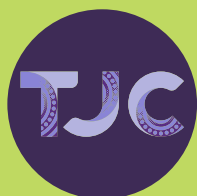


# Indigenous Cultural and Intellectual Property Protocol





## Foreword

At CQUniversity, we recognise that **Indigenous Cultural and Intellectual Property (ICIP)** is a vital and living expression of the world's oldest continuing culture. It embodies the knowledges, languages, traditions, stories, and cultural expressions that have been protected and nurtured by Aboriginal and Torres Strait Islander Peoples for tens of thousands of years.

This ICIP Protocol has been developed as a foundational document to guide respectful, ethical, and culturally safe engagement with Indigenous Peoples, knowledges, and communities. It sets out the principles and practices that ensure Indigenous rights are upheld, Indigenous voices are prioritised, and cultural integrity is maintained across all aspects of our teaching, research, and community engagement.

As a university, we are committed to creating an inclusive and culturally responsive learning environment. Our purpose is to actively support and champion Indigenous success. We do this by honouring Indigenous knowledges, building meaningful relationships, and supporting every learner's right to thrive through equity, empowerment, and celebration of identity.

We envision a future where Indigenous students and staff are engaged, empowered, and celebrated. Through this Protocol, we take an important step in ensuring that our work is guided by genuine collaboration, accountability, and respect. This document is not just a policy, it reflects our values, a commitment to best practice, and a vital tool in helping us achieve lasting, positive impact for generations to come.



### **Acknowledgment to Australia's First Nations Peoples.**

CQUniversity recognises and acknowledges the important role First Nations Peoples make to our communities, and values Australian Indigenous knowledge systems as an integral part of our teachings.



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**Note**

This protocol serves as a guiding document only, and should be read in conjunction with CQUniversity's policies and procedures.

**Cultural warning**

Aboriginal and Torres Strait Islander readers should be advised that this document may contain names or references to people who have since passed away.

**Terminology**

The use of 'First Nations' and 'Indigenous' have been used interchangeably in this Protocol, in reference to Aboriginal and Torres Strait Islander Peoples and communities.

**Legal notice**

The laws and policies referred to in this publication are current as of 27 June 2025. Any reference to laws and policies are for general use only and should not be relied upon for legal advice for a specific matter. For such matters, it is recommended to obtain professional legal advice from a suitable, qualified legal practitioner.

## PART 1

# Introduction and background

**Central Queensland University (CQUniversity) is one of the largest universities based in regional Australia, catering to more than 30,000 students studying online and on-campus.**

Our campuses are spread across the lands of many Indigenous groups, including in Adelaide, Brisbane, Bundaberg, Cairns, Emerald, Gladstone, Mackay, Melbourne, Rockhampton, Sydney and Townsville. As a leader in distance learning, CQUniversity is committed to leveraging the opportunity to make broad impact in enhancing education on Indigenous knowledges.

The development of the Indigenous Cultural and Intellectual Property (ICIP) Protocol is part of CQUniversity's commitment and vision to support increased education and awareness about Indigenous cultures, histories and rights in relation to cultural heritage.

### WHAT IS ICIP?

Indigenous Cultural and Intellectual Property, also known as ICIP, is the collective rights and interests that Indigenous Peoples and communities have in respect to their cultural heritage, traditional knowledge and cultural expressions.

The rights of Indigenous Peoples are enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

**In relation to ICIP, Article 31 of UNDRIP states that:**

'Indigenous Peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.'

**ICIP includes a range of tangible and intangible elements, including:**

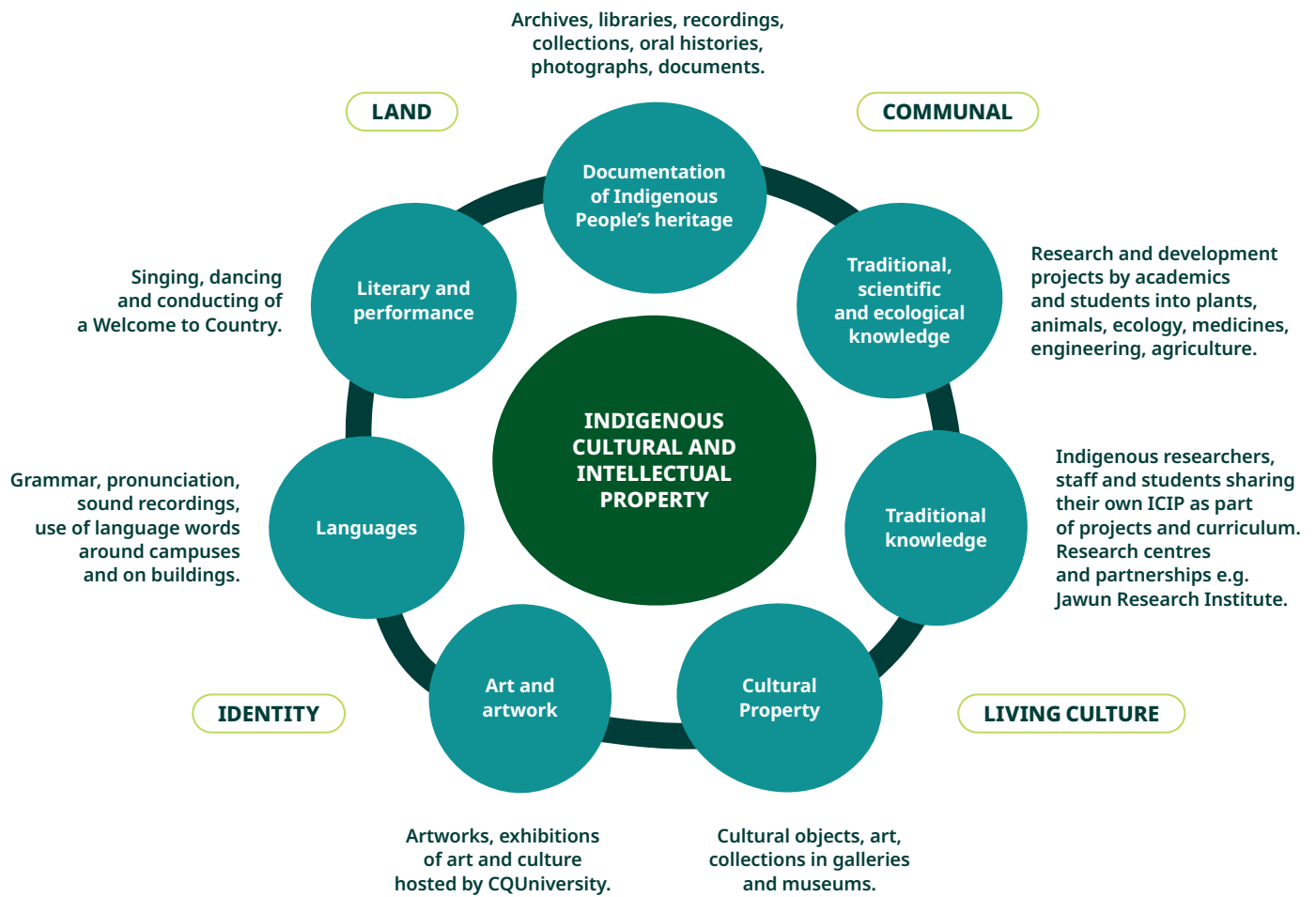
- › traditional knowledge (scientific, agricultural, technical and ecological knowledge, ritual knowledge)
- › traditional cultural expressions (stories, designs and symbols, literature and language, and cultural practices based on traditional knowledge)
- › performances (ceremonies, dance and song)
- › cultural objects (including, but not limited to arts, crafts, ceramics, jewellery, weapons, tools, visual arts, photographs, textiles, contemporary art practices)
- › ancestral remains and tissues
- › secret and sacred material and information (including sacred/historically significant sites and burial grounds)
- › 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.

