PUBLICATION GUIDELINES

Contents

ABOUT THIS DOCUMENT

These Guidelines apply to any situation in which McArthur River Mine Community Benefits Trust funds are being used to produce a publication. For the purposes of these Guidelines, a publication is taken to include any:

- Anthology or collection of short stories (whether by a single author or multiple authors)
- Autobiography, biography, memoir or personal history
- Book (whether fiction or nonfiction)
- Cookbook or book of recipes
- Dictionary, textbook or other reference book

- Essay or collection of essays (whether by a single author or multiple authors)
- Exhibition catalogue
- Genealogy, oral history or family history
- Community history
- Instructional book
- Manuscripts
- Collection of poems
- Reports

These Guidelines also apply to any other type of literary work for the purposes of copyright deemed by the Trust to fall within the scope of these Guidelines. If your organisation has pre-existing protocols for managing the issues described in this document, you may submit them to the Project Officer for consideration.

ⓘ If you are unsure if a funded project outcome must comply with these Guidelines, please contact the Project Officer.

HOW TO USE THIS DOCUMENT

The McArthur River Mine Community Benefits Trust requires funded parties who are using Trust funds to produce a publication to:

- Have an ISBN for the publication (in all its editions and formats).
- Be aware of any legal deposit requirements that may apply in relation to their publication.
- Consult in good faith with any Indigenous people or communities related to their publication.
- Grant the Trust a copyright licence to use the publication for certain purposes (funded parties grant the Trust a copyright licence when they sign their Funding Agreement).
- Ensure they have cleared any third party content in the publication and can grant the Trust a licence to use that third party content for the same purposes outlined in the copyright licence.

THIS DOCUMENT AT A GLANCE

Information clarifying the Trust's requirements are outlined in the following sections:

> (i) This document includes forms to assist funded parties in gaining the appropriate copyright clearance, including:
>
> - A standard form of copyright clearance for use by the funded party and/or third party copyright holders (Appendix 1 - *Copyright licence for funded projects*)
>
> - A Publication Requirements and Copyright Clearance Checklist for review at the end of the Approved Project (Appendix 2 - *Publication Requirements and Copyright Clearance Checklist*). This may be referenced in the Funding Agreement as a requirement for payment under the Milestone Schedule.
>
> - An excerpt of the Trust's Copyright Register (Appendix 3 - *Copyright Register (excerpt))*. Any third party copyright material should be recorded in this format (.doc or .xlsx). This may be referenced in the Funding Agreement as a requirement for payment under the Milestone Schedule.
>
> If you are unsure if a funded project has achieved the appropriate clearance, feel free to contact the Project Officer.

ISBNs

An International Standard Book Number or ISBN is an identifier for a book title or a unique edition of a title (e.g. audiobook version, ebooks version, etc) from one publisher. ISBNs allows for efficient marketing and cataloguing of books by booksellers, libraries, universities, wholesalers and distributors. Thorpe-Bowker Australia is the official ISBN agency for Australia.

ISBN REQUIREMENT

> (!) Unless otherwise agreed, the McArthur River Mine Community Benefits Trust requires funded parties who are using Trust funds to produce a publication to have ISBNs for that funded project outcome.

ISBN FEES

There is a fee charged by Thorpe-Bowker for ISBNs. Individual ISBNs are $44 per ISBN or can be purchased in bundles of 10 for $88, 100 for $480 or 1,000 for $3,035. Please be aware that an additional fee of $55 applies to new publishers (i.e. if you have not purchased an ISBN before). Funding applicants are encouraged to include the fees associated with securing an ISBN in their budget submitted as part of their grant application.

GETTING AND USING AN ISBN

The following steps are recommended to purchase and assign an ISBN to your publication:

1. **Determine if your funded project output requires an ISBN** – Thorpe-Bowker Identifier Services states that ISBNs are "intended for a monographic publication: text that stands on its own as a product, whether printed, audio or electronic." Generally, a publication that must comply with these Guidelines will require an ISBN.

   > (i) If you are unsure if your funded project output requires an ISBN, please refer to Thorpe-Bowker Identifier Services's eligibility chart or contact the Project Officer.

2. **Determine the editions and formats related to the funded project output** – Because an ISBN is required for each edition and format of your publication you need to determine how many editions or formats the publication will be available in after it is finished. You will need one ISBN per edition or format. If you intend to produce the publication as a paperback book only, you would need one ISBN. If you intend to release a hardcover and a paperback edition you would

need two ISBNs. If you intend to release a hardcover and a paperback as well as an ebook, you would need three ISBNs.

ISBNs can be purchased individually or in bundles of 10, 100 or 1,000. It is your responsibility to ensure you have an ISBN for all editions and formats you have received funding to produce.

(i) If you are unsure what editions or formats relate to your funded project output, please refer to your Funding Agreement or contact the Project Officer.

3. **Getting the ISBNs you need –** Once you know how many ISBNs you need you will need to purchase them. While there are other ISBN resellers in Australia, Thorpe-Bowker Australia is the official ISBN agency for Australia and we recommend that funded parties purchase their ISBN through Thorpe-Bowker Identifier Services. To purchase an ISBN from Thorpe-Bowker you will either need to create an account with Thorpe-Bowker Identifier Services or log into an existing account if you have one.

(i) If you need help creating an account or purchasing ISBNs contact the Project Officer who can help you setup an account and purchase your ISBNs.

4. **Placement of your ISBN in the publication –** Funded parties must follow the 'Location and Display of the ISBN on Publications' information in the current *ISBN Users' Manual* (International edition, Seventh edition). The ISBN Users' Manual requires that the ISBN appear on the item itself, typically:

   - On a copyright page or the bottom of the title page (if there is no copyright page or there is no room on the copyright page)
   - And on the bottom of the outside back cover
   - And on the bottom of a jacket, wrapper or any other protective case (if applicable).

