Indigenous Cultural and Intellectual Property (ICIP) Principles

Introduction

State Library of Queensland (**State Library**) collects and preserves Queensland's cultural and documentary memory, providing free access to information, fostering knowledge and learning. We are committed to sharing First Nations peoples' perspectives and knowledge with the people and communities of Queensland.

State Library acknowledges the United Nations Declaration on the Rights of Indigenous Peoples 2007 (**UNDRIP**) as a foundational international instrument affirming Indigenous Peoples' rights, including those relating to what is termed Indigenous Cultural and Intellectual Property (**ICIP**) in Australia. Article 31 from UNDRIP specifically recognises Indigenous Peoples' right to maintain, control, protect and develop their cultural heritage, traditional knowledge and cultural expressions – including associated intellectual property. Central to UNDRIP is the principle of self-determination, which affirms Indigenous Peoples' right to freely pursue their cultural, social and economic development, and to participate in decisions affecting their ICIP.

Currently, ICIP is not formally recognised under Australian law. This has led organisations, including State Library, to develop culturally-informed protocols and principles to guide respectful access, use and management of Indigenous cultural heritage and knowledge.

These Indigenous Cultural and Intellectual Property (ICIP) Principles (**Principles**) establish the foundation for understanding and respecting the rights and interests of Indigenous Peoples' in their cultural heritage, traditional knowledge and cultural expressions. The Principles apply to all State Library staff, contractors, volunteers, partners involved in activities that create, collect, manage, share or access Indigenous collections, programs, services and content. In alignment with these Principles, members of the public must also follow any instructions or cultural protocols, restrictions or terms of use provided to them when accessing collections, programs, services or content involving ICIP.

The Principles underpin decision-making across State Library's operations. They are intended to be applied alongside relevant existing legislation, policies, agreements and workflows, and are supported by ICIP Guidelines that provide practical guidance on how the Principles are implemented in day-to-day practice.

State Library's ICIP framework is also supported by strategies, policies, procedures, practices and resources that are designed to be culturally safe and to protect ICIP from misuse.

Artwork by Chern'ee Sutton

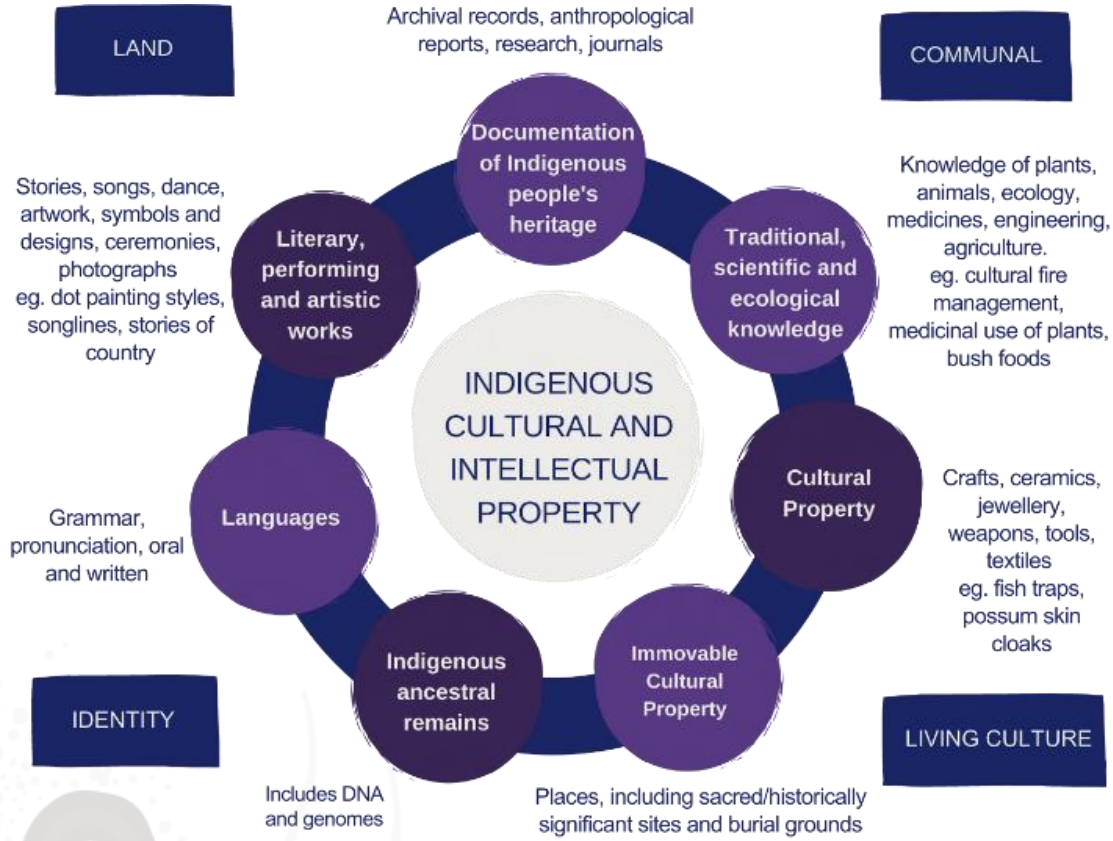
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What is Indigenous Cultural and Intellectual Property (ICIP)?

