Our core values are Respect, Excellence, Trust and Courage.

The Wintjiri Wiru Project has been developed and co-designed over several years in consultation and collaboration with Anangu from Kaltukatjara and Mutitjulu communities and a range of associated stakeholders. The Project brings together a unique interface between world leading laser light and drone technology and Anangu culture, story, art, knowledge and languages. Through the use of technology, the Project will launch with a telling of that part of the Mala Story held by Traditional Owners from Kaltukatjara and Mutitjulu communities, presenting this to visitors from all over Australia and the world, as a deep immersive experience at sunset each evening. Guests will be transported to the Project site, be served with food and beverage offerings inspired by Indigenous flavours and sit on a uniquely designed platform to view Wintjiri Wiru, looking out over Uluru and Kata Tjuta.

Purpose and Scope

This Wintjiri Wiru Protocol is designed to ensure best practice in recognition and treatment of Anangu and their Indigenous Cultural and Intellectual Property (**ICIP**) rights in relation to the Project. A guide to (**ICIP**) rights in relation to the Project is provided below.

This Protocol is intended to be used through all stages of the Wintjiri Wiru journey including governance of the Project, the naming of the Project, the locating of the show site, the design, construction and development works and infrastructure installation on the show site, the incorporation of Anangu languages, stories, inma/song, Tjukurpa and art throughout the Project, the design and technical development and programming of the show, show production, promotion and then the ongoing delivery of the experience over the next five (5) years.

This Wintjiri Wiru Protocol should also guide the development of service delivery, employment, training, skills transfer, education and participation opportunities for Anangu in the Project and the use of ICIP across Project marketing, digital media and merchandising. This Protocol must be used and complied with by all Project participants (defined as Project Partners below) who engage with or are involved in the Project or interact with Anangu, Anangu Country or Anangu ICIP in relation to the Project.

The implementation of this Protocol should assist those involved in the Project in understanding when and where Anangu need to be engaged and consulted in relation to the Project and when and where Anangu ICIP is being used and how it should be recognised, respected, treated and communicated.

This Protocol is informed by the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Convention on Biological Diversity, the Nagoya Protocol, Indigenous Data Sovereignty and governance principles and Terri Janke and Company True Tracks® principles.

Application

This Wintjiri Wiru ICIP Protocol applies to all people and organisations involved in the Project activities including:

- o Voyages directors, executives, employees, agents, contractors and volunteers.
- o Artists, designers, technicians, programmers and creators commissioned by Voyages to create project designs, works, programs, show elements, displays or anything similar or related.
- o Partners, contractors, collaborators and affiliates of Voyages engaged in any way in the Wintjiri Wiru Project and delivery, including in the design and delivery of food and beverage offerings and the experience.
- o Consultants, builders, sub-contractors and suppliers engaged in designing and constructing the show and related infrastructure and providing, operating and maintaining the technology used to deliver the Project.
- o Employees, consultants, service providers and partners capturing images, recordings, language, stories, songs or art of Anangu or their Country and sharing, marketing, selling and promoting Wintjiri Wiru being collectively the **Project Partners**.

All Project Partners and their personnel, agents and contractors are expected to comply with the Protocols set out in this document at all times. Any questions in relation to the application of this Protocol should be directed to the contacts provided at the end of this document.

ICIP Rights

Indigenous Cultural and Intellectual Property (**ICIP**) rights refer to all aspects of Indigenous peoples' cultural heritage, including the tangible and intangible. This cultural heritage includes all:

- traditional and cultural knowledge (sciences, agricultural, technical and ecological knowledge (including cultigens, medicines, and the phenotypes of flora and fauna) and animal knowledge, stories, songlines, designs and symbols, ritual knowledge, totems, literature and language);
- cultural governance and practices.
- cultural objects (including, but not limited to arts, crafts, ceramics, jewellery, weapons, tools, visual arts, photographs, textiles, contemporary art practices).
- performances (ceremonies, dance and song).
- the secret and sacred material and information (including sacred/historically significant sites and burial grounds).
- Country.
- ancestral remains and tissue, genetic resources.
- documentation and collections about Indigenous peoples or their heritage in all forms of media including film, video, sound recordings, photographs, artworks, design, songs, books, reports and records taken by others and digital databases.