   The ISBNs of different formats can be included if known. See the *ISBN Users' Manual* for how to identify multiple ISBNs.

5. **Add information to the Books *In Print* bibliographic database** – Once your publication is finished but before you distribute it or deposit copies with the National Library of Australia or the Northern Territory Library you need to add information about it to the Bowker Books In Print bibliographic database. Funded parties must follow Thorpe-Bowker Identifier Services's *ISBN Guides: Title Assignment Instructions* when adding information to the Bowker Books In Print bibliographic database.

ISBN FAQs

Q: If I or my organisation already owns ISBNs available can I use one of those?

A: Yes, you can assign a previously purchased ISBN to a funded project output. However, the ISBN allocated must be unique i.e. it has not been assigned to another publication.

Q: Can I use a barcode with my ISBN?

A: You will likely have seen that many publications include a barcode on the back cover that corresponds to the ISBN assigned to that publication. This is common when a publication is available for sale through bookstores. Barcodes can also be purchased with an ISBN. It is only a requirement that funded publications have an ISBN. It is not a requirement that they also have a barcode. However, funded parties can choose to purchase an ISBN with a corresponding barcode if they wish.

MORE INFORMATION ON ISBNs

For more information on ISBNs the following information is recommended:

- Thorpe-Bowker Identity Services website, Thorpe-Bowker Australia
  https://www.myidentifiers.com.au

- *ISBN Users' Manual*, International ISBN Agency
  https://www.isbn-international.org/content/isbn-users-manual

If you have questions or concerns regarding the requirement to have an ISBN for publications produced using Trust funds, please contact the Project Officer.

PUBLICATION DESIGN AND LAYOUT

The Trust aims to give funded parties the flexibility to present their project outcomes however they like. The Trust does not set requirements for the design of your publication but this section provides general information about selected design and layout topics.

STRUCTURE

The Trust does not set requirements for the structure of your publication but does provide the following indicative information for the benefit of funded parties. A simple structure for a publication will likely include covers, front matter and body matter. At a minimum front matter includes:

- **Title page** – A page that includes the publicaiton's title, the subtitle if it has one and the author's name. It may also include the publisher's logo accompanied by the city and/or year of publication. It always falls on a right-hand (verso) page. It does not include a page number. If there is no colophon the back of this page is blank.

- **Colophon** – Often called the copyright page, this is a page that includes information about the publication. It usually falls on a left-hand (recto) page, typically the back of the title page. It does not include a page number.

  The colophon often includes the title, the author, the year it was published and the name and address of the publisher. It also includes a copyright notice. This may include a rights statement as well.

  It may also include the current edition, any previous editions and the years they were published, an ISBN if the publication has one, ISBNs for other editions of formats of the publication if applicable, library catalog information, printing location, details of the typefaces used in the publication, the paper type it is printed on and other parties involved such as the designer, cover artist and printer. Sometimes it spans multiple pages. If the colophon ends on a right-hand page the back of this page should be left blank.

In addition, front matter may also include:

- **Half title** – A page that includes just the title, usually in capital letters. It does not include any subtitle, the author's name, the publisher or a page number. It always falls on a right-hand page. It always falls after the front cover and the front endpaper. It does not include a page number. Usually the back of this page is blank.

- **Table of contents** – A page lists chapters in the publication and the pages they start on. Sometimes it also includes subheadings. It always falls on a right-hand page. Sometimes it spans multiple pages. If the table of contents ends on a right-hand page the back of this page should be left blank. It usually does include a page number.

- **Preface** – A page or set of pages that describe how the idea for the publication was developed. Sometimes it includes acknowledgements rather than them being a separate page. It always falls on a right-hand page. It usually includes page numbers. Usually it spans multiple pages. If the preface ends on a right-hand page the back of this page should be left blank.

- **Dedication** – A page that precedes the body matter which identifies the person or people the author dedicates the publication to. It always falls on a right-hand page. It does not include a page number. Usually the back of this page is blank.

- **Acknowledgments** – A page that precedes the body matter which identifies people who contributed to the publication (other than as an author).

Body matter is the main content of publication.

Some publications may also include end matter, which may include:

- **Afterword** – A page or set of pages similar to a preface but succeeding the body matter. Sometimes it includes acknowledgements rather than them being a separate page. It always falls on a right-hand page. Usually it spans multiple pages. If the afterword ends on a right-hand page the back of this page should be left blank. It usually includes page numbers.

- **Appendix or Addendum** – A page or set of pages providing information supplemental to the body matter. It always falls on a right-hand page. Usually it spans multiple pages. If an appendix or addendum ends on a right-hand page the back of this page should be left blank. It always includes page numbers.

- **Bibliography** – A page or set of pages that lists other works consulted when writing the body matter. It always falls on a right-hand page. Sometimes it spans multiple pages. If the bibliography ends on a right-hand page the back of this page should be left blank. It always includes page numbers.

- **Index** – A page or set of pages that lists terms used in the body matter and the pages they fall on. Typically terms are listed in alphabetical order. It always falls on a right-hand page. Usually it spans multiple pages. If the index ends on a right-hand page the back of this page should be left blank. It always includes page numbers.

- **Glossary** – A page or set of pages that provides definitions for terms used in the body matter. Typically terms are listed in alphabetical order. It always falls on a right-hand page. Usually it

spans multiple pages. If the index ends on a right-hand page the back of this page should be left blank. It always includes page numbers.

PAGE NUMBERING

In books that read from left to right even numbers appear on left-hand (verso) pages and odd numbers appear on right-hand (recto) pages. Typically they appear centered at the bottom of the page.

Your page numbering should not include the front and back covers or the front endpaper and back endpaper (i.e. the inside of your covers). In some cases the title pages and front matter such as the copyright page are not numbered or are numbered in lower-case Roman numerals (e.g. i, ii, iii, iv, v, etc).

