Good evaluation practice in Aboriginal and Torres Strait Islander settings:

Code of Conduct for the BetterEvaluation team
Purpose of the Code of Conduct
To enable high standards of practice by the BetterEvaluation team when engaging with Aboriginal and Torres Strait Islander communities about sharing examples of evaluation practice.

Content of the Code of Conduct
This document provides a brief overview of BetterEvaluation and its ongoing project on ‘Evaluation practice in Aboriginal and Torres Strait Islander setting’.
It lays out ten principles and associated protocols for the BetterEvaluation team to ensure that community members understand what the project is about, what it means to share examples from their community on the BetterEvaluation website and how they can retain control over what is shared, now and in the future.

Intended users of the Code of Conduct
The BetterEvaluation team consisting of the BetterEvaluation core team and the members of the project working group (current and future) to champion standards of good practice.
Any government agency, non-governmental or other type of organisation which commits to principles-based work and wants to put this into practice. They can learn from this particular example and adapt it to their specific type of work and context.

How to use the Code of Conduct
The BetterEvaluation team will adhere to the protocols set out in this document, and thereby, self-regulate its practice when engaging with Aboriginal and Torres Strait Islander communities about sharing examples of evaluation practice and when disseminating these examples on the BetterEvaluation website.
Others can use it as an example of how to put principles into practice.
Acknowledgements

The Code of Conduct was written in 2019 by a collaborative Working Group including: Belinda Gibb & Sharon Babyack (Indigenous Community Volunteers), Donna Stephens (Menzies School of Health Research), Kate Kelleher (Kate Kelleher Consulting), Carol Vale & Debbie Hoger (Murawin Consulting), and Greet Peersman (BetterEvaluation).

We acknowledge the input and review provided by Elizabeth Mason, Solicitor at Terri Janke and Company and thank the members of the Advisory Group and the Steering Committee for their feedback and guidance.

We would like to acknowledge and thank Maria Stephens, an Arrabi/Binning woman who speaks the Iwaidja language. She generously provided her artwork for this project.

Next steps

This version of the Code of Conduct will be reviewed and updated as needed, based on any issues arising from its use in practice.

Contact: info@betterevaluation.org

Suggested citation:

Introduction

Key points:
This document sets out the Code of Conduct for the BetterEvaluation core team as part of the BetterEvaluation project on *Good evaluation practice in Aboriginal and Torres Strait Islander settings*.

You can view the outputs of and learn more about this project online at: [www.betterevaluation.org/indigenous_evaluation](http://www.betterevaluation.org/indigenous_evaluation)

This version of the Code of Conduct will be reviewed and updated as needed, based on any issues arising from its use in practice.

What is BetterEvaluation?
BetterEvaluation is an international collaboration to improve the practice and theory of evaluation by creating and curating information on choosing and using evaluation methods and processes.

BetterEvaluation uses its website www.betterevaluation.org as the primary platform for this work.

BetterEvaluation shares existing resources that are freely available and develops new material. Technical experts, practitioners and users from around the world contribute to and use the resources shared on the website.

How does BetterEvaluation work with Aboriginal and Torres Strait Islander people?
A new BetterEvaluation project is underway. The aim of the project is to make the BetterEvaluation website more useful for those conducting or managing evaluations involving Aboriginal and Torres Strait Islander people.

As part of this project, we are working with Aboriginal and Torres Strait Islander people to share and promote their evaluation methods and processes.

We are also working with Aboriginal and Torres Strait Islander people to facilitate their feedback and reviews on evaluations that have been conducted in their communities or regions.

BetterEvaluation wishes to share Aboriginal and Torres Strait Islander material that has been shared informally or is in the public domain but is not very visible. These works will be made available to the public at [www.betterevaluation.org](http://www.betterevaluation.org) and through hard copy or other formats of the materials.

BetterEvaluation is committed to respecting the rights of Aboriginal and Torres Strait Islander people to protect, maintain, control and benefit from their stories about sites or country, cultural, ceremonial, ecological or botanical knowledge, or language (in line with Article 31 of the UN Declaration on the Rights of Indigenous People). This includes literary, artistic and performance works; languages; scientific, agricultural, technical and ecological knowledge; spiritual knowledge; all items of moveable cultural property (including burial artefacts); object and ancestral remains; human genetic material (including
DNA and tissues); cultural environment resources; immovable cultural property; and documentation of Indigenous peoples' heritage.