ICIP refers to the rights of Indigenous Peoples in relation to their knowledge, heritage, and cultural expressions, whether it is tangible or intangible. ICIP includes:

- traditional knowledge (scientific, agricultural, technical and ecological knowledge, ritual knowledge);
- traditional cultural expression (stories, designs and symbols, literature and language);
- performances (ceremonies, dance and song);
- cultural objects (including, but not limited to arts, crafts, ceramics, jewellery, weapons, tools, visual arts, photographs, textiles, contemporary art practices);
- ancestral human remains and tissues;
- secret and sacred material and information (including sacred/historically significant sites and burial grounds); and
- documentation of Indigenous peoples' heritage in all forms of media such as films, photographs, artistic works, books, reports and records taken by others, sound recordings and digital databases.

Figure 1: Indigenous Cultural and Intellectual Property



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What are ICIP rights?

Indigenous people and communities hold the following rights in relation to their ICIP:

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

Aims of State Library Indigenous Cultural and Intellectual Property (ICIP) Principles

State Library recognises Indigenous Peoples as the custodians of their ICIP, and values the diversity, strength and resilience of their cultures. We are committed to respectful representation, culturally-informed decision-making and adherence to appropriate Indigenous community protocols. We support Indigenous-led initiatives and uphold cultural protocols and authorities. Respectful and culturally informed management ICIP is intended to support State Library in strengthening relationships with Indigenous Peoples. It underpins culturally safe practice, supports employee engagement, and enables State Library to develop genuine partnerships with Indigenous stakeholders, contributing to shared understanding and trust in the use and management of ICIP.

True Tracks® Principles

These Principles are not hierarchical, linear or meant to be considered in isolation. They are interconnected and should be considered collectively as a guide for best practice.

1. Respect

State Library recognises and respects the rights of Indigenous Peoples and communities to protect, maintain, control, develop and benefit from their ICIP, and any intellectual property rights that exist in material that contains ICIP across all aspects of our operations.

We respect the values, customs and preferences of each Indigenous community, with a commitment to upholding customary lores, protocols and cultural authority. We commit to listening deeply, acting with care and embedding respectful and culturally safe ICIP practices across our work and relationships.

2. Self-determination

State Library acknowledges the right of Indigenous Peoples to self-determination in relation to their cultural heritage and ICIP, ensuring they have culturally appropriate decision-making power over how their knowledge, stories and cultural materials are accessed, used, interpreted and represented.

Indigenous Peoples have the right to lead decisions about their cultural heritage, including how it is expressed and shared. Community governance and cultural authority will be respected in determining who can speak for or approve the use of cultural knowledge and materials.

3. Consent and consultation

State Library respects Indigenous Peoples' right to be consulted and to give free, prior and informed consent regarding the use of their ICIP.

We recognise that meaningful consultation takes deep listening, time, trust and transparency, and must be guided by community protocols. We will consult with and support Indigenous Peoples and communities in the identification, management, use of and access to their ICIP, noting permission to use ICIP may not be given and that this should be respected.