**Staff and students are required to follow the ethical standards below which assist researchers and students to engage responsibly when conducting research:**

- › National Health and Medical Research Council, [National Statement on Ethical Conduct in Research](#)
- › Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), [Code of Ethics for Aboriginal and Torres Strait Islander Research](#) (AIATSIS Code)
- › [Our Knowledge Our Way in caring for Country: Best Practice Guidelines from Australian Experiences](#), compiled by CSIRO and the North Australian Indigenous Land and Sea Management Alliance (NAISMA).

Following these guidelines upholds the integrity of research and encourages responsible and respectful use of ICIP.





Types of ICIP – ©Terri Janke and Company, 2020.

## ICIP AT CQUNIVERSITY

Indigenous knowledges are increasingly used within the University. Staff and students will encounter ICIP across the University in many ways:

- › Indigenous knowledges and perspectives are used in curriculum, including embedded in content, and provided by Indigenous teaching staff and guest lecturers.
- › Research reports and publications which include information about Indigenous Peoples and culture.
- › Materials in the library, archives, galleries, and collections which contain ICIP, such as oral histories, cultural objects, videos, sound recordings, photographs and documents.
- › Indigenous artworks are displayed on campuses and used on marketing material, office furnishings, and on reports or slide templates.
- › The use of Indigenous language words and the names of Aboriginal and Torres Strait Islander Peoples on our campuses and buildings.
- › Indigenous art and cultural exhibitions hosted by CQUniversity.
- › Research and development projects use traditional Indigenous ecological knowledge to innovate new approaches.
- › Indigenous communities that partner with the University share cultural information and knowledge.
- › Indigenous cultural performances are held on campuses, including singing, dancing, and the conducting of a Welcome to Country.
- › Indigenous researchers and Indigenous staff and students sharing their own ICIP as part of their projects and the curriculum.



## PURPOSE OF THE ICIP PROTOCOL

The purpose of the ICIP Protocol is to:

- › Establish a framework to guide and support CQUniversity staff, students and researchers, as well as Indigenous Peoples working with the University, to conduct ethical engagement with Indigenous communities regarding their ICIP.
- › Build meaningful and respectful research processes, and support participation and knowledge-sharing. The development of this Protocol reinforces CQUniversity's commitment to ethical and responsible research, as well as best practice standards that accurately and authentically reflect Indigenous culture and histories.
- › Guide stakeholders on how to manage ICIP across the University in a coordinated way. This in turn supports the rights of Indigenous communities to speak for, and benefit from their cultural heritage, while fostering relationships between Indigenous stakeholders and CQUniversity. The implementation of this Protocol will be supported by a Quick Guide for ICIP.
- › Promote equitable and respectful partnerships between Indigenous Peoples and CQUniversity, as it is integral for ongoing and future collaborative initiatives between the University and Indigenous communities.
- › Emphasise and guide the importance of effective and considered engagement practices with Indigenous communities, including through the Indigenous Engagement Framework.

Currently, Australian laws lack provisions to safeguard the rights of Indigenous Peoples and communities to maintain, control, protect and develop ICIP, including the right to prevent others from misusing their ICIP. Therefore, CQUniversity is undertaking additional measures with the development of this ICIP Protocol to safeguard the uses of ICIP by University staff, students and researchers in all University activities.

A significant gap exists between Indigenous culture and current copyright protections. One example is that Indigenous culture includes oral traditions of intergenerational knowledge transfer, which does not fall within the material form provisions of copyright protection.

Additionally, Australian intellectual property laws do not adequately recognise communal rights to ICIP, as it focuses primarily on individual ownership. This Protocol serves as an important framework to bridge the gaps between current legal provisions and appropriate ICIP protection.



## PART 2

# The True Tracks<sup>®</sup> principles for Indigenous engagement

This Protocol has been developed using the True Tracks<sup>®</sup> principle framework<sup>1</sup>.

The True Tracks<sup>®</sup> Principles have been created by Terri Janke and Company, as a flexible framework to guide respectful engagement with Indigenous Peoples and communities and the use of ICIP within the University. The principles establish a framework for staff, students and University partners to manage ICIP in their work. Where projects include ICIP, staff and students should apply each of the 10 True Tracks<sup>®</sup> principles.



True Tracks<sup>®</sup> Principles – ©Terri Janke and Company, 2020.

<sup>1</sup> True Tracks<sup>®</sup> is the copyright and intellectual property of Terri Janke and Company, reproduced here with consent. Any further use, adaptation or sharing of the True Tracks<sup>®</sup> framework requires prior permission from Terri Janke and Company. All rights reserved.



## PRINCIPLE 1: RESPECT

Indigenous Peoples have a right to maintain, control, protect and develop ICIP. CQUniversity values the knowledge contributions shared by Indigenous communities with the University. Respectful engagement is about valuing the cultures and customs and acknowledging cultural sensitivities, fostering trust, and empowering Indigenous Peoples. Ensuring respectful relationships between University staff, students and researchers with Indigenous Peoples and communities is integral for building long-term, mutually beneficial relationships and positive outcomes.

### Tips for Respect

- › Give an Acknowledgment of Country (can be done by Indigenous and non-Indigenous Peoples).
- › Seek a Traditional Owner to give a Welcome to Country for key University events, and ensure payment is made for their services.
- › Approach engagement and consultation with the intent to listen and learn. Be open for feedback and guidance by Indigenous Peoples regarding culture and the use of their ICIP.

## PRINCIPLE 2: SELF-DETERMINATION

Indigenous Peoples should be empowered in decision-making processes in matters that are about or affect their ICIP. CQUniversity is strongly committed to collaborating with Indigenous stakeholders and communities and supporting Indigenous-led partnerships. This ensures that Indigenous voices are at the forefront of any projects concerning ICIP.

