

Lunch Break: Writing and Cultural Safety

1 July 2026

Dr Terri Janke, Solicitor Director
Chloe Hillary, Senior Solicitor



Terri Janke
and Company

Lawyers and Consultants

Terri Janke and Company

Lawyers and Consultants

We acknowledge the Traditional Owners of the land where we work, live and create. We pay our respects to Elders past and present. We celebrate the continuing practice of culture, the sharing of stories and knowledge in respectful ways.





CELEBRATING
26 YEARS
IN 2026



Why Are We Here Today?

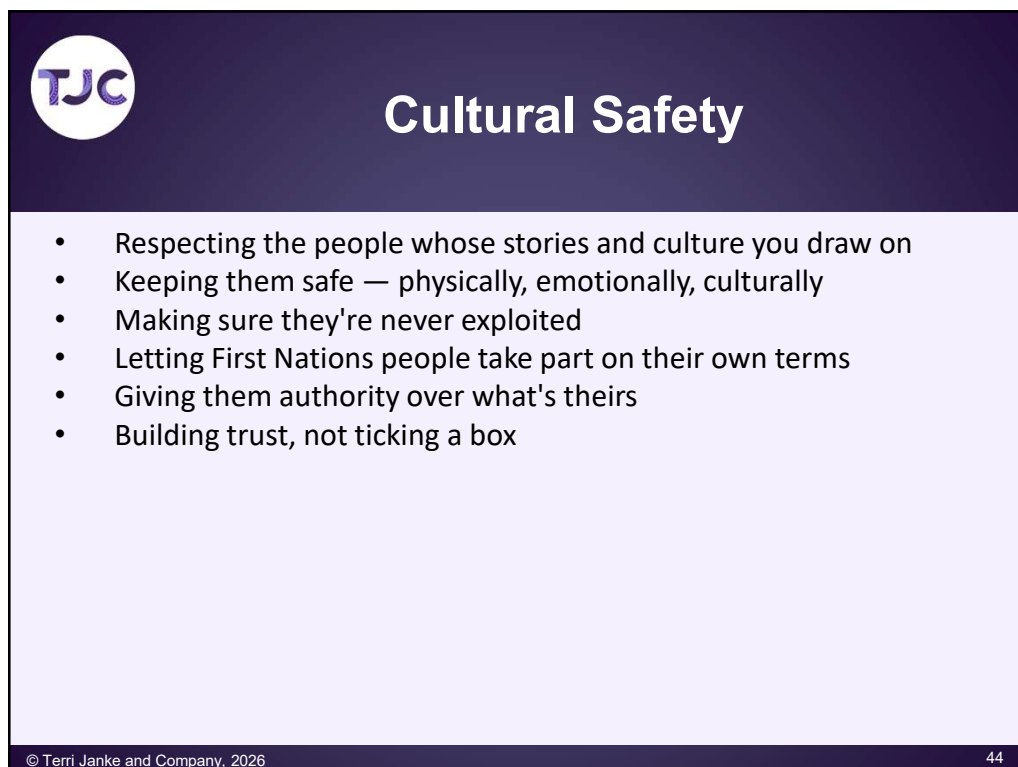
The Guild's vision is to see performance writing and performance writers thrive as a dynamic and integral part of Australian storytelling, shaping, reflecting and enhancing the Australian cultural voice in all its diversity.

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Agenda

- 1 Culture safety
- 2 Indigenous Cultural and Intellectual Property
- 3 True Tracks Principles
- 4 Pathways to cultural safety





Section 2

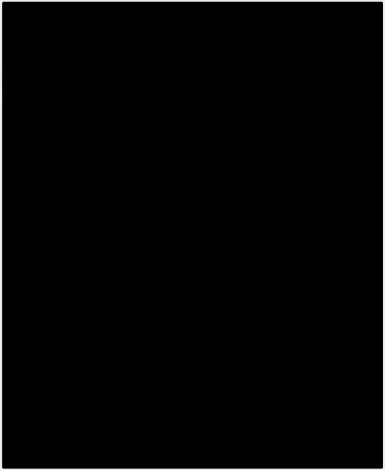
Indigenous Cultural and Intellectual Property (ICIP)