MORE INFORMATION ON PUBLICATION DESIGN

For more information on publication design the following information is recommended:

- ▪ 'KPD Build You Book: Paperback interior formatting' (June 24, 2018), Kindle Direct Publish, Amazon.com, Inc
  https://images-na.ssl-images-amazon.com/images/G/01/15/29/95/40/91/96/15299540919613.pdf

If you have questions or concerns regarding the design of your publication, please contact the Project Officer.

LEGAL DEPOSIT

The *Copyright Act 1968* (Cth) requires that Australian publications be deposited with the National Library of Australia in order to ensure a comprehensive collection of published material relating to Australia and its people is preserved for the community and future generations. Legal deposit is generally required for physical publications (even where there is also a digital edition or format of the publication), but is only required for publications only available digitally if the National Library requests a copy is deposited. Legal deposit applies to any Australian person, group or organisation that makes publications available to the public for sale or for free.

Similarly, the *Publications (Legal Deposit) Act 2004* (NT) requires deposit of publications and recordings produced in the Northern Territory with the Northern Territory Library. Materials that are culturally sensitive are exempt from deposit. Depositing of culturally sensitive materials is discretionary.

LEGAL DEPOSIT REQUIREMENT

> (!) Unless otherwise agreed, the McArthur River Mine Community Benefits Trust requires funded parties who are using Trust funds to produce a publication to deposit a copy of that publication with the National Library of Australia and the Northern Territory Library.

LEGAL DEPOSIT FEES

There is no fee charged by the National Library of Australia or the Northern Territory Library for depositing publications. However, please be aware that if you are depositing a publication in a physical format you are required to deposit the material at your expense i.e. pay for the cost to post the physical publication to the National Library of Australia and the Northern Territory Library. Funding applicants are encouraged to include the fees associated with depositing publications with the National Library of Australia and the Northern Territory Library in their budget submitted as part of their grant application.

DEPOSITING A PUBLICATION

The steps to deposit a copy of your publication will depend whether your publication is available only physically, only digitally or in both.

Where a publication is only available physically

The following steps are recommended to deposit a physical copy of your publication:

1. **Determine if legal deposit of your funded project output is required** – Generally, a publication that must comply with these Guidelines will need to be deposited with the National Library of Australia and the Northern Territory Library.

   (i) If you are unsure if your funded project output must be deposited with the National Library of Australia, please refer to the National Library's 'Do I need to deposit?' flowchart on the <u>'What do I need to deposit?' webpage</u> and the current <u>*Deposit of electronic publications with the National Library of Australia: Guide to requirements for publishers*</u> (June 2016) or contact the Project Officer.

2. **Deposit within one month of publishing** – You must deliver a physical copy to the Library within one month of publication. The physical copy must be received by the National Library within a month so allow transit time. Publications must be deposited with the Northern Territory Library within two months of publication.

3. **Posting a physical copy** – If you intend to deposit a physical copy of the publication with the National Library of Australia and the Northern Territory Library you must post one copy to each library once your publication is finished. Physical copies should be posted to:

Legal Deposit Unit	Legal Deposit
National Library of Australia	Northern Territory Library
Canberra ACT 2600	PO Box 42
	Darwin NT 0801

Where a publication is only available electronically

The following steps are recommended to deposit a digital copy of your publication if you have been requested to do so by the National Library of Australia:

1. **Have you received a request from the National Library for a digital copy?** – Generally, an electronic publication will not need to be deposited with the National Library of Australia unless you receive a request from the National Library. If you have not received a request you do not need to deposit a digital copy of your publication.

2. **Deposit within one month of the request** – If you have received a request you must upload a digital copy of your publication on the National edeposit (NED) website within one month of the date you received the request.

3. **Preparing your digital file for deposit with NED** – The national, state and territory libraries together developed the NED website for capturing and preserving the digital documentary history of Australia for the future by allowing publishers to deposit electronic material online. NED only accepts EPUB (.epub), MOBI (.mobi) and PDF (.pdf) formats. EPUB is the preferred format.

    Files must be under 500MB in size. You need to ensure you have the publication in one of those three formats and it is under the maximum file size.

    Files must not include digital rights management (DRM) such as a technological protection measure (TPM) to limit access to the publication file. You may need to request a DRM-free file from your designer or publishing platform.

4. **Uploading publication files to NED** – Some deposits to NED can be made without creating an account on the website. This includes what is called monographs, which includes books, reports and publications. From the homepage click the 'Make an edeposit' button and select 'Monograph'. Select either 'Book/books in series' or 'Monograph (other): standalone report, policy paper etc' depending on the nature of your publication.

    You can also add a cover image if you like. This is not compulsory. If you do want to add a cover image you will need to have an image of the cover in a JPEG (.jpg or .jpeg) or TIFF (.tif or .tiff) format. Once your files are uploaded click the 'Next: ePublication details' button.

5. **Providing information about your publication** – You will be required to provide information about the publication including its title, year of publication, ISBN if your publication has one and other details. You will also need to provide details of all the people or organisations who own copyright or other IP rights in any part of the publication. Other than your copyright as the author, this could also include third party material such as photographs included in your publication that were not taken by you but you had permission to include. Once you have added the relevant details click the 'Next: Access conditions' button.

6. **Setting access conditions on your publication** – You must also specify the level of public access you wish to grant for the publication. A number of options are provided which relate to whether it is viewable online, whether it is downloadable, whether you want to limit viewing and downloading for a period of time, whether you want it only viewable onsite at all the national

and state libraries or just at the National Library of Australia and the state or territory library in the state it was published in.

7. **Setting reuse conditions on your publication** – If you wish, you can also make your publication available under the terms of a Creative Commons (CC) licence. These licences allow you to grant a public permission to reuse your publication on specified terms. If you do wish to release your publication under a CC licence select 'Yes' when prompted, then select your preferred licence type. Once you have identified your licensing choice click the 'Next: Publisher details' button.