When working with Aboriginal and Torres Strait Islander contributors within this project, BetterEvaluation will:

- inform contributors upfront about the nature and implications of sharing material on the website, which is shared under a Creative Commons License. This includes explaining the risks and benefits of sharing material on the website.
- allow a reasonable amount of time for the contributor to make a decision about whether to share the material. Consent must be free, informed and given prior to creating new materials or sharing existing materials.
- use the BetterEvaluation contributor agreement.
- discuss details of benefit sharing upfront. We acknowledge and respect the need for fair and equitable sharing of benefits arising from the sharing of Aboriginal and Torres Strait Islander material.
- ensure that material receives adequate acknowledgement and recognition, including recognition of the traditional owners/custodians. The contributor will be acknowledged in accordance with their wishes.

**Creative Commons license**

All contributors to the BetterEvaluation website share their material under a Creative Commons license. This means that the copyright and intellectual property rights of contributors will be protected, and attribution of authors will be maintained.

Under a Creative Commons license, contributors are giving permission for their material to be shared, copied and redistributed in any format. Contributors also give permission for their material to be adapted by remixing, transforming, and building upon it.

It is a condition of the Creative Commons license that users must give appropriate credit to the author and indicate if changes were made to the original material. Contributors understand that it is not feasible for BetterEvaluation to enforce this requirement – the material will be used by third parties beyond BetterEvaluation's knowledge or control. However, BetterEvaluation informs its users that attribution of the author is a term of the license and is best practice. It will ensure all material hosted on its website gives the author appropriate credit.

Sharing work under a Creative Commons license does not involve forfeiting copyright, it simply allows certain use to be made of copyright material.
Principles and protocols of the BetterEvaluation team

Ten foundational principles and protocols will guide BetterEvaluation core team and members of the project working team (present and future) in their engagement with Aboriginal and Torres Strait Islander peoples. The team will adhere to:

**Principle 1 — Respect**

We recognise and respect the custodianship of Aboriginal and Torres Strait Islander people over their land and water and the right to protect, maintain, control and benefit from their Aboriginal and Torres Strait Islander Cultural Intellectual Property (ICIP).

ICIP examples include stories about sites or country, cultural, ceremonial, ecological or botanical knowledge, or language.

**Protocol:**

- BetterEvaluation acknowledges that all rights relating to any ICIP incorporated in material or otherwise held on the website remain with the Traditional Owners or custodians of that ICIP.
- BetterEvaluation will ensure the respectful treatment of ICIP at all times in accordance with the reasonable instructions of the Indigenous peoples involved.

**Principle 2 — Aboriginal and Torres Strait Islander control**

We recognise and respect the right of Aboriginal and Torres Strait Islander people to self-determination and to be encouraged and empowered in decision-making processes.

**Protocol:**

- BetterEvaluation has a Steering Committee that includes Aboriginal and Torres Strait Islander people and/or organisations and that makes strategic decisions in relation to the materials shared by BetterEvaluation, ICIP material, and engagement with Aboriginal and Torres Strait Islander people.
- BetterEvaluation relies on this Steering Committee as the appropriate authority body representing the interests of Aboriginal and Torres Strait Islander evaluators and contributors.
Principle 3 — Communication, consultation and consent

We are committed to obtaining the voluntary prior informed consent for the use of Aboriginal and Torres Strait Islander people’s ICIP in our resources. This involves time, ongoing negotiation, consultation and informing custodians about the implications of giving consent.

Protocol:

- BetterEvaluation will seek permission of relevant Aboriginal and Torres Strait Islander stakeholders for the use of resources that contain ICIP.
- BetterEvaluation will provide information in an easy to understand format to give Aboriginal and Torres Strait Islander contributors a full understanding of all the benefits and risks of sharing resources on the BetterEvaluation website.
- BetterEvaluation will allow sufficient time for Aboriginal and Torres Strait Islander stakeholders to make a decision about the use of resources and/or ICIP.