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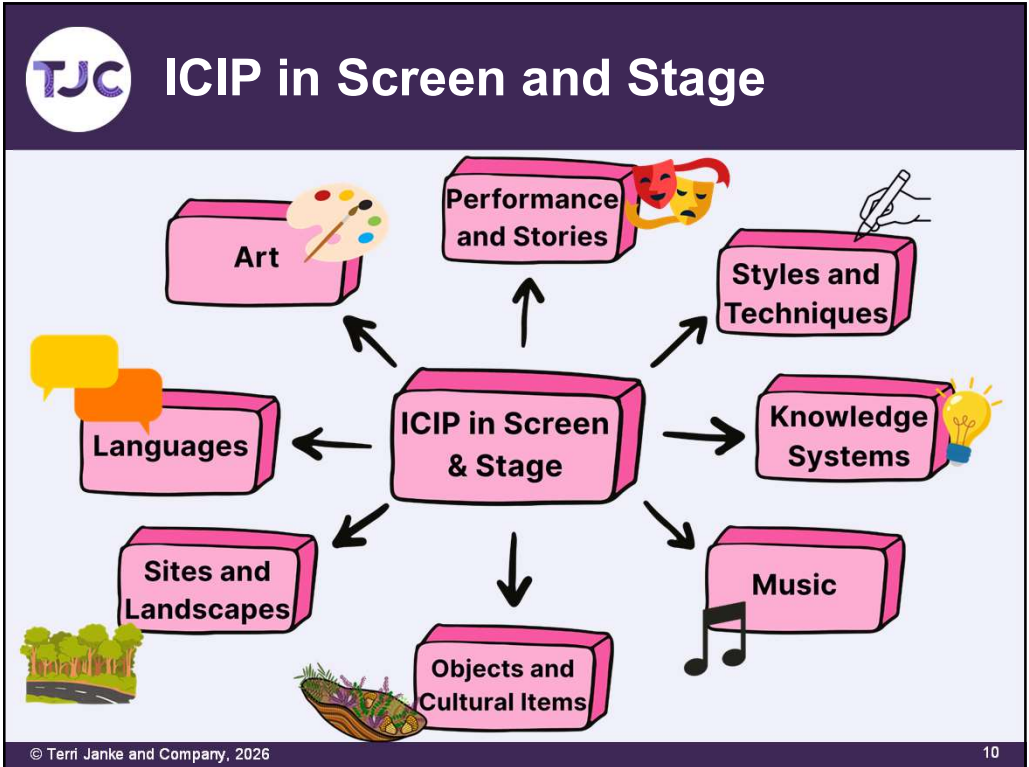
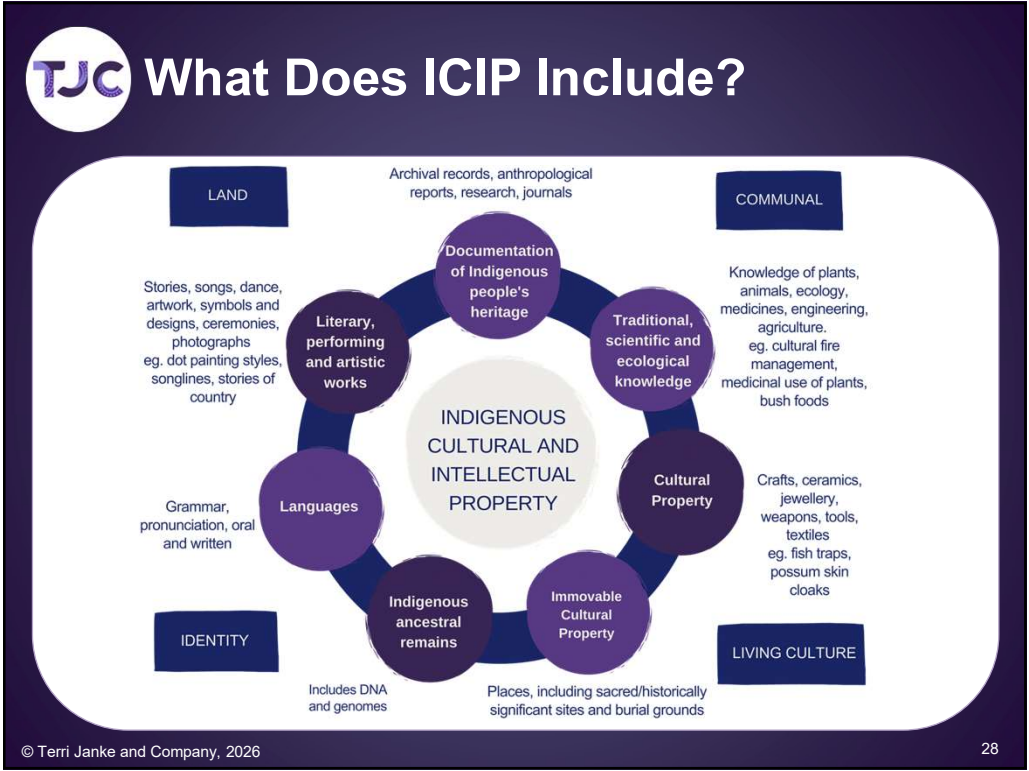
What is ICIP?