8. **Providing information about the publisher** – You will also be required to provide information about the publisher of your publication including the name of the publisher and the type of entity it is (e.g. person, company, organisation, etc). You will also need to provide some contact details of the person making the deposit which will most likely be you. Once you have added the relevant details click the 'Next: Review and submit' button.

9. **Review and submit your publication** – You will have an opportunity to review your deposit and correct any mistakes. Once you are ready to submit your deposit indicate you give permission to the NED member libraries to use and manage your deposited content by checking the check box and then click the 'Submit your edeposit' button.

It is worth noting that you can also set up an account on NED if you wish. You will be asked if you wish to set one up in step 8, or alternatively you can create one from the homepage by clicking on the 'Create an account' button. You may want to create an account if you are likely to need to make another edeposit in the future.

Where a publication is available physically and electronically

The National Library requests that in situations where a publication is published both online and offline that the physical publication be deposited, unless you have received a request from the National Library for a digital copy.

In some situations the National Library may accept an electronic copy where the publication is also available physically. If you would prefer to deposit an online copy, please contact the National Library's Legal Deposit team.

The Northern Territory Library preferences digital versions of publications where available. Where a publication was published both online and offline, the Northern Territory Library only collects physical copies for significant monographs. For guidance contact the Northern Territory Library's Legal Deposit team.

LEGAL DEPOSIT FAQs

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Q: Can I deposit an online publication if I have not received a request from the National Library to deposit it?

A: Yes. The National Library requests that publishers of online publications who are interested in depositing an online publication and have not been requested to do so please <u>contact the National Library's Legal Deposit team</u>.

Q: If my funded project output did not need an ISBN do I still need to deposit a copy with the National Library of Australia and the Northern Territory Library?

A: Yes, while a publication does not need to have an ISBN to be deposited in compliance with mandatory deposit requirements, funded parties are reminded that the McArthur River Mine Community Benefits Trust requires funded parties who are using Trust funds to produce a publication to have an ISBN for the publication.

Q: What if my funded project output is a new edition of an already published publication?

A: If a subsequent edition, part, issue, volume or number of a publication is published it must be separately deposited with the National Library within one month of the publication of the new edition.

Q: If my funded project output was or will be published in multiple formats or editions do I have to deposit a copy of each?

A: What should be deposited will depend on the extent to which the different editions or formats are similar or different to each other:

Where the different editions or formats are substantively the same?

A: No, if the publication is published in different editions or formats and each format is substantively the same e.g. an ebook that is identical to the printed book except in a digital file format you are only required to deposit the publication in one format.

Where an edition or format includes additional material?

A: No, if the publication is published in different editions or formats that are substantively different e.g. where an edition or format includes additional material the more complete version (i.e. the version with additional material) should be deposited.

Where the different editions or formats contain different content?

A: Yes, if the publication is published in different editions or formats that contain different content in each edition or format, both versions should be deposited.

(i) If you are unsure what editions or formats relate to your funded project output should be deposited, please contact the Project Officer who can help you contact the National Library of Australia Legal Deposit team who will determine the preferred format to be deposited.

MORE INFORMATION ON LEGAL DEPOSIT

(i) For more information on legal deposit the following information is recommended:

- 'What is legal deposit?', National Library of Australia
  https://www.nla.gov.au/legal-deposit/what-is-legal-deposit

- 'What do I need to deposit?', National Library of Australia
  https://www.nla.gov.au/legal-deposit/how-to-deposit

- 'Legal deposit', Library & Archives NT
  https://ntl.nt.gov.au/legal-deposit

- 'Legal deposit in Australia', National and State Libraries Australia
  https://www.nsla.org.au/legal-deposit-australasia

- *Deposit of electronic publications with the National Library of Australia: Guide to requirements for publishers*, June 2016, National Library of Australia
  https://www.nla.gov.au/sites/default/files/deposit-of-electronic-publications.pdf

- 'Using NED', National and State Libraries Australia
  https://ned.gov.au/resources/using-ned.html

If you have questions or concerns regarding the requirement to deposit copies of publications produced using Trust funds with the National Library of Australia and the Northern Territory Library, please contact the Project Officer.

INDIGENOUS CULTURAL PROTOCOLS

Recognition of and respect for Indigenous communities and their Indigenous Cultural and Intellectual Property (ICIP) – the rights of Indigenous people to own and control their cultural heritage – is important to the Trust. The Trust expects all funded parties and their project to engage in culturally appropriate working practices. The Trust strongly encourage respect for:

- The cultures of Indigenous Australians.

- Indigenous people and Indigenous communities, evidenced through respectful interactions with them.

- Indigenous ownership and control of Indigenous heritage.

- The value of the cultures of Indigenous Australians and their difference from other cultures.

When a funded party intends to use or reproduce any traditional cultural expression within a publication that has received funds from the Trust, the funded party must consider Indigenous cultural protocols. They outline appropriate ways of using Indigenous cultural material and interacting with Indigenous people and Indigenous communities. They encourage ethical conduct and promote interaction based on good faith and mutual respect.

As a starting point, the Trust recognises the guidance provided in the Australia Council for the Arts' *Protocols for producing Indigenous Australian writing (second edition)*. In addition the Trust recognises the diversity and complexity of the many different Indigenous cultures in Australia, and that different communities have different ways of dealing with issues and cultural material. Funded parties should comply with a community or group's protocols. This should be achieved through speaking to people in authority and/or engaging an Indigenous cultural consultant with relevant knowledge and experience.