### Tips for Self-Determination

- › Support projects to be Indigenous-led or co-led with the University, where possible. This could include hiring Indigenous Project Managers, consultants or other staff to ensure there are Indigenous perspectives reflected in each stage of the project. Note: The AIATSIS Code standard is for research involving Indigenous Peoples to be Indigenous-led. For more details, refer to Part 4 (see page 13).
- › Share research findings with Indigenous communities, in easy and accessible ways to empower decision-making.
- › Ensure ICIP ownership stays with the individual and/or community.

- › Consider how IP ownership can be transferred or shared with Indigenous Peoples on projects utilising their ICIP. For IP works that incorporate ICIP, it is best practice for the knowledge holders of the ICIP to also own the IP.

## PRINCIPLE 3: CONSENT AND CONSULTATION

Students and staff will consult with ICIP holders and seek free, prior and informed consent (FPIC) for any use of ICIP. FPIC is both a process and an outcome.

### This includes the following considerations:

- › **Free** – Indigenous Peoples must not be pressured or persuaded to make a decision or provide consent for any reason, including to meet University project deadlines.
- › **Prior** – Consultation and consent should be prioritised at the beginning of any project. There must be consideration in project plans for the time required to conduct meaningful consultations with ICIP holders. Staff and students should be aware that outcomes from consultations may result in changes to the focus or scope of a project, including the timeline of delivery and budget required.

If there are any changes to the project or new uses of ICIP other than what has previously been consulted and consented to by ICIP holders, University staff and students are responsible to re-engage, consult and seek new consent from the relevant Indigenous Peoples.

- › **Informed** – Indigenous Peoples must be appropriately informed, by being made aware of how any ICIP is intended to be used in projects or research, if it will be published, as well as any risks or implications of giving consent for the use of their ICIP.

Information must be clear, simple, and understandable in an accessible format.

- › **Consent** – Consent is given when a decision has been made by the ICIP holder/s or Indigenous person/s with authority to consent to the use of the ICIP. However, consent can be withdrawn. Consent should be formalised in a consent form or in an agreement, which manages expectations and allows for agreement on engagement terms.

### Tips for Consent and Consultation

- › Be generous in the time allocation in project plans for consultation with Indigenous Peoples. This will allow time for consultation, any delays for cultural protocols such as Sorry Business, and additional consultation if needed (such as if additional stakeholders are identified).
- › Keep a record of consent through ICIP Agreements or ICIP consent forms.
- › Always seek new consent for any new use of ICIP that was not originally agreed to. See guidance in Part 3 on how to obtain consent.

## PRINCIPLE 4: INTERPRETATION

CQUniversity acknowledges that Indigenous Peoples are the primary interpreters of culture. Staff and students will work with Indigenous ICIP holders to be guided on the interpretation of culture and respectful use.

Empowering Indigenous voices helps to ensure that Indigenous perspectives are being included. Depictions of Indigenous culture and Peoples must be authentic and empower Indigenous Peoples. Being authentic in including Indigenous voices and perspectives involves genuinely valuing, respecting and prioritising the experiences, perspectives and voices of Indigenous Peoples in decision-making and discussions.

### Tips for Interpretation

- › Listen to Indigenous Peoples to allow their perspectives to be integrated in works which include Indigenous culture or ICIP.
- › Adopt Indigenous-led methodologies.
- › Allow Indigenous Peoples to review content and provide feedback to ensure accuracy and that any use of ICIP adheres to appropriate cultural protocols.
- › Do not extract and re-adapt or re-tell Indigenous stories out of the original context in which they were provided.

## PRINCIPLE 5: CULTURAL INTEGRITY

To support the ongoing longevity of culture, maintaining cultural integrity is important. Staff and students will adhere to relevant cultural protocols which may apply to the use of any ICIP in projects or research activities. The ICIP material must be treated in a way that is not harmful or derogatory. Adaptations to ICIP without the consent of ICIP holders can result in derogatory treatment, causing cultural harm and negatively impacting cultural integrity.

### Tips for Cultural Integrity

- › When using ICIP in new formats, particularly with technology, you should work with Indigenous custodians to determine appropriate use and allow feedback on placement and integration of the ICIP.
- › Seek advice on correct cultural contexts and ask about any cultural restrictions or protocols that may apply, such as Men's and Women's Business.
- › If appropriate, seek approval via written agreement to share materials publicly and online.

## PRINCIPLE 6: SECRECY AND PRIVACY

Indigenous Peoples have the right to keep their secret and sacred cultural information undisclosed. Customary law may restrict cultural information, such as sacred knowledge, sacred sites, and gender restricted information known as Men's Business and Women's Business. Safeguarding sacred knowledge, ceremonies and practices ensures Indigenous communities maintain control, and prevents any exploitation or unauthorised disclosure of ICIP.

As a general starting point, it is not appropriate for CQUniversity to hold secret/sacred knowledge or ICIP. If such materials are identified, CQUniversity should consult with Traditional Owners to understand how best to deal with those materials.

### Tips for Secrecy and Privacy

- › Care should be taken not to record, publish or disclose any sacred or secret knowledge.
- › During the initial stages of discussions and agreement making, staff and students should discuss with Indigenous partners whether there is a possibility of secret/sacred or private information arising during the project and what steps they would like taken if this should occur.
- › From time to time, individual staff and students may have significant knowledge shared with them in a personal relationship (e.g. if conducting field work on Country and spending time with knowledge holders). If this happens, staff and students need to be sensitive to this and use their discretion on what information is recorded.
- › Where identified, CQUniversity will place appropriate tagging on ICIP materials indicating that they may include culturally sensitive or restricted information.
- › Once made aware of sacred or secret information, it should be removed from public access and you should consult with the relevant custodians to determine any cultural protocols to adhere to.
- › Care should be taken when engaging with legacy materials<sup>2</sup> in case they contain secret/sacred or private information. This includes not using legacy materials or making legacy materials broadly available (for example in publication or posting online) without using best efforts to confirm that they do not contain secret/sacred or private information.

## PRINCIPLE 7: ATTRIBUTION

CQUniversity acknowledges the importance of attributing Indigenous Peoples as the custodians and owners of ICIP. Attribution raises awareness of the cultural origins of knowledge and develops understandings on diverse Indigenous cultures more broadly. Attribution should be given to the individual and/or community from which the ICIP originates. It could also include attribution to a family or knowledge holder. The attribution should be in a prominent place on any research publications or reports. It is best for staff and students to consult with the Indigenous person or community on whether they would like to be attributed and if so, how that attribution should be presented.