4. Interpretation

State Library acknowledges Indigenous Peoples as the primary interpreters of their ICIP and will support Indigenous-led interpretation of ICIP across all aspects of our work.

We commit to amplifying Indigenous voices and perspectives. We will seek appropriate community-led guidance and advice to ensure perspectives are accurate and empowering for Indigenous Peoples.

5. Cultural integrity and authenticity

State Library seeks to ensure that representation, interpretation and use of material containing ICIP is respectful of the cultural integrity and authenticity of the material. State library acknowledges that maintaining integrity keeps culture strong.

We will seek advice from appropriate Indigenous Peoples and communities regarding any cultural protocols or restrictions to use of ICIP and how to maintain the integrity of cultures,

stories and themes depicted with ICIP is adapted or altered. We endeavour to not distort or misrepresent ICIP and will uphold the cultural values and protocols that guide its use. Cultural integrity and authenticity are core considerations in decisions about acquisition, representation, reproduction and access to Indigenous material.

6. Secrecy and confidentiality

State Library respects Indigenous Peoples' rights to maintain their cultural practices relating to secret and sacred information and knowledge. Privacy and confidentiality concerning aspects of Indigenous Peoples' personal and cultural affairs will be upheld.

We will safeguard sensitive cultural knowledge and respect cultural protocols and restrictions on access and disclosure. We will be guided by appropriate community protocols on the handling of secret, sacred and cultural knowledge, and acknowledge that cultural practices may change over time.

7. Attribution

State Library respects Indigenous Peoples' right to be respectfully acknowledged and attributed as the Traditional Owners and Custodians of their cultural heritage.

We will acknowledge Indigenous individuals and communities as ICIP-rights holders in accordance with their preferred attribution. We will ensure attribution reflects cultural protocols and honours both individual and collective ownership.

8. Benefit sharing

State Library acknowledges that Indigenous Peoples and communities have the right to benefit from their contribution and for the sharing of their ICIP and cultural heritage.

We will support fair and culturally appropriate benefit sharing that recognises the value of Indigenous knowledge and contributions. We will actively engage with Indigenous individuals and communities to ensure benefit sharing is meaningful and community informed.

9. Continuing First Nations cultures

State Library recognises that Indigenous cultures are dynamic and living, and that measures need to be taken so that Indigenous Peoples can maintain, revitalise and advance their cultures.

We acknowledge that the cultural protocols within each group and community may change over time. We will support cultural renewal, language revitalisation and community-led expressions of living culture. We recognise cultural knowledge is continually being reclaimed, renewed and reinterpreted, and Indigenous peoples have the right to revisit and revise their perspectives.

10. Recognition and protection

State Library will seek to use Australian law, contracts, protocols and policies to recognise Indigenous Peoples' right to protect their cultural heritage and associated intellectual property.

We will embed ICIP in our policies, agreements and practices, and promote broader recognition of ICIP rights. We recognise ICIP rights are perpetual and do not stop upon the death of a creator or individual or expire when the term of copyright has passed. ICIP may also be owned by multiple parties or be communally owned.

Acknowledgment

State Library's ICIP principles are drawn from the work of Dr Terri Janke, particularly her True Tracks® Principles as expanded upon in her book *True Tracks®: Respecting Indigenous Knowledge and Culture (2021),* which has guided major institutions and agencies across Australia in the appropriate management of First Nations ICIP. Dr Janke is a Wuthathi, Yadhaigana and Meriam woman and a leading authority on ICIP in Australia. These ICIP Principles have been reviewed by Terri Janke and Co.

We are also grateful to our First Nations advisers-who have provided generous and expert feedback through the development of our ICIP Principles and Guidelines.

Approved by State Librarian and CEO on 9 June 2026.

These principles are aligned with State Library's Strategic Plan, First Nations Strategy and Content Strategy.

State Library welcomes feedback on these principles. For feedback and questions, please contact: firstnationsstrategy@slq.qld.gov.au

State Library of Queensland 2026

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