

VCE Visual Communication Design Units 1 & 2

Chapter 8 — Cultural ownership and design

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Chapter 8 Cultural ownership and design — 8A Ownership, IP & the designer's responsibilities

Theory

Almost nothing a designer works with is made entirely from nothing. A solution is assembled from drawings, photographs, typefaces, patterns, symbols, code and ideas, and each of those arrives with an **owner** attached to it. This chapter asks how a designer works honestly and lawfully when the material they want to use belongs to somebody else — and before that question can be answered for cultural knowledge (8B) or for your own personal iconography (8C), you need a clear account of **ownership** itself: what can be owned, who owns it, how it moves, and where the ownership system stops.

Ownership is a bundle of rights, not an object you can hold. When we say a designer “owns” a logo, we do not mean they are holding the file. We mean they hold the exclusive rights to reproduce it, publish it, adapt it and license it to others. The file and the rights are separate things, and they can end up in different hands: a client can be sent every layered file in the project and still own none of the rights in them.

Intellectual property (IP) is the general term for property generated through intellectual or creative activity. For every element that goes into a design solution, ask three questions in order:

1. **What is being owned?** — which form of IP, if any, attaches to this element.
2. **Who owns it?** — the creator, an employer, a client, several people jointly, or a community.
3. **What are we permitted to do with it?** — the exact use that has been paid for, licensed, consented to or agreed.

The running example. Throughout this subtopic we follow one project. The **Barrawang Shire** has engaged **PROSTANTHERA Studio** to design the identity, trailhead panel and wayfinding markers for **EREMOPHILA Ridge**, a 2.4 km interpretive walk through arid-zone bushland. The shire also intends to release a small trail app later in the year.



Six elements went into the work, and every one of them has a different owner:

1. the **trail mark and wordmark**, drawn in the studio by a designer the studio **employs**;
2. the **botanical drawings** on the panel, by a **freelance illustrator** engaged for a fixed fee, with nothing put in writing;
3. the **ridge photographs**, supplied from the **shire's own archive** and taken years earlier by a council employee;
4. the **display typeface**, bought from a type foundry under a **desktop licence**;

5. the **border pattern**, adapted by the studio from an **1897 lithographic botanical plate** downloaded from a state library’s digital collection;
6. a **dot-style motif** the shire’s tourism officer has asked for, “something like the local Aboriginal art, to give it a sense of place”.

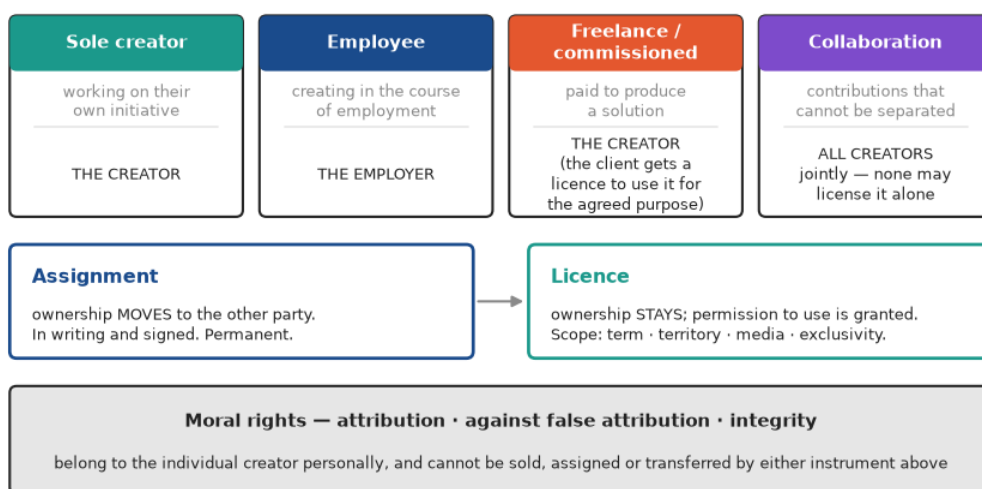
1. What is being owned. Three forms of IP matter most in this study, and each confers a different kind of ownership:

- **Copyright** arises **automatically** the moment an original work is recorded in material form — a pencil sketch, a saved file, a photograph. There is no register, no application and no fee. It gives the owner the exclusive right to reproduce and publish the **expression**, not the idea, and it generally lasts for the creator’s life plus 70 years. Governing law: the **Copyright Act 1968 (Cth)**.
- A **trade mark** is a **sign used in trade** to distinguish one trader’s goods or services from another’s. Exclusive rights come only from **registration** with IP Australia, and only within the **classes of goods and services** applied for. Registration runs for **ten years** and may be **renewed indefinitely**, so unlike copyright it need never expire. Governing law: the **Trade Marks Act 1995 (Cth)**.
- A **registered design** protects the **visual appearance** of a manufactured product — its shape, configuration, pattern or ornamentation. It must be new and distinctive, and it too must be **registered** — for **five years**, renewable once to a maximum of ten. Governing law: the **Designs Act 2003 (Cth)**.

The three can sit on top of one another. The EREMOPHILA mark is a copyright work the instant it is drawn; if the shire uses it as the sign it trades the walk under, it may also register it as a trade mark; and if the wayfinding marker is manufactured with a distinctive moulded profile, that appearance could be a registered design.

2. Who owns it. Copyright has a default owner, and the default changes with the working relationship rather than with who paid.

Who is the first owner of the copyright?



Who made it

A designer working on their own initiative

An **employee**, creating in the course of their employment

A **freelance or commissioned** designer, paid to produce a solution

Two or more people whose contributions cannot be separated

A **volunteer**, a student, or a member of a community group

First owner of copyright

the **designer**

the **employer**, unless the employment agreement says otherwise

the **designer**, unless a written agreement transfers it (narrow statutory exceptions apply, such as certain commissioned portrait photographs taken for private purposes)

the creators **jointly** — none of them may license or assign the work alone

the **individual who made it** — being unpaid is not the same as being employed

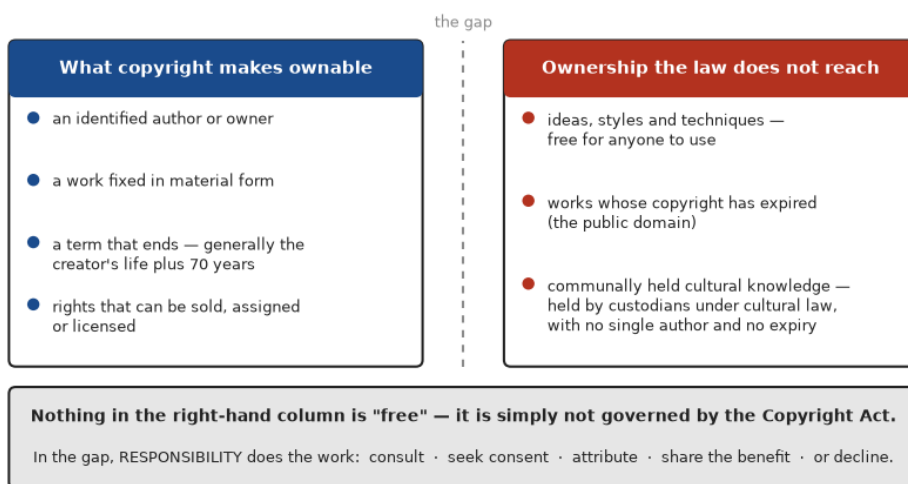
So in EREMOPHILA: the studio owns the mark (its designer is an employee); the illustrator owns the botanical drawings; the shire owns the archive photographs; and nobody owns the 1897 plate, because its copyright expired long ago.

Two consequences catch designers out. First, **paying an invoice does not transfer copyright**. What the fee buys is the deliverable files and an **implied licence** — permission to use the work for the purpose for which it was commissioned, and no further. The shire may print the illustrator's drawings on the trail panels, because that is what they were commissioned for; putting them on a tea towel in the visitor centre shop is a new use requiring a new agreement. Second, **joint ownership is not convenient**. Where a mark is genuinely worked up by two designers together, either one acting alone cannot grant a client the licence it needs.

3. What may be done with it. Only two instruments move or lend the rights, and one set of rights never moves at all:

- an **assignment** transfers **ownership**. It must be **in writing and signed**, and it is permanent — afterwards the original creator needs permission to reuse their own work;
- a **licence** leaves ownership where it is and grants **permission to use**, defined by its **scope**: how long (term), where (territory), on what (media and applications) and whether anyone else may use it too (exclusivity);
- **moral rights** belong to the individual creator personally and **cannot be sold, assigned or transferred**. They are the right of **attribution**, the right **against false attribution**, and the right of **integrity** (not to have the work treated in a way derogatory to the creator's honour or reputation). A creator can *consent* to specified acts, but cannot hand the rights over.

Where the ownership system stops. Australian **copyright** is built to do one particular job: to identify an author, fix their work in material form, grant them transferable rights, and end those rights after a set term. Anything that does not fit that shape falls outside it — and the two registered rights do not catch what copyright misses, because a trade mark protects only a sign a registered owner uses in trade, and a registered design only the appearance of a manufactured product.



Three kinds of material sit in that gap:

- **Ideas, styles and techniques.** Copyright protects the expression, never the idea. The concept of a shrub silhouette on a trail marker is free to anyone; the studio's particular drawing of it is not.
- **Expired copyright — the public domain.** The 1897 plate is genuinely free of copyright. Note two traps. The library's *digital copy* may still be supplied under **access terms** you agreed to when you downloaded it, and terms of access are a contract, quite separate from copyright. And being free of copyright does not make the source invisible: presenting a Victorian botanical illustration as your own original concept is dishonest even though it is lawful.

- **Communally held cultural knowledge.** Designs, symbols, stories, songs and patterns belonging to Aboriginal and Torres Strait Islander peoples — and to cultural groups anywhere — are held **collectively**, passed between generations, and governed by cultural law and protocol that decide who may use them, when and for what. This body of material is often described as **Indigenous Cultural and Intellectual Property (ICIP)**.

The mismatch between ICIP and the Copyright Act is exact and worth stating precisely. Copyright wants an **identified individual author**; communally held knowledge has custodians rather than an author. Copyright wants a work **fixed in material form**; knowledge carried in ceremony, song or speech is not. Copyright **expires**; cultural obligations do not. Copyright rights are **transferable by one person's signature**; cultural permission is given by the right people, according to protocol, and cannot be bought from an individual.

Watch-out — “no copyright” does not mean “no owner”. The single most damaging error in this chapter is reasoning that because the Copyright Act does not protect communally held knowledge, it is free to use. The absence of a **legal** right is not the absence of an owner. Where the law stops, the designer's **responsibility** begins.

Two clarifications keep this accurate. Copyright **does** protect the individual artwork of an Aboriginal or Torres Strait Islander artist — that artist owns their painting exactly as any other creator owns theirs, and copying it is infringement. What copyright does not reach is the shared knowledge that stands behind the work. And the correct response to the gap is not paralysis: it is **protocol** — consultation, informed consent, attribution and a fair share of the benefit, set out in published guidance such as the Design Institute of Australia's *Australian Indigenous Design Charter*. Those protocols are the subject of **8B**.

Legal responsibilities and ethical responsibilities. The study design asks for both, and telling them apart is where most marks are won or lost on this topic.

	Legal responsibility	Ethical responsibility
Where it comes from	legislation — the Copyright, Trade Marks and Designs Acts, privacy law	professional codes of practice, cultural protocol, and what clients, audiences and communities are entitled to expect
Who enforces it	the courts — take-down demands, injunctions, damages, refusal of an application	reputation, client relationships, professional bodies, communities, peer critique
What failure costs	money, destroyed print runs, a lost registration	trust, referrals, standing, and real harm to the people whose material was used
An EREMOPHILA example	the trail app cannot embed the typeface under a desktop-only licence	the 1897 plate is out of copyright, but the studio should still tell the shire where the pattern came from

The law is a floor, not a ceiling. An action can be entirely lawful and still fall well short of what the profession expects, and the reverse is also true — a designer with the best intentions who reproduces an unlicensed photograph has still infringed, because infringement does not require an intention to copy. It helps to think of four relationships that responsibilities run in:

- **to the client** — honesty about what is original, what is licensed and what is generated, so the client is not sold a risk it cannot see;
- **to other creators** — permission before use, attribution by name, no free riding on another designer's labour;
- **to the community and audience** — consent, accuracy and respect where cultural material, personal images or personal information are involved;
- **to yourself** — protecting your own IP, keeping records, and being able to prove the work is yours.

How ownership changes the way you actually work. This is the part the study design cares about most: not the rules in the abstract, but their **impact on design practice**. Ownership pushes back at every stage of the VCD design process.

- **Discover.** What you may *collect* is broader than what you may *use*. Research and mood-board gathering is where sources are recorded — website title, exact URL and retrieval date, or the creator’s name — because a source that is not recorded at the moment it is found usually cannot be identified later.
- **Define.** Ownership belongs in the brief. Who will own the finished identity, what the client needs to be able to do with it, and which applications are in scope, all change the price, the paperwork and the design itself.
- **Develop.** Every element must be *clearable*. A concept that depends on material you cannot license is not a concept, it is a liability — and the cheapest moment to discover that is at ideation, not after signage is manufactured.
- **Deliver.** You can only hand over the rights you actually hold. Delivery means the right files, the right assignment or licence in writing, the licences for third-party elements listed, and attribution agreed.

Before any element enters a solution, four questions settle it:

1. **Did I make this myself?** If yes, it is yours (unless you are an employee).
2. **If not, who owns it — and does that owner even sit inside the IP system?**
3. **Does what I hold permit *this* use** — this medium, this territory, this term, this scale?
4. **Even if it is permitted, is it appropriate** — would the owner, the community and the client recognise this use as fair if they saw it?

When an element cannot be cleared there are exactly four honest moves: **replace** it with your own work, **license** it properly, **commission** the right person to make it, or **decline** that direction and propose another. “Use it and hope” is not on the list.

The rights and provenance record. The practical instrument for all of this is a running record kept beside the work, not a list assembled at the end.

EREMOPHILA Ridge — rights and provenance record

Element	Where it came from	Who owns it	What permits our use	Status
Trail mark and wordmark	drawn in-studio by an employed designer	PROSTANTHERA Studio (the employer)	the studio's own work; assignable to the shire	● cleared
Botanical drawings	freelance illustrator, fixed fee, no written agreement	the illustrator	an implied licence — trail panels only	● check
Ridge photographs	shire archive, taken by a council employee	the shire (employer)	the client's own material	● cleared
Display typeface	foundry, desktop licence purchased	the foundry	signage yes; the trail app needs an app licence	● check
Border pattern	1897 botanical plate, library scan	no one — copyright has expired	public domain; the library's access terms still apply	● cleared
Requested dot motif	client asked for something “like the local Aboriginal art”	the community — not the studio's to give	no consent; no protocol followed	● stop

Every row is entered at the point of use, as the element enters the project — never reconstructed at delivery.

Read the EREMOPHILA record and notice what it does. It tells the studio which elements are safe, it tells the shire exactly what it is buying, and it makes the two problem rows visible while they are still cheap to fix — the illustrator’s drawings, which are licensed for panels but not merchandise, and the typeface, which is licensed for desktop output but not for embedding in an app. The last row is the one that cannot be fixed with money: a dot-style motif referencing local Aboriginal art is not the shire’s to request and not the studio’s to supply.

Your own ownership. Everything above also runs in your favour. Your ideation sketches, your folio, your photographs and the **personal iconography** you develop in 8C are yours from the moment you make them, and your moral rights in them cannot be signed away. Two current pressures are worth naming. Design competitions and speculative briefs sometimes claim ownership of every entry in their terms — read them. And material produced with

generative AI tools raises ownership questions that are still being worked out: Australian copyright protects works made by **human** authors, so there is real doubt whether an output generated without meaningful human authorship attracts copyright at all, which means neither you nor your client may be able to own it or stop a competitor copying it. What is *not* in doubt is your responsibility: read the tool’s terms, check that the output does not reproduce a recognisable part of someone else’s work, and tell the client plainly what was generated rather than drawn.

Watch-out — ownership is not possession. Being handed the files, or having paid for them, is not owning the copyright. Say who owns the *rights*, then say what document would move them.

Watch-out — “public” is not “public domain”. Anything visible online is *public*. The **public domain** means copyright has **expired or been waived**. A photograph on a public social account is as protected as one in a gallery.

Watch-out — asking somebody is not consent. Permission has to come from the **right people**, in the form the protocol requires, for the **specific use** proposed. A community member admiring your concept is not consent, and consent for one use does not extend to the next.

Watch-out — separate “lawful” from “appropriate”. *Legal* responsibilities come from legislation and are enforced by courts; *ethical* responsibilities come from professional practice, cultural protocol and expectation. Name which one you are discussing, then name the other.

Watch-out — answer the command term. *Identify* or *state* an owner = one answer, and only the first is marked. *Describe* a responsibility = what it requires, in practice. *Explain* = a cause-and-effect chain — the responsibility, what breaching it does, and to whom. *Discuss* = identify **and** apply it to the evidence in front of you. *Evaluate* = strengths **and** breaches **and** an overall judgement.

Units 3 & 4 preview — beyond the Units 1&2 study design. Three extensions complete the professional picture and belong to Units 3 & 4, not here. First, two further rights: **patents** (Patents Act 1990 (Cth)) protect how an invention *works* and must be applied for and granted, while even an **unregistered** mark can attract protection through **passing off** and the misleading-or-deceptive-conduct provisions of the Australian Consumer Law. Second, a **method** — drafting the ownership terms themselves, so that a brief carries a rights schedule and the Deliver stage hands over signed assignment or licence clauses drawn to a defined term, territory, media and exclusivity, with specialist legal advice commissioned where the value warrants it. Third, an **analytical task**: Units 3 & 4 require you to analyse how a named **contemporary designer** working in a chosen field of design practice documents and meets these obligations. None of this is assessed in the Units 1&2 questions, tests or examinations in this series — what you are accountable for here is ownership, the three forms of IP named in the study design, the gap the system leaves, and the legal and ethical responsibilities that fill it.

Worked examples

Example 1 — scaffolded

The Barrawang Shire says that because it has paid PROSTANTHERA Studio’s invoice in full, it owns everything on the EREMOPHILA trailhead panel. Explain who owns the trail mark, the botanical drawings and the ridge photographs, and state what the shire must obtain to own the identity. (5 marks)

Working	Comment
The trail mark and wordmark were drawn by a designer the studio employs , in the course of that employment, so the first owner of copyright is PROSTANTHERA Studio , not the individual designer and not the shire.	Start with the working relationship — that, not the payment, decides first ownership. Name the owner precisely.
The botanical drawings were made by a freelance illustrator on a fixed fee with nothing in writing, so the illustrator remains the owner. The fee buys the drawings for the purpose they were commissioned for — an implied licence for the trail panels — and no more.	The commissioned-work rule plus the implied licence. Stating the limit of the licence is what earns the second mark.
The ridge photographs were taken by a council	One element the client genuinely does own — a

Working	Comment
employee in the course of their employment, so the shire already owns them.	complete answer sorts the elements rather than treating them as one.
Paying the invoice therefore transfers no copyright at all. It buys the deliverable files and permission to use them for the agreed purpose.	Name the misconception directly, then correct it.
To own the identity the shire must obtain a written assignment , signed by the studio and identifying the works covered; the illustrator would have to sign a separate assignment or grant a wider licence for their drawings. $\therefore$ ownership must be documented element by element, not assumed from the invoice.	Name the instrument AND its formal requirements, and note that it must be obtained from each owner. Close with a $\therefore$ conclusion.