For research publications and any public facing documents which include ICIP, consideration and consultation should be made to determine whether an ICIP notice is suitable, to assert rights to any ICIP.

### Tips for Attribution

- › Place the attribution statement in a prominent place in all publications or materials.
- › Attribute both individual contributors and broader communities or language groups, as appropriate.
- › Ask for correct wording, spelling and pronunciation for how the person or community would like to be attributed with ownership or contribution.
- › Consider using an ICIP notice. See Appendix for an example.



<sup>2</sup> 'Legacy materials' is a term used to refer to historical materials or information in a collection that were collected or acquired under previous practices that predate current professional standards.

## PRINCIPLE 8: BENEFIT SHARING

CQUniversity acknowledges that Indigenous Peoples have the right to share in the benefits from the use of their ICIP. Benefits could be monetary or non-monetary, depending on the type of ICIP contributed.

Indigenous Peoples who are asked to present their knowledge to staff and students (e.g. guest lecturers) should be paid a fee, and if their presentation is recorded for future use (with consent), the permitted uses of the recording should be negotiated with the presenter.

Payment should also be made for Traditional Owners giving a Welcome to Country. Indigenous Peoples performing these roles bring significant cultural value and insight and should be paid appropriately to reflect their expertise and knowledge.

Additionally, Indigenous Peoples should share benefits when their ICIP is being used within a project.

### Some examples of benefit sharing are:

- › Paying commission and licence fees to artists who develop art or designs.
- › Paying fees in recognition of the time Indigenous knowledge holders dedicate to sharing their knowledge.
- › Providing opportunities for Indigenous Peoples to be researchers, authors and owners of the IP generated.
- › Shared patent rights, an annual royalty for commercialisation rights of a new medicine, as well as establishment of a training program on Country.
- › Providing copies of resources or publications.
- › Working with communities to align goals and providing copies of research outcomes to empower Indigenous communities in decision-making.

### Tips for Benefit Sharing

- › Consider how Indigenous Peoples can be included in the project, such as through employment or other procurement opportunities.
- › Where payment is being made, consider the time and expertise that Indigenous Peoples may contribute to the project.
- › All benefits should be negotiated with the Indigenous individual or community who have shared their ICIP, to determine how the community can best receive benefit.

## PRINCIPLE 9: MAINTAINING INDIGENOUS CULTURE

To protect and maintain culture, it is important for staff and students to consider how any current use of ICIP and cultural information may impact future use by those who are entitled to inherit the cultural heritage. Indigenous cultures are diverse, dynamic and ever evolving. Therefore, measures are required to empower Indigenous communities to maintain, revitalise and prosper in their cultures.

CQUniversity acknowledges the intrinsic value of Indigenous knowledges and perspectives and encourages staff and students to only use ICIP with consent and in a respectful and culturally informed manner, to avoid cultural erosion and to safeguard culture in its transmission to future generations.

ICIP must also be labelled, stored and managed with consideration for cultural protocols, to ensure that knowledge and records do not get separated from the communities who are the custodians of that knowledge.

### Tips for Maintaining Indigenous Culture

- › In consultation with the relevant Indigenous individual or community, consider if a proposed use of ICIP might negatively impact on future use by others who are entitled to inherit the cultural information.
- › Culture is dynamic and evolving, therefore consultation should be viewed as an ongoing process.
- › Implement detailed labelling and tagging systems for ICIP held by the University.
- › Seek opportunities to make ICIP in University materials and collections available to communities, and where appropriate, repatriated to custodians for cultural maintenance and revitalisation.
- › Consider how relationships with Indigenous communities can be developed and maintained for the future by CQUniversity staff and students.

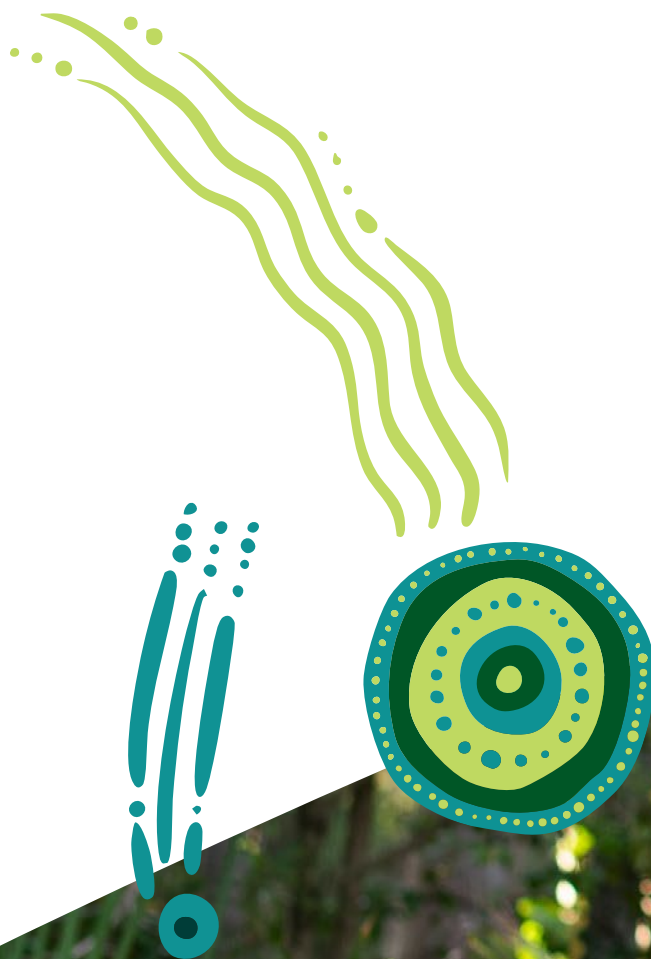


## PRINCIPLE 10: RECOGNITION AND PROTECTION

To recognise and protect ICIP, staff and students must adhere to Australian law, this Protocol and CQUniversity policies. Staff and students across the University will utilise measures to protect any ICIP used in research or projects. Measures could include, but are not limited to, adhering to this Protocol, entering formalised agreements, utilising cultural notices, and cultural consent forms.

### Tips for Recognition and Protection

- › Use IP laws to protect ICIP where possible.
- › Use ICIP and Indigenous Data Sovereignty clauses in contracts.
- › Apply ICIP notices to materials containing ICIP.
- › Use consent forms and contracts to manage use of ICIP.
- › Enable dispute resolution processes and be responsive to feedback and requests regarding cultural sensitivity or corrections.
- › Adhere to this Protocol and share with University partners when working on projects which incorporate ICIP.