Principle 4 — Interpretation

We support the right of Aboriginal and Torres Strait Islander people to be involved in the interpretation of their culture as the primary guardians and interpreters of their cultural heritage.

Protocol:

- BetterEvaluation will ensure the Aboriginal and Torres Strait Islander providers of ICIP can access, control and manage their ICIP to ensure currency, correct terminology and that the resource does not affect the culture of an Aboriginal and Torres Strait Islander group or expose confidential, personal or sensitive material.
**Principle 5 — Integrity and authenticity**

We recognise that Aboriginal and Torres Strait Islander people have the right to maintain the integrity of their ICIP.

**Protocol:**
- BetterEvaluation will give Aboriginal and Torres Strait Islander contributors the opportunity to identify whether any ICIP in existing materials supplied by them is not suitable for sharing on the BetterEvaluation website.
- BetterEvaluation will place ICIP notices on the website to inform users of the rights of Traditional Owners and custodians, when accessing material through the BetterEvaluation website.
- The BetterEvaluation Steering Committee for this project will provide regular and ongoing guidance in the governance of ICIP on the website.

**Principle 6 — Secrecy and confidentiality**

We acknowledge that Aboriginal and Torres Strait Islander people have the right to keep secret their sacred and ritual knowledge in accordance with their customary laws. Privacy and confidentiality concerning aspects of Aboriginal and Torres Strait Islander people's personal and cultural affairs should be respected.

**Protocol:**
- BetterEvaluation will consult with Aboriginal and Torres Strait Islander stakeholders to ensure existing resources do not contain secret, confidential or sensitive material.
- BetterEvaluation will give the privacy of Aboriginal and Torres Strait Islander people high importance at all times.
Principle 7 — Attribution

We recognise that Aboriginal and Torres Strait Islander peoples and communities have the right to be acknowledged and attributed for their contributions of ICIP material and other intellectual creations to BetterEvaluation, where relevant.

Protocol:

- BetterEvaluation will acknowledge Aboriginal and Torres Strait Islander individuals, communities and organisations for their participation and assistance in relation to BetterEvaluation, where relevant.
- The BetterEvaluation Contributor Agreement gives contributors the opportunity to provide details of traditional owners or custodians of ICIP incorporated into existing resources.

Principle 8 — Benefit sharing

We recognise that Aboriginal and Torres Strait Islander peoples and communities have the right to an equitable share of the benefits derived from or based upon use of their ICIP and their contributions to BetterEvaluation.

Protocol:

- BetterEvaluation aims to ensure benefits that come as a result of Aboriginal and Torres Strait Islander peoples sharing their ICIP will flow back to the community.
- BetterEvaluation will consider how it can share benefits with Aboriginal and Torres Strait Islander contributors and discuss details of benefit sharing upfront.
Principle 9 — Maintaining Aboriginal and Torres Strait Islander cultures

We acknowledge that Aboriginal and Torres Strait Islander cultures are not static, and that measures need to be taken so that Aboriginal and Torres Strait Islander people can protect, maintain, and revitalise and strengthen their cultures.

Protocol:

- Aboriginal and Torres Strait Islander contributors will control and manage the curation, access and use of ICIP held on the BetterEvaluation website, in accordance with the laws, customs and protocols of their members.

- The BetterEvaluation Steering Committee for this project and Aboriginal and Torres Strait Islander stakeholders will allow current and future generations to advise on ICIP held by BetterEvaluation.

Principle 10 — Recognition of ongoing rights

Australian policy and law should be used to recognise and protect ICIP on the BetterEvaluation website, including through the use of contracts, protocols, and policies for better recognition.

Protocol:

- BetterEvaluation will ensure that it complies with the cultural protocols of the Aboriginal and Torres Strait Islander contributors and this Policy in relation to the curation, access, and use of ICIP held by BetterEvaluation.

- BetterEvaluation will incorporate cultural notices identifying limitations on use of ICIP on the BetterEvaluation website, in accordance with the conditions identified by Aboriginal and Torres Strait Islander contributors and stakeholders.