Example 2 — scaffolded

The shire’s tourism officer asks the studio to add “some dot-style linework in the background, like the local Aboriginal art, to give the panel a sense of place”. Describe the ownership issue this raises and explain the studio’s responsibilities. (4 marks)

Working	Comment
The imagery requested is not unowned. Designs, symbols and patterns of Aboriginal and Torres Strait Islander peoples are communally held cultural knowledge , belonging to the community and its custodians and governed by cultural law and protocol.	Identify the <i>kind</i> of ownership first. This is the move the question is testing.
The Copyright Act does not reach it — there is no identified individual author, nothing fixed in material form, and no term that could run and expire — but that absence of a legal right is not an absence of an owner, so “we can use it because it isn’t copyright” is wrong.	State the legal position accurately and then block the wrong inference.
The studio’s responsibilities are therefore ethical and cultural, not merely legal: it must not proceed on its own initiative ; it must explain to the client that the material is not the shire’s to request; and the proper path is consultation with the right community or custodians, informed consent in writing for the specific use, agreed attribution and a fair share of the benefit , with an Aboriginal or Torres Strait Islander designer engaged to do the work rather than represented by someone else.	“Explain the responsibilities” wants specific actions, not “be respectful”. Name consultation, consent, attribution and benefit.
If consent is not obtained, the responsibility is to decline that direction and propose an alternative that expresses place through the studio’s own botanical drawing. $\therefore$ the request is refusible, and refusing it is part of the job.	Finish with the decision. A response that leaves the designer with no option has not answered “responsibilities”.

Example 3 — unscaffolded

Using the border pattern and the display typeface, distinguish between the studio’s legal responsibilities and its ethical responsibilities. (4 marks)

The two elements sit on opposite sides of the line. The **border pattern** was adapted from an 1897 botanical plate whose copyright has long expired, so it is in the **public domain** and the studio has **no legal obligation** to license it — although the library’s access terms for the digital scan are a contract that still binds the studio. The **ethical** responsibility remains, and it is real: the studio should tell the shire where the pattern came from and record the source beside it, because presenting a Victorian illustration as an original concept misrepresents the studio’s own contribution. The **typeface** works the other way. It is licensed for **desktop** use only, so setting the panel and cutting

the vinyl is permitted, but embedding it in the trail app would exceed the licence — a **legal** breach, enforceable by the foundry regardless of intention, and the fix is to buy an app licence or choose a different face. ∴ a legal responsibility comes from legislation or a licence and is enforced by courts and rights-holders; an ethical responsibility comes from professional practice and is enforced by trust — and an element can carry one without the other.

Example 4 — unscaffolded

Explain how issues of ownership and intellectual property have impacted PROSTANTHERA Studio's design practice on EREMOPHILA Ridge, referring to at least three stages of the design process. (6 marks)

Ownership shaped this project long before delivery. At **Discover**, it dictated how research was gathered: the studio recorded the state library's site title, the exact URL and the retrieval date beside the 1897 plate at the moment it was downloaded, because a source that is not recorded when it is found usually cannot be identified afterwards — and without that record the studio could not later prove the plate was out of copyright. At **Define**, ownership had to be written into the brief: the shire wanted an identity it could trade the walk under and extend into an app, so the brief had to settle who would own the finished mark, and that in turn determined that the studio would need a signed assignment and would have to price the app-embedding font licence into the job.

At **Develop**, ownership changed the design itself. The illustrator's drawings could be used on the panel under the implied licence but not on merchandise, so any concept that ran the drawings across a retail range was ruled out at ideation rather than after manufacture. The tourism officer's request for dot-style linework was also resolved here: because the imagery is communally held and no consultation or consent existed, the studio declined that direction and expressed place through its own botanical drawing instead. At **Deliver**, the studio could hand over only the rights it actually holds — its own mark by written assignment, the illustrator's drawings under their existing licence, the foundry's typeface listed as a third-party licence the shire must maintain, and the two amber rows of the provenance record flagged in writing so the shire knows what must be renegotiated before the app or any merchandise proceeds.

∴ ownership is not a compliance step bolted on at the end. It determined what was collected, what was promised, what could be designed and what could be handed over — and every one of those decisions was cheaper to make early than to unwind late.

Practice questions

Scaffolded

Q1. Ownership and possession: (a) Explain the difference between being given a design's files and owning its copyright. (2 marks) (b) After paying PROSTANTHERA Studio's invoice, and with nothing signed, state what the Barrawang Shire actually holds in the trail mark. (1 mark) (c) Name the document that would transfer ownership to the shire and state its two formal requirements. (2 marks)

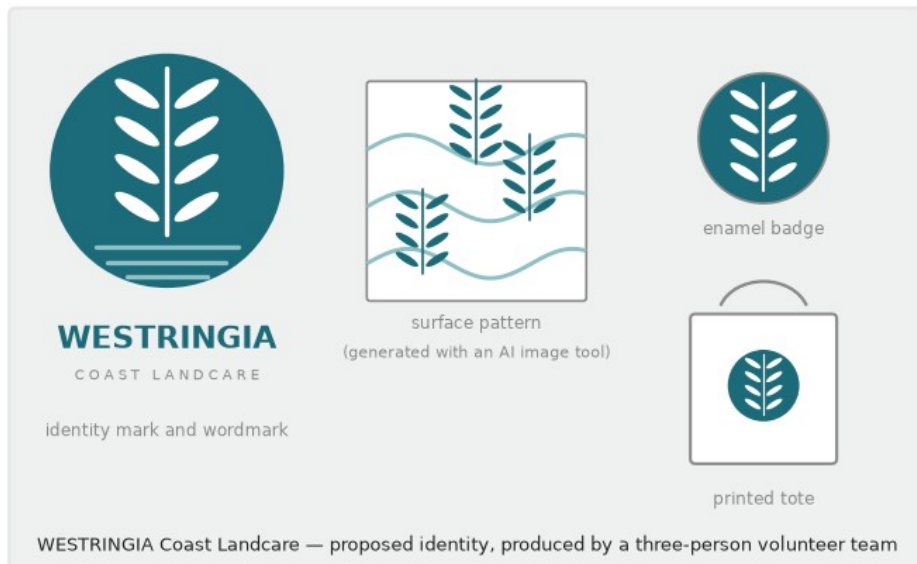
Q2. Two designers work up a mark together and their contributions cannot be separated: (a) State the term for the ownership this creates. (1 mark) (b) State what one of them must do before granting a client a licence. (1 mark) (c) Explain one practical risk that follows if the pair never put anything in writing. (2 marks)

Q3. Moral rights: (a) Name the moral right engaged when a collaborator is left out of the credits on a published design. (1 mark) (b) Explain why moral rights cannot solve the problem of communally held cultural material. (2 marks) (c) State what a client should obtain before substantially altering a designer's work. (1 mark)

Q4. The limits of the system: (a) State two things copyright does **not** protect. (2 marks) (b) Explain why Australian copyright law protects communally held cultural knowledge poorly, referring to two features of the legislation. (3 marks)

Q5. The 1897 botanical plate: (a) State one legal responsibility and one ethical responsibility that apply to the studio's use of it. (2 marks) (b) Explain why meeting the legal responsibility alone is not enough. (2 marks) (c) State the four honest options open to a designer when an element cannot be cleared. (1 mark)

Q6. The rights and provenance record: (a) State four things that should be recorded against each element in the record. (2 marks) (b) Explain how the record protects the client as well as the designer. (2 marks) (c) State when each entry should be made. (1 mark)



Questions 7–20 refer to the *WESTRINGIA Coast Landcare* identity above and to the case notes below, unless otherwise stated.

WESTRINGIA Coast Landcare is a volunteer group restoring a coastal dune reserve. Three volunteers produced the identity shown. **Nobody is employed by the group and nothing was agreed in writing.**

- The first volunteer **drew the sprig mark and set the wordmark.**
- The second **generated the surface pattern with an AI image tool** by describing the dunes; the tool’s terms were never read.
- The third **took the photographs** used on the group’s web page; one shows an identifiable volunteer.
- The wordmark uses a typeface downloaded from a site marked **“free for personal use”**.
- At a planting day, a community member showed the team a painting of the dunes made by their grandmother, an Aboriginal artist from the area. The team liked one motif in it and **traced it** into an early version of the pattern.
- The group now wants to print the mark and pattern on **enamel badges and totes to sell at a market**, and to **register the mark.**

Q7. Identify who owns the copyright in the sprig mark and wordmark artwork, and state the moment that ownership began. (2 marks)

Q8. Explain the ownership position of the identity as a whole, given three contributors and nothing in writing. (3 marks)

Q9. Explain what the group must obtain from the three volunteers before the identity can be used on merchandise sold to the public. (3 marks)

Q10. Discuss the responsibilities that apply to the AI-generated surface pattern before it is printed and sold. (4 marks)

Q11. The third volunteer is not employed by the group. Explain who owns the photographs and what that means for the group’s use of them. (3 marks)

Q12. The team traced a motif from the grandmother’s painting. Explain the **two separate** ownership issues this raises and describe what the team must now do. (4 marks)

Q13. Explain why the “free for personal use” typeface cannot be used on merchandise sold at a market, and state two ways the group could fix it. (3 marks)

Q14. A team member argues, “Nobody has complained, so nothing is wrong.” Explain why the absence of a complaint does not show that the group’s responsibilities have been met. (3 marks)

- Q15.** Another team member argues that the grandmother’s painting was “shown to us in public, so it’s public domain”. Explain why this is wrong, and define the public domain correctly. *(3 marks)*
- Q16.** The group wants to protect the sprig mark as the sign it trades under, and also to protect the distinctive shape of the enamel badge. Explain which form of protection applies to each and how each is obtained. *(4 marks)*
- Q17.** The group has no budget and everyone involved is a volunteer. Discuss whether that changes the group’s legal and ethical responsibilities. *(3 marks)*
- Q18.** Compare the ownership of a personal icon you design about your own life with the ownership of communally held cultural imagery, referring to who owns each and how each may be used. *(4 marks)*
- Q19.** Each volunteer wants to show the WESTRINGIA identity in their own folio. Discuss the ownership and moral-rights issues this raises and state what should be agreed in writing. *(4 marks)*
- Q20.** Evaluate whether the WESTRINGIA team has met its legal and ethical responsibilities. Refer to at least three responsibilities and recommend what must change. *(6 marks)*

Answers

Q1. (a) The files are the carrier; copyright is the bundle of exclusive rights. (b) The files plus an implied licence to use the mark for the agreed purpose. (c) A written assignment — in writing and signed. **Q2.** (a) Joint ownership (joint authorship). (b) Obtain the other joint owner's agreement. (c) See solutions. **Q3.** (a) The right of attribution. (b) See solutions — moral rights are personal to an individual creator; communally held material has custodians, not an author. (c) The creator's written consent. **Q4.** (a) Any two of: ideas, styles, techniques, works whose copyright has expired, communally held cultural knowledge, material not in material form. (b) See solutions. **Q5.** (a) Legal — comply with the library's access terms (no copyright licence is needed). Ethical — disclose the source to the client and record it. (b) See solutions. (c) Replace, license, commission, or decline. **Q6.** (a) The element; where it came from; who owns it; what permits our use (add: status). (b) See solutions. (c) At the point of use, as the element enters the project. **Q7.** The volunteer who drew it; from the moment it was first recorded in material form. **Q8.** Separate copyrights in separate elements, held by three individuals; the group owns none of it. See solutions. **Q9.** A written licence or assignment from each contributor, covering merchandise, sale and term. **Q10.** Read the tool's terms; verify the output copies no one else's work; disclose to the group; accept that ownership may not exist. See solutions. **Q11.** The volunteer owns them — unpaid is not employed; the group needs a licence, plus the subject's consent. **Q12.** (1) Copyright in the grandmother's painting; (2) communally held cultural knowledge. Remove it, then consult and seek consent. See solutions. **Q13.** Selling merchandise is commercial use, outside a personal-use licence. Buy a commercial licence, or substitute a typeface already licensed for it. **Q14.** Infringement and cultural harm do not depend on a complaint; responsibilities are owed in advance. See solutions. **Q15.** Public $\neq$ public domain. Public domain = copyright expired or waived. **Q16.** Trade mark (registered with IP Australia in the relevant classes) for the sign; registered design (Designs Act 2003) for the badge's appearance. **Q17.** No — legal responsibilities do not depend on payment, and volunteering does not reduce ethical or cultural responsibilities. See solutions. **Q18.** Personal icon = yours, individually owned and freely licensable; cultural imagery = communally held, used only by protocol. See solutions. **Q19.** Joint/separate copyright, an agreed folio licence, and moral rights of attribution for all three. See solutions. **Q20.** See fully-worked solutions.

Fully-worked solutions

Q1. (a) The files are only the **carrier** of the design — the medium it is recorded in. **Copyright** is the separate bundle of exclusive rights to reproduce, publish, adapt and license that design. The two can be held by different parties, so a client may possess every file in the project and hold none of the rights in it (*2 marks: the distinction + the consequence*). (b) The shire holds the **deliverable files and an implied licence** to use the mark for the purpose it was commissioned for — the trail identity — and nothing more. (c) A **written assignment** of copyright (*1 mark*), which must be **in writing** and **signed** by the owner (*1 mark*).

Q2. (a) **Joint ownership**, arising from joint authorship — a work produced by collaboration in which each person's contribution cannot be separated from the other's. (b) Obtain the **agreement of the other joint owner**; a joint owner cannot grant a licence, or assign the work, acting alone. (c) With nothing in writing, neither designer can license the mark to the client on their own, so a single disagreement — or one designer becoming uncontactable — freezes the client's ability to use an identity it has already paid for and may already have printed. Shares, credit and the right to reuse the work in a folio are all left undefined at exactly the moment they matter (*2 marks: the deadlock + a second concrete consequence*).

Q3. (a) The right of **attribution** — to be identified as the creator of the work. (b) Moral rights attach to an **individual creator** of a **particular work**, and they are exercised by that person. Communally held cultural material has no single identifiable author — it is held by a community and its custodians across generations — so there is no individual in whom a moral right can vest, and the harm caused by misuse is done to a group rather than to one person's reputation. Moral rights therefore cannot do the work that consultation, consent and protocol do (*2 marks: the personal nature of moral rights + why communal material falls outside them*). (c) The creator's **written consent** to the specified acts.

Q4. (a) Any two of: **ideas, styles or techniques**; a work whose **copyright has expired**; **communally held cultural knowledge**; anything not recorded in **material form** (*1 mark each*). (b) Australian copyright is shaped around features that communally held knowledge does not have. It requires an **identified author** in whom ownership vests, and cultural knowledge has custodians rather than an author, so there is no one for the Act to name as owner. It also requires the work to be **fixed in material form** and grants protection only for a **limited term** — generally life plus 70 years — whereas knowledge carried in ceremony, song or speech is not fixed, and the obligations attaching to it do not expire. The Act's rights are transferable by one person's signature, but cultural permission can only be given by

the right people according to protocol. ∴ the material falls outside the legislation, which is why the designer's ethical responsibility, not the Copyright Act, governs its use (3 marks: two features of the legislation named and contrasted + the conclusion that absence of protection is not absence of an owner).

Q5. (a) **Legal:** the plate's copyright has expired, so no licence is needed — but the studio must comply with the **access terms** it agreed to when downloading the library's digital scan, which are a contract in their own right. **Ethical:** **disclose the source** to the shire and record it beside the pattern, rather than presenting a Victorian illustration as an original concept (1 mark each). (b) The law sets a minimum standard, not a professional one. Nothing in the Copyright Act compels the studio to say where the pattern came from, but a client that later learns the "original" border was adapted from a library scan has been misled about what it paid for, and about how much of the work is the studio's. The cost of that failure is trust and repeat work rather than damages — which is why it is an ethical responsibility, and why lawful conduct can still be poor practice (2 marks: law as a floor + the concrete harm). (c) **Replace** it with your own work, **license** it properly, **commission** the right person to make it, or **decline** that direction (1 mark for all four).

Q6. (a) The **element; where it came from; who owns it; and what permits our use** — with the clearance **status** as a useful fifth column (2 marks for all four; 1 mark for two). (b) The record lists, element by element, exactly which rights the client is receiving and which third-party licences it must maintain, so the client knows what it may legally do with the identity it has bought and is not sold an unquantified risk. It also surfaces problems while they are still cheap — an element that cannot be cleared costs a redraw at ideation and a destroyed print run after manufacture (2 marks: the client's position + the timing benefit). (c) At the **point of use**, as each element enters the project — never reconstructed at delivery.

Q7. The **volunteer who drew it** owns the copyright (1 mark) — being unpaid does not make someone an employee, so the group does not own it. Ownership began the **moment the artwork was first recorded in material form**, that is when it was first drawn or saved, not when it was shown to the group or approved (1 mark).

Q8. The identity is not one owned thing but a **stack of separately owned elements**. The mark and wordmark artwork belong to the first volunteer, the photographs to the third, and the typeface remains the foundry's under licence; the AI-generated pattern may not be owned by anyone at all. Because the contributions are separate and identifiable rather than inseparably merged, this is a set of individual copyrights rather than a single jointly owned work. The **group itself owns nothing**: it is not an employer, it has paid nobody, and nothing has been assigned to it in writing. ∴ the group is currently using an identity it has no documented right to commercialise (3 marks: elements owned separately + the group's own position + the reason).

Q9. From **each contributor separately**, the group needs written permission covering the new use. A **licence** is sufficient and is the better instrument for a volunteer group: it should name the works covered, permit reproduction on **merchandise offered for sale**, state the **term** and **territory**, and say whether it is exclusive. If the group wants to control the identity permanently — which matters if it intends to register the mark — it should instead take a **written, signed assignment** of the copyright from each contributor. Either way the permission must be obtained **before** the badges and totes are manufactured, because a contributor who declines afterwards leaves the group holding unsaleable stock (3 marks: from each contributor + the instrument and its scope + the timing).

Q10. Four responsibilities apply, and none of them is settled by the tool having produced an image. First, **read the tool's terms**: what a designer may do with an output is governed by the contract with the provider, and some licences exclude commercial use or resale outright — printing merchandise for sale is precisely the use those clauses catch. Second, **check the output itself**: generative tools are trained on existing work and can reproduce a recognisable part of somebody else's design, so the pattern must be checked against existing marks and imagery before it is printed, because copyright infringement does not require an intention to copy. Third, **disclose**: the group is entitled to be told plainly which parts of its identity were drawn and which were generated, so it can judge the risk it is taking on. Fourth, **be realistic about ownership**: Australian copyright protects works of **human** authorship, so there is genuine doubt whether an output generated without meaningful human authorship is protected at all — which would mean the group could not stop a competing group using the same pattern. ∴ the responsible course is to read the terms, verify the output, tell the group, and consider redrawing the pattern by hand so the group owns something it can actually protect (4 marks: at least three distinct responsibilities, applied to the merchandise use, with a conclusion).

Q11. The photographs belong to the **third volunteer**, because copyright vests in the person who made the work and volunteering is **not employment** — the employer rule only applies to a work made by an employee in the course of

their employment, and nobody here is employed or paid. The group therefore has, at most, permission to use the photographs for the purpose they were given for — the web page — and needs a **licence from the photographer** before using them in any new context such as market promotion or merchandise (2 marks). A second responsibility attaches to the image showing an **identifiable person**: the group needs that person's **consent** before their image is used to promote a stall selling goods, and should tell them plainly where and for how long it will appear (1 mark).

Q12. Two quite separate ownerships have been crossed at once. **First, copyright.** The painting is an original artistic work made by an identifiable artist, so copyright in it belongs to the grandmother — or, if she has died, to her **estate or beneficiaries** — exactly as it would for any other artist. Tracing a motif reproduces a **substantial part** of that work, judged by the importance and distinctiveness of what was taken rather than by how much was altered, so this is infringement whether or not the line was redrawn (2 marks). **Second, cultural ownership.** The motif also carries **communally held cultural knowledge**, which belongs to the community and its custodians under cultural law, and which copyright does not reach at all. Being shown a painting at a planting day is not consent, and admiration is not permission (1 mark). What the team must now do: **remove the traced motif** from the pattern immediately, before anything is printed; **contact the family and the artist's estate** to explain what happened and apologise; and, if the group still wants imagery connected to Country in its identity, follow proper protocol — approach the right community or custodians, seek **informed written consent for the specific commercial use**, agree **attribution and a fair share of the benefit**, and engage an Aboriginal or Torres Strait Islander designer to do the work. If consent is not given, the direction is abandoned (1 mark; protocols developed in 8B).