## PART 3

# Indigenous engagement

**The following section provides a summary of high-level considerations for best practice Indigenous engagement only. For a detailed guide to Indigenous engagement, please refer to the Indigenous Engagement Strategy and the Indigenous Industry Engagement Guide: Phase 1.**

When engaging with Indigenous stakeholders and before seeking to use their ICIP or cultural knowledge, it's important to obtain free, prior and informed consent (FPIC). FPIC is recognised under UNDRIP and is a major part of developing the positive, trusting and collaborative relationships with Indigenous Peoples and communities that is integral for respectful engagement now and into the future.

When seeking consent, staff and students must determine who are the Traditional Owners of the relevant group or those with cultural authority to provide consent to use the group's communal knowledge. Advice and/or guidance should be sought from their campus in the first instance. If no existing relationship exists, resources may be provided by the Indigenous Engagement Division to assist in understanding which Indigenous group/s are appropriate to speak to.

Above all, because Indigenous communities have their own decision-making processes and governance structures, time must be allowed for meaningful engagement. Planning must be flexible enough to accommodate community timelines and approaches to consultation. It is not a checkbox or a step in a process, but a pathway to the building of meaningful, mutually beneficial and ongoing relationships.

These relationships form the foundation for authentic partnerships that acknowledge and respect Indigenous Peoples, culture and the right to self-determination. Always allow time to develop relationships, being flexible with timelines to accommodate this. Planning for engagement should therefore begin early, be ongoing, and be guided by respect, transparency and collaboration.

**Below is a simple outline of the steps for engagement:**

- 1.** Prepare and preliminary research.
- 2.** Identify the right people to speak to.
- 3.** Inform custodians and community how and why you wish to work with ICIP, including risks and opportunities for the community.
- 4.** Consult and reconsult – keep relationships strong throughout project.
- 5.** And after, formalising consent – record FPIC in a written agreement.

## PART 4

# Key ICIP issues for CQUniversity

### IP AND ICIP OWNERSHIP

**Intellectual Property (IP) ownership** refers to the legal rights that individuals have to creations of the mind, such as literary, dramatic, musical and artistic works, inventions, and designs. These rights generally fall under copyright, patents, trademarks and trade secrets laws. IP laws provide an individual with the exclusive right to own, control use, reproduction, alteration and distribution of their creation. These rights can be sold and transferred to new owners.

In comparison, **ICIP ownership** reflects collective and communal rights of Indigenous communities over their cultural heritage, traditional knowledge and traditional cultural expressions. ICIP cannot be sold and is forever owned by the Traditional Owners. It has deep cultural value and cultural custodianship and responsibility of that knowledge is passed down intergenerationally.

When working with ICIP in IP materials, best practice is to transfer copyright ownership to ICIP holders. This ensures that Indigenous Peoples can still maintain and control how their cultural knowledge and heritage is being used. In all instances, consideration of IP and the potential requirement for agreements must be discussed at the beginning of any project, including in research proposals.

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**Ownership of intellectual property created by employees during the course of their employment with CQUniversity remains owned by CQU under the University IP Policy. Staff and students must ensure that before incorporating any ICIP in University materials, that this position is clearly understood by the Traditional Owners of any ICIP, and they give their FPIC for such ICIP to be incorporated.**

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### INDIGENOUS LEADERSHIP AND CO-DESIGN

CQUniversity is committed to empowering Indigenous Peoples and communities to make decisions about the use of their ICIP. This means Indigenous Peoples having the opportunity to exercise their voice and agency.

CQUniversity staff and students should support Indigenous-led and Indigenous co-design processes.

#### What is Indigenous led?

**Under the AIATSIS Code, Indigenous leadership is the standard for any research that is about or involves Indigenous Peoples or knowledge.**

- › Hiring Indigenous advisors and consultants in projects as project leads or joint project leads.
- › Shared decision making.
- › Awareness of and commitment to Indigenous research principles, capacity development, co-research opportunities, cultural responsiveness and safety.
- › Ensuring that the research methods and outputs do not cause harm to Indigenous communities and Peoples.
- › Developing the cultural competency and responsiveness across all areas from ethics, research, curriculum development, campus management, community engagement and HDR supervision.

#### What is Indigenous co-design?

- › Consultation.
- › Building trust and engaging with Indigenous community and Indigenous researchers.
- › Translating and returning data about Indigenous Peoples to Indigenous communities.
- › Understanding Indigenous ways of doing, knowing and being, and implementing in project design as advised by Indigenous advisors.

Promoting Indigenous leadership and co-design within CQUniversity ensures a more authentic and culturally informed approach which supports respectful engagement with Indigenous communities. It allows for collaboration and for Indigenous stakeholders to provide input into University projects or activities, ensuring alignment with community needs and values. Acknowledging the value of Indigenous expertise and perspectives is integral to producing more effective and impactful outcomes for communities and supports the management and protection of ICIP.

#### Other features of good projects include:

- › Understanding that Traditional Owners may be connected to and impacted by the research and its outcomes.

- › Ability to critique your own positioning.
- › Providing professional development opportunities within the University and the community.
- › Committing to long term partnerships with Indigenous organisations including in the local areas where campuses are situated and partnering in a transparent manner.

## CULTURAL PROTOCOLS

ICIP and culturally sensitive content will be managed respectfully, in accordance with relevant cultural protocols as advised by relevant Traditional Owner communities. If members of the University are alerted to any ICIP being secret, sacred or culturally sensitive, appropriate actions will be discussed and agreed upon with the relevant community members.

### Potential solutions include that the material will either:

- › Be removed from public access if requested;
- › Have appropriate sensitivity tagging; and/or
- › Continued to be used with written, prior and informed consent of a next of kin.

If ICIP materials contain the image or name of a deceased Indigenous person, cultural protocols must be followed by contacting the next of kin to determine any cultural protocols that need to be respected. This may include permanently or temporarily removing any images of the deceased person and/or reference to their full name.

## USE OF ICIP ON CAMPUSES

As part of embracing Indigenous culture and creating culturally safe and inclusive spaces for Indigenous students and staff at CQUniversity, ICIP may be used on campuses in various ways. This can be presented within facilities and the built environment to showcase the rich cultural diversity and contributions of Indigenous communities.

### Some examples include:

- › **Art installations** – Indigenous art may be displayed across campuses in public spaces, in buildings or galleries. Installations could incorporate traditional designs, symbols and storytelling.
- › **Public Art** – Sculptures, murals, totem poles or other art installations may be found across campuses, as signs of respect for culture.
- › **Dedicated cultural spaces** – Indigenous culturally safe spaces can serve as hubs for showcasing ICIP on campuses. Areas across campuses may be used for Indigenous exhibitions for hosting events, art exhibitions and cultural displays.
- › **Signage** – CQUniversity campuses display plaques or signage acknowledging the Traditional Owners of the lands on which the campus sits. This recognises, respects, and raises awareness of the historical connections Indigenous Peoples have with the land on which staff and students work and study. Signage may also be used which incorporates Indigenous language words or stories, particularly in the naming of buildings and spaces. Incorporating languages is key in revitalisation and supporting the ongoing use of those languages.

