



Indigenous Cultural and Intellectual Property

This guide has been developed by the Moondani Toombadool Centre.

Purpose

These guidelines emphasise Swinburne University of Technology's commitment to recognising, respecting, and protecting Indigenous Cultural Intellectual Property (ICIP). Indigenous Cultural and Intellectual Property refers to the rights of Indigenous peoples to protect and control their cultural heritage, knowledge, and intellectual property.

This includes tangible and intangible expressions such as language, art, music, traditional ecological knowledge, cultural practices, designs, stories, and ancestral remains. ICIP emphasises respecting, preserving, and maintaining Indigenous cultures and ensuring that their use is guided by the consent and authority of the relevant Indigenous communities.

It seeks to prevent unauthorised use, misrepresentation, or exploitation of Indigenous cultural and intellectual assets. The ICIP guidelines govern the ethical use, management, and safeguarding of Indigenous knowledge and cultural expressions across teaching, research, and community outreach activities.

1. Recognition and respect

- The University acknowledges the importance of ICIP and commits to respecting the cultural rights of Indigenous peoples in all academic, research, and operational activities.
- Swinburne recognises the deep connection between Indigenous peoples and their cultural heritage and strives to preserve and promote this heritage in a manner that honours its value and significance.

2. Ownership and control

- Indigenous peoples have the right to own, control, and manage their cultural heritage, including traditional knowledge, cultural expressions, and intellectual property.
- The University ensures that any use of ICIP is conducted only with the free, prior, and informed consent of the relevant Indigenous communities, in alignment with Indigenous governance protocols.

3. Ethical use

- Staff, students, and affiliates must seek permission from Indigenous communities before using ICIP in any capacity, including research, teaching, and public outreach.
- The University will provide guidance and training to ensure ethical engagement with ICIP, adhering to relevant laws, cultural protocols, and best practices in collaboration with Indigenous peoples.

4. Agreements and partnerships

- Swinburne will establish clear agreements with Indigenous communities when engaging in projects that involve ICIP. These agreements will define ownership, terms of use, and benefit-sharing arrangements to ensure fair and equitable partnerships.
- The University's standard research contracts, overseen by the Research Services team, are currently undergoing revision to include ICIP clauses, ensuring compliance with ethical research protocols.
- Swinburne will align its governance structures with ICIP and the principles set out in Article 13 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

5. Protection and management

- The University will implement measures to protect ICIP from unauthorised use, misuse, or exploitation.
- Protocols for the management, storage, and dissemination of ICIP will be established to ensure it is handled in accordance with the wishes of Indigenous communities, respecting cultural sensitivities and protecting against misuse.

6. Education and awareness

- Swinburne will actively promote awareness and understanding of ICIP among staff, students, and the wider community.
- ICIP principles will be integrated into the University's curriculum, research activities, and community engagement programs to build a culture of respect and responsibility toward Indigenous cultural heritage.

7. Dispute resolution

- The University will establish a fair and respectful process for resolving disputes related to ICIP, involving Indigenous community representatives to ensure the perspectives and rights of Indigenous peoples are upheld.
- Swinburne is committed to ensuring that disputes are resolved in ways that prioritise Indigenous sovereignty and cultural integrity.

8. Responsibilities

- **University Management:** Ensure adherence to these guidelines and promote a culture of respect for ICIP across the institution.
- **Staff and Students:** Follow the guidelines and seek guidance when engaging with ICIP to ensure ethical practices.
- **Moondani Toombadool Centre:** Provide resources, support, and training on ICIP to the University community, ensuring responsible use and engagement.

Review

These guidelines will be reviewed every three years, or as required, to ensure they remain relevant and effective. Amendments will be made in consultation with Indigenous communities and the Pro Vice-Chancellor (Indigenous Engagement) to enhance the protection of Indigenous Cultural Intellectual Property.

These guidelines underscore Swinburne's leadership in recognising and protecting Indigenous Cultural Intellectual Property, ensuring respectful and ethical engagement with Indigenous communities.

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Web swinburne.edu.au/strategy-initiatives/moondani-toombadool-centre