INDIGENOUS CULTURAL & INTELLECTUAL PROPERTY

Indigenous Cultural and Intellectual Property (ICIP) rights are Indigenous peoples' rights to their cultural heritage, traditional knowledge and traditional cultural expressions.



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ICIP Rights



For the full list of rights see Our Culture: Our Future Report, pp 47-48

To require free, prior and informed consent

To be recognised as the primary guardians and interpreters

To authorise or refuse use

To benefit commercially from authorised use

To prevent derogatory use

To maintain secrecy

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International Framework

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

UNDRIP (2007)

No specific laws in Australia protecting ICIP

Article 31(1)

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

Community Guide

Designed to assist Aboriginal and Torres Strait Islander peoples familiarise themselves with the Declaration and how the rights can be used in everyday life.

Business Guide

Provides practical guidance for businesses to understand, respect, support the rights of Aboriginal and Torres Strait Islander peoples, and embed those rights into business practices.

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TJC

Free, Prior, and Informed Consent

Free

01

Free from coercion and outside pressure during the decision-making process.

02

Prior

Enough time to consider information and background materials.

Informed

03

Provided all the information, including impacts and risks, opportunities and benefits.

04

Consent

Right to either give, withhold or withdraw consent. Consent can be one stage at a time.

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TJC

Issues with IP for ICIP

Intellectual Property

Material form

Individual

Economic rights. Except moral rights

Assignable rights - can transfer

Limited duration

Indigenous Cultural and Intellectual Property

Oral and performance. Styles or underlying themes.