INDIGENOUS CULTURAL PROTOCOLS REQUIREMENT

> (!) Unless otherwise agreed, the McArthur River Mine Community Benefits Trust requires funded parties who are using Trust funds to produce a publication to gain consent from any traditional owners or other relevant Indigenous people/groups related to material included in the publication that draws from existing cultural information.
>
> In Borroloola and the Gulf Region, the traditional owners are represented by the Gudanji, Garrwa, Yanyuwa and Marra language groups. Senior Elders of these groups can be contacted through the Mawurli and Wirriwangkuma Aboriginal Corporation (MAWA). Contact details are below;
>
> **Mawurli and Wirriwangkuma Aboriginal Corporation (MAWA)**
>
> PO Box 433, Borroloola NT 0854
>
> M: 0456 600 566
>
> E: coordinator@mawagroup.com.au

ABOUT INDIGENOUS CULTURAL AND INTELLECTUAL PROPERTY

It is the Trust's policy to exhibit 'best practice' in all matters relating to ICIP, and the Trust expects this to be followed in all publications it supports. The following guidelines have been provided to assist funded parties to recognise and strive for 'best practice' standards in their work

Dr Terry Janke of Terry Janke and Company, writing in _Our Culture: Our Future_, provided a definition of ICIP based on the findings of a consultation process which the Trust endorses:

> _"Indigenous Cultural and Intellectual Property Rights" refers to Indigenous Australians rights to their heritage. Such rights are also known as "Indigenous Heritage Rights"._
>
> _Heritage consists of the intangible and tangible aspects of the whole body of cultural practices, resources and knowledge systems that have been developed, nurtured and refined (and continue to be developed, nurtured and refined) by Indigenous people and passed on by Indigenous people as part of expressing their cultural identity, including:_
>
> - _Literary, performing and artistic works (including music, dance, song, ceremonies, symbols and designs, narratives and poetry)_
>
> - _Languages_
>
> - _Scientific, agricultural, technical and ecological knowledge (including cultigens, medicines and sustainable use of flora and fauna)_
>
> - _Spiritual knowledge_
>
> - _All items of moveable cultural property, including burial artefacts_
>
> - _Indigenous ancestral remains_
>
> - _Indigenous human genetic material (including DNA and tissues.)_
>
> - _Cultural environment resources (including minerals and species)_
>
> - _Immovable cultural property (including Indigenous sites of significance, sacred sites and burials)_
>
> - _Documentation of Indigenous people's heritage in all forms of media (including scientific, ethnographic research reports, papers and books, films, sound recordings.)_
>
> _The heritage of an Indigenous people is a living one and includes items which may be created in the future based on that heritage._

Any definition of Indigenous Cultural and Intellectual Property should be flexible to reflect the notions of the particular Indigenous group and the fact that this may differ from group to group and may change over time."

AUSTRALIA COUNCIL FOR THE ARTS'S PRINCIPLES FOR RESPECTING INDIGENOUS HERITAGE

Australia Council for the Arts' *Protocols for producing Indigenous Australian writing (second edition)* provides nine principles as a framework for respecting Indigenous heritage:

1. Respect

2. Indigenous control

3. Communication, consultation and consent

4. Interpretation, integrity and authenticity

5. Secrecy and confidentiality

6. Attribution and copyright

7. Proper returns and royalties

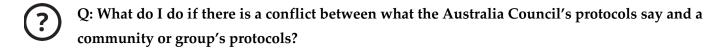8. Continuing cultures

9. Recognition and protection.

COMPLYING WITH INDIGENOUS CULTURAL PROTOCOLS

The following steps are strongly encouraged when complying with Indigenous Cultural Protocols:

1. **Indigenous control and ownership** – Indigenous people have the right to self-determination in their cultural affairs and the expression of their cultural material. Funded parties should seek ways to respect self-determination in their projects. This may include involving Indigenous people in all aspects of the project, engaging Indigenous writers to participate and/or establishing a co-ownership of copyright or a share of royalties with a representative community organisation.

2. **Communicate about the project** – You should consult directly with people in authority about the project, providing them with clear communication about the intentions of the project, what the outcomes of the project are intended to be, who will be involved with the project, and any other information relevant. Keep people in authority informed of the project's progress.

3. **Get genuine consent** – You must gain the consent of people in authority for any use of ICIP in your project.

4. **Publishing stories and ideas** – If your publication will include any Indigenous traditional story you must consult with the traditional custodians of the stories prior to publication, especially if the traditional story is being published for the first time.

5. **Confirm the integrity and authenticity of stories and ideas** – You should consult directly with people in authority about how ICIP is presented, including the medium used and the perspective given. Particular care should be taken to understand and comply with any restrictions on ICIP (e.g. material that is secret or sacred).

6. **Representing Indigenous cultures** – If your publication will include any representation of Indigenous cultures you must consult with relevant groups about preferred language and terms and avoid inappropriate or outdated terms and perspectives.

7. **Acknowledge country in the publication** – You should acknowledge the Indigenous custodians of country related to the publication in the acknowledgments in your publication. You should seek advice from the Indigenous community in the preferred manner of acknowledgment, and the relevant groups to be acknowledged. It is also important to attribute the cultural source of a story.

8. **Acknowledging contributors** – You should attribute contributors for their role in the development of your publication.

9. **Acknowledge country when launching the publication** – If you intend to have a launch event for the publication you should acknowledge the Indigenous custodians of country at the site of the event. If your event is of state or national significance you should consider inviting a representative of the traditional owners (Indigenous custodian or representative of the traditional landowner group) to attend and give a 'welcome to country'. You should seek advice from the Indigenous community on the preferred manner of acknowledgment, and the relevant groups to be acknowledged.

10. **Ongoing consultation** – You should have a plan for how you will continue consultation with relevant people and groups during the project and after it. In particular, if you intend to make uses of the publication or any other aspect of the project at a later date in a way that was not envisaged during the project you should engage in further consultation before taking these actions.

INDIGENOUS CULTURAL PROTOCOLS FAQs

Q: What do I do if there is a conflict between what the Australia Council's protocols say and a community or group's protocols?

A: Funded parties should always strive to comply with any request made of them or requirement placed upon them by a community or group's protocols. Where a request or requirement is in conflict with the Australia Council for the Arts' *Protocols for producing Indigenous Australian writing (second edition)* the funded party should comply with the community or group's protocols.

MORE INFORMATION ON INDIGENOUS CULTURAL PROTOCOLS

For more information on Indigenous cultural protocols the following information is recommended:

- *Protocols for producing Indigenous Australian writing*, Australia Council for the Arts https://www.australiacouncil.gov.au/workspace/uploads/files/writing-protocols-for-indigeno-5b4bfc67dd037.pdf

- *Our Culture: Our Future*, Terri Janke https://www.terrijanke.com.au/our-culture-our-future

- *Indigenous Cultural Protocols and the Arts*, Terri Janke and Company
  https://www.terrijanke.com.au/indigenous-cultural-protocols-and-arts

If you have questions or concerns regarding the requirement to follow Indigenous cultural protocols please contact the Project Officer.

COPYRIGHT LICENSING

The McArthur River Mine Community Benefits Trust respects copyright and the creativity and hard work of the creators we work with. We also encourage widespread awareness and use of the outputs we fund. To balance these interests we have designed a nonexclusive licensing arrangement that limits the impact on the rights of the copyright owners while allowing us to disseminate funded outputs to the community, such as by making digital copies available on the Trust website. While the Trust's intention is to increase distribution of the outcomes of funded projects, its aim in doing so is to encourage the use of these publications by the community, interested parties and academics.

To support this the Trust requires certain permissions from funded parties and any third party who owns material included in a publication, as outlined in this section.

In addition, the Trust also requires funded parties indemnify the Trust with respect to potential copyright claims made by third parties.

COPYRIGHT LICENSING REQUIREMENT

> (!) The McArthur River Mine Community Benefits Trust requires funded parties who are using Trust funds to produce a publication as a funded project outcome to consent to a granting the Trust a licence to reuse their content in that funded project outcome (as outlined in the Funding Agreement).

> (!) In addition, the McArthur River Mine Community Benefits Trust requires funded parties to ensure that any copyright owner of third party content included in a funded project outcome grants the Trust a licence to reuse their content in that funded project outcome (see below).

ABOUT COPYRIGHT

Copyright grants creators rights to control how others use their creations. It is an area of law outlined in the _Copyright Act 1968_. Copyright protects creative works like books, films, music and art. Broadly, copyright protects:

- ▪ 'Works', including literary, dramatic, musical and artistic works.

- 'Subject matter other than works', which includes films, sound recordings, broadcasts and published editions of works.

Further, each type of work and subject matter other than works encompasses a range of other content types:

- Literary works include fictional texts such as novels and novellas, as well as nonfiction texts such as textbooks, technical manuals and instructional manuals. They also include articles published in newspapers, magazines, periodicals and journals, anthologies, compilations, collections of written works, essays, dissertations and theses, poetry, verse and song lyrics and screenplays. They can also include letters, emails, memos, notes, SMS text messages, text published on websites (including blog posts, Facebook status updates, tweets on Twitter, etc) and flyers, brochures, pamphlets, catalogues and other advertising material. It can also include computer programs (i.e. computer code).

- Dramatic works include dance, choreography and movement, including choreographic notation, stage plays, puppetry, pantomimes, mime and other theatrical performances and scenarios or scripts for a film.

- Musical works encompass the non-literary aspects of the song such as sound, melody, harmony and rhythm. They may include musical scores for performance by bands, orchestras, ensembles and other musical acts, songs, jingles, ditties, lullabies and hymns and instrumental music.

- Artistic works include paintings, sculpture and drawings, such as illustration, static image cartoons, caricatures, sketches and doodles. They also include photographs, engravings, diagrams, maps, charts or plans and buildings and models of buildings. Artistic works can also include fonts.

- Sound recordings may include recordings of music and songs, recordings of a live performances, recordings of lectures, seminars, workshops and other presentations as well as interviews, conversations and oral histories, podcasts and audio on websites and soundscapes and field recordings

- Films include feature films, documentaries, television programs, animation, short films, video clips, mobile phone footage, video and moving image advertising including promotional trailers, vodcasts and video on websites such as web series and YouTube videos.

- Broadcasts include television and radio broadcasts that are broadcast by bodies licensed under the *Broadcast Services Act 1992*.

- Published editions of works means the typographical arrangement that makes up the look, layout, formatting and design of a published version of a work. A published edition can be of a literary, dramatic, musical and artistic work, or two or more literary, dramatic, musical or

artistic works. This includes elements such as typefaces, placement, etc. A published edition is protected under copyright separate to any underlying works or subject-matter other than works they include.

Copyright protection in Australia is free and automatic. Material is protected when an expression is committed to a material form, such as when a story is written down or when something is drawn on paper.

Owners of literary, dramatic and musical works have the right to reproduce their work, publish it, communicate it online, adapt it and perform it in public. Owners of artistic works have the right to reproduce, publish and communicate. The owners of sound recordings and films can make a copy of the recording or film, play the recording or film in public and communicate the recording or film online.

Copyright in works generally lasts for 70 years from the end of the calendar year in which the creator died (often called the 'life plus 70' rule). Copyright duration for other subject-matter depends on the type of material. Sound recordings and cinematographic films enjoy copyright protection for 70 years after the end of the calendar year in which they were created. For television and sound broadcasts the duration is 50 years from the end of the calendar year in which it was broadcast. Published editions of works attract the shortest duration: the end of the calendar year in which the edition was published plus 25 years.

LICENSING ARRANGEMENT

This section provides details of the licence and an explanation of the licence and why it is needed.

THE LICENCE

Licence

Under Part 3 of the Funding Agrement You (the Licensor) grant McArthur River Mine Community Benefits Trust (the Trust) (the Licensee) perpetual, irrevocable, royalty-free, licence fee-free, world-wide, non-exclusive licence (including a right of sub-licence) to use, copy, modify, reproduce, adapt, publish, perform, broadcast, communicate and distribute any Intellectual Property in, or forming part of, the Material. This includes any literary, dramatic, musical or artistic works or any sound recordings, cinematographic films, broadcasts or publish editions encompassed in the project. The scope of this licence includes the right to:

- Reproduce and/or copy the content

- Publish the content

- Communicate the content to the public e.g. making the content available online

- Make derivatives or adaptations of the content.

Limitations on the licence

The Trust may only use the rights granted by you in this licence for the following limited purposes:

- Use of your content will only be for purposes that align with the Trust's principle purpose as set out in its trust deed that may vary from time to time. This may include, but is not limited to:

    - providing copies to schools in the Northern Territory and preserving copies of your content as part of any funding outcomes in an archive of historical significance maintained by the Trust.

    - hosting a digital copy of the publication available to the public on a website operated by, or on behalf of, the Trust.

    - promoting the funding outcome as a whole, any part or parts of the publication and/or the activities of the Trust

- To clarify, the Trust will only make derivative works or adaptations necessary for the purposes stated. The Trust will not make any substantive changes to the content or layout of your content without prior written permission from the relevant party/parties.

ABOUT THE LICENCE

The McArthur River Mine Community Benefits Trust is a not-for-profit organisation that commits $1.25 million a year to projects that support culture and art, enterprise and job creation, social and community development, education, health and the environment in Borroloola and surrounding area. The Trust wants to share the outcomes of its funding programs with more people, including with the National Library of Australia and the Northern Territory Library, school and community libraries around the Territory and the general public on the internet.

To do this the Trust may want to print more copies of the book and to put a digital copy of the book on the internet. Before we can do this however, we need permission from copyright owners related to funding outcomes. In particular, the Trust needs permission to:

- Copy or reproduce all copyright protected material included in a funding outcome

- Publish that material

- Communicate it online

- Make changes to it so it can do things such as change the file format if needed.

Additionally, the Trust needs to be able to copy and distribute the book worldwide because a digital copy of the book will be online and websites can be viewed by anyone, anywhere in the world. This is why a worldwide permission is included in the licence grant. Royalty-free and licence fee-free is requested so the Trust is not required to pay any additional amounts to funded parties or third parties.

GRANTING A COPYRIGHT LICENCE TO YOUR CONTENT

The following steps are recommended to grant the Trust a copyright licence to your content:

1. **Read the licence** – As part of the Funding Agreement you will issued a licence to the Trust in Part 4. These Guidelines provided explanatory information about the licence. Please read the licence and the explanatory information carefully.

2. **Ensure you understand the licence** – The Trust wants to be sure that parties granting licences fully understand the nature and scope of the licence they are granting to the Trust, such as

ensuring you understand what content the licence relates to. If, after reading the licence and the explanatory information carefully, you have questions or concerns about the arrangement we strongly encourage you to contact your Project Officer.

3. **Sign the Funding Agreement** – Once you are sure that you understand the licence, indicate that you consent to the licence by signing and dating your Funding Agreement in the presence of a witness and return an original or digital copy of the signed licence to the Project Officer.

ENSURING THRD PARTIES HAVE GRANTED A COPYRIGHT LICENCE

The Trust also requires you to ensure any and all contributors to a funded project outcome grant the Trust a licence to reuse their content. The following steps are recommended to grant the Trust a copyright licence to your content:

1. **List copyright material in the publication** – Review the 'About copyright' information above and make a list of all the copyright material included in your publication. This could be photographs, illustrations, maps, diagrams, people's oral histories and even the font.

2. **Identify the owners of that material** – For all the copyright material list the person or organisation that is the copyright owner of it.

3. **Provide third parties with a copy of the licence** – When accepting third party contributions to your funded project, you should provide each third party with a copy of the licence and the explanatory information about the licence and encourage them to read the licence and the explanatory information carefully.

4. **Ensure they understand the licence** – If, after reading the licence and the explanatory information carefully, a third party has questions or concerns about the arrangement please pass those questions on to the Project Officer.

5. **Ensure they have signed the licence** – Ensure each third party indicates their consent to the licence by signing and dating a copy of the licence in the presence of a witness. Return an original or digital copy of each signed licence to the Project Officer.

6. **Complete the Funded projects copyright checklist** – The checklist will help you ensure that you have completed all the tasks required of you in relation to copyright in funded projects.

In some situations the Trust may accept alternative licences where the licencing arrangement in place covers the uses outlined in The licence above.

COPYRIGHT FAQs

(?) **Q: What kinds of things are protected by copyright?**

A: Lots of content is copyright protected, including novels, nonfiction texts, newspaper articles, magazine articles, essays, poetry, letters, emails, SMS text messages, text on websites (including blog posts, Facebook status updates, tweets on Twitter, etc), dance, stage plays, music, paintings, sculpture, drawings, diagrams, maps, charts, sound recordings, films and broadcasts.

Q: What kinds of things could be the copyright of third parties?

A: Anything listed in the copyright content above, including novels, nonfiction texts, newspaper articles, magazine articles, essays, poetry, letters, emails, SMS text messages, text on websites (including blog posts, Facebook status updates, tweets on Twitter, etc), dance, stage plays, music, paintings, sculpture, drawings, diagrams, maps, charts, sound recordings, films and broadcasts.

Q: Does this mean I can't reuse any of my content in the funded project output?

A: No. The Trust intentionally takes a nonexclusive licence to your content so that you aren't limited from reusing your material in other ways.

MORE INFORMATION ON COPYRIGHT

(i) For more information on legal deposit the following information is recommended:

- ▪ 'Short Guide to Copyright', The Department of Infrastructure, Transport, Regional Development and Communications https://www.communications.gov.au/documents/short-guide-copyright

- ▪ 'For copyright owners', The Department of Infrastructure, Transport, Regional Development and Communications https://www.communications.gov.au/what-we-do/copyright/copyright-owners

- ▪ 'An Introduction to Copyright in Australia', Australian Copyright Council https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/An_Introduction_to_Copyright_in_Australia.aspx

- ▪ 'Assigning and Licensing Rights', Australian Copyright Council https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Assigning__Licensing_rights.aspx

- ▪ 'Writers & Copyright', Australian Copyright Council https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Writers__Copyright.aspx

- ▪ 'Photographers & Copyright', Australian Copyright Council https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Photographers__Copyright.aspx

- ▪ 'Artists & Copyright', Australian Copyright Council https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Artists__Copyright.aspx

- ▪ 'Copyright' information sheet, Arts Law Centre of Australia https://www.artslaw.com.au/information-sheet/copyright/

- ▪ 'What is copyright?' information sheet, Arts Law Centre of Australia https://www.artslaw.com.au/legal/raw-law/what-is-copyright/

If you have questions or concerns regarding the requirement to licence your content in publications funded by the Trust, please contact the Project Officer.

CONTACTING THE MRM CBT

If you have questions or concerns related to any part of these Publication and Copyright Funding Guidelines, funded parties or potential funding applicants can contact the McArthur River Mine Community Benefits Trust through the Project Officers:

Jim Gleeson, Plan C
Ph: 0422 794 072
cbt@planc.com.au

158 Hardgrave Road
West End, Qld 4101

mrmcommunitytrust.com
planc.com.au

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APPENDICIES

Appendix 1 - Copyright licence for funded projects

Appendix 2 - Publication Requirements and Copyright Clearance Checklist

Appendix 3 - Copyright Register (excerpt)

Copyright licence for funded projects

Licence

You [the Licensor] grant McArthur River Mine Community Benefits Trust (the Trust) (the Licensee) a worldwide, nonexclusive, royalty-free licence to use your content (text, artwork, videos, photographs, interview responses, oral histories, etc) included in the [NAME OF PROJECT] for the duration of copyright protection in your content. This includes any literary, dramatic, musical or artistic works or any sound recordings, cinematographic films, broadcasts or publish editions encompassed in the Project. The scope of this licence includes the right to:

- Reproduce and/or copy the content

- Publish the content

- Communicate the content to the public e.g. making the content available online

- Make derivatives or adaptations of the content.

Limitations on the licence

The Trust may only use the rights granted by you in this licence for the following limited purposes:

- Use of your material will only be for not-for-profit or charitable purposes i.e. the use of your content shall be strictly non-commercial, and no profits will be made off your work.

- Use of your content will only be for purposes that align with the Trust's objectives. This includes, but is not limited to, providing copies to the National Library of Australia, the Northern Territory Library and schools in the Northern Territory.

- To preserve copies of your content as part of any funding outcomes in an archive of historical significance maintained by the Trust.

- To host a digital copy of the publication available to the public on a website operated by, or on behalf of, the Trust.

- To clarify, the Trust will only make derivative works or adaptations necessary for the purposes stated. The Trust will not make any substantive changes to the content or layout of your content without prior written permission from the relevant party/parties.

- To promote the funding outcome as a whole, any part or parts of the publication and/or the activities of the Trust.

Sign:

Date: /   /20

McArthur River Mine Community Benefits Trust publication requirements and copyright clearance checklist

As part of the McArthur River Mine Community Benefits Trust Publication and Copyright Funding Guidelines all funded parties are required to complete and return a copy of this checklist to the Project Officer at project end.

- ☐ I have made a list of all material included in the publication.

- ☐ I have identified the copyright owner of all material included in the publication.

- ☐ I have provided the list of all materials and their respective copyright owners to my grants project officer.

- ☐ I have provided all copyright owners with a copy of the McArthur River Mine Community Benefits Trust copyright licence for funded projects.

- ☐ I have provided all copyright owners with a copy of the Explanation of the McArthur River Mine Community Benefits Trust copyright licence for funded projects.

- ☐ I have encouraged each copyright owner to read the licence and the explanatory information carefully.

- ☐ If a copyright owner has questions or concerns about the licence I have passed them on to the Project Officer.

- ☐ I have received a copy of the licence back from each copyright owner.

- ☐ I have checked that the copies of the licence I have received have been signed and dated by each copyright owner.

- ☐ I have returned the originals or a digital copy of each signed and dated licence to the Project Officer.

When completed, please duplicate this checklist and send the copy in digital or hardcopy format with the originals or digital copies of each licence to Plan C: cbt@planc.com.au or 158 Hardgrave Road, West End, Qld 4101. Please contact the Project Officer if you have any questions or concerns.

Copyright Register (excerpt)

An Excel (.xslx) version of this register can be provided by the Project Officer on request.

COPYRIGHT MATERIAL	COPYRIGHT MATERIAL DESCRIPTION	YEAR	THUMBNAIL	COPYRIGHT OWNER/S	CLEARANCE STATUS AND DATE	CLEARANCE LOCATION	PAGE NO.	ASSIGNED GRANTS PROJECT OFFICER	PROJECT CONTACT	PROJECT CONTACT EMAIL	PROJECT CONTACT PHONE	NOTES
Photograph	Horseback riders drive cattle. Rocky outcrops in background.	Unknown; likely 1970s		Jane Doe	Cleared 12/08	http://example.com/file.pdf	8	Project Officer	Author	author@organisation.com.au	0400000001	Last contacted 30/07/2020. COVID-19 is slowing down getting clearances.