Q13. A “free for personal use” licence is a permission, and its scope is the limit of what may be done. Making badges and totes and **selling them at a market** is a commercial use of the typeface, which falls outside a personal-use licence no matter how small the print run or how charitable the group; the foundry's rights are infringed from the first sale (2 marks: the licence defines the use + why merchandise is outside it). Two fixes: **buy the commercial licence** for the face, in the desktop and merchandising scope the group needs; or **substitute a typeface whose licence already permits commercial use**, such as one released under an open font licence, and reset the wordmark before manufacture (1 mark for two options).

Q14. Responsibilities are owed **in advance of, and independently of, anyone objecting**. Legally, copyright infringement is complete when a substantial part of a work is reproduced without permission — the owner's silence does not license it, and rights-holders frequently do not learn of a use until goods are already on sale, at which point a take-down demand costs the group the whole print run. Ethically, the harm caused by using a family's painting and a community's cultural knowledge without consent is done at the moment of use; whether the family has yet spoken up changes nothing about it, and expecting them to police the group's conduct shifts the burden onto exactly the people who were wronged. ∴ the absence of a complaint measures the group's luck and the community's reach, not its compliance (3 marks: the legal point + the ethical point + the conclusion that silence is not clearance).

Q15. The two terms mean different things. Something is **public** when it can be seen — a painting shown at a planting day, a photograph on an open social account, a mural on a wall. Something is in the **public domain** when its **copyright has expired or been waived**, so that anyone may reproduce it freely. Visibility has no bearing on protection: the grandmother's painting is a recent original artistic work, so it is fully protected by copyright, and being generous enough to show it to the team grants no licence at all. On top of that, the cultural knowledge it carries is never in any “public domain”, because communally held knowledge is not governed by copyright terms and does not expire (3 marks: the definition of public domain + the correction + the cultural point).

Q16. They are two different rights and neither is automatic. The **sprig mark**, used as the sign the group trades its badges and totes under, is protected as a **registered trade mark** under the Trade Marks Act 1995 (Cth). It is obtained by **applying to IP Australia** in the relevant **classes of goods and services** — here, the classes covering badges, bags and clothing — and once granted it runs for ten years and may be renewed indefinitely; only then may the mark carry ®. Copyright in the artwork already exists automatically, but it does not stop another group using a similar sign in trade (2 marks). The **distinctive shape of the enamel badge** is the **visual appearance of a manufactured product**, so it is protected as a **registered design** under the Designs Act 2003 (Cth). It must be **new and distinctive** and registered with IP Australia, and the term is five years, renewable to a maximum of ten. Timing matters: the safe practice is to apply **before** the badges are publicly released, because a design already on the market may no longer be new (2 marks). Both applications must be made in the name of the actual **owner**, so the rights must be assigned by the volunteers first.

Q17. No — and it is worth being precise about why. **Legal** responsibilities do not depend on payment, profit or scale: the Copyright Act does not exempt volunteers, and a typeface licence, an illustrator’s copyright and an artist’s rights are infringed by an unfunded community group in exactly the way they are infringed by an agency. Selling badges and totes at a market is commercial activity however the proceeds are spent. **Ethically**, having no budget does change what is *reasonable* — a volunteer group is not expected to commission original photography or take legal advice — but it changes the **means**, not the **standard**. Free and honest options exist at every point: use openly licensed typefaces, draw the pattern by hand, take your own photographs, and ask permission. Where cultural material is involved, no budget argument applies at all, because consent cannot be substituted by good intentions. ∴ the group’s responsibilities are unchanged; only the ways it can meet them are narrowed (3 marks: legal responsibilities unaffected + ethical standard unchanged though means differ + cultural obligations absolute).

Q18. Both are forms of ownership over imagery that carries identity and meaning, and in both cases using the imagery without the owner’s agreement is a wrong. They differ in **who owns it**, in **how long that lasts**, and in **how permission is given**. A **personal icon** you design about your own life is an original artistic work with a single identifiable author — you. Copyright vests in you automatically the moment you draw it, it lasts for your life plus 70 years, you may assign or license it to whomever you choose, and your moral rights of attribution and integrity travel with it. You can decide alone. **Communally held cultural imagery** is owned **collectively**: it belongs to a community and its custodians, is passed between generations, has no single author, and does not expire. It cannot be licensed by one member, bought, or transferred by signature; permission comes only through **protocol** — consultation with the right people, informed consent for the specific use, attribution and a share of the benefit. ∴ the difference is decisive for practice: your own iconography is yours to give, while cultural imagery is never any one person’s to give — which is why 8C asks you to build a personal iconography from your **own** identity and story rather than borrowing someone else’s (4 marks: congruent two-sided treatment — owner, duration and how permission is granted, with a similarity acknowledged).

Q19. Each volunteer owns the copyright in **their own** contribution, so showing your own drawing in your own folio is unproblematic. The difficulties start with the **finished identity**, which combines all three contributions plus a licensed typeface: reproducing the whole identity means reproducing the others’ work, so each volunteer needs the others’ permission — and if any part was genuinely worked up together and cannot be separated, it is **jointly owned** and no one may license it alone. **Moral rights** apply throughout and cannot be signed away: whoever posts the identity must **attribute** each contributor’s role rather than implying sole authorship, must not falsely attribute the work to anyone, and must not present it cropped, recoloured or mocked up in a way that is derogatory to a collaborator. Presenting a team project as individual work is also a straightforward honesty failure toward future clients and assessors. What should be agreed in writing: that each contributor has a **non-exclusive, perpetual licence to reproduce the completed identity for portfolio, folio and self-promotion purposes only**, that a stated **credit line naming all three and their roles** accompanies every use, and that the group’s own permission to use the identity is separate from that folio licence (4 marks: separate/joint copyright + moral rights of attribution + the honesty point + the specific terms to be agreed).

Q20. The team’s responsibilities have **not** been met, and the failures run from the merely undocumented to the seriously harmful.

Start with what is sound. The mark, the wordmark and the photographs are the team’s **own original work**, so the identity rests on material the volunteers actually control, and every problem below has been caught **before** any badge or tote is manufactured — the point at which fixes are cheapest.

First, ownership is undocumented. Nothing was agreed in writing, so three individuals own three different pieces of the identity and the group itself owns none of it. It cannot lawfully authorise merchandise, and it cannot be recorded as the owner of a trade mark registration, until each contributor grants a written licence or assignment.

Second, the licensing responsibility is breached. The wordmark relies on a typeface licensed “**free for personal use**”, and selling badges and totes is commercial use, so the foundry’s rights are infringed from the first sale. The AI-generated pattern compounds this: the tool’s terms were never read, so the group does not know whether it may sell goods bearing the output, whether the output reproduces someone else’s work, or whether it owns anything protectable at all.

Third — and most seriously — the cultural and copyright responsibilities owed to the artist and her community are breached. Tracing a motif from the grandmother’s painting reproduces a substantial part of a

protected artistic work without permission, and it appropriates **communally held cultural knowledge** that was never the team's to take. Being shown the painting at a planting day is neither a licence nor consent, and "nobody complained" is not clearance.

∴ the identity cannot proceed to production as it stands. The team must: **remove the traced motif immediately** and contact the family and the artist's estate to explain and apologise, then, if imagery connected to Country is still wanted, follow proper protocol — the right custodians, informed written consent for the specific commercial use, agreed attribution and benefit sharing, with an Aboriginal or Torres Strait Islander designer engaged to do the work; **replace or license the typeface**, buying a commercial licence or substituting an openly licensed face; **read the AI tool's terms and verify or redraw the pattern by hand** so the group owns something it can protect; **put written licences or assignments in place** from all three volunteers, plus consent from the identifiable volunteer in the photograph; and **build a rights and provenance record** listing every element, its origin, its owner and what permits its use, before the mark is filed or a single badge is pressed (*6 marks: at least three responsibilities assessed against the evidence, a strength acknowledged, an overall judgement, and specific corrective recommendations*).

Chapter 8 Cultural ownership and design — 8B Protocols for Indigenous knowledge in design

Theory

Aboriginal and Torres Strait Islander peoples are the first Australians and the oldest continuous living cultures in human history. They are not one people but many nations, with distinct languages, Countries, kinship structures, cultural traditions and design practices, developed and passed on over tens of thousands of years. Purposeful making and visual communication — marking, weaving, carving, painting, mapping Country, encoding law and story in visual form — are among the oldest design practices on earth, and they are foundational to Australian design identity rather than an addition to it.

This subtopic is about **what a designer must do** when a project touches that knowledge. It is a topic about *process*, not about style. The single sentence to carry out of it is this: **Indigenous knowledge is owned, it is owned by particular people, and it cannot be used in design without their permission.**

Indigenous knowledge is a term for ways of knowing, seeing and thinking that are passed down orally and visually from generation to generation of Indigenous peoples. In design it reaches far beyond artwork: it includes symbols, patterns, designs and motifs, stories and songs, language and place names, ecological and seasonal knowledge, the names and images of people who have died, and knowledge of sites. Some of it is public. Some of it is restricted to particular people, and some is secret or sacred and may not be published at all.

Indigenous Cultural and Intellectual Property (ICIP) is the professional term for the rights Indigenous peoples hold over that knowledge. Those rights include the right to own and control it, to be recognised as the primary guardians and interpreters of their own cultures, to authorise or refuse its use according to customary law, to keep knowledge secret, to be given full and proper attribution, and to share in the benefits when it is used commercially.

A **protocol** is an agreed standard of process and behaviour for engaging with a community. Protocols are published by professional bodies and by communities themselves. They are **self-regulated** — they are not legislation — but they are how a designer's ethical obligations are actually met, and industry treats following them as the mark of a competent professional.

Culturally appropriate design practice is practice in which the people whose culture is being referenced *lead* the work, *consent* to it, *oversee* how they are represented, and *share* in what the work earns.

Why copyright is not enough. Chapter 2 established that copyright arises automatically in an original work recorded in material form, lasts for the creator's life plus 70 years, and protects the **expression** of an idea rather than the idea, the style or the subject. Each of those features leaves Indigenous knowledge exposed:

Feature of copyright	Why it fails to protect Indigenous knowledge
Needs an identifiable individual author	much cultural knowledge is held communally , by a clan, family or nation, not by one person
Needs the work to be fixed in material form	knowledge passed on orally and through practice was never “recorded” by an author
Lasts a limited term, then expires	community obligations to knowledge are ongoing ; they do not end after 70 years
Protects expression, not style or subject	a designer can produce a lawful drawing “in the style of” a culture and still do serious harm

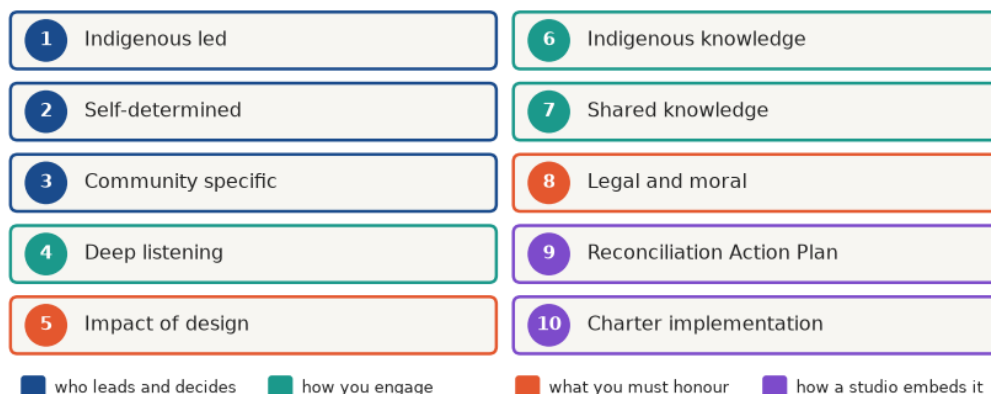
∴ a use can be entirely **lawful** and still be entirely **inappropriate**. The law is the floor; protocols are the standard. That distinction is worth marks in almost every question on this topic.

The named authority. The protocol document this study points you to is the **Australian Indigenous Design Charter: Communication Design — Protocols for sharing Indigenous knowledge in communication design practice**, published by the **Design Institute of Australia** (2016). It is an Indigenous-led initiative, written for both

Indigenous and non-Indigenous designers and for the **buyers of design** — the governments, corporations and organisations that commission the work. It asks designers and clients to adhere to **ten points**.

AUSTRALIAN INDIGENOUS DESIGN CHARTER: COMMUNICATION DESIGN

Protocols for sharing Indigenous knowledge in communication design practice · Design Institute of Australia

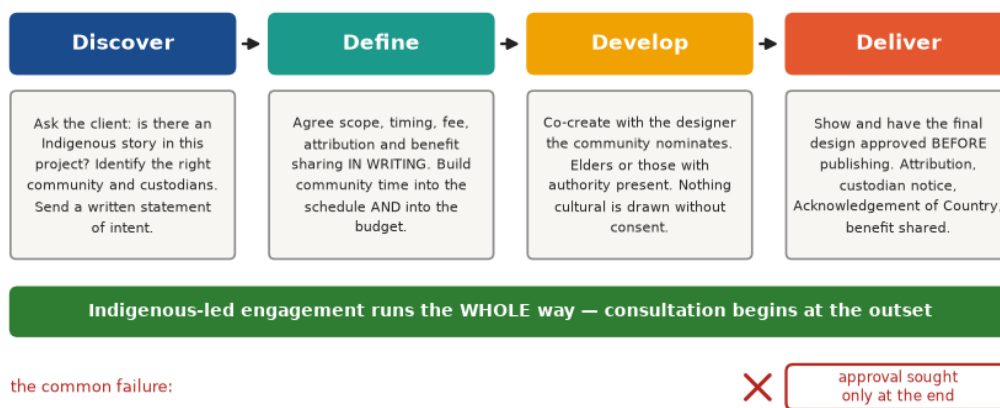


Point	What it obliges the designer to do
1 Indigenous led	ensure the creation of Indigenous representation in design is led by Indigenous people
2 Self-determined	respect the right of Indigenous peoples to oversee how their culture is represented
3 Community specific	follow the protocols of the particular community; there is no single set of rules
4 Deep listening	practise respectful, culturally specific engagement — patient, courteous, learning first
5 Impact of design	consider how the finished design will be received and what it will do
6 Indigenous knowledge	respectfully ask the client whether there is an aspect of the brief that Indigenous knowledge could improve
7 Shared knowledge	use respectful methods for collaboration, co-creation and procurement
8 Legal and moral	honour cultural ownership, intellectual property and moral rights, and obtain permissions
9 Reconciliation Action Plan	develop a RAP for the studio, incorporating the Charter
10 Charter implementation	implement the Charter to safeguard Indigenous design integrity

Three things about the Charter matter as much as its ten points:

- it is a **best-practice guide**, drafted to complement existing law. Where a protocol and a Commonwealth, state or territory law conflict, **the law prevails**;
- it is **not a “how-to” guide for making Indigenous designs**. It is a guide to respectful cross-cultural engagement. Nothing in it authorises a designer to produce cultural content themselves;
- it is an **open document**, reviewed and updated over time — so a professional checks the current version rather than relying on a summary.

Where the protocols sit in the design process. Protocols are not a compliance step bolted on at the end. They reshape the whole process.



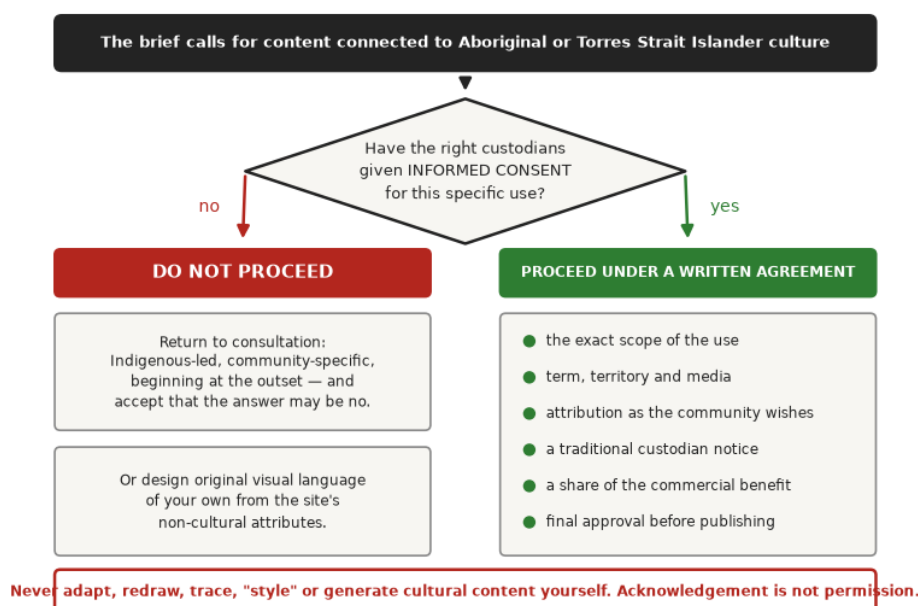
The failure the Charter names most directly is **seeking approval at the end**. A community asked to sign off a finished, printed, budgeted design is being asked under pressure, cannot shape the work, and cannot realistically say no. The Charter's instruction is to **collaborate from the outset**, with the appropriate people — Elders and/or those with authority — present, and to accept that consultation takes time. That has two practical consequences a designer must build in: the **schedule** must allow for community time, travel and cultural obligations, and the **budget** must contain a fee line that pays for that time.

Representation — what “appropriate” means. The Charter asks designers to ensure that representations of Aboriginal and Torres Strait Islander cultures:

- reflect their cultural values and respect their customary laws;
- **empower** Indigenous peoples;
- authentically reflect their cultural identity;
- do **not** reinforce negative stereotypes, and do not depict confidential, personal or sensitive information.

Two additional restrictions are absolute. **Secret and sacred material** is restricted under customary law and is unsuitable for publication — a designer who is shown such material has been trusted, not supplied. And **privacy and confidentiality** must be respected; in some communities this includes restrictions on naming or showing images of people who have died.

The decision the designer actually faces. Reduced to its practical form, the whole topic is one question with two exits.



Two propositions inside that diagram are the ones most often got wrong:

- **Acknowledgement is not permission.** Naming the community, adding an Acknowledgement of Country or writing “inspired by Aboriginal art” does not create a right to use anything. Permission is a separate act by particular people.
- **“Adapting” it is worse, not better.** Redrawing, simplifying, recolouring, tracing, “working in the style of” or generating a pattern is still an unauthorised use of cultural knowledge — and it adds the further harm of misrepresenting what the culture actually says.

Commercial use raises the bar. The study design distinguishes the **creation** of Indigenous knowledge in design from its **commercial use**, because trading on culture engages the community’s right to share in the benefit. Where a design will be sold, licensed or used to promote a business, the agreement must be **written** and should state the exact scope of the use, the term and territory, the media and applications, the fee and any ongoing royalty, how attribution will read, whether the community’s name may be used at all, and what happens if the client later wants to extend the use. The industry instrument that supports this is the **Indigenous Art Code** — the short name of the *Indigenous Australian Art Commercial Code of Conduct*, a voluntary code launched in 2009 and administered by **Indigenous Art Code Limited**. Dealers and other businesses who sign up to it agree to trade fairly, transparently and ethically with Aboriginal and Torres Strait Islander artists, to put the terms of each dealing in writing and to account for sales, and they can be sanctioned for breaching it. The Arts Law Centre of Australia supports the same standard from the artist’s side, through its **Artists in the Black** service, which gives free legal advice, plain-language information and help with agreements to Aboriginal and Torres Strait Islander artists, communities and art centres.