Communal custodianship

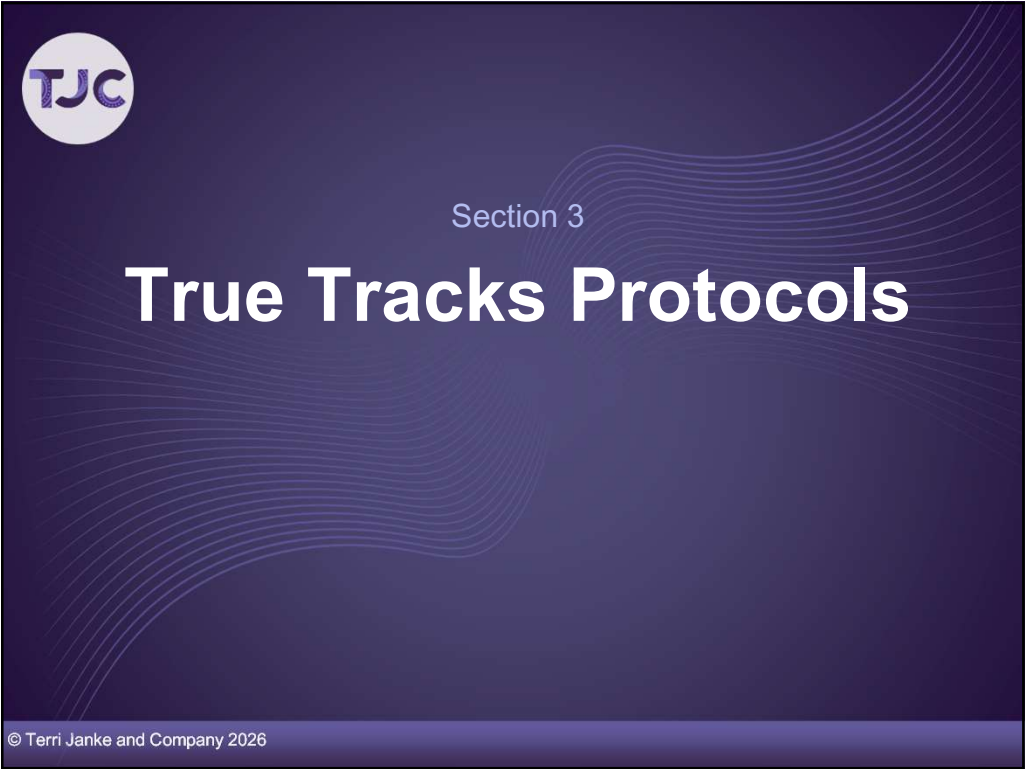
Cultural Rights

Handed down as cultural practice

Rights continue

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Protocols

Protocols are the leading industry practice for respectful engagement with Indigenous peoples, knowledge and culture. They set out expectations, principles and processes for working together. They go **beyond the law** and can be incorporated into contracts to create **legally binding obligations** to comply.