ICIP rights are recognised under international law in the *United Nations Declaration of the Rights of Indigenous People*. Article 31 of the Declaration advocates that:

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

They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Article 31 explicitly cites manifestations of culture, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, visual and performing arts, literatures and designs as things to which Indigenous peoples have the right to maintain, control, protect and develop, as well as the right over which to develop their intellectual property.

The following Articles (or part Articles) of the Declaration are also recognised through the implementation of this Wintjiri Wiru Protocol and the Project:

| | |
|---------------------|--|
| Article 3 | Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. |
| Article 11.1 | Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature. |
| Article 12.1 | Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects. |
| Article 13.1 | Indigenous peoples have the right to revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons. |
| Article 18 | Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions. |
| Article 23 | Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. |
| Article 25 | Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard. |
| Article 29.1 | Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. |

The United Nations has developed a guide for businesses working with ICIP called the Global Compact. The Global Compact recommends businesses consult with Indigenous people in good faith for all matters that may affect them or their rights, and seek the prior, informed consent of those people for projects that affect their rights.

The Australian Human Rights Commission has developed a guide called [The Community Guide to the UN Declaration on the Rights of Indigenous Peoples](#). The Guide is designed to assist Aboriginal and Torres Strait Islander people to learn about the [United Nations Declaration on the Rights of Indigenous Peoples](#), and how the rights outlined in the Declaration can be used in everyday life.

Recognition of ICIP rights give Indigenous peoples the right to:

- own and control their ICIP.
- ensure that any means of protecting ICIP is based on the principle of self-determination.
- be recognised as the primary guardians and interpreters of their cultures.
- authorise or refuse to authorise the commercial use of ICIP according to Indigenous customary laws.
- maintain the secrecy of Indigenous knowledge and other cultural practices.
- guard the cultural integrity of their ICIP.
- be given full and proper attribution for sharing their cultural heritage.
- enjoy monetary and non-monetary benefits for access and use of their ICIP.
- control the recording of cultural customs and expressions and language which may be intrinsic to cultural identity, knowledge, skill and teaching of culture.

Rights to Country and Tjukurpa

Uluru, Kata Tjuta and surrounding Country are deeply sacred for Anangu. They have been central to Tjukurpa for many thousands of years. This Country is a significant place of knowledge and learning with each marking, formation, cave, rock, waterhole, plant, animal and each view of Uluru and Kata Tjuta having its own significance and meaning.

Tjukurpa has many aspects and is a philosophy that links Anangu to the environment and ancestors. Tjukurpa stories talk about the beginning of time when ancestral beings first created the world. These stories contain important lessons about the land and how to survive in the desert as well as rules for appropriate behaviour. Tjukurpa stories are also used like maps. They tell Anangu where important places are, how to travel from one place to another, and where and when to find water and food. These stories are not simple. They represent complex explanations of the origins and structure of the universe and the place and behaviour of all elements in it. Tjukurpa is not written down. It is memorised and passed on to the right people like an inheritance.¹ Anangu have rights to Country and obligations to keep Tjukurpa strong. This ICIP Protocol recognises and supports these rights and the importance of Tjukurpa and Country to Anangu.

1 <https://parksaustralia.gov.au/uluru/discover/culture/tjukurpa/> 30 November 2022

PRINCIPLES FOR RECOGNITION

Anangu ICIP Rights and Rights of Country

In recognising Anangu rights, the following 10 principles will guide Voyages and the Project Partners in their engagement with Anangu and their cultural heritage at Ayers Rock Resort and in relation to the Wintjiri Wiru Project. These principles for recognition are based on the True Tracks® Ten Principles for Cultural Engagement developed by Terri Janke and Company.

1. RESPECT

Voyages acknowledges the Traditional Anangu Custodians of the land on which the Wintjiri Wiru Sound and Light Show Project will be built and operate and pays its respect to Anangu elders past, present and emerging.

We recognise that Wintjiri Wiru will involve the telling of a part of the Mala Story held by Traditional Owners from Kaltukatjara and Mutitjulu communities and the sharing of Anangu culture, story, languages, art and knowledge through laser, light and drone technology. We thank Traditional Owners for the support provided to tell this story and the guidance that has been provided in doing this the 'right way'.

We further recognise and respect that Anangu have the right to self-determination and to practice their cultural traditions and customs, to maintain, protect and develop the past, present and future manifestations of their culture, to teach their spiritual and religious traditions, customs and ceremonies and to use, develop and transmit to future generations their histories, languages and oral traditions.

Protocol

When developing, designing, building and delivering Wintjiri Wiru, the following will be implemented by Voyages and all Project Partners:

1. Acknowledgement of Anangu and Country to be made at all key Project meetings and events.
2. Undertaking of appropriate and guided cultural competency training for all Project Partners engaging with Anangu ICIP and working on site so the content and intent of the Project is understood and Project Partners know how to show respect when working with Anangu and on Country.
3. Anangu cultural advisors will be hired to provide cultural tours for nominated Project Partners of key sites, such as the Mala Walk and the Project site.
4. Culturally appropriate introductions, inductions and welcomes to be requested and provided by Anangu nominated community members at the Wintjiri Wiru show launch and all show related special events (as determined by Anangu).
5. Project participation and on-site tours to be offered and facilitated for all Anangu Traditional Owners and community members involved.
6. Invitations to pre-show launch dress rehearsals, launch shows and special events to be provided to all key Anangu community members and Elders.

2. SELF-DETERMINATION

Anangu have the right to self-determination and to make and lead decisions about activities and actions that affect and take place on their Country and in relation to their ICIP. All Voyages team members and the Project Partners will ensure that they understand, express and implement this when working with Anangu and Anangu community members and Elders in relation to the Project.

Protocol

Voyages makes an on-going commitment to:

1. Leading and participating in an on-going community consultation process which supports the self-determination of Traditional Owners in the development, launch and on-going production of Wintjiri Wiru.
2. Working closely with the Traditional Owners of the Mala Story between Kaltukatjara and Mutitjulu which is being told through Wintjiri Wiru and with local organisations and stakeholders through the consultation.
3. Working with all identified community members from Kaltukatjara and Mutitjulu to consult and collaborate on the telling of the Mala Story **(Wintjiri Wiru Consultation Group)**.
4. Working through an Anangu designed and guided consultation governance process, collaborating closely with a representative working group from the two communities established under an Anangu approved Terms of Reference to facilitate more intensive and regular decision making, approval and input processes **(Wintjiri Wiru Working Group)**, meeting regularly so guidance can be provided by Anangu on all cultural aspects of the Show, the use of Anangu ICIP and related opportunities and processes.
5. Engaging with Anangu on-site during development and construction to ensure cultural appropriateness of the Project design and use of the Project site.
6. Engaging with and taking guidance from the Wintjiri Wiru Consultation Group and Wintjiri Wiru Working Group, respecting the rights of Anangu to partake in processes and decisions which involve the proposed use of their ICIP.

The Project Partners must be aware of these protocols and engage with the Wintjiri Wiru Consultation Group and Wintjiri Wiru Working Group on all relevant decisions and be guided by Voyages.

3. CONSULTATION and FREE, PRIOR AND INFORMED CONSENT (FPIC) PLAN

Culturally appropriate engagement with Traditional Owners requires consultation and consent.

Consultation is the process of exchanging views and information on a particular matter or issue that arises as part of the Project. It's a two-way engagement where knowledge and opinions are shared in an atmosphere of mutual respect, and full and equitable participation. Consultation means working together, listening to what the community has to say and acting upon it. It may be conducted as face-to-face meetings in person or online, telephone conversations and/or email correspondence. Consultation is best conducted face-to-face where possible so that physical cues can be interpreted, and clarity of understanding determined. Consultation is not a one-off exercise, but rather an ongoing process for the duration of the Project.

Consent is the process of obtaining permission from Anangu for access to Country, community and the use of ICIP in relation to the Project, based on a relationship of trust. Consultation and participation are key components of obtaining consent.

The international standard pursuant to the Declaration, Convention of Biological Diversity and Nagoya Protocol is to obtain free, prior and informed consent (FPIC), which requires the provision of all information, timeframes and details of the Project (including access and use of ICIP) to community members, including the risks and benefits of undertaking the Project. The FPIC process should be transparent for all involved, and information should be explained in plain English or with the help of interpreters. The Anangu from whom consent is sought should not feel any coercion or manipulation from Voyages or the Project Partners. Understanding the legal, social, environmental and cultural implications of giving consent allows ICIP rights holders to make informed decisions as to whether or not to consent to the Project.

Voyages and the Project Partners acknowledge the rights of Anangu to be consulted about access to and use of their ICIP and to give their FPIC for such access and use.

Protocol

1. Voyages has consulted, and will continue to consult, with the Mutitjulu and Kaltukatjara communities and related local organisations to seek FPIC for the access to and use of Anangu ICIP and to ensure a strong partnership is and remains in place with Anangu and benefits are flowing to the Anangu community from Wintjiri Wiru.
2. Project Partners must ensure they comply with consultation obligations as advised by Voyages and the Wintjiri Wiru Working Group.
3. As part of this process Voyages is developing and implementing a Free and Prior Informed Consent Plan (**FPIC Plan**) for the Project, which identifies the Project activities and where FPIC must be obtained from the appropriate custodians and community members, working closely with the Wintjiri Wiru Consultation Group and Wintjiri Wiru Working Group to ensure implementation of each step of this FPIC Plan as the Project evolves. See further detail below.
4. Voyages will work closely with a range of stakeholders including Central Land Council, Uluru-Kata Tjuta National Park Joint Board of Management, Mutitjulu Community Aboriginal Corporation, Walkatjara Arts and Maruku Arts.

The Wintjiri Wiru Consultation Group and the Wintjiri Wiru Working Group have provided guidance and decisions on the naming of the Project as 'Wintjiri Wiru', the telling and use of the Mala Story, the interpretation of the Mala Story for show audiences through the technology and continues to provide guidance on all aspects of what cultural information will and won't (and can and can't) be shared and the appropriate use of Anangu song, music, inma, language, art and knowledge through Wintjiri Wiru. The Groups also regularly visit the show site, are invited to testing of

all technology on-site, such as drones and laser lights, and provide feedback on the use and development of the area and the experience. The Wintjiri Wiru Consultation Group and Wintjiri Wiru Working Group will continue to identify and determine the appropriate use of ICIP through the life of the Project.

If Voyages staff or any Project Partners need guidance on the access to Anangu Country and communities or use of Anangu ICIP, the Wintjiri Wiru Working Group will need to be consulted (contact details are provided at the end of this document).

Consultation Protocols

Consultation is guided by Anangu Traditional Owner representatives and the Wintjiri Wiru Working Group and involves:

- o Regular face-to-face meetings with the Wintjiri Wiru Consultation Group and the Wintjiri Wiru Working Group on Country which are supported and guided by an Anangu facilitator and interpreter.
- o Hybrid meetings (a combination of face-to-face and on-line meetings), phone calls and face-time and video conference calls are also arranged when Group members have difficulty travelling, have conflicting commitments or prefer to dial in from other locations.
- o Community notices are provided at least 1 week prior to all meetings being held so there is an opportunity provided for participation and planning, with transport and accommodation arrangements offered and supported where requested.
- o Minutes are kept and circulated to key stakeholders (including to the Central Land Council) to support accurate records are kept of meeting discussions and decisions made.
- o Email communication is regular between meetings with facilitators and representatives so updates and planning is shared, agendas for each meeting are agreed and updated presentations provided.
- o All meetings, interactions, and updates are supported by Pitjantjatjara interpreters and sitting fees are paid (at a rate approved by the Wintjiri Wiru Consultation Group) for all workshops and consultation meetings attended by Anangu participants.

The Consultation is conducted ensuring:

- o Project information is thorough and transparent and identifies all material information including show design content, timelines, location of the show, the technology being used, the guest offering being provided, benefits and risks to community members, future iterations and opportunities for the project, maps, pictures and the specific proposed use of elements of the Mala story through light technology.

- o Communication of plans for ensuring sustainability of the site and the activities, and that the project activities are designed and conducted to meet both present and future needs.
- o Planning is in place to sustain engagement and consultation throughout the life of Project, with Wintjiri Wiru Working Group structures intended to be in place for an initial projected 5-year period and supported by a 5-year money-line payment structure.
- o Opportunities for Anangu service provision, employment, training, skills transfer, procurement, business development and participation are always on the agenda and being advanced as part of approval processes.
- o Appropriate attribution of Traditional Owners and ICIP knowledge holders is made and wording is brought to the Wintjiri Wiru Working Group for review and approval.
- o Care is taken when identifying ownership, confidentiality and protection of data collected about Anangu communities, ICIP and stakeholders and how such information will be handled and dealt with by the Project – including placing appropriate contractual obligations on all Project Partners dealing with such information through project agreements and communication of Protocols.
- o The protection of secret/sacred sites and information, and in particular secret/sacred Inma, Tjukurpa, recordings and cultural information, by ensuring access and use is always first reviewed and approved by the relevant custodians.
- o Materials are presented clearly and in plain English in accessible format and translated into Anangu languages wherever possible and interpreters are used where required (including at all face-to-face meetings).
- o Materials are regularly updated throughout the life of project and updates communicated to the Wintjiri Wiru Consultation Group.
- o Legal advice, representatives or consultants are recommended, where required (and Voyages assists community in understanding their rights in relation to the Project). This includes engagement with the Copyright Agency on the licensing of copyright in artworks and the Arts Law Centre of Australia in relation to sound, language and music recordings.
- o Advice and independent guidance are provided in relation to options and alternatives for money-line arrangements and community funding and corporate structures, including governance arrangements for distribution and related issues.
- o The Project bears the cost of all consultations including meals, accommodation and travel and payment to community members for their involvement.
- o Establishment of a complaints handling procedure and process that follows culturally appropriate systems for managing disputes and is supported by the Anangu consultation facilitator and the Voyages Indigenous Engagement Team.

Voyages is committed to maintaining its relationship with the Anangu community members and Elders to ensure that consent is ongoing throughout the life of the Project. Voyages acknowledges that any new uses of ICIP, including language, stories, song, artworks and imagery, will be subject to additional community consultations and consents.

FPIC Plan

To obtain FPIC for deliver the Project on Anangu Country and to work with Anangu communities and use Anangu ICIP, Voyages has developed and is implementing a detailed FPIC Plan which supports:

- o The identification of the right people and families who are connected to the Mala story between Mutitjulu and Kaltukatjara and the Country on which the Project is being developed and can speak on behalf of these groups and provide permission for use of Country and community ICIP as part of the Project.
- o Obtaining consent from individuals whose IP is used (artworks, designs, images and recordings) and may incorporate ICIP, but also where people are being recorded, photographed, interviewed, filmed and any ICIP incorporated in those recordings. This may also extend to use of language, stories and songs.
- o Ensuring that where consent is obtained it is appropriately documented.
- o Copyright ownership of recordings being made of Indigenous people being clearly owned by them and licensed back to the Project for use, with appropriate independent advice being provided and written agreements in place.
- o Review and approval of this Protocol by the Wintjiri Wiru Working Group.

4. INTERPRETATION

Aboriginal and Torres Strait Islander people are the primary guardians and interpreters of their culture and must be respected and recognised as such in any use of their ICIP.

Protocol

Voyages and Project Partners will:

1. empower Anangu community members and Elders to interpret their culture, in connection with how it's incorporated, displayed, shared and captured in the Project.
2. consult with the appropriate Anangu community members, Elders or organisations, including Traditional Owners and peak bodies as required and follow proper governance and cultural protocols.
3. ensure authenticity of interpretation particularly around Country, language, stories, art, design, Inma, song, dance and Tjukurpa incorporated in any stage of the Project.
4. ensuring all use or representation of Anangu or their Country, communities or ICIP is with FPIC and is culturally appropriate, accurate and empowering.

Voyages acknowledges (amongst others) the assistance of the Wintjiri Wiru Consultation Group and the Wintjiri Wiru Working Group, Harry Wilson, the Central Land Council, Uluru-Kata Tjuta National Park Joint Board of Management, Terri Jamke and Company, Mutitjulu Community Aboriginal Corporation, Walkatjara Arts and Maruku Arts for its guidance and advice on consultation and interpretation matters.

5. CULTURAL INTEGRITY

The cultural integrity of ICIP must be maintained in order to strengthen and maintain Aboriginal and Torres Strait Islander knowledge and communities.

Protocol

Voyages and Project Partners:

1. Will ensure they maintain the cultural integrity of the Country they are working on and the ICIP they are using and have been given permission to use in accordance with the conditions of permission and all cultural protocols instructed by the Anangu community and Elders.
2. Acknowledge that it is important that the Project Partners are committed to avoiding harm and maintaining cultural integrity, not only in relation to interpretation of cultural knowledge, language and stories, but also the site and the surrounding lands, now and in the future.

Voyages and the Project Partners are committed to ensuring:

3. Sustainable practices on Country and in relation to ICIP used, and that the Project is designed and conducted to meet present and future needs of the community.
4. Traditional Owners have control over how their Country and ICIP is interpreted and how the integrity of their culture is maintained.
5. The Project is environmentally, culturally, socially and economically sustainable, in particular because of its ongoing support of Anangu.
6. That information and data collected as part of the project remains the property of Anangu and is used in accordance with community practices and protocols, and is available for current and future generations.
7. There is a complaints handling procedure and process in place that addresses issue raised by community in relation to cultural integrity of the Project.

Where Voyages or Project Partners have any concerns relating to cultural integrity of the Project, Voyages will consult with Anangu on how to proceed. Voyages will work through all feedback received from the Wintjiri Wiru Consultation Group and Wintjiri Wiru Work Group on issues of cultural integrity.

6. SECRECY AND PRIVACY

Voyages respects the right of Aboriginal and Torres Strait Islander people to keep their ICIP private and secret, or withhold cultural knowledge for the benefit of Community and culture. It also respects any cultural protocols which apply to the access to Country and communities or use of ICIP, such as gender restrictions. Voyages commit to keeping personal information about Aboriginal and Torres Strait Islander people private and confidential in line with Indigenous Data Sovereignty principles.

Indigenous Data Sovereignty

the [United Nations Declaration on the Rights of Indigenous Peoples](#) extend to encompass principles of Indigenous Data Sovereignty and data governance, where data involves specific Indigenous information.

Indigenous Data Sovereignty refers to the rights of Indigenous peoples to exercise ownership over data about themselves or their cultural heritage (ICIP).

Indigenous data governance refers to the more practical application of data-- supporting the right of Indigenous peoples to be the key decision-makers in relation to the ongoing collection, management and use of their data. Data governance engages questions of how to reconnect people to their data, which may be gathered as part of the Project.

Indigenous peoples have the right to:

- o exercise control of the data ecosystem including creation, development, analysis, dissemination and infrastructure;
- o data that is contextual and disaggregated (available and accessible at individual and community levels);
- o data that is relevant and empowers sustainable self-determination and effective self-governance;
- o data structures that are accountable to Indigenous peoples;
- o data that is protective and respects Indigenous peoples and Indigenous individual and collective interests.

Indigenous data often includes personal information, sensitive information, intellectual property and/or ICIP. This will attract privacy law considerations under the Privacy Act 1988 (Cth) as well as ICIP considerations identified in this Protocol.

Protocol

1. Voyages and Project Partners will not seek access to or use any secret or restricted ICIP. If Voyages is advised that it has been using such material, it will take immediate action to remove the material where possible.
2. Information or data collected about Anangu (including personal information) as part of the Project will not be disclosed or otherwise used without the appropriate permission and will be stored securely, with guidance being provided by the Wintjiri Wiru Working Group as to how Project information is stored and how individuals can access this information and request copies.
3. Voyages will work with Ara Irititja to store, archive and share ICIP recorded wherever possible.
4. Where there is unauthorised access or misuse of secret information or private or confidential information, Voyages and the Project Partners will notify individuals of the misuse as soon as possible, and do all things reasonably possible to stop, reduce or mitigate the impact of that misuse at their own expense.
5. Voyages acknowledges that cultural mourning protocols may apply when Anangu involved in the Project pass away. Where possible, Voyages and Project Partners will respect any restrictions on the use of a deceased person's name or likeness where it is made aware of the passing of anyone involved.

7. ATTRIBUTION

Anangu communities and Elders have the right to be attributed as the owners or custodians of their Country and ICIP.

Protocol

Voyages and all Project Partners acknowledge and agree that:

1. Anangu and ICIP rights holders must be appropriately acknowledged and attributed for their Country and community involvement in the Project and for use of their ICIP. This includes in relation to marketing and promotion of the Project.
2. The Wintjiri Wiru Working Group will be consulted on the wording and placement of all key attributions and acknowledgements to ensure they are appropriate and supported.
3. IP owners and creators will be acknowledged in any use of their IP.

8. BENEFIT SHARING

Anangu have the right to share in the benefits for engagement with their communities and from the use of their ICIP and Country through the Project.

Protocol

Voyages and Project Partners will:

1. Ensure that monetary and non-monetary benefits flow directly and indirectly back to Anangu from the Project for engagement with communities and for use of their ICIP.
2. Work closely with Wintjiri Wiru Working Group to determine the most appropriate and effective way to deliver fair and equitable benefit sharing to community stakeholders.
3. Seek the guidance of peak Indigenous organisations to assist with this process.

The following table includes examples of both monetary and non-monetary benefits for on-going incorporation into the Project and discussion with the Wintjiri Wiru Working Group:

| Monetary Benefits | Non-Monetary Benefits |
|---|--|
| <ul style="list-style-type: none">o Fees for Anangu participants, advisors, interpreters and consultantso Fees for Anangu consultation and working group memberso Procurement of services from Anangu and Anangu businesses and organisationso Involvement in value/supply chainso Up-front payments and milestone paymentso Royalty paymentso Scholarshipso Licence fees for use of ICIP (including language, art, designs, images, recordings, music and dance)o Discount/deals on services offered | <ul style="list-style-type: none">o Collaboration, co-operation and contribution in development programmes, education and trainingo Cultural competency and safety trainingo Revitalisation, sharing and valuing of ICIP, strengthening language and cultural practice and capturing and preserving ICIPo Strengthening capacities for technology and skills transfero Resourcing (opportunities for intergenerational knowledge transmission, language sharing)o Community and business capacity-buildingo Positions on Governance groups, mentoring opportunitieso Transportation and travelo Contribution to local Anangu economic development and supporting Anangu projects |

9. MAINTAINING INDIGENOUS CULTURE

Voyages and Project Partners support the strengthening and maintenance of Indigenous cultures both for Anangu and across Australia now and for future generations.

Protocol

1. Voyages and Project Partners acknowledge that culture is dynamic and evolves over time.
2. Voyages and Project Partners will ensure that its relationships with Anangu remains strong so that Voyages' use of Country and ICIP remains culturally sensitive and appropriate. Voyages and the Project Partners recognise that this is important for both Anangu today, but also for future generations who are entitled to access and use of their Country, culture and ICIP.
3. Voyages and Project Partners will support the building of Anangu capacity and capability by providing employment opportunities, skills and knowledge transfer, and support of local businesses and industry on Country. This includes resourcing and empowering Traditional Owners throughout the process.
4. The Project will include appropriate procedures for honest and transparent reporting on the outcomes of the stages of the Project and the future activities of the Project. This will include progress reports to the Wintjiri Wiru Working Group between now and launch of the Show, and then on a regular basis (every 6 months).
5. Any new commercialisation opportunities in relation to the Project must ensure appropriate engagement, consultation and consent processes with Anangu (including appropriate attribution, benefit sharing, opportunities) are undertaken prior to further development.
6. Voyages and Project Partners do not and will never seek to own any ICIP that they are permitted to use.
7. Voyages and Project Partners acknowledge that the use of Country and ICIP is only permitted by the receipt of FPIC from Traditional Owners and that this permission does not transfer any rights or entitlements (including in the ICIP) to Voyages or Project Partners.
8. Voyages and Project Partners acknowledge that FPIC is an ongoing process, and any alternative uses of ICIP that are contemplated will require updated consent for the proposed use.

10. RECOGNITION AND PROTECTION

Voyages and Project Partners recognise the rights of Indigenous peoples to maintain, control, protect and develop their cultural heritage and supports the rights contained in the United Nations Declaration on the Rights of Indigenous People, the Convention on Biological Diversity (CBD) and the Nagoya Protocol.

Protocol

Voyages and Project Partners will:

1. Ensure that they comply with the rights and the spirit of the Declaration, CBD and Nagoya Protocol in the development, delivery and ongoing maintenance of Wintjiri Wiru, through ongoing consultation with and consent of Anangu.
 2. Encourage all other Project Partners, delivery partners, contractors and organisations participating in the Project in accordance with the spirit and purpose of the Declaration, CBD and Nagoya Protocol through the communication of and compliance with this Protocol.
 3. Continue to evolve and implement the Project FPIC Plan.
 4. Not access or use Indigenous data, information or ICIP accessed, gathered or used as part of the Project for any purpose other than permitted without the FPIC of the relevant Traditional Owners and ensure personnel, contractors, suppliers and agents also comply.
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Feedback and notifications

Please send any feedback, queries or concerns in relation to Voyages or Project Partners use of Country or ICIP or this ICIP Protocol to:

Kristin Howden Kristin.Howden@voyages.com.au or notices@voyages.com.au

Revisions

All revisions of this Wintjiri Wiru Protocol will be considered and approved by the Wintjiri Wiru Working Group and Voyages in partnership.

Revisions will be made when required if aspects change or become out-of-date, and otherwise on an annual basis.

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| Date First Approved | February 2023 |
| Date for Review | February 2024 |