Attribution and notices. Culturally appropriate practice is visible on the finished artefact:

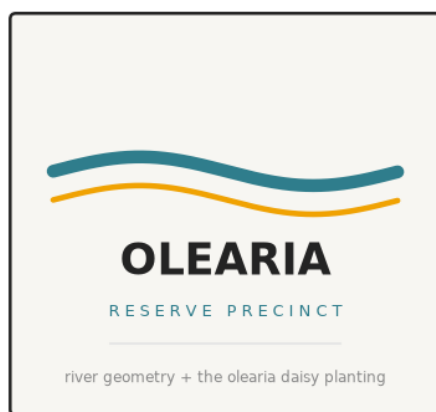
- **Name the artist or knowledge holders** as they wish to be named, including nation or language group where they have agreed to it — never “Aboriginal artist” alone.
- Carry a **traditional custodian notice**. The Arts Law Centre of Australia publishes a customisable notice that does four jobs: it states that the design embodies traditional ritual knowledge of a named community; it states that the design was created with the custodians’ consent; it warns that dealing with the images in unauthorised ways breaches that community’s customary law and may also breach the **Copyright Act 1968 (Cth)**; and it gives a contact point for permission enquiries.
- Carry an **Acknowledgement of Country** where appropriate. An Acknowledgement of Country recognises the Traditional Owners of the land and may be given by anyone; a **Welcome to Country** can only be given by a Traditional Owner or Elder of that Country. They are not interchangeable.

Avoidance is not the answer either. Because Australia has a history of misuse, many designers now avoid Indigenous references entirely. The Charter explicitly **discourages avoidance**: it keeps Aboriginal and Torres Strait Islander cultures invisible in the design that represents this country, and it removes the commissions, fees and authorship that should be flowing to Indigenous designers. The Charter’s position is that designers *should* take on such projects — **but only if they are prepared to work to the protocols**. Point 6 puts a positive duty on the designer to raise the question in the first place: *is there an Indigenous story in this project?* — asked of the client, on every project, even one that looks unrelated.

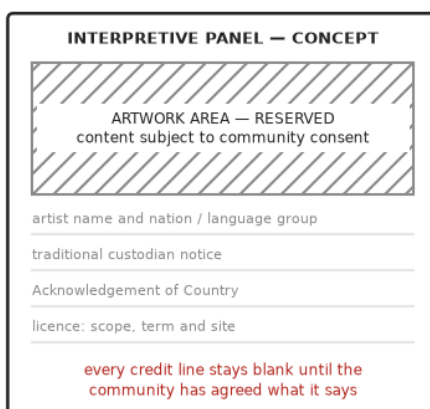
Terminology. The words are part of the practice:

Use	Avoid
Aboriginal and Torres Strait Islander peoples; First Peoples; First Australians	“the Aboriginals”, “our Indigenous people”
the specific nation or language group, where known and permitted	one blanket “Aboriginal culture” for the whole continent
Traditional Owners, custodians, knowledge holders, Elders	“the locals”, “the tribe”
capitals for Aboriginal, Torres Strait Islander, Indigenous, Elder, Country	lower case
a design created by a named artist, with consent	“Aboriginal-style”, “tribal”, “ethnic”, “inspired by Aboriginal art”

The running example — OLEARIA. Marradale City Council has commissioned a small studio of three non-Indigenous designers to develop a place brand, wayfinding and interpretive panels for the new **OLEARIA Reserve Precinct** on a river bend.



Place brand — the studio's **OWN** original visual language, drawn from the site



Interpretive panel — artwork area **HELD** until consent is given

At Discover, the studio asked the council whether there was an Indigenous story to tell in the project. The council did not know, so the studio asked it to identify and make contact with the relevant Traditional Owner group. The studio then wrote to the group setting out the purpose of the project, the timeline, the budget and exactly what was being asked, met on Country with an Elder and two community representatives present, added fourteen weeks to the program and a paid fee line for community time, and presented the interpretive panel to council with the **artwork area reserved and empty**, labelled “content subject to community consent”. Every credit line on the panel was left blank. For the parts of the precinct where no cultural content was proposed, the studio developed its **own** original visual language from the site itself — the river geometry and the olearia daisy planting. Any cultural content, it proposed, would be created by an Aboriginal designer nominated by the community under a written agreement covering scope, fee, attribution and a share of merchandise revenue.

Two things went wrong. The studio’s first presentation deck included a **photograph of the community meeting** taken without asking, and a **draft media release naming the community** before the group had agreed to be named.

Watch-out — permission and consultation are not optional. There is no version of this answer in which the designer proceeds without consent. Never write “the designer could change it slightly”, “the designer could use it as inspiration” or “the designer should credit the source instead” — each of those loses the marks for the whole question.

Watch-out — acknowledgement is not permission. A credit line, a source list or an Acknowledgement of Country records honesty. Permission is a separate, informed decision made by particular people about a particular use.

Watch-out — lawful is not the same as culturally appropriate. Do not answer a protocols question with copyright. Copyright may not even apply to communally held knowledge, and its absence makes the use *more* dangerous, not permitted.

Watch-out — there is no single “Aboriginal culture”. Protocols are **community specific** and differ between nations and between urban, rural and remote communities. An answer that treats Australia as having one set of rules, or one visual language, has missed point 3.

Watch-out — consult at the start, not at sign-off. “The designer showed the community the finished design and they approved it” describes the failure the Charter was written to stop.

Watch-out — answer the command term. *Describe* a protocol = the process and its features. *Explain* = a cause-and-effect chain (the obligation, what it prevents, for whom). *Discuss* = the obligation plus how it applies to the example, with evidence. *Evaluate* = strengths **and** failures **and** an overall judgement plus what must change.

Units 3 & 4 preview — beyond the Units 1&2 study design. Australia has **no stand-alone statute** protecting Indigenous Cultural and Intellectual Property, which is exactly why self-regulated protocols

carry so much of the load. Where cases have succeeded they have used general law: *Milpurrruru v Indofurn Pty Ltd* (1994) awarded damages, including for cultural harm, over imported carpets that reproduced Aboriginal artists' works; *Bulun Bulun v R & T Textiles Pty Ltd* (1998) held that the artist owned the copyright and held it subject to a **fiduciary obligation** to his community, but declined to recognise communal ownership of the copyright itself; and in *ACCC v Birubi Art Pty Ltd* the Federal Court found in 2018 that selling mass-produced, Indonesian-made souvenirs carrying words such as "Aboriginal Art", "hand painted" and "Australia" falsely represented that they were made in Australia and hand-painted by Aboriginal people, breaching the **misleading-or-deceptive-conduct and false-representation provisions of the Australian Consumer Law**; the Court imposed a \$2.3 million penalty in 2019. In Units 3 & 4 you also **analyse a named contemporary designer's professional practice** against these obligations. None of this named legislation, case law or designer study is assessed in the Units 1&2 questions, tests or examinations in this series — the protocols, the ten points, the permission and consultation requirements, the representation requirements and the terminology are what you are accountable for here.

Worked examples

Example 1 — scaffolded

The Marradale council asks whether the OLEARIA interpretive panels could carry content drawn from local Aboriginal knowledge. Describe the protocols the studio must follow before any such content could appear. (4 marks)

Working	Comment
The project must be Indigenous led : the studio cannot create the content. It must ask the council to identify the relevant Traditional Owner group and then engage an Aboriginal designer or knowledge holder nominated by that community to lead the cultural content.	Start with point 1. "Indigenous led" — not "the designer consults" — is the marked idea.
Engagement must be community specific and begin at the outset : a written statement of intent setting out purpose, timeline and budget, then meeting on Country with an Elder or those with authority present , at the community's pace.	Two protocols in one move: point 3 and the from-the-outset rule. Naming who must be in the room shows real process knowledge.
Informed consent must be obtained for the specific use proposed — these panels, at this site, for this term — recorded in a written agreement that also covers the fee, attribution, a share of any commercial benefit, and the community's right to refuse.	"Permission" alone is too vague for 4 marks; consent is <i>informed, specific and written</i> . Note the right to refuse.
Nothing cultural is drawn, and no credit line is written, until that consent exists; the final design is shown to and approved by the community before publishing , and carries the agreed attribution and a traditional custodian notice. ∴ the artwork area stays reserved and empty until the community decides what goes in it.	Close on the observable outcome — the reserved panel — which proves the protocol was followed.

Example 2 — scaffolded

A councillor suggests the studio "just adapt one of the dot patterns you can find online, so the panels feel local". Explain why the studio must decline, and describe two culturally appropriate alternatives. (4 marks)

Working	Comment
The pattern is not the studio's to adapt. It carries the knowledge of particular people, who hold the right to authorise or refuse its use under their own customary law — and no one online has given that permission.	Lead with ownership and the right to refuse, not with copyright.
Adapting it makes the breach worse , not lighter: redrawing or restyling is still an unauthorised use, and it also risks misrepresenting what the design means,	Dodges the classic error that alteration cures the problem. Name the point being breached.

depicting restricted knowledge, or reinforcing a stereotype — the harms point 5 (Impact of design) exists to prevent.

Alternative 1 — do it properly. Ask the council to identify the relevant Traditional Owner group, and commission an Aboriginal designer nominated by that community to create the content, under a written agreement with attribution and a share of the benefit.

The first alternative is never “leave it out” — the Charter discourages avoidance.

Alternative 2 — design your own. Develop original visual language from the site’s **non-cultural** attributes: the river geometry and the olearia daisy planting already in the place brand. ∴ the studio declines the councillor’s request, and offers a commission or its own original work instead.

A congruent second alternative, plus a clear decision. Two named alternatives = 2 marks.

Example 3 — unscaffolded

Explain how the Charter’s points 4 Deep listening and 5 Impact of design would change the way the OLEARIA project is run. (4 marks)

Deep listening changes the *process*. Instead of arriving with concepts to be approved, the studio begins by learning: a written statement of intent, then meetings on Country arranged around the community’s own cultural obligations and travel, with an Elder or those with authority present. It requires patience with silence and indirect communication, no pressure for a decision in the room, and an acceptance that some knowledge is shared only once trust is established. Because that takes time, the studio must add weeks to the program and a paid fee line to the budget — which is precisely why the OLEARIA schedule carries fourteen extra weeks.

Impact of design changes the *output*. The studio must consider not only whether the panels look resolved but how they will be received: whether they reflect the community’s values and customary law, whether they empower the people represented, whether they authentically reflect that cultural identity, and whether they risk reinforcing a stereotype or exposing confidential or sensitive information. In practice this means the final panels are shown to and approved by the community before anything is printed, and the studio declines the “generic dot pattern” idea because a pan-Aboriginal motif on a specific river bend misrepresents the very people it claims to honour. ∴ deep listening governs how the studio behaves, and impact of design governs what it is willing to publish.

Example 4 — unscaffolded

Evaluate the OLEARIA studio’s practice against culturally appropriate design practice, referring to at least three protocols. (6 marks)

The studio’s practice is largely exemplary. It satisfies **point 6 (Indigenous knowledge)** by asking the client at Discover whether there is an Indigenous story in the project rather than waiting to be told — the positive duty most studios omit. It satisfies **point 1 (Indigenous led)** and **point 7 (Shared knowledge)** by refusing to author the cultural content itself and instead proposing that an Aboriginal designer nominated by the community create it under a written agreement covering scope, fee, attribution and a share of merchandise revenue, so the benefit of the commercial use returns to the community. It satisfies **point 4 (Deep listening)** in a way that can be audited: a written statement of intent, a meeting on Country with an Elder and community representatives present, fourteen weeks added to the program and a paid fee line for community time — protocols honoured in the schedule and the budget, not just in a statement of intent. Most tellingly, the concept was presented to council with the artwork area **reserved and empty** and every credit line blank, which demonstrates that the studio understands that nothing cultural is created before consent exists.

Two failures qualify that judgement, and both concern **consent to information the studio had already gathered**. Photographing the community meeting without asking breaches the requirement to seek permission before taking any images, and it treats the consultation itself as content. Naming the community in a draft media release before the group agreed to be named removes the community’s control over how and when it is identified — a breach of **point 2 (Self-determined)**, and one that could damage the relationship the rest of the process was carefully building.

∴ on the substance — leadership, permissions, benefit sharing and restraint — the studio's practice meets the standard, and the reserved panel is strong evidence of that. But culturally appropriate practice extends to the studio's *own* materials, not only the deliverables. To be judged fully compliant the studio must destroy or seek retrospective consent for the meeting photograph, withdraw the media release until the community has approved both the fact of being named and the wording, and add a step to its process requiring community sign-off on every mention of the project — including internal decks and award entries.

Practice questions

Scaffolded

Q1. Terminology: (a) Define **Indigenous knowledge**. (1 mark) (b) State what **Indigenous Cultural and Intellectual Property (ICIP)** refers to. (1 mark) (c) Define a **protocol** as the term is used in design practice. (1 mark)

Q2. The published protocols: (a) State the full title of the protocol document this study directs designers to, and name the body that publishes it. (2 marks) (b) State who the Charter is written for. (1 mark) (c) State what happens where a point in the Charter conflicts with an Australian law. (1 mark)

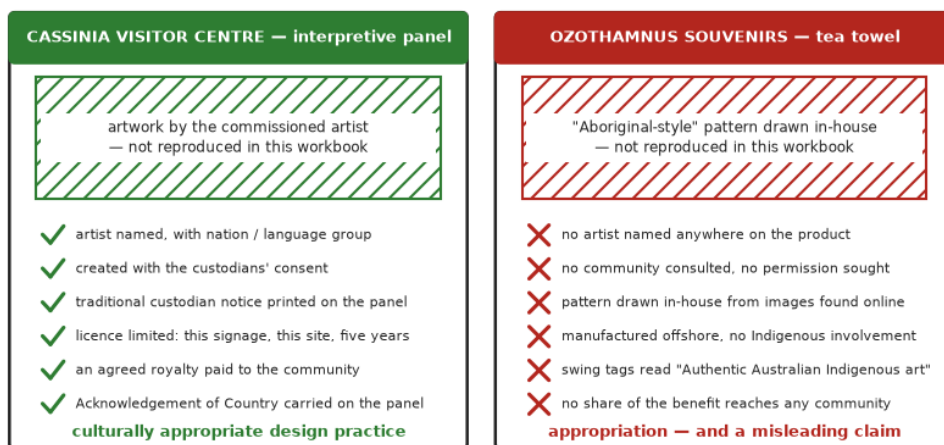
Q3. The ten points: (a) Name any **four** of the Charter's ten points. (4 marks) (b) State which point requires the designer to ask the client whether Indigenous knowledge could improve the project. (1 mark) (c) Explain what **community specific** requires of a designer. (2 marks)

Q4. Why the law is not enough: (a) State two features of copyright that leave much Indigenous knowledge unprotected. (2 marks) (b) Explain why copyright protecting **expression** does not stop a designer working "in the style of" a culture. (2 marks) (c) State the conclusion that follows about a use of Indigenous knowledge which breaches no law. (1 mark)

Q5. Permission: (a) State who is able to give permission for the use of Indigenous knowledge in a design. (1 mark) (b) State three things that must be true of a community's consent for it to count as **informed** consent. (3 marks) (c) Explain why an acknowledgement is not permission. (2 marks)

Q6. Using the OLEARIA project: (a) Name the stage of the design process at which the studio asked whether there was an Indigenous story in the project. (1 mark) (b) Explain why consultation must begin at the outset rather than at final approval. (2 marks) (c) State two practical consequences this has for a studio's schedule or budget. (2 marks)

Unscaffolded



Both artwork areas are left empty on purpose: this workbook does not reproduce Indigenous designs.

Questions 7–20 refer to the two artefacts above and the case notes below, unless otherwise stated.

CASSINIA Visitor Centre commissioned interpretive signage for a wetland boardwalk. The artwork was created by an artist nominated by the local Traditional Owner group, under a written agreement. The finished panel names the artist and their nation, states that it was created with the custodians' consent, carries a traditional custodian notice and

an Acknowledgement of Country, licenses the artwork for this signage at this site for five years, and pays an agreed royalty to the community.

OZOTHAMNUS Souvenirs sells tea towels, mugs and coasters through airport gift shops. Its best-selling range carries a dot-and-line pattern drawn in-house by a non-Indigenous designer from images found online. No community was contacted and no permission was sought. The range is manufactured offshore, no artist is named, no benefit reaches any community, and the swing tags read “Authentic Australian Indigenous art”.

Q7. Identify **four** features of the CASSINIA panel that show culturally appropriate design practice, and explain what each one demonstrates. *(4 marks)*

Q8. Explain **three** ways in which the OZOTHAMNUS range fails culturally appropriate design practice, referring to the Charter in each case. *(6 marks)*

Q9. Explain why the OZOTHAMNUS swing-tag claim “Authentic Australian Indigenous art” is both an ethical failure and a commercial risk for the business. *(4 marks)*

Q10. Describe a **traditional custodian notice** and explain its function on a published design. *(3 marks)*

Q11. Distinguish between a project that is **Indigenous led** and a project on which a community has merely been **consulted**. *(3 marks)*

Q12. Compare CASSINIA and OZOTHAMNUS in relation to **attribution** and **benefit sharing**. *(4 marks)*

Q13. Describe **three** engagement behaviours that the Charter’s point 4, **deep listening**, requires of a designer. *(3 marks)*

Q14. State the four requirements the Charter sets for representations of Aboriginal and Torres Strait Islander cultures, and apply them to a brief for a **tourism campaign** promoting a coastal region. *(4 marks)*

Q15. Outline the designer’s obligations in relation to material that is **secret, sacred, confidential or personal**. *(3 marks)*

Q16. Discuss why avoiding all reference to Aboriginal and Torres Strait Islander culture is not a culturally appropriate response, and state the condition on which a designer should take such work on. *(4 marks)*

Q17. Explain what a **Reconciliation Action Plan** is and how it embeds the Charter in a studio’s everyday practice. *(3 marks)*

Q18. A community has agreed that an artist’s design may be used on a range of retail products. Describe **five** things the written agreement should specify, and explain why each matters. *(5 marks)*

Q19. Explain why the descriptions “Aboriginal-style” and “Aboriginal culture” (used of the whole continent) are inappropriate in professional design practice, and state what a designer should write instead. *(4 marks)*

Q20. The owners of OZOTHAMNUS Souvenirs approach the CASSINIA studio and ask it to “fix” the existing range so the business can keep selling it. Recommend a course of action and justify it with reference to culturally appropriate design practice. *(6 marks)*

Answers

Q1. (a) Ways of knowing, seeing and thinking passed down orally and visually across generations of Indigenous peoples. (b) The rights Indigenous peoples hold over that knowledge — to own, control, refuse, keep secret, be attributed and share benefits. (c) An agreed standard of process and behaviour for engaging with a community; self-regulated, not legislation. **Q2.** (a) *Australian Indigenous Design Charter: Communication Design — Protocols for sharing Indigenous knowledge in communication design practice*; Design Institute of Australia. (b) Both Indigenous and non-Indigenous designers, and the buyers of design (clients). (c) The law prevails. **Q3.** (a) Any four of: Indigenous led; Self-determined; Community specific; Deep listening; Impact of design; Indigenous knowledge; Shared knowledge; Legal and moral; Reconciliation Action Plan; Charter implementation. (b) Point 6, Indigenous knowledge. (c) See solutions — follow the particular community's protocols; there is no single set of rules. **Q4.** (a) Any two of: needs an identifiable individual author; needs material form; limited term; protects expression only. (b) See solutions. (c) Culturally inappropriate (a breach of protocol / harmful). **Q5.** (a) The relevant community's Traditional Owners, custodians or knowledge holders — Elders and/or those with authority. (b) Any three of: given by the right people; given in advance; specific to the actual use; freely given with a real ability to refuse; recorded in writing; given after the community has been told plainly what is proposed. (c) See solutions — a credit records honesty; permission is a separate informed decision. **Q6.** (a) Discover. (b) See solutions — a community asked at sign-off cannot shape the work or realistically refuse. (c) Extra weeks in the program; a paid fee line for community time. **Q7.** Any four of: named artist + nation; created with custodians' consent; custodian notice; limited licence; royalty; Acknowledgement of Country. See solutions. **Q8.** Not Indigenous led; no consent/self-determination; no benefit shared; pan-Aboriginal generalisation; misleading claim. See solutions. **Q9.** Falsely claims authenticity and Indigenous authorship — deceives consumers, takes the market from Indigenous artists, and exposes the business to a consumer-law claim, recall and reputational loss. See solutions. **Q10.** States the design embodies the traditional ritual knowledge of a named community, that it was made with the custodians' consent, warns that unauthorised dealing breaches customary law and may breach the Copyright Act 1968, and gives a contact for permission. **Q11.** Led = Indigenous people direct and author the cultural content and oversee representation; consulted = a non-Indigenous designer decides and seeks comment. See solutions. **Q12.** See solutions — congruent comparison on both attribution and benefit. **Q13.** Any three of: learn before you teach; allow for cultural obligations and travel; use an interpreter/plain language where English is an additional language; expect indirect communication and silence; do not press for a decision; seek permission before photographing; dress and behave respectfully. **Q14.** Reflect cultural values and respect customary law; empower Indigenous peoples; authentically reflect cultural identity; avoid negative stereotypes and confidential/sensitive material. Application: see solutions. **Q15.** Do not publish; restricted under customary law; being shown it is trust, not supply; check with Elders/those with authority; respect privacy, including restrictions on images and names of people who have died. **Q16.** Avoidance keeps cultures invisible and denies Indigenous designers the work; the Charter discourages it. Condition: take the work on only if prepared to follow the protocols. **Q17.** A published plan of actions, targets and responsibilities for reconciliation; incorporating the Charter turns the ten points into studio procedure and states the commitment publicly. **Q18.** Any five of: scope of use; term; territory; media/products; fee and royalty; attribution wording; use of the community's name; approval before publishing; what happens on extension or resale. See solutions. **Q19.** "Style" reduces owned knowledge to decoration and asserts no permission is needed; one "Aboriginal culture" erases many nations. Write: a design created by [named artist], [nation/language group], with the consent of the custodians. **Q20.** See fully-worked solutions — the range cannot be "fixed"; withdraw it, and rebuild properly.