Recognition of Indigenous rights

Respectful partnerships

Decision-making

Co-design processes

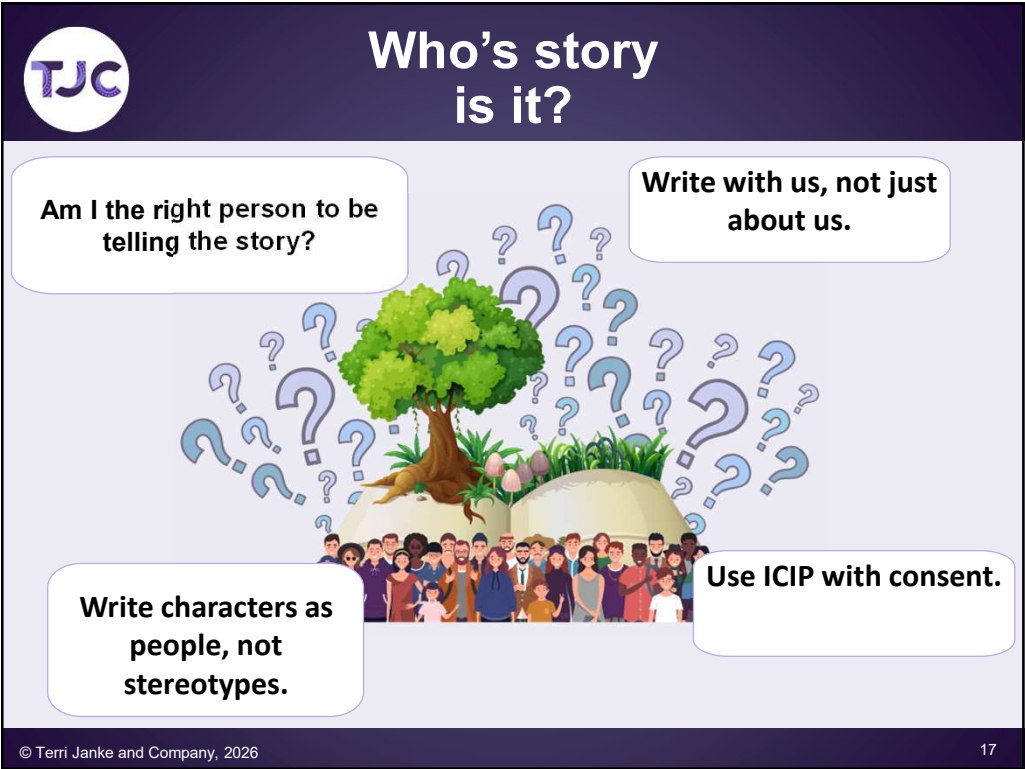
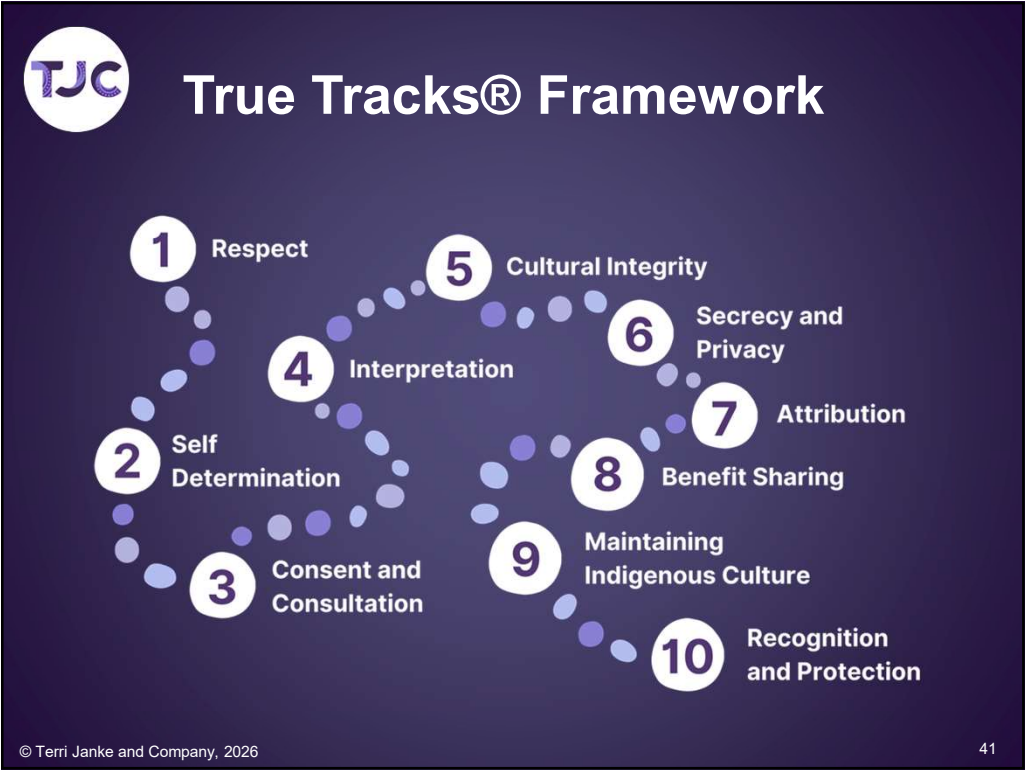
Respecting cultural authority

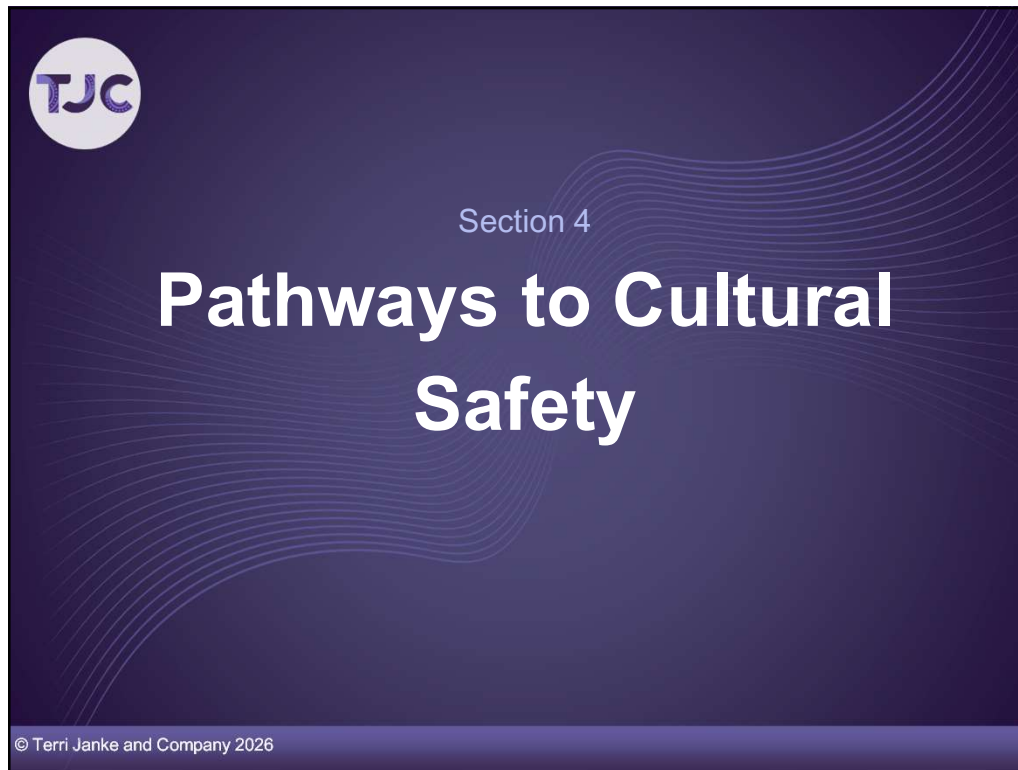
Pathways & Protocols: A filmmaker's guide to working with Indigenous people, culture and concepts
Screen Australia