- › **Architecture and landscaping** – University buildings may incorporate Indigenous design elements reflecting cultural importance of local communities. Indigenous designs are incorporated in office layouts in CQUniversity campuses. The incorporation of yarning circle spaces, and Indigenous native plants in landscaping and garden spaces across campuses, can highlight traditional ecological knowledge and showcase how ICIP is related to land and environment.
- › **Digital storytelling** – ICIP may be presented in digital formats across campuses, including in projections onto buildings or digital displays within buildings. This could include Indigenous knowledge, storytelling, cultural practices and sharing of oral traditions.
- › **Branding and marketing** – Indigenous art and design may be commissioned or licenced to be included in CQUniversity branding and marketing materials. This can include in physical and digital marketing, on documents and templates, and reflected on CQUniversity merchandise, such as clothing, stationery and accessories.

For any use of ICIP on campus, consultation with the relevant Indigenous person or community is vital to receive free, prior and informed consent for the use. Use written agreements, including licencing or commissioning agreements, to formalise and protect the use of ICIP and ensure the use on campus adheres to any relevant cultural protocols of the Traditional Owners.

When integrating ICIP in a digital format, CQUniversity will ensure that ICIP holders view how it may appear and seek feedback to ensure that any digital use of ICIP maintains cultural integrity and does not distort the original cultural meaning. This can include consulting the ICIP holder on appropriate placements on campus.

CQUniversity acknowledges that embracing culture in the built environment and working collaboratively with Indigenous communities is integral to celebrating culture and contributing to more culturally aware and inclusive campus communities.

## COMMERCIALISING ICIP

Commercialisation of ICIP and registration of IP rights must be done with the free, prior and informed consent of Indigenous Peoples, specifically those who have the cultural authority to provide consent on decisions leading to commercialisation.

### Examples of commercialisation integrating ICIP could include:

- › Patent applications on new inventions which have used traditional knowledge, or information gained from projects that access Aboriginal land and resources that are on them.
- › Publishing a research report containing interviews with Traditional Owners about Country knowledge in an academic journal.
- › External courses offered by CQUniversity which incorporate traditional knowledge, cultural heritage or traditional cultural expressions.



- › Products sold, such as CQUniversity merchandise, which include Indigenous art or design.

It is important to note that ownership of intellectual property created by employees during the course of their employment with CQUniversity remains with the University, including course materials developed by staff for use within the University in teaching, research and training. Course material content is not able to be commercialised except in accordance with the Commercialisation for Impact Policy and Procedure.

The CQUniversity Intellectual Property Policy states that 'the University will not normally claim ownership of intellectual property generated through undergraduate or postgraduate students' research, studies or associated activities with the University. However, in some circumstances, the University may seek ownership of intellectual property from a student' (clause 3.6). Further to this policy, the potential ownership and commercialisation of IP generated by an Indigenous student's study or research that contributes to ICIP will be assessed on a case-by-case basis.

University policy requires that all intellectual property matters must be dealt with prior to proceeding with any commercialisation activity. Having an equitable benefit-sharing agreement which prioritises the aspirations and interests of Indigenous communities is integral. Therefore, it is important to consult with the ICIP holders to come to a mutual agreement on how benefits can be shared.

The commercialisation arrangements should be negotiated with fairness and transparency so that the parties are clear on the ways in which the knowledge can be used and developed. Transparent negotiations on compensation, royalties or other forms of benefit sharing should be undertaken to ensure that the ICIP holders share in the benefits derived from the commercialisation of their knowledge.

**At the beginning of the process, it is important to discuss key issues that must be addressed in any commercialisation agreement involving ICIP, including:**

- › What elements to be commercialised involve ICIP?
- › Who owns the intellectual property of the commercialised product?
- › How will the material be branded and marketed?

Terms of commercialisation (including any licencing agreements) must be established in a formal agreement developed in consultation with the University Commercialisation Team.

## RECORDING ICIP

When recording ICIP such as writing down stories or knowledge, making sound (audio) recording, filming or photographing Indigenous Peoples engaging in ICIP, consent should be obtained from them, and if necessary, their community. It is best practice to use consent forms and written agreements that cover the agreed uses.

Indigenous Peoples should be informed on how their recording or photographs may be used, and how it will be stored and accessed in the future.

Note: Simply because Indigenous Peoples are featured in photography or recordings, does not mean the recording contains ICIP. Ask participants if there is any ICIP or cultural content present. If not, you may only need a talent release or participant consent form to create the recordings.

**When recording ICIP for University projects or research activities, a written agreement must be entered into with the Indigenous knowledge holder which addresses:**

- › Who will own the copyright in the material.
- › An outline of the purpose of the work and how it will be used, stored and published by the University.
- › A record of consent from the Indigenous person or group to be filmed, photographed or recorded.
- › Identification of what ICIP is involved and if any cultural protocols or restrictions must be followed.
- › Details of any benefits that will be shared with the Indigenous person or community as a result of sharing and providing their ICIP.
- › Identification of how the Indigenous person or community wishes to be attributed and acknowledged for their contribution.
- › Maybe – Details of a next-of-kin, in the event of the ICIP holder's passing.
- › Provision of the right of review for the ICIP holder, to review and comment on the proposed use of their ICIP in the project.
- › The University's commitment to re-consulting with the ICIP holder if the recording is to be used in a new manner which is not included in the original agreement.

## USE OF PHOTOGRAPHS, AUDIO-VISUAL MATERIALS AND SOCIAL MEDIA CONTENT

Not all photographs or audio-visual recordings of Indigenous Peoples may include ICIP, however it is always best practice to request consent from the subject of any photograph or audio-visual recording regardless of whether ICIP is depicted.

You must seek permission to publish photographs and/or audio-visual recordings of the individual/s and inform how the images/recordings will be used (including in social media). Staff and students should utilise the CQUniversity ICIP consent form template.

- › If images/recordings are to be used for a new purpose that was not originally consented to, new consent should be sought.
- › Permission should also be sought for the use of comments, quotes or information contributed to CQUniversity social media by Indigenous Peoples.

- › In the event that an Indigenous person has passed away, staff and students will, as far as reasonably possible, follow all requests received from family or next of kin for the removal of any images and/or recordings if required under cultural mourning protocols, or for the placement of appropriate notices on a project or piece of work.

See also 'Artificial intelligence, digital and technology' section for further discussion of artificial intelligence images and designs.

## USE OF ART AND DESIGN

Indigenous art and design should only be used with the informed consent of the artist. When using art or design by Indigenous artists, seek permission via a licence agreement.