Fully-worked solutions

Q1. (a) **Indigenous knowledge** describes ways of knowing, seeing and thinking that are passed down orally and visually from generation to generation of Indigenous peoples (1 mark). (b) **ICIP** refers to the rights Indigenous peoples hold over that knowledge: to own and control it, to be recognised as the primary guardians and interpreters of their cultures, to authorise or refuse its use according to customary law, to keep it secret, to be properly attributed, and to share in the benefits of its commercial use (1 mark for the sense of a bundle of cultural rights broader than copyright). (c) A **protocol** is an agreed standard of process and behaviour for engaging respectfully with a community — published by professional bodies or by communities themselves, self-regulated rather than legislated (1 mark).

Q2. (a) The **Australian Indigenous Design Charter: Communication Design — Protocols for sharing Indigenous knowledge in communication design practice** (1 mark), published by the **Design Institute of Australia** (1 mark). (b) It is written for **both Indigenous and non-Indigenous designers**, and also for the **buyers of design** — the governments, corporations, businesses and not-for-profits that commission the work. (c) **The law prevails** to the

extent of the conflict; the Charter is a self-regulated best-practice guide drafted to complement legislation, not to override it.

Q3. (a) *Any four, 1 mark each:* Indigenous led; Self-determined; Community specific; Deep listening; Impact of design; Indigenous knowledge; Shared knowledge; Legal and moral; Reconciliation Action Plan; Charter implementation. (*Only the first four named are marked.*) (b) **Point 6 — Indigenous knowledge:** respectfully ask the client whether there is an aspect of the project that Indigenous knowledge could improve. (c) **Community specific** requires the designer to follow the protocols of the **particular** community whose knowledge is involved, because Aboriginal and Torres Strait Islander peoples are many nations with different languages, customs and decision-making, and protocols also differ between urban, rural and remote communities. There is therefore no single set of rules a designer can learn once and reapply: the designer must identify the right community and ask *them* how they wish to be engaged (*2 marks: diversity + the consequence for the designer's process*).

Q4. (a) *Any two, 1 mark each:* copyright requires an **identifiable individual author**, whereas much cultural knowledge is held **communally**; it requires the work to be fixed in **material form**, whereas knowledge passed on orally and through practice was never recorded by an author; it lasts a **limited term** and then expires, whereas community obligations to knowledge are ongoing; it protects **expression only**, not the story, symbol or style. (b) Copyright attaches to the particular drawing, photograph or file a person made — not to the idea, the subject or the manner of working. A designer who produces their own artwork “in the style of” a culture has copied no specific protected work, so no copyright is infringed; yet they have used knowledge that is not theirs, without permission, and have put a misleading account of that culture into the market. ∴ the gap between what copyright covers and what the community owns is exactly the gap protocols exist to fill (*2 marks: the idea/expression limit + the harm that survives it*). (c) **Culturally inappropriate** — a breach of protocol, and harmful, even though it is lawful.

Q5. (a) The relevant community's **Traditional Owners, custodians or knowledge holders** — in practice, **Elders and/or those with authority** to speak for that knowledge. A government department, a client, a museum, a stock library or a website cannot give it (*1 mark*). (b) *Any three, 1 mark each:* it is given by the **right people** — those with authority to speak for that knowledge, not whoever is easiest to reach; it is given **in advance** of anything being drawn or published; it is **specific to the actual use** proposed rather than to the project in general; it is **freely given**, with a real and consequence-free ability to refuse; the community has been told **plainly and fully** what is proposed, where it will appear and for how long, before deciding; and it is **recorded in writing** so that both parties can later show what was agreed. (c) An acknowledgement is a record of **where something came from** — it demonstrates honesty and lets others trace the source. Permission is a **decision** made by particular people, in advance, about a **particular use**, which they are equally entitled to refuse. Naming a community therefore does not create any right to use its knowledge; it can even worsen the breach, by publicly associating the community with a use it never agreed to (*2 marks: the two are different in kind + naming does not create a right*).

Q6. (a) **Discover** (*1 mark*). (b) A community brought in at the end is shown a finished, printed, budgeted design and asked to approve it. It cannot shape the work, cannot propose a different direction, and cannot realistically say no without appearing to sabotage a project everyone has already paid for — so its “consent” is not free or informed. Collaborating from the outset means the community's decisions actually shape what is made, which is the difference between self-determination and sign-off (*2 marks: no ability to shape + pressure that undermines genuine consent*). (c) *Any two, 1 mark each:* additional **weeks in the program** to allow for community time, travel and cultural obligations; a **paid fee line in the budget** for community and Elders' time; contingency for consultation that may need to run again; and a decision point at which the project can be redirected if consent is not given.

Q7. (*Any four, 1 mark each — the feature plus what it demonstrates.*) **1.** The **artist is named, with their nation or language group** — attribution as the community wishes, and a refusal of the anonymous “Aboriginal artist” credit. **2.** The panel states it was **created with the custodians' consent** — evidence that informed permission was obtained before production, not after. **3.** A **traditional custodian notice** is printed on the panel — it puts every future viewer and reproducer on notice that unauthorised dealing breaches customary law. **4.** The licence is **limited to this signage, at this site, for five years** — the community retains control of every other use rather than handing over an open-ended right. **5.** An **agreed royalty is paid to the community** — the benefit of the commercial use returns to the people whose knowledge it is. **6.** An **Acknowledgement of Country** is carried on the panel — the Traditional Owners of the site are recognised in the finished work.

Q8. (*Three failures, 2 marks each: the failure named + the Charter point it breaches + the harm.*) **1. It is not Indigenous led (point 1), and it denies self-determination (point 2).** The pattern was drawn in-house by a non-

Indigenous designer, so the people whose culture is being represented had no role in creating it and no control over how they are portrayed. **2. No permission was sought and no community was contacted (points 7 and 8).** Using images found online is not consultation; only Traditional Owners or custodians can authorise the use of their knowledge, and they were never asked, so the range is an unauthorised use of ICIP from the moment it was drawn. **3. No benefit reaches any community, and the design is a pan-Aboriginal generalisation (points 3, 5 and 8).** The commercial benefit of the culture flows entirely to OZOTHAMNUS while Indigenous artists lose the sale; and a single dot-and-line pattern sold as “Authentic Australian Indigenous art” ignores the diversity of many nations with distinct visual traditions, reinforcing a stereotype rather than authentically reflecting any community’s identity. *(Accept also: manufacture offshore with no Indigenous involvement; the absence of a custodian notice; the failure to name any artist.)*

Q9. Ethically, the claim is a lie about authorship and origin. The products were designed by a non-Indigenous person and made offshore, so describing them as “Authentic Australian Indigenous art” misrepresents both who made them and what they are. The harm is not only to the purchaser: every sale takes a customer from an Aboriginal or Torres Strait Islander artist who *is* selling authentic work, so the deception transfers income away from the very people whose culture is being traded on, and degrades the value of genuine work in the market (2 marks). **Commercially**, a false claim about the origin or authorship of goods is a **misleading representation to consumers**, which is a legal risk as well as a reputational one: the business can be required to withdraw and recall stock, face regulatory action and penalties, and lose its airport retail accounts once the story is public — and it holds no rights it could license or defend in the design at all (2 marks: *legal exposure + commercial consequences*). ∴ the claim converts an appropriation into a consumer deception, and multiplies the business’s exposure. *(The specific legislation and cases sit in the Units 3 & 4 preview and are not required here.)*

Q10. A traditional custodian notice is a short block of text printed or displayed on a design that uses traditional knowledge. The Arts Law Centre of Australia publishes a customisable version. It **states that the images and elements embody the traditional ritual knowledge of a named community; states that the design was created with the consent of that community’s custodians; warns that dealing with any part of the images in a way the custodians have not authorised is a serious breach of that community’s customary law and may also breach the Copyright Act 1968 (Cth); and gives a contact point for enquiries about permitted reproduction** (2 marks for the content). Its function is to travel with the work: because a printed panel or a published design will be photographed, shared and reproduced by people who never saw the agreement, the notice puts every later user on notice that the knowledge is owned, that permission was given for this use only, and where to ask for any other (1 mark).

Q11. A project is Indigenous led when Aboriginal or Torres Strait Islander people **direct** the creation of the cultural content and oversee how their culture is represented — they author or co-author the work, they decide what may be shown and what may not, they set the terms of attribution, and they may stop it. Authority sits with them. A project on which a community has merely been **consulted** keeps that authority with the non-Indigenous designer: the designer decides the concept and then invites comment, so the community is a source of feedback on someone else’s decision rather than the decision-maker. The practical test is who can say no: on an Indigenous-led project, a refusal ends the use; on a consulted project, the designer can note the comment and proceed (3 marks: *authorship/authority in each + the who-can-say-no test*).

Q12. Both artefacts trade on Aboriginal and Torres Strait Islander cultural content, and the contrast is total on both counts. Attribution: CASSINIA names the artist together with their nation or language group, states that the work was made with the custodians’ consent, and carries a traditional custodian notice, so a viewer can see exactly whose knowledge it is and on what authority it appears. OZOTHAMNUS names **no artist at all**, which is not merely an omission — it lets a non-Indigenous, in-house drawing pass as the work of an Aboriginal artist, and it makes the true authorship untraceable. **Benefit sharing:** CASSINIA licenses the artwork for a defined use (this signage, this site, five years) and pays an agreed royalty, so the community retains control and receives a share of what the work earns. OZOTHAMNUS pays nothing to any community, manufactures offshore, and keeps the whole margin, so the culture generates income for everyone except the people who own it. ∴ the same two obligations — say whose it is, and share what it earns — are met in full by one and breached in full by the other (4 marks: *congruent two-sided treatment of both attribution and benefit*).

Q13. (Any three, 1 mark each.) Come to learn, not to teach — open the engagement by listening rather than by presenting a concept, and be patient about how long trust takes to build. **Work to the community’s timetable** — meetings may be arranged around cultural obligations and long travel, especially in remote locations, so allow time

and expect to return. **Communicate plainly and appropriately** — keep technical design terms to a minimum, use an interpreter where English is an additional language, speak at an unhurried pace and never mimic another person's speech. **Expect an indirect communication style** — a direct question can read as confrontational, silence may mean listening or waiting for community support rather than agreement, and people may hold back a firm opinion until others have spoken, so do not press for a decision in the room. **Be respectful in conduct** — check whether a permit or permission is needed to enter Country or a community, ask before taking any photographs, dress modestly, and follow local cues about eye contact and physical contact.

Q14. The four requirements are that representations of Aboriginal and Torres Strait Islander cultures **reflect their cultural values and respect their customary laws; empower Indigenous peoples; authentically reflect their cultural identity; and do not reinforce negative stereotypes or depict confidential, personal or sensitive information** (2 marks for the four). **Applied to a coastal tourism campaign:** the campaign must be developed with the Traditional Owners of that specific coast, so any cultural content, story or place name is theirs and used with consent — which respects their values and customary law. It should empower them by naming and paying the Aboriginal or Torres Strait Islander artists and guides involved and by directing visitors to enterprises they own, rather than using their culture as decorative atmosphere for someone else's product. It must be specific to that Country rather than a generic "Aboriginal Australia" motif, or it is not authentic. And it must avoid stereotyping — no depiction of people as a historical exhibit or a tourist attraction, no images or names of people who have died without consent, and no reference to restricted sites or knowledge (2 marks: the requirements applied concretely to this brief).

Q15. A designer must treat this material as **not publishable**. Some knowledge is secret or sacred and is restricted under customary law, so it is unsuitable for public scrutiny regardless of how it was obtained; being shown such material during consultation is an act of **trust, not a supply of content** (1 mark). The obligation is therefore to check, with Elders or those with authority, whether any part of what has been shared is sensitive, sacred or restricted **before** anything is drawn or presented, and to leave it out entirely if it is — including from internal presentations, process folios and award entries, which are also publications (1 mark). Privacy and confidentiality attach in the same way to personal information: in some communities there are restrictions on naming or showing images of people who have died, and any photograph taken during consultation requires permission before it is used (1 mark).

Q16. Avoidance looks safe and is not. Australia's history of misuse has made many designers reluctant to reference Aboriginal and Torres Strait Islander culture at all, and the Charter explicitly **discourages** that response for two reasons. First, it produces **invisibility**: design is where a country describes itself, and a design profession that leaves the oldest continuous living cultures in human history out of the national picture presents Australia as a young settler country and works against reconciliation. Second, it removes **work**: the commissions, fees, authorship and professional recognition that should flow to Aboriginal and Torres Strait Islander designers do not exist if the projects are never proposed. Point 6 pushes in the opposite direction — the designer has a positive duty to ask the client, on every project, whether there is an Indigenous story to tell (3 marks). The condition is the whole of the answer, though: a designer should take such work on **only if prepared to work to the protocols** — Indigenous led, community specific, consent obtained for the specific use, benefit shared, and the schedule and budget built to allow it. Taking the work without that commitment is worse than avoiding it (1 mark).

Q17. A **Reconciliation Action Plan (RAP)** is a formal, published plan in which an organisation sets out the specific actions, targets, timeframes and named responsibilities it will use to build relationships, respect and opportunities with Aboriginal and Torres Strait Islander peoples (1 mark). Point 9 of the Charter asks designers and their clients to develop one, and to **incorporate the Charter into it**. Doing so converts the ten points from a document a designer has read into studio **procedure**: the Discover checklist carries the "is there an Indigenous story here?" question, the project template carries a consultation phase and a community fee line, the contract library carries a cultural-use agreement, and no job can be presented without the consent step being signed off (1 mark). It also makes the commitment **public and accountable** — the studio states its adherence on its website and in its marketing, encourages its clients to adopt their own RAPs, and can be held to what it has published, which is what distinguishes a policy from an intention (1 mark).

Q18. (Any five, 1 mark each: the term plus why it matters.) **1. The exact scope of the use** — which products the design may appear on, so the community is agreeing to a defined thing rather than to "a range" that can quietly expand. **2. The term** — how long the licence runs, so the right returns to the community instead of lasting forever by default. **3. The territory, media and channels** — where it may be sold and whether online and export sales are included, because a national retail rollout is a different decision from a local visitor centre. **4. The fee and any**

ongoing royalty — what is paid up front and what share of sales returns to the community, which is how the benefit of the commercial use is actually shared rather than merely promised. **5. The wording of the attribution** — exactly how the artist and community are named, checked and approved by them, so the credit is theirs rather than the client’s paraphrase. **6. Whether and how the community may be named** in marketing and publicity — a separate consent from the consent to use the design. **7. Approval before publishing** — the community sees and signs off the final artwork and packaging before production. **8. What happens on extension, resale or assignment** — that a new use, a new licensee or a sale of the business requires fresh consent, so the design cannot travel to uses nobody agreed to. **9. Moral rights and integrity** — that the design will not be cropped, recoloured or altered without consent.

Q19. “Aboriginal-style” is inappropriate because it treats a living body of owned knowledge as a **visual style** — something a designer may pick up and apply like a typeface or a colour palette. The wording itself asserts that no permission is needed, and it usually describes exactly the conduct the protocols forbid: a non-Indigenous designer producing cultural content themselves. It also misleads the audience about who made the work and on what authority (2 marks). **“Aboriginal culture”** used of the whole continent is inappropriate because Aboriginal and Torres Strait Islander peoples are **many nations** with distinct languages, Countries, customary laws and visual traditions. A single blanket description erases that diversity, and it produces designs that are specific to nowhere — a generic motif placed on a particular river, coast or wetland misrepresents the very people connected to it, and it breaches the requirement that protocols be community specific (1 mark). Instead a designer writes what is actually true and consented to: **“design created by [artist’s name], [nation or language group], with the consent of the custodians of the [named] community”**, alongside a traditional custodian notice — naming the specific people, the specific authority and the specific permission (1 mark).

Q20. The honest recommendation is that the range **cannot be “fixed”**, and the studio should say so before it accepts the work.

The problem is not the drawing but its origin. Culturally appropriate practice requires that the creation of Indigenous representation be **Indigenous led**, that the relevant community give **informed consent** to the specific use, and that the community **share the benefit**. None of that happened here: a non-Indigenous designer produced a pan-Aboriginal pattern from images found online, no community was identified, and no community could now be identified as the source, because the pattern was never any particular community’s design in the first place. There is therefore nobody who *could* grant retrospective permission for it. Adjusting the artwork, adding a credit line or paying a donation would leave the same appropriation in the market with better presentation — and adding a credit would make it worse, by publicly associating a community with a product it never authorised.

∴ the recommended course of action is:

1. **Withdraw the range from sale and stop production immediately**, and remove the “Authentic Australian Indigenous art” claim from every tag, listing and advertisement — it is a false representation about who made the goods and where, independently of the cultural breach.
2. **Do not re-release the design in any altered form.** Restyling, simplifying or recolouring it is still an unauthorised use.
3. **Start again properly if the business wants Indigenous content at all.** Identify the Traditional Owner group for the region the range represents, approach them with a written statement of intent, and commission an Aboriginal or Torres Strait Islander designer nominated by that community to create new work — under a written agreement setting out scope, term, media, fee, royalty, attribution and approval before publishing, with a traditional custodian notice on the product. Build the extra weeks and the community fee into the program from the start.
4. **Or design an original range with no cultural content**, developed from the region’s landscape, flora and built form — which the studio can author itself and the business can sell tomorrow.
5. **Make it structural**, not a one-off fix: a Reconciliation Action Plan incorporating the Charter, and a Discover-stage question on every future project.

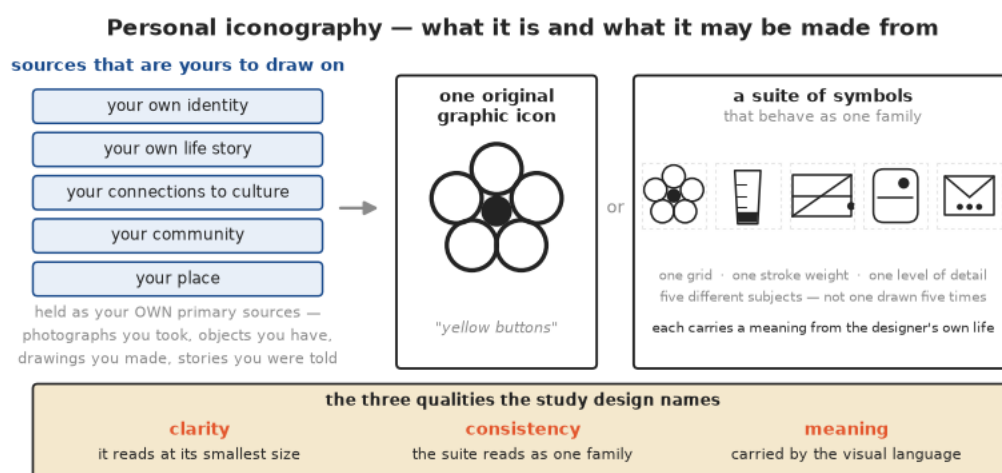
The studio should also be clear about its own position: taking the commission to legitimise the existing range would make it a party to the appropriation. ∴ the only defensible advice is withdrawal plus one of two clean paths — a genuinely Indigenous-led commission, or the studio’s own original work (6 marks: a clear recommendation; the reason the range is unsalvageable rather than fixable; Indigenous-led, consent and benefit-sharing protocols applied; the misleading claim addressed; a buildable alternative; and the studio’s own ethical position).