Protocols for using First Nations cultural and intellectual property in the arts
Creative Australia

Indigenous Cultural Protocols and the Arts: A book of case studies
Terri Janke and Company

The Greater Perspective: Protocol Guidelines for the Production of Film and Television on Aboriginal and Torres Strait Islander Communities
SBS





A presentation slide with a green header and a light blue body. The header contains the TJC logo and the title 'Case Study: Cleverman Series – Consent'. The body contains a list of bullet points about the series. At the bottom left, it says 'Image via: <https://www.rottentomatoes.com/tv/cleverman/s01>' and '© Terri Janke and Company 2026'.

TJC Case Study: Cleverman Series – Consent

- Film and television writer/director and **Kamilaroi man** Ryan Griffen adapted his comic book series and created *Cleverman* 2016, a 2 x six-part sci-fi television series that combines Dreaming stories and sci-fi. Ryan worked with Goalpost Pictures producer Rosemary Blight to produce the series.
- Ryan spent **seven years obtaining permission** to use cultural stories and said that protocols were a way that he could speak to Elders.
- The series boasts an **80 per cent Indigenous cast**, including Hunter Page-Lochard, Rob Collins, Tysan Towney and Deborah Mailman.

Image via: <https://www.rottentomatoes.com/tv/cleverman/s01>

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Pathways to Cultural Safety

Permission – Have the right First Nations people been consulted and given their prior and informed consent for this story or content?

Accuracy – Are cultures, languages, symbols and practices shown correctly and kept distinct from those from other Nations rather than mixed together?

Imagery – Is there anything in the imagery that feels out of place, incorrect or culturally inappropriate?

Attribution – Have the Indigenous people involved been properly attributed? Check correct spelling and use of the Aboriginal names for people and places

Balance – Does the story show strength, everyday life, humour or joy, not only trauma? Does it recognise diverse First Nations stories and lived experience?

Sensitive material – Does the work avoid showing sacred, secret or sensitive cultural material?

AI use – Has AI been used to generate images, voices, language, music or story elements connected to First Nations peoples or culture? If AI has been used, was there clear consent and protection of ICIP?



Resources

Screen Australia, Pathways and Protocols

Creative Australia, Protocols for Writing First Nations Cultural and Intellectual Property in the Arts.

Chapter 7 – How the story got its black voice back: Amplifying Indigenous voices in writing, Terri Janke, *True Tracks*, Newsouth Press.

Aboriginal Studies Press, *Guidelines for the ethical publishing of Aboriginal and Torres Strait Islander authors and research from those communities.*

Thank you

Contact us:
Dr Terri Janke
Terri@terrijanke.com.au

Chloe Hillary
Chloe@terrijanke.com.au



**Terri Janke
and Company**
Lawyers and Consultants



(02) 9693 2577 or
tjc@terrijanke.com.au



Terri Janke and Company



@TerriJanke



Terri Janke



Terri_Janke_and_company