### Consideration should be given to:

- › Where and how the art or design will be used in University activities or works.
- › Benefit sharing and payment clauses, including licence fees.
- › Appropriate attribution to the artist, in accordance with the artist's preference, in a prominent place such as next to the artwork or at the front of a publication.
- › An accompanying story of the artwork or design as provided by the artist, if relevant.
- › Clear ownership of the ICIP and IP in the artwork. When commissioned, the agreement should clarify IP ownership.

Where new artwork and designs are commissioned, the agreement should also deal with fees for commissioning, as well as licence fees.

See further information on the use of art and design as ICIP on campus above.

## PUBLICATION

Where Indigenous Peoples are providing substantial cultural knowledge into University projects or research initiatives, they should be attributed appropriately as a co-author in accordance with their preferred attribution. Additionally, where Indigenous Peoples are employed on projects where their ICIP or cultural knowledge plays a significant role in the project, their authorship should be included in research citations and they should receive appropriate remuneration. This may involve departing from traditional citation practices where only lead researchers are credited in citations.

Any publications of ICIP recordings or in research projects should include relevant cultural notices and warnings if the names and/or images of deceased Indigenous persons are included.

## ARTIFICIAL INTELLIGENCE, DIGITAL AND TECHNOLOGY

Digital platforms and technologies, including graphic design tools, audio-visual development tools and artificial intelligence (AI), offer new ways to create, share and use Indigenous culture and cultural expressions.

These tools can offer new opportunities for cultural storytelling and economic development for creators and researchers. However, they also come with the possibility of risks including misappropriation, decontextualisation, and loss of control. This is in part because AI systems are often unregulated. Other reasons include complex terms of use and the way AI systems are built and trained—for example, they gather data from the internet without proper attribution or respect for cultural protocols, and use this to generate their responses. There are also risks associated with IP and copyright ownership, as AI is machine-created.

ICIP must continue to be respected and protected in the context of these new technologies and the same principles of respect, consent and cultural integrity still apply.



As the technology develops, CQUniversity will need to continue to adapt to the new opportunities, risks and challenges that develop.

**However, as things stand CQUniversity will take extra care to:**

- › Ensure the confidentiality and security of any AI models, taking care to review the terms and conditions and fully understand their implications.
- › Seek permission before using or modifying digital artworks.
- › Seek permission before using or modifying content generated with AI.
- › Not use AI to generate images or audio-visual content of Indigenous Peoples.
- › Not use AI to generate 'Indigenous-style' designs or artworks, or other content.
- › Where possible, prevent ICIP being uploaded or accessible by generative AI tools, unless consent and terms of use are clearly agreed.
- › Ensure all AI-assisted outputs with cultural focus or content must be culturally reviewed by suitable cultural authorities.
- › Not use generative AI tools for cultural or ICIP-related project.
- › Adapt and apply cultural protocols in digital spaces.

## USE OF INDIGENOUS LANGUAGES AND NAMING

As part of integrating culture into campuses, CQUniversity may utilise Indigenous languages in the naming of projects, places and sites. Languages play an important part of Indigenous cultures, and the respectful and consented use of language words is important in strengthening and revitalising Indigenous languages.

Should staff and students wish to use Indigenous language words in projects or works, it must be done with the consent of the language custodians. As languages are place based, CQUniversity will seek to use language words from the local Tradition Owners for the respective campus.

**CQUniversity will enter into agreements with language custodians formalising the use of Indigenous language words, which include:**

- › interpretation and meaning of the word/s
- › the free, prior and informed consent of language custodians with authority to grant the consent
- › how the word/s will be used and the context behind the use
- › any restrictions or cultural protocols that apply to the use
- › preferred attribution of the language custodians
- › any benefit sharing agreements for the ongoing use of the word/s.

## USE OF SAMPLES OF PLANTS AND BIODISCOVERY

**When accessing genetic resources and taking samples from Indigenous lands and waters, students and researchers must consider:**

- › Consulting with relevant Indigenous groups to determine whether samples can be taken without disruption to the local environment, and to ensure that they are not being taken from sacred sites or areas of cultural significance, without their free, prior and informed consent.
- › How works on Indigenous lands can be done with minimal impact on lands and waters.
- › Whether an Access and Benefit Sharing Agreement is required under law, such as under the Biodiscovery Act 2004 for samples taken in Queensland.

### The Biodiscovery Act 2004 (QLD)

Researchers who are working with plants, soils and other natural materials will need to be mindful of requirements under Queensland's Biodiscovery Act 2004 (QLD) as well as potential ICIP connections. Samples from Country and knowledge about Country may both be ICIP. The Act covers working with biological materials, especially when samples have been sourced from state land of national parks.

Amendments introduced in 2020 introduced the traditional knowledge obligation. Any use of traditional knowledge for biodiscovery is only used under the free, prior and informed consent of the custodians of the knowledge. This applies to the use of traditional knowledge about native biological material collected from anywhere in Queensland (including all state, private, freehold and leasehold land) and all Queensland waters.

The Act also introduces the entitlement for Traditional Owners and knowledge holders to receive benefits for this use of this knowledge. Benefit sharing arrangements should be agreed to between the biodiscovery entity and custodians and terms should be fair and equitable.

Furthermore, the Act requires that biodiscovery entities provide evidence to the State that they have complied with the traditional knowledge obligation prior to using traditional knowledge for biodiscovery and of the benefit-sharing agreement with custodians. They must also keep and maintain records of compliance.

It is crucial to note, that these requirements apply to all traditional knowledge, including publicly accessible knowledge.

Whenever researchers, students, or any other group or individual is taking samples or engaging in biodiscovery, they should first consider the Queensland Biodiscovery Act and ensure they are complying with its requirements. Be aware that any considerations relating to the Queensland Biodiscovery Act must be discussed with the Office of Research. For further guidance on the requirements and obligations introduced by the Act see the [Queensland State website](#), as well as the [Traditional Knowledge Code of Practice](#) and [Traditional Knowledge Guidelines](#).

## INDIGENOUS DATA SOVEREIGNTY AND INDIGENOUS DATA GOVERNANCE

Indigenous Data is an important consideration at CQUniversity. Indigenous Data Sovereignty (ID-Sov) acknowledges the rights of Indigenous Peoples and communities to own, control and govern their data. Indigenous Data Governance is the practical tools and mechanisms which are implemented to activate the right of ID-Sov – such as contracts, registers, labelling systems, community access protocols, etc. When collecting or using Indigenous Data, staff and students must recognise community control and access, obtain free, prior and informed consent, and prioritise Indigenous perspectives through the data lifecycle.

Fostering collaborative partnerships with Indigenous communities is key to ensuring that data is collected, stored, applied and shared in a manner that adheres to any applicable cultural protocols, respects privacy, and aligns with community preferences. CQUniversity is committed to empowering Indigenous communities by ensuring their participation in decision-making on the use, storage and access of their data.