Chapter 8 Cultural ownership and design — 8C Personal iconography & original solutions

Theory

Chapter 8 has so far dealt with what a designer must **not** do with knowledge and designs that belong to other people: 8A set out the ethical and legal responsibilities that come with ownership and intellectual property, and 8B set out the protocols for the creation and commercial use of Indigenous knowledge in design, including representations of Aboriginal and Torres Strait Islander culture. This subtopic is where you put those understandings to work in a project of your own.

Personal iconography is an original graphic icon, or a suite of symbols, that captures elements of **your own** identity or life story. It is the practical outcome of Unit 2 Outcome 2, and it is deliberately built on the same ground as the rest of the chapter: because the content comes from your own life, the work is original in the copyright sense *and* culturally appropriate at the same time. The project also teaches the icon-design skills you will need in Unit 2 Outcome 3, when you design a digital interface and every button, tab and status marker has to be read at a glance.



Icon, symbol and the suite. Keep the three words apart, because questions use them precisely.

- An **icon** is a graphic mark that stands for something by **resembling** it — a drawn rain gauge reads as a rain gauge before anyone explains it.
- A **symbol** is a mark whose meaning is **agreed or learned** rather than seen. Nothing about a drawn gate looks like *leaving home and coming back*; it means that because the designer assigned the meaning and the audience learns it.
- A **suite** is a set of marks designed together so that they behave as one family.

Most personal iconography starts as icons — recognisable objects, drawn from life — and becomes symbolic once the key tells the viewer what each object stands for in the designer's story. That is the whole point of the exercise: to make ordinary objects carry personal meaning through visual language.

The three qualities the study design names. A personal icon or suite is judged on **clarity**, **consistency**, and the **capacity to convey meaning through visual language**.

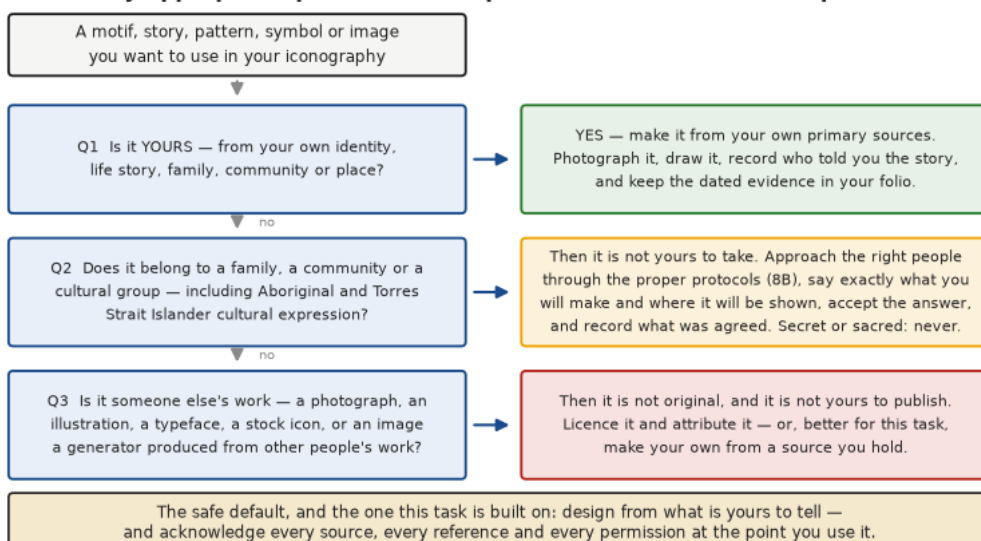
Quality	What it means in practice	How it is tested
Clarity	One idea per mark. The silhouette holds together, the counters and gaps stay open, and the mark still reads at the smallest size the brief names.	Print at the smallest size; reduce until it fails; squint or blur the page and check the silhouette still reads.
Consistency	The marks share one construction: one grid, one live area, one stroke	Line the suite up side by side and compare, mark by mark, decision by

Quality	What it means in practice	How it is tested
	weight, one corner treatment, one level of abstraction, one optical size.	decision.
Meaning	The elements and principles — shape, line, figure-ground, proportion, balance — carry the intended meaning without a caption doing the work.	The blind-read test: show a mark with the key covered and ask several people what they read.

Watch-out — a key is not a rescue. If a symbol only reads because the caption underneath says what it is, the mark has failed the *capacity to convey meaning*. The key **records** a meaning; it cannot create one.

Culturally appropriate design practices for the creation of personal iconography. One question sits in front of every mark you make: *whose is this to tell?*

Culturally appropriate practice — the question asked BEFORE the pencil moves



Four practices follow from that question, and together they are what “culturally appropriate” means for this task.

1. **Design from what is yours.** Your own identity, your own life story, your own connections to culture, community and place. This is not a limitation — it is the reason the outcome can be both original and appropriate. A suite drawn from your own life cannot be an appropriation of anyone else’s.
2. **Work from your own primary sources.** Photograph the object. Draw it from life. Hold it. Write down who told you the story and when. Working from a source you hold is what makes the expression **yours** — the drawing is your own original work — and it gives the mark **provenance**, a traceable record of where it came from.
3. **Where the material is not solely yours, consult and seek consent before you draw.** A story, a motif or a name that belongs to a family, a community or a cultural group belongs to the people who hold it, not to whoever saw it first. Ask the right people; say plainly what you intend to make and where it will be shown; accept the answer you are given; and record what was agreed. Aboriginal and Torres Strait Islander cultural expression carries its own protocols, including those published in the **Australian Indigenous Design Charter** — those protocols are the subject of 8B and they apply here in full. If you are not of that community, the answer to “how can I use this?” is usually “you cannot”, and the response is not to disguise it but to **design from your own story instead**.
4. **Acknowledge and attribute everything you drew on.** Every source, every reference, every permission, every person who gave you a story — recorded at the point you use it and presented with the finished work.

The words to use. Questions on this outcome are marked on terminology as well as on judgement.

Term	What it means when you use it
cultural expression	the stories, designs, motifs, names and knowledge
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Term	What it means when you use it
custodian / knowledge holder	through which a community expresses its culture the person or people who hold the right to speak for, and to permit or refuse the use of, a particular piece of cultural knowledge
consultation	asking the right people, early, and continuing the conversation as the work changes — not one message sent the week before it is due
free, prior and informed consent	permission given without pressure (free), before the work begins (prior), and with a full description of what will be made and where it will be shown (informed)
appropriation	taking cultural expression that is not yours, without consent, and using it for your own purposes
cultural integrity	keeping meaning intact — not cropping, restyling or recolouring cultural material so that it says something its community did not intend
self-determination	communities decide for themselves how their culture is represented, by whom, and on what terms
attribution	naming the source, the community and the person wherever the work appears
acknowledgement	the record, presented with the design, of every source, reference and permission the work depended on
provenance	the traceable evidence of where each element of a design came from

Watch-out — appreciation is not permission. “I really admire that culture” is a feeling, not a consent. Liking something has never given anyone the right to use it.

Watch-out — “I changed it enough” is not a defence. It fails legally, because copyright protects a work against reproduction of a *substantial part* and a substantial part is judged by importance, not by percentage. It fails culturally, because altering cultural expression to disguise its origin damages its **integrity** as well as taking it.

Watch-out — culturally appropriate is not culturally themed. Adding a motif because it “looks cultural”, or styling a suite to feel “tribal” or “ethnic”, is appropriation wearing a compliment. Culturally appropriate practice is about **whose knowledge it is and who agreed**, not about how the outcome looks.

The brief this subtopic works to. Everything below is worked against one original project, **CHRYSOCEPHALUM** — the working title a Year 11 student gave their own personal iconography project, after the small everlasting daisy that flowers along the gravel road to their grandparents’ place.

Entry	What the brief says
Client	The designer themselves — the Unit 2 Outcome 2 personal iconography task.
Communication need	A suite of five symbols capturing elements of the designer’s own identity and life story.
Purpose	To convey personal connections to culture, community and place through visual language.
Context	A presentation sheet at the end-of-year folio exhibition, a folio cover, an exhibition label, and a 10 mm stamp on the folio spine.
Audience or users	Classmates, teachers and visiting families, reading at arm’s length and from about 3 m.
Design criteria	1. every symbol original and generated from the

designer's own primary sources, with dated process evidence; **2.** the five must read as one suite — one 12 × 12 keyline grid, one stroke weight, one level of abstraction; **3.** each symbol legible at 10 mm wide; **4.** culturally appropriate practice throughout — nothing used that belongs to another person or community without consent; **5.** presented with a key of meanings and an acknowledgement of sources.

Methods and processes used to generate and present original design solutions. The spine is the one you already know from 3A — **generate** → **refine** → **resolve** — run here for icon design. What changes is that the raw material is your own life, and that originality has to be *evidenced*, not asserted.

Generate — Develop, divergent thinking.

- 1. Story mapping (a personal audit).** Put yourself at the centre of a mind map and branch outward: place, people, routine, journey, object, food, language, sound. Keep branching past the obvious until you reach the small specific things — the rain gauge, not “the farm”. *Produces:* a field of candidate subjects that belong to you and no one else.
- 2. Word banking.** List the nouns and the verbs your map produced — gravel, gauge, latch, dust, packet, platform — and then **draw** each word instead of only writing it. *Produces:* a vocabulary of subjects, so the page explores five different things rather than one thing five times.
- 3. Primary visual research.** Photograph the actual objects and places. Draw them from life. Bring the object in if you can. *Produces:* original reference you own outright, plus the dated provenance criterion 1 asks for.
- 4. Ideation sketching (thumbnails).** Draw small and fast, at about 25 mm, numbered, uneraser, filling the page. Work at the size the mark will finally be used at, so the page cannot flatter a drawing that will not survive reduction. *Produces:* a wide field of design ideas.
- 5. Manual and digital methods together.** Manual — pencil and fineliner, brush and ink, cut and torn paper, a stamp cut from an eraser or a lino block. Digital — vector drawing on a grid, and building marks by combining and subtracting simple shapes. Each finds shapes the other does not: cut paper produces bold silhouettes a pencil never reaches, and a grid produces precision a hand cannot hold. *Produces:* range in *approach* as well as in subject.
- 6. Iterating inside Develop.** Take one subject and re-run it a different way — solid silhouette, outline only, negative space, monoline, geometric reduction, type only. *Produces:* depth as well as breadth.

CHRYSOCEPHALUM — Develop: generating from a life story

many · wide · fast — and every subject drawn from a source the designer holds

1 story map

branch outward past the obvious

3 primary visual research — the designer's OWN sources

my photo my photo my photo my drawing the object

working from a source you hold is what makes the mark original — and gives it provenance

2 word bank — then DRAW each word

gravel	daisy	gauge	rain
gate	latch	dust	seed
packet	platform	6:12	window
dough	thermos	paddock	line

a vocabulary of subjects — not one subject

4 ideation thumbnails — one page from sixty, at about 25 mm

five different SUBJECTS and seven different APPROACHES — solid silhouette, negative space, monogram, cut paper, contour line, stamped block, type only

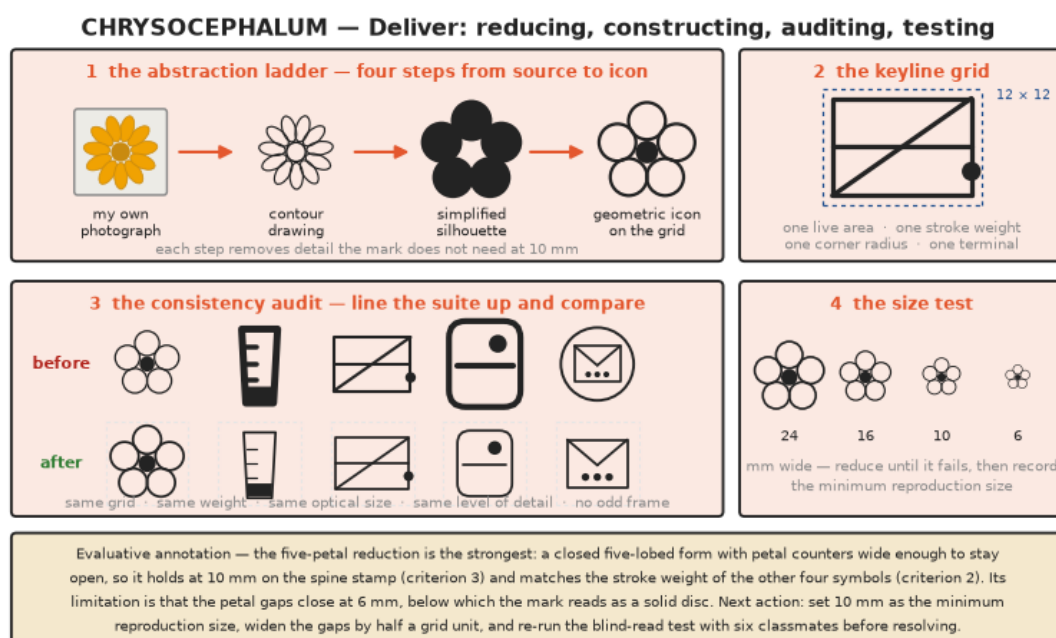
manual AND digital — each finds shapes the other does not

Watch-out — a method is a process, not a program. Vector illustration software is a **medium**. The **method** is digital drawing, or geometric construction on a grid. Naming an application when a question asks for a method earns nothing.

Watch-out — range, not repetition. Five drawings of the same flower are one symbol drawn five times. A suite needs five different **subjects** sharing one construction — that is the difference between consistency and sameness.

Refine — Deliver, convergent thinking.

7. **Select against the design criteria.** Score the thumbnails against the five criteria in a selection matrix, or eliminate in rounds against a criteria checklist. The output is a decision *plus a written reason*, not a favourite.
8. **The abstraction ladder.** This is the named method that turns a source into an icon, in four steps: **your own photograph** → **a contour drawing** → **a simplified silhouette** → **a geometric icon constructed on the grid**. Each step removes detail the mark does not need at its smallest size. Reduction is a design decision at every rung — you choose *which* detail carries the meaning and which is only description.
9. **Construct on a keyline grid.** Draw every mark inside the same grid (a 12 × 12 unit square is a sensible choice) with the same **live area**, the same **stroke weight**, the same corner radius and the same terminals. This is what makes five different subjects read as one suite.
10. **Run a consistency audit.** Line all five marks up and compare them decision by decision: weight, optical size, level of detail, alignment, whether any one of them has picked up a frame the others do not have. Optical size matters more than measured size — a circular mark must be drawn slightly larger than a square one to *look* the same size.
11. **Test.** Print at the smallest size named in the brief and read it at arm's length; reduce until it fails and record the size; blur or squint at the page; and run the **blind-read test** — show each mark with the key covered and write down what people say it is.
12. **Annotate evaluatively.** Every annotation carries a **strength**, a **limitation** and the **next action**, each in design terminology and each tied to a numbered criterion.

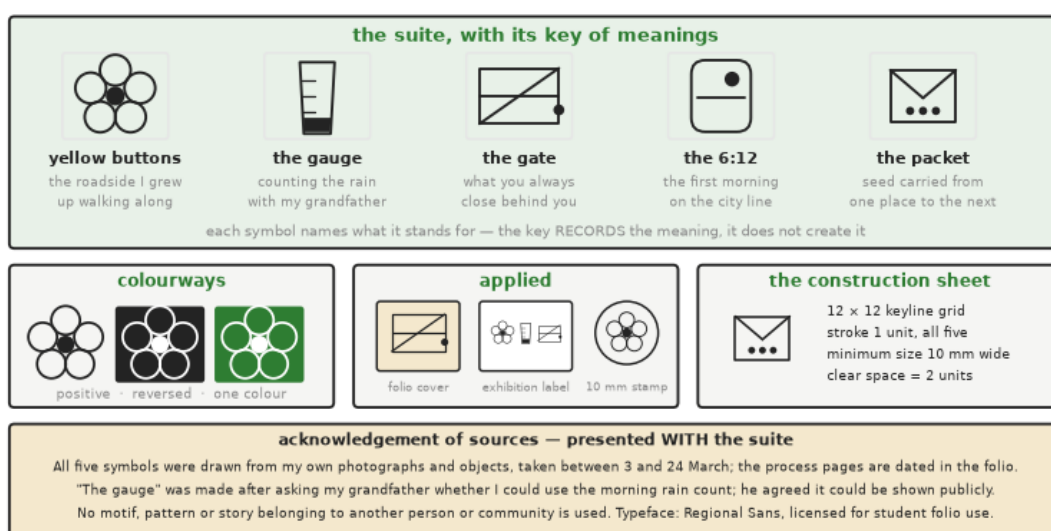


Watch-out — refining is not tidying. Redrawing a mark more neatly changes nothing. If a symbol fills in at 10 mm because the *subject* carries too much detail, no amount of careful redrawing will save it; the subject has to be re-chosen or re-abstracted.

Resolve and present. To **resolve** is to settle every remaining decision so the suite can be produced and used; to **present** is to put it in front of an audience in a form they can read.

13. **Resolve the details.** Final geometry on the grid; the single stroke weight; the **minimum reproduction size**; the **clear space** around each mark; the colourway, including a positive, a reversed and a one-colour version; and how the suite behaves on each application named in the brief.
14. **Present the suite itself** on a shared grid at one size, so the family reading is visible at a glance.
15. **Present the key of meanings** — each symbol's name and, in a line, what it stands for.
16. **Present a statement of meaning (a rationale)** — a short written account of why these five subjects, drawn this way, say something true about the designer.
17. **Present the construction sheet** — the grid, the stroke weight, the minimum size, the clear space — so the suite can be re-used correctly.
18. **Present the process, not only the outcome.** The dated story map, the primary photographs, the thumbnails, the abstraction ladder and the annotated tests are what **evidence** originality and culturally appropriate practice. Originality is demonstrated by a process, never by a claim.
19. **Present the acknowledgement of sources** — what each mark was drawn from, whom you consulted and what they agreed to, and the licence for any typeface or material you did not make.

CHRYSOCEPHALUM — the resolved suite, presented



Watch-out — originality is evidenced, not asserted. “This is all my own work” proves nothing. The dated photographs, the story map and the numbered thumbnails prove it, which is why the process pages are presented alongside the resolved suite rather than left in the folio.

Watch-out — “resolved” means resolved to the brief. A handsome sheet that has never been checked against the criteria is not a design solution. Go through the criteria in order, state with evidence how the suite meets each, and be honest where it only partly does.

Units 3 & 4 preview — beyond the Units 1&2 study design. In Units 3 and 4 this same generate–refine–resolve spine is run against a brief carrying **two distinct communication needs**, and **one** design idea is developed into **two distinct design concepts for each need**. Those concepts are refined and resolved, and **one concept for each need** is then delivered in a formal **design pitch**, in which the designer justifies their selection of methods, media and materials, and of design elements and principles, to a client. The design **solutions** come after the pitch: each selected concept is refined again in response to the feedback the pitch generates, and the final solutions are presented separately. Neither the two-concept method nor the pitch is required in Units 1 and 2 — here you resolve **one** suite for **one** communication need and you **present** it. Do not use those methods in the questions below.

Worked examples

Example 1 — scaffolded

Using the CHRYSOCEPHALUM brief, describe the process you would use to generate design ideas for the suite of five symbols. Name at least **three** methods and state what each produces. (6 marks)

Working	Comment
Method 1 — story mapping. Put “my story” at the centre of a mind map and branch outward through place, people, routine, journey and object, then keep branching until each branch reaches something small and specific: not “the farm” but the rain gauge on the tank stand; not “moving” but the 6:12 train. <i>What it produces:</i> a field of candidate subjects drawn from the designer’s own life — which is also what makes the outcome culturally appropriate, because nothing on the map belongs to anybody else. Method 2 — primary visual research. Photograph the actual gauge, the actual gate and the roadside daisies; draw the gauge from life; keep the seed packet and photograph it on the desk. Date every file and every page. <i>What it produces:</i> original reference the designer owns outright, plus the dated evidence criterion 1 requires. Method 3 — ideation sketching (thumbnails). Sketch at about 25 mm — the size the mark will actually be used at — numbered, uneraser, filling the page, aiming for at least sixty across the five subjects, and switching approach as well as subject: solid silhouette, outline, negative space, monogram, cut paper, type only. <i>What it produces:</i> a wide field of design ideas for the convergent stage to select from. All three methods belong to the Develop stage and to divergent thinking.	“Describe” needs the method NAMED and its procedure stated. Naming the method without saying what you actually do earns almost nothing. Say what each method produces; the question asks for it, and here it also links the generation method to criterion 4. This is the method that carries criterion 1. Working from a source the designer holds is what makes the expression original and gives the work provenance. The output is two things — the reference AND the evidence. Both are worth saying. Divergent rules made visible: small, fast, many, judgement suspended. Working at the final size stops the page flattering a drawing that will not survive reduction to 10 mm. Close by naming the stage and the mode — that is what anchors the answer to the study design rather than to general advice.

Example 2 — scaffolded

Take the roadside daisy from the CHRYSOCEPHALUM story map. Set out the steps that reduce it from a photograph to a resolved symbol that holds at 10 mm, and write the evaluative annotation for the version you would carry forward. (6 marks)

Working	Comment
Step 1 — the abstraction ladder, rung 1 to rung 2. Begin from the designer’s own photograph of the daisies on the gravel verge, and make a contour drawing from it — every petal, every overlap, drawn as an outline. Step 2 — rung 3, the simplified silhouette. Reduce eleven irregular petals to five even ones and drop the internal texture. Reduction is a decision: the count and the radial arrangement are what say <i>daisy</i>, so they stay; the irregularity is description, so it goes. Step 3 — rung 4, geometric construction on the keyline grid. Rebuild the silhouette on the shared 12 × 12 grid inside the same live area as the other four symbols, using the same single stroke weight and the same terminals. Step 4 — test at the real size. Print at 24, 16, 10 and 6 mm wide in one colour, read each at arm’s length, then blur the page and check the silhouette. Run the blind-read test with the key covered. The annotation. “The five-petal reduction is the	Name the method. The ladder starts from a source the designer holds, which is what criterion 1 requires; starting from a found image would fail criterion 1 before the drawing began. The examinable point — reduction is a design decision about <i>which</i> detail carries meaning, not just “make it simpler”. This is the step that delivers criterion 2. The mark is now a member of a family rather than a drawing that happens to sit beside four others. Tie the test to the actual criterion — 10 mm on the spine stamp (criterion 3) — and to the quality of meaning (the blind read). A test with no criterion behind it proves nothing. Evaluative annotation = a strength, a limitation and a

strongest against the criteria: a closed five-lobed form carrying no fine internal detail, with petal counters wide enough to stay open, so it holds at 10 mm on the spine stamp (criterion 3), and it shares the stroke weight and live area of the other four symbols (criterion 2). Its limitation is that the petal gaps close at 6 mm, below which the mark reads as a solid disc. Next action: set 10 mm as the minimum reproduction size, widen the gaps by half a grid unit, and re-run the blind-read test with six classmates before resolving.”

next action, each in design terminology and each pointed at a numbered criterion. Note that the limitation is stated as a measured fact, not as modesty.

Example 3 — unscaffolded

Explain what makes a personal iconography project culturally appropriate, referring to the designer’s practice as well as to the finished symbols. (4 marks)

Culturally appropriate practice is decided by **whose knowledge is being used and who agreed to it**, not by how the outcome looks. In the **practice**, the designer begins by asking of every motif, story or pattern: is this mine to tell? Content that comes from the designer’s own identity, life story, family, community or place is theirs to make, and they make it from their **own primary sources** — their photographs, their objects, their drawings — which is also what makes the expression original. Where a story or motif belongs to a family, a community or a cultural group, including Aboriginal and Torres Strait Islander cultural expression, the designer does not use it until they have **consulted** the right people and obtained **free, prior and informed consent**, described exactly what will be made and where it will be shown, and recorded what was agreed; secret or sacred material is not used at all. Every source, reference and permission is **acknowledged** at the point of use. In the finished **symbols**, the test is that each mark can be traced to something the designer was entitled to draw on, that nothing has been restyled to imply a connection to a culture the designer does not have, and that the acknowledgement is presented with the suite so a viewer can see where the work came from. ∴ appropriateness lives in the process and is only *visible* in the outcome — which is why the dated process evidence is part of what is presented.

Example 4 — unscaffolded

Describe how you would present the resolved CHRYSOCEPHALUM suite so that a viewer can read both the symbols and the practice behind them. (6 marks)

The presentation has to do two jobs — show the solution and evidence the process — so it is built in five parts. **First, the suite itself**, all five symbols reproduced at one size on a shared grid with even spacing, so the family reading is visible at a glance and criterion 2 can be checked by eye. **Second, the key of meanings**: each symbol named — *yellow buttons, the gauge, the gate, the 6:12, the packet* — with one line saying what it stands for, so the viewer can move from the mark to the meaning. The key **records** those meanings; the marks still have to carry them, which is why the blind-read test was run before the key was written. **Third, a statement of meaning**, a short rationale explaining why these five subjects, drawn at this level of abstraction, say something true about the designer’s connections to place, family and the move to the city. **Fourth, the construction sheet**: the 12 × 12 keyline grid, the single stroke weight, the 10 mm minimum reproduction size, the clear space of two grid units, and the positive, reversed and one-colour versions, together with the suite shown on its applications — folio cover, exhibition label and 10 mm spine stamp — which is where criterion 3 is demonstrated rather than claimed. **Fifth, the process and the acknowledgement**: the dated story map, the primary photographs, the numbered thumbnails, the abstraction ladder and the annotated size tests, alongside a written acknowledgement naming what each symbol was drawn from, the permission given by the designer’s grandfather for the rain-count symbol, the statement that no motif or story belonging to another person or community has been used, and the licence covering the typeface. ∴ the sheet lets a viewer read the symbols, check them against every criterion, and see the evidence that the work is original and the practice appropriate — which is exactly what criteria 1, 4 and 5 ask for.

Practice questions

Scaffolded

Q1. (a) Define **personal iconography**. (2 marks) (b) Name the three qualities the study design asks a personal icon or suite to have. (3 marks) (c) Distinguish between an **icon** and a **symbol**, using one example from the CHRYSOCEPHALUM suite. (2 marks)

Q2. Using the CHRYSOCEPHALUM project: (a) State two sources of content that are the designer's to draw on. (2 marks) (b) Explain why working from the designer's own primary sources makes a mark original. (2 marks) (c) Identify two pieces of folio evidence that would demonstrate that originality. (2 marks)

Q3. (a) State the question a designer must ask before using any motif, story or pattern in their iconography. (1 mark) (b) Describe two actions a designer must take when the material they want to use belongs to a family, a community or a cultural group. (2 marks) (c) Explain why "I changed it enough that it's mine now" is not an acceptable defence. (3 marks)

Q4. (a) Name, in order, the four steps of the **abstraction ladder**. (2 marks) (b) State which step decides whether a symbol will hold at 10 mm. (1 mark) (c) Explain why a designer generates ideas using both manual and digital methods rather than one alone. (3 marks)

Q5. (a) State four construction decisions that must be shared across every symbol in a suite. (4 marks) (b) Explain how consistency helps a viewer read the meaning of an individual symbol. (2 marks) (c) Explain the difference between **consistency** and **sameness** in a suite. (2 marks)

Q6. (a) Name three components that should be presented with a resolved suite of personal iconography. (3 marks) (b) State what a **key of meanings** does, and what it cannot do. (2 marks) (c) Explain why the process pages are presented alongside the resolved suite rather than left in the folio. (2 marks)

Un scaffolded

XEROCHRYSUM — the task brief and a student's presented sheet

Extract from the task brief	The student's presented A3 sheet (no key of meanings, no sizes, no acknowledgement of sources)
Communication need A suite of five symbols capturing elements of the designer's own identity or life story. Purpose To convey personal connections to culture, community or place through visual language. Context One A3 sheet at the end-of-year folio exhibition; a folio cover; a 12 mm sticker. Audience or users Classmates, teachers and visiting families, reading at arm's length and from 3 m. Design criteria - every symbol original and generated from the designer's own primary sources - the five read as one suite — one grid, one stroke weight, one level of abstraction - each symbol legible at 12 mm on the sticker - culturally appropriate practice: nothing used that belongs to another person or community - presented with a key of meanings and an acknowledgement of sources	the only process notes in the folio "Traced from a photo of a house I found online. I don't know whose photo it is." "A pattern I copied off an artwork printed on a tea towel, because it looked good and it makes the whole set feel cultural." "Downloaded from a free icon site and recoloured." (no story map, no word bank, no thumbnails, no photographs of the designer's own, no dates)

Symbol 3 is deliberately not drawn: reproducing cultural material in order to teach that it must not be reproduced would commit the fault itself.

Questions 7–19 and 21 refer to the XEROCHRYSUM task brief and the student's presented sheet shown above, unless otherwise stated.

Q7. Identify the culturally inappropriate practice in symbol 3, explain why it is inappropriate, and describe what the student should have done instead. (4 marks)

Q8. Explain how symbol 1 breaches both a **legal** obligation and an **ethical** obligation. (4 marks)

- Q9.** Symbol 5 was downloaded from a free icon site under a licence that permits student use. Explain why it still fails design criterion 1. (3 marks)
- Q10.** Describe **two** ways the XEROCHRYSUM suite fails design criterion 2, and state the construction decision that would fix each. (4 marks)
- Q11.** Symbol 1 fills in and becomes unreadable at 12 mm. Explain why redrawing it more neatly will not fix this, and describe the process that would. (4 marks)
- Q12.** Generate a written list of **eight** genuinely different subjects the student could draw from their own life story. For each, state in a few words what the symbol would be built from. (4 marks)
- Q13.** Describe **two** methods the student could use to widen the range of ideas — one **manual** and one **digital**, and neither of them story mapping or ideation sketching — and state what each would produce. (4 marks)
- Q14.** The student’s whole annotation reads “*I like this set. It represents my culture and everyone’s culture.*” Rewrite it as an evaluative annotation for symbol 4, referring to at least two of the design criteria. (4 marks)
- Q15.** Describe **two** tests the student could run to check the clarity of a refined symbol, and state what each test would reveal. (4 marks)
- Q16.** The student says the sheet only needs a key added to satisfy the brief. Explain why adding a key would not, on its own, meet the purpose stated in the brief. (3 marks)
- Q17.** Outline what the student must still resolve before the XEROCHRYSUM suite could be called a design **solution**. (4 marks)
- Q18.** Select an appropriate presentation format for the resolved XEROCHRYSUM suite and justify the choice against the brief. (3 marks)
- Q19.** Describe the **acknowledgement of sources** that should be presented with the resolved suite, and explain what each item in it is for. (4 marks)
- Q20.** (New scenario.) RHODANTHE is a personal iconography task set in another school. The brief asks for a suite of **four** symbols capturing the designer’s own connections to community and place, to be presented on a single sheet, applied to a laser-cut 40 mm badge and reproduced at 8 mm on a name tag. The design criteria are that every symbol must be original and generated from the designer’s own primary sources; that all four must read as one suite; that each must survive reproduction at 8 mm in a single colour; and that the practice must be culturally appropriate throughout. You are at the start of Develop. Produce a written plan of the methods and processes you will use to generate, refine, resolve and present the suite, naming at least **six** methods and, for each, the mode of thinking it belongs to and what it will produce. (8 marks)
- Q21.** Evaluate the XEROCHRYSUM folio against **both** culturally appropriate design practice **and** the process required to generate and present an original design solution. (6 marks)

Answers

Q1. (a) An original graphic icon, or suite of symbols, capturing elements of the designer's own identity or life story. (b) Clarity; consistency; the capacity to convey meaning through visual language. (c) Icon = stands for something by resembling it; symbol = meaning agreed or learned. See solutions. **Q2.** (a) Any two of: own identity, own life story, own connections to culture, own community, own place. (b) The designer makes the expression themselves from a source they hold — see solutions. (c) Any two of: dated primary photographs; the story map; numbered thumbnails; the abstraction ladder pages; annotated size tests. **Q3.** (a) *Whose is this to tell?* (b) Consult the right people (custodians/knowledge holders) and obtain free, prior and informed consent, describing what will be made and where it will be shown; record what was agreed. (c) See solutions. **Q4.** (a) Own photograph → contour drawing → simplified silhouette → geometric icon constructed on the grid. (b) The simplified silhouette (step 3) — the level of abstraction. (c) See solutions. **Q5.** (a) Any four of: the keyline grid; the live area; the stroke weight; the corner radius; the terminals; the level of abstraction; the optical size; whether a frame is used. (b) See solutions. (c) Consistency = different subjects sharing one construction; sameness = one subject repeated. **Q6.** (a) Any three of: the suite on a shared grid; the key of meanings; the statement of meaning; the construction sheet; the applications; the process pages; the acknowledgement of sources. (b) It records the meanings; it cannot create meaning the marks do not carry. (c) They evidence originality and culturally appropriate practice — see solutions. **Q7.** Appropriation of cultural expression: a motif copied from another community's artwork, without consultation or consent, for its "look". See solutions. **Q8.** Legal — copyright infringement by tracing a substantial part of someone else's photograph with no licence, and breach of the photographer's moral right of attribution. Ethical — no record of the source, and the mark presented in an exhibition as the student's own original work. See solutions. **Q9.** A licence to *use* is not authorship. Criterion 1 requires the symbol to be generated from the designer's own primary sources, and a downloaded icon is neither original nor personal. **Q10.** Any two of: five different stroke weights; different optical sizes; different levels of abstraction; symbol 4 carries a heavy circular frame the others do not; no shared grid. Fixes = one keyline grid, one live area, one stroke weight, one level of abstraction, no frame. **Q11.** The fault is in the subject, not the drawing — the mark carries too much detail to survive reduction. Re-run the abstraction ladder. See solutions. **Q12.** Eight distinct subjects from the designer's own life — see solutions for a model list. **Q13.** Any one manual (cut/torn paper, stamp cutting, brush and ink) and any one digital (vector construction on a grid, combining/subtracting shapes, digital tracing of the designer's own photograph). See solutions. **Q14.** Strength + limitation + next action, in design terminology, tied to numbered criteria — see solutions. **Q15.** Any two of: print at 12 mm and read at arm's length; reduce until it fails; blur or squint test; blind-read test with the key covered; one-colour print. See solutions. **Q16.** The purpose is to convey personal connections through visual language; a key cannot make an appropriated, downloaded or traced mark personal, nor make an unreadable mark clear. **Q17.** Originality and provenance; the shared grid and stroke weight; the level of abstraction; minimum reproduction size and clear space; colourway; the key, statement of meaning and acknowledgement; the check against every criterion. **Q18.** e.g. a presentation sheet with a construction sheet and process pages (accept a concept board or a mock-up of the sticker and folio cover) — justified against a stated criterion. See solutions. **Q19.** What each symbol was drawn from and when; who was consulted and what was agreed; licences for anything not made by the designer; a statement that nothing belonging to another person or community is used. See solutions. **Q20.** See fully-worked solutions for a model plan. **Q21.** Fails on both counts: appropriated, traced and downloaded content; no generative process, no refinement, no testing, no key, no acknowledgement. See solutions.

Fully-worked solutions

Q1. (a) **Personal iconography** is an original graphic icon, or a suite of symbols, that captures elements of the designer's **own** identity or life story, and that conveys those meanings through visual language (2 marks: *original + drawn from the designer's own identity/life story*). (b) **Clarity; consistency; and the capacity to convey meaning through visual language** (1 mark each). (c) An **icon** stands for something by **resembling** it — the CHRYSOCEPHALUM rain gauge is read as a rain gauge by anyone, without explanation. A **symbol** carries a meaning that is **agreed or learned** rather than seen — the same mark means *counting the rain with my grandfather* only because the designer assigned that meaning and the key teaches it. Personal iconography typically works as both at once: the mark is iconic in what it depicts and symbolic in what it stands for (2 marks: *a congruent two-sided distinction anchored to one example*).

Q2. (a) Any two of: the designer's **own identity**; their **own life story**; their **own connections to culture**; their **own community**; their **own place** (1 mark each). (b) Copyright protects the **expression** of an idea, and the expression is owned by whoever creates it. When the designer photographs the gauge themselves and draws it themselves, every

mark on the page is their own recorded expression, so they own it outright and no one else's rights are engaged. Working instead from someone else's photograph means the expression being reproduced is theirs, not the designer's — the subject may be ordinary, but the particular image of it is not free to take (2 marks: *expression vs idea + the designer as creator of the expression*). (c) Any two of: the **dated primary photographs**; the **story map**; the **numbered thumbnail pages**; the **abstraction ladder** showing the reduction from photograph to icon; the **annotated size tests** (1 mark each).

Q3. (a) *Whose is this to tell?* — that is, does this motif, story or pattern belong to me (1 mark). (b) **Consult the right people** — the custodians or knowledge holders — early and in person where possible, saying plainly what will be made and where it will be shown; and **obtain free, prior and informed consent**, then record what was agreed and work within it. Secret or sacred material is not used at all (1 mark each). (c) It fails **legally**, because copyright is infringed by reproducing a **substantial part** of a work, and substantiality is judged by how important the part is, not by what percentage was changed — so an altered copy of a distinctive motif still infringes. It fails **culturally**, because the objection was never that the motif was copied exactly; it was that the knowledge belongs to a community who did not consent. Altering it makes that worse rather than better, because changing cultural expression damages its **integrity** — it now says something the community did not intend, and its origin is disguised so the community cannot even be credited. ∴ the defence answers a question nobody asked (3 marks: *the legal point on substantial part + the consent point + the integrity point*).

Q4. (a) The designer's **own photograph** → a **contour drawing** → a **simplified silhouette** → a **geometric icon constructed on the keyline grid** (2 marks: *four steps in the correct order*). (b) **Step 3, the simplified silhouette** — the level of abstraction chosen there is what decides whether the mark survives reduction (1 mark). (c) The two families of methods produce different kinds of mark, so using only one narrows the field before the criteria have had a chance to choose. **Manual** methods — cut and torn paper, a cut stamp, brush and ink — force bold, closed silhouettes with no fine internal detail, which is exactly what survives at 10 mm, and they produce accidents a designer would not have planned. **Digital** methods — vector drawing and building marks by combining and subtracting simple shapes on a grid — deliver the precision, repeatability and shared stroke weight that criterion 2 requires, and let the same mark be tested at four sizes in seconds. ∴ the manual work widens the range of ideas and the digital work resolves them; a designer who uses only one either has few options or cannot construct them consistently (3 marks: *what each produces + why both are needed, tied to the criteria*).

Q5. (a) Any four of: the **keyline grid**; the **live area** each mark is drawn within; the **stroke weight**; the **corner radius**; the **terminals**; the **level of abstraction**; the **optical size**; whether a **frame** is used at all (1 mark each). (b) Consistency removes every difference that is not carrying meaning. When all five marks share one grid, one weight and one level of detail, the only thing that varies between them is the **subject** — so the viewer reads the difference as meaning rather than as noise. If one mark is heavier or more detailed than the rest, the viewer reads that difference as emphasis, and assumes it is more important than the others when the designer intended nothing of the kind (2 marks: *variation is read as meaning + the consequence of inconsistency*). (c) **Consistency** is five *different* subjects sharing one construction — different marks that clearly belong together. **Sameness** is one subject drawn five times, which produces a set that looks unified but says only one thing. Consistency is achieved in the construction; range is achieved in the subjects; a suite needs both (2 marks).

Q6. (a) Any three of: the **suite** reproduced at one size on a shared grid; the **key of meanings**; the **statement of meaning** or rationale; the **construction sheet** (grid, stroke weight, minimum size, clear space, colourways); the suite shown on its **applications**; the **dated process pages**; the **acknowledgement of sources** (1 mark each). (b) A key **records** the meaning the designer assigned to each symbol and teaches it to the viewer. It **cannot** make a mark convey a meaning it does not carry — if the symbol only reads because the caption says so, the mark has failed the *capacity to convey meaning through visual language* (1 mark each). (c) Because criterion 1 and criterion 4 are about the **process**, and a finished sheet cannot show either. Dated photographs, the story map, numbered thumbnails and the abstraction ladder are the evidence that the marks were generated from the designer's own sources rather than found; and the record of consultation is the evidence that anything not solely the designer's was used with consent. Originality and appropriateness are demonstrated, never asserted (2 marks).

Q7. The inappropriate practice is **appropriation of cultural expression**: the student copied a pattern from an artwork printed on a tea towel and placed it in their own suite, with no consultation, no consent, no attribution and no idea whose work or whose community it came from. It is inappropriate for three reasons. First, cultural expression belongs to the community that holds it, and the right to permit its use rests with its **custodians** — seeing it in a shop is not

permission, and liking it is not consent. Second, the stated reason — that it “looked good” and made the set “feel cultural” — treats a living culture as a decorative style, which is precisely the practice the outcome exists to rule out; it also breaches **cultural integrity**, because a motif lifted out of its context now says something its community did not intend. Third, the symbol is not the student’s story, so it cannot capture elements of *their* identity or life story as the communication need requires, and it fails criterion 4 outright. What the student should have done: asked *whose is this to tell?* before drawing; recognised that the motif is not theirs; and **designed from their own story instead** — returning to a story map and generating a symbol from a source they hold. If the student did have a genuine connection to that community, the correct path is to approach the right people through the proper protocols, describe exactly what will be made and where it will be shown, obtain **free, prior and informed consent**, record what was agreed, and attribute it wherever the work appears — and to accept a refusal if one is given (4 marks: the practice named as appropriation + why it is inappropriate, including the “looked cultural” reasoning + the correct alternative practice).

Q8. Symbol 1 was traced from a photograph the student found online and does not own. The **legal** breach is **copyright infringement**: copyright arises automatically the moment an original photograph is taken, with no registration required, and it is infringed by reproducing a **substantial part** of the work without a licence. Tracing reproduces the photograph’s composition and outlines — the part that matters — so the fact that the result is a line drawing rather than a copy of the file is no defence, and neither is the student’s ignorance of who owns it: infringement does not require knowledge of the owner or any intention to infringe. Exhibiting the traced mark with the photographer unnamed engages a second **legal** obligation, the photographer’s **moral right of attribution** — moral rights sit in the same Act as copyright, belong to the creator personally, and are enforceable in court, as 8A sets out. The **ethical** breach is the dishonesty, and it would remain even if the photograph turned out to be licence-free: the student kept no record of the source and presented the mark in an exhibition as their **own original work**. Passing off another person’s expression as your own is a failure of professional integrity that no licence and no credit line can cure — which is exactly why an act can be lawful and still dishonest. ∴ one act breaches two different kinds of obligation, and fixing the licence would not fix the honesty (4 marks: the legal obligation named with its mechanism + the ethical obligation named separately + the distinction drawn).

Q9. A licence answers the question *may I use this?* — it does not answer *did I make this?* Criterion 1 requires every symbol to be **original and generated from the designer’s own primary sources**, and a downloaded icon fails on both counts: someone else designed it, and the student’s only contribution was a colour change, which is not a generative process. It also defeats the communication need: an icon drawn for a stock library was made to be generic, so it cannot capture an element of *this* designer’s identity or life story, and it will carry a different construction, weight and level of abstraction from anything the student draws, so it undermines criterion 2 as well. ∴ the licence makes the use lawful and leaves the work unoriginal and impersonal (3 marks: licence ≠ authorship + the criterion applied + the consequence for the communication need).

Q10. (Any two, each with its fix.) **Fault 1 — five different stroke weights and treatments.** Symbol 1 is drawn in a very thin line, symbol 2 is a solid silhouette with no outline at all, symbol 4 sits inside a heavy circular frame and symbol 5 is a medium rounded monoline. The suite reads as five unrelated marks. *Fix:* construct all five on one **keyline grid** inside one **live area**, with a single **stroke weight** and a single terminal treatment, and remove the frame from symbol 4 so no mark carries a container the others do not. **Fault 2 — five different levels of abstraction and optical sizes.** Symbol 1 carries window panes, roof detail, a chimney and fence palings; symbol 4 is tiny; symbol 5 is much larger than the rest. *Fix:* choose one **level of abstraction** for the whole suite — here a simplified silhouette, since criterion 3 sets 12 mm — re-run the abstraction ladder on every symbol to reach it, and equalise the marks by **optical size** rather than by measured size, since a circular mark must be drawn slightly larger than a square one to look the same size (4 marks: two faults identified from the sheet with evidence + the construction decision that fixes each).

Q11. Redrawing will not fix it because the fault is in the **subject and its level of abstraction**, not in the quality of the line. Symbol 1 carries a roof, a chimney, four separate windows, wall lines and a row of fence palings; at 12 mm those elements are separated by gaps far finer than the printing and the eye can resolve, so the ink spreads, the counters close and the mark collapses into a grey patch. Drawing the same detail more carefully puts the same number of elements into the same 12 mm, so it changes nothing — and drawing them *finer* makes it worse. The process that would fix it is to re-run the **abstraction ladder** on the subject: start from a photograph the student takes themselves (which criterion 1 requires in any case), make a contour drawing, then decide **which single feature carries the meaning** — the roof pitch, say — and reduce to a silhouette built from that feature alone, dropping the windows, chimney and palings as description rather than meaning. Rebuild that silhouette on the shared keyline grid at the

suite's stroke weight, then test it: print at 24, 18, 12 and 8 mm, read each at arm's length, blur the page to check the silhouette, and run the blind-read test with the key covered. If it still closes up at 12 mm, the subject itself is too complex and must be re-chosen from the story map (4 marks: the fault located in the subject/abstraction rather than the rendering + the ladder named and applied + the test + the fallback).

Q12. (Model — accept any eight that are genuinely different subjects and could each be reduced to a single clear mark.) (i) a **thermos lid** used as a cup on early mornings; (ii) a **bus number** the student catches every day, as a type-only mark; (iii) a pair of **hands plaiting** dough or hair, taught by a family member; (iv) a **clothes peg** from the line that was always full on Sundays; (v) the **contour of a hill** the student can see from their window; (vi) a **fishing float** from a place the family goes; (vii) a **library card** or borrowing stamp; (viii) a **cracked phone screen** from the year everything changed. Also accept: a house key on a ring; a bicycle chain link; a particular tree; a saucepan lid; a sports boot stud pattern; a jar of a family recipe; a train ticket; a stitched hem (4 marks: eight subjects, each distinct in kind rather than a variation of one, and each plausibly drawn from the designer's own life; marks lost where two resolve to the same mark or where a subject belongs to someone else's culture).

Q13. (One manual, one digital, each described as a procedure with its output.) **Manual — cut-paper silhouette making.** The student cuts each subject freehand from black paper with scissors, at about 40 mm, without drawing it first, and makes six or eight versions of each subject in a few minutes; the offcuts are kept, because the negative shapes are often stronger than the positives. *Produces:* bold, closed silhouettes with no fine internal detail — exactly the kind of mark that survives reduction to 12 mm — and shapes a pencil would not have found, because scissors cannot draw a hairline. **Digital — geometric construction on a grid by combining and subtracting shapes.** The student sets up a 12 × 12 grid and builds each mark only from circles, squares and rectangles aligned to it, adding and subtracting them to make the form, with one stroke weight applied to all. *Produces:* marks that are precise, repeatable and already consistent with one another, plus the ability to test the same symbol at 24, 18, 12 and 8 mm in seconds. (Also accept, manual: stamp cutting from an eraser or lino block; brush and ink at speed; tracing over the student's **own** photograph on a light box. Digital: digital tracing of the student's own photograph; scanning the cut-paper shapes and vectorising them; making a modular set from a fixed library of shapes.) (4 marks: one manual and one digital method, each described as a procedure and each with a stated output; no marks for naming an application, which is a medium, not a method.)

Q14. *Model rewrite:* “Symbol 4 is the most deliberately constructed mark in the set: its outer ring is a single closed circular form, and the five internal divisions are set at equal intervals around it, so the mark is built to a repeatable geometry rather than drawn freehand (criterion 2). Its limitations are two, and both are about weight. The internal drawing will not survive with the ring — the inner circle and its five radial divisions are drawn at roughly one-fifth of the ring's weight, so at 12 mm on the sticker they close up and the mark reads as a dark disc inside a ring, which is a failure of criterion 3 in the part that carries the meaning. And the mark does not belong to the suite: the heavy outer frame is a container no other symbol has, and the whole mark is drawn much smaller than the rest, so it reads as a badge sitting beside four drawings rather than as one of five (criterion 2). Next action: remove the outer frame, rebuild the mark on the shared 12 × 12 keyline grid inside the same live area as the others, apply the single stroke weight to every line and reduce the five internal divisions to the one or two that carry the meaning, then re-print all five side by side at 12 mm to confirm the family reading before resolving.” (4 marks: a strength and a limitation, both in design terminology, both tied to numbered criteria, plus a specific next action — replacing the original's unsupported preference and its vague claim about culture with evidence.)

Q15. (Any two, with what each reveals.) **Test 1 — print at the smallest size on the real material.** Output the symbol at exactly 12 mm wide, in one colour, on the sticker stock, and read it at arm's length in ordinary light. *Reveals:* whether the internal gaps, counters and thin strokes survive at size or fill in, and whether the mark still reads as the object it depicts. **Test 2 — the blind-read test.** Show the symbol to six people with the key covered and write down exactly what each person says it is. *Reveals:* whether the mark conveys meaning through visual language or only through its caption — the quality no size test can measure. Also accept: **reduce until it fails** (print at 24, 18, 12 and 8 mm in a row and record the size at which detail disappears, which establishes the **minimum reproduction size**); a **blur or squint test** (defocus the page and check the silhouette still holds); a **one-colour print** (removes colour as a crutch and exposes weak figure-ground); or viewing the sheet from **3 m**, the distance the brief names (4 marks: two tests described as procedures + what each reveals; a test with no stated finding earns half).

Q16. The brief's purpose is to convey personal connections to culture, community or place through visual language, and a key changes neither of the two things standing in the way of that. It cannot make the symbols **personal**: symbol

1 is traced from a stranger's photograph, symbol 3 is copied from another community's artwork and symbol 5 was downloaded, so no caption can make them elements of this designer's identity or life story. And it cannot make an unreadable mark **clear**: writing "house" under a symbol that closes into a grey patch at 12 mm proves the mark is not carrying its own meaning — the key would be doing the communicating, which is exactly the failure the quality of *conveying meaning through visual language* is testing for. ∴ a key is the last thing added to a resolved suite, not a repair for one (3 marks: the personal problem + the clarity problem + the principle that a key records meaning rather than creating it).

Q17. Before the suite is a **design solution** the student must resolve: **originality and provenance** — every symbol regenerated from their own primary sources, with dated evidence, and symbols 1, 3 and 5 replaced outright (criteria 1 and 4); the **construction** — one keyline grid, one live area, one stroke weight, one corner and terminal treatment, and one level of abstraction across all five, with the odd frame on symbol 4 removed (criterion 2); the **size behaviour** — the minimum reproduction size established by testing, the internal gaps opened so each mark holds at 12 mm, and the clear space around each mark fixed (criterion 3); the **colourway** — a positive, a reversed and a one-colour version, since the sticker prints in a single colour; the **applications** — how the suite sits on the A3 sheet, the folio cover and the 12 mm sticker; the **presentation components** — the key of meanings, the statement of meaning and the acknowledgement of sources (criterion 5); and finally a **recorded check against every criterion in turn**, honest about anything the suite meets only in part (4 marks: a spread of resolved details covering the marks themselves, their behaviour at size, the applications and the hand-over, each tied to a criterion).

Q18. A **presentation sheet accompanied by a construction sheet and the dated process pages** is the appropriate format. Criterion 5 requires the suite to be presented with a key of meanings and an acknowledgement of sources, and criteria 1 and 4 are about the *process* rather than the outcome — so the format has to carry the evidence as well as the marks. The presentation sheet shows the five symbols at one size on a shared grid with the key beneath, which lets a viewer check criterion 2 by eye; the construction sheet carries the grid, stroke weight, minimum reproduction size and clear space, which is where criterion 3 is demonstrated rather than claimed; and the process pages carry the story map, the dated primary photographs, the thumbnails and the abstraction ladder, which is the only way criteria 1 and 4 can be evidenced at all. (Accept a **mock-up** of the 12 mm sticker and the folio cover, or a **concept board**, if justified against a stated criterion — for example a mock-up as the only way to test criterion 3 in context — provided the justification is tied to the brief and the process evidence is still presented.) (3 marks: a named format + a justification tied to stated criteria.)

Q19. The acknowledgement is a short written panel presented with the suite, and it carries four things. **What each symbol was drawn from, and when** — "the gate photographed at my grandparents' on 14 March" — *for*: establishing provenance, so a viewer can trace every mark to a source the designer was entitled to use, which is what evidences criterion 1. **Who was consulted and what they agreed to** — naming the person, what was described to them and what they permitted — *for*: showing that anything not solely the designer's was used with **free, prior and informed consent** on recorded terms, which is what evidences criterion 4. **The licence for anything not made by the designer**, typically the typeface, and any reference image with its source and date — *for*: discharging the legal obligations that attach to other people's work — using licensed material within the terms of its licence, and naming its creator, which is that creator's **moral right of attribution**. **An explicit statement that no motif, pattern or story belonging to another person or community has been used** — *for*: making the boundary of the work visible, so the claim can be checked rather than assumed. ∴ the acknowledgement is not a disclaimer at the bottom of the page; it is the part of the presentation that makes the practice inspectable (4 marks: at least three items, each with its purpose stated; full marks require the consultation record and the provenance of the designer's own sources to both appear).

Q20. (Model plan — accept any plan that names at least six methods, correctly attributes the mode of thinking, and states an output for each.)

Generate — Develop, divergent.

1. **Story mapping.** Put "my story" at the centre and branch outward through community and place — the people, the routines, the routes, the objects, the places — and keep branching until the branches reach something specific enough to draw. Ask of every branch: *is this mine to tell?* *Produces*: a field of candidate subjects that belong to the designer, and an early check against criterion 4 before any drawing exists.
2. **Word banking, then drawing each word.** List the nouns and verbs the map produced and draw each one rather than only writing it. *Produces*: a vocabulary of four or more genuinely different subjects, so the suite is four things rather than one thing four times.

3. **Primary visual research.** Photograph the actual objects and places, draw them from life, and date every file and page. *Produces:* original reference the designer owns outright, plus the dated provenance the originality criterion requires.
4. **Ideation sketching at final size, manually and digitally.** Thumbnails at about 25 mm, numbered and uneraser, switching approach as well as subject — solid silhouette, outline, negative space, cut paper, monogram — with the strongest shapes rebuilt digitally on a grid. *Produces:* a wide field of design ideas, already tested for behaviour at small size.

Refine — Deliver, convergent.

5. **Select against the design criteria.** Score every thumbnail in a selection matrix ruled with the four criteria, present the shortlist for critique and use the feedback. *Produces:* four chosen subjects and a written reason for each choice.
6. **Run the abstraction ladder on each chosen subject.** Own photograph → contour drawing → simplified silhouette → geometric icon on a shared 12 × 12 keyline grid, at one stroke weight. *Produces:* four marks reduced to a level of abstraction that can survive 8 mm.
7. **Consistency audit and testing.** Line all four up and compare grid, live area, weight, optical size and level of detail; then print at 40, 20, 12 and 8 mm in a single colour, blur the page, and run the blind-read test with the key covered. *Produces:* evidence against the “one suite” and “8 mm in one colour” criteria — and, where a mark fails, a return to method 4. Note that the badge is **laser-cut**, so a mark with an internal island that is not connected to the rest of the shape will physically fall out: the test must be run on the real process, not only on paper.

Resolve and present — Deliver, convergent.

8. **Resolve the details.** Fix the final geometry on the grid, the single stroke weight, the minimum reproduction size, the clear space, and the positive, reversed and one-colour versions; then apply the suite to the 40 mm badge and the 8 mm name tag. *Produces:* the resolved design solution.
9. **Present.** The four symbols at one size on a shared grid; the key of meanings; a short statement of meaning; the construction sheet; the dated process pages; and the acknowledgement of sources naming what each symbol was drawn from, who was consulted and what they agreed to. Close with a recorded check against each of the four criteria in turn. *Produces:* the presented solution plus the evidence that it is original, appropriate and meets the brief.

(8 marks: at least six methods named; each correctly attributed to generate, refine, resolve or present and to divergent or convergent thinking; each with a stated output; the plan running in a defensible order and referring to the RHODANTHE criteria — particularly the 8 mm reproduction and the laser-cut badge — rather than to methods in general.)

Q21. The XEROCHRYSUM folio **fails on both counts**, and the two failures share one cause: no process was run, so nothing in the outcome can be either original or accountable.

Against **culturally appropriate design practice**, the folio breaches the central obligation. Symbol 3 is a pattern copied from an artwork on a tea towel because it “looked good” and made the set “feel cultural” — cultural expression taken without consultation, without free, prior and informed consent, without attribution and without any knowledge of whose community it belongs to. Treating a living culture as a decorative style is precisely the practice this outcome exists to rule out, and the annotation compounds it: “it represents my culture and everyone’s culture” asserts a shared ownership that is not the student’s to declare and that cultural **self-determination** directly denies. The folio also fails the surrounding obligations — symbol 1 is traced from a stranger’s photograph, which is copyright infringement as well as a failure to attribute, and no acknowledgement of sources appears anywhere, so nothing can be traced or checked (criterion 4, criterion 5).

Against the **process required to generate and present an original design solution**, almost nothing is present. In **Develop**, there is no story map, no word bank, no primary photograph of the student’s own and no thumbnails, so no design ideas were generated at all — three of the five marks were found rather than made (criterion 1), which is why the suite cannot capture elements of this designer’s life story. In **Deliver**, there is no evidence of selection against the criteria, no abstraction ladder, no shared keyline grid and no consistency audit: five stroke weights, five levels of abstraction, an odd circular frame on symbol 4 and wildly different optical sizes mean the five do not read as one suite

(criterion 2), and symbol 1's roof, windows, chimney and palings will close up well above 12 mm (criterion 3). Nothing was tested, and the entire annotation — "I like this set" — is a preference, not an evaluation, so the folio records no reasoning at any point. In **presentation**, the sheet carries no key of meanings, no sizes, no construction information and no acknowledgement (criterion 5).

There is one genuine strength worth naming: symbol 2 is a single closed solid silhouette carrying one open counter and no fine internal line work — the one construction on the sheet built the way a 12 mm sticker requires — so the student has demonstrated at least once that they can judge a mark against size.

∴ the folio holds a collection of found and unrelated marks rather than an original design solution, and its practice is culturally inappropriate rather than merely incomplete. To meet the outcome the student would need to remove symbols 1, 3 and 5 entirely; return to a story map and generate subjects that are theirs to tell; photograph and draw those subjects themselves, dating the evidence; run the abstraction ladder and rebuild all five marks on one keyline grid at one stroke weight; test at 12 mm and by blind read; and present the suite with a key, a construction sheet, the dated process pages and a full acknowledgement of sources (*6 marks: both halves of the question addressed with specific evidence from the sheet and the process notes, the criteria applied, at least one strength identified, and an overall judgement with a stated remedy*).