Informed consent from Indigenous communities for the collection, storage and use of Indigenous Data can be recorded in data sharing or data use agreement, and a record should be kept.

## DIGITISATION AND ARCHIVING

If digitising and scanning materials containing ICIP, the materials must be maintained and preserved in a culturally informed manner, which ensures the cultural integrity of the material.

- › Only material appropriate for public viewing will be openly accessible.
- › Libraries and archives will ensure to remove any materials which may be sacred, secret or culturally sensitive, and if archiving, appropriate tagging will be placed on the items to protect disclosure.
- › Should an Indigenous group request a return of physical ICIP material or data held by CQUniversity in collections or archives, CQUniversity is committed to engaging and working to come to a solution.

## ICIP IN CURRICULUM

CQUniversity acknowledges the importance of Indigenous culture and histories and is committed to reflect this in curriculum across the University. Academic staff will continue to embed Indigenous knowledges and perspectives into their respective curriculum as directed by relevant University policy, to ensure that students develop into culturally competent graduates. Indigenous and non-Indigenous staff will play an active role in looking for opportunities to embed Indigenous perspectives and will work collaboratively with Indigenous Peoples and communities to ensure knowledges are correctly reflected and are contextually appropriate.

It is important to recognise the vital part that Indigenous cultures play in Australia's history, and not to write these out of curriculum. Non-Indigenous lecturers and educators may be able to showcase culture, but should not teach culture. Staff should be supported in their own learning to understand appropriate ways to talk about culture in their work.

Staff also seek opportunities to bring in Indigenous Peoples with authority to give guest lectures on ICIP topics. As Indigenous guest presenters are delivering specialist knowledge, payment should be made and negotiated appropriately.

Curriculum must depict Indigenous culture in an authentic way, highlighting past historical injustices, while also focusing on empowering Indigenous Peoples, and shifting away from a deficit-based narrative. It is the responsibility of all teaching staff across CQUniversity to research, engage with communities when needed, and embed knowledge into their respective curriculum.



## PART 5

# Case studies

### COLLABORATION BETWEEN UNCLE STEVE KEMP AND CQUNIVERSITY ON TRADITIONAL INDIGENOUS MEDICINES

To investigate the benefits of traditional Indigenous medicines and natural remedies, CQUniversity partnered with Gangulu Elder Uncle Steve Kemp to research components of the Gumbi Gumbi plant and its potential use in medicines. Knowledge of the Gumbi Gumbi plant has been passed on to Uncle Steve by his ancestors, and he is now a custodian of his cultural heritage. Uncle Steve jointly led the project with CQUniversity researcher Dr Mani Naiker.

#### Self-determination

Uncle Steve initiated and jointly lead the project, to ensure that self-determination was being upheld with Indigenous led practice, including with the inclusion of Indigenous staff member, Professor Adrian Miller.

#### Consent and collaboration

A formalised collaboration research agreement was made between Uncle Steve and CQUniversity in November 2021, which details Uncle Steve's consent in the project.

#### Interpretation

The project was guided by Uncle Steve's cultural interpretation on the traditional use of the Gumbi Gumbi.

#### Benefit Sharing

Benefit sharing included Uncle Steve's employment as part of the research project. Future potential benefits could include opportunities arising from commercialisation, as well as payment and employment opportunities for Indigenous Peoples from rural and remote areas.

#### IP ownership: respect, attribution, integrity, and recognition and protection

Integral to Uncle Steve's ability to maintain, control and protect his IP and ICIP was the collaboration research agreement, which ensured Uncle Steve's IP was protected by allowing him to maintain ownership of his IP for his contributions to the project. Additionally, amendments were made to other partnership agreements to waive standard IP ownership clauses, ensuring that Uncle Steve maintained his IP rights. This allowed him to be properly attributed as the owner of his ICIP and IP.

Uncle Steve Kemp shares his knowledge of Gumbi Gumbi with lead researcher Dr Mani Naiker.





## CO-DESIGN OF INDIGENOUS ARTWORK TO REPRESENT CQUNIVERSITY AND THE INDIGENOUS ENGAGEMENT DIVISION

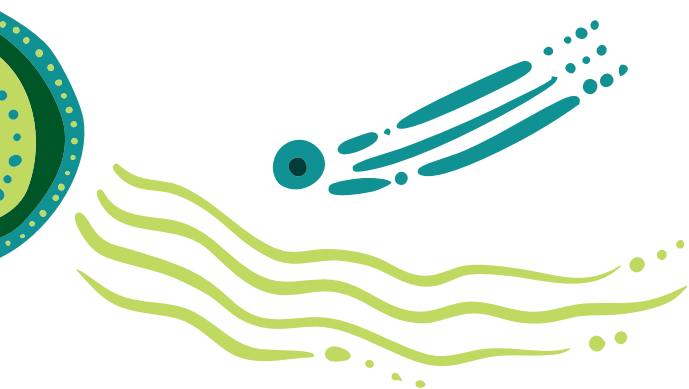
As part of CQUniversity's 2024 branding refresh, a new Indigenous design was commissioned by CQUniversity's Indigenous Engagement Division (IED) to represent its work within the University and its engagement with Indigenous Peoples and communities. The IED's previous representative design was considered unsuitable due to it referencing an expired strategic plan, as well as non-alignment to the new branding colour palette, and limitations on use under contractual restrictions.

CQUniversity engaged in a collaborative co-design process with Indigenous-owned and operated creative agency, Coolamon Creative, to develop a new signature brand that would clearly identify the Indigenous Engagement Division and its support of Indigenous initiatives across CQUniversity, and in the wider community. The IED provided the design brief for an artwork that could be used in perpetuity, with flexibility of application to allow representation of our Indigenous commitment at all campuses and study hubs in every community where CQUniversity provides education and enriches the social landscape.

### Consultation and consent: co-development of an agreement

Initial discussions between the University's Campaigns and Brand team and Coolamon Creative focused on identifying the best approach for both parties and ensuring that the University understood and respected Coolamon Creative's design and cultural process, prior to progressing to a more formal brief and quotation process.

Ongoing discussions occurred to ensure understanding and clarify the scope of the project and the University's expectations for the agreement. A central aspect of discussions was the use of visual examples to communicate requirements and providing additional information on the future intended applications for the design.



Chasing Dreams – CQUniversity's Indigenous Artwork by Coolamon Creative.

The collaboration differed from the usual creative project agreement process that the University undertakes with other external suppliers, as it focussed on the building of trust through verbal communication and agreement-making, rather than via detailed written contractual terms.

The University was very mindful of ensuring that all aspects of the agreement were understood and feedback sought from Coolamon Creative at every stage. This continual process of communication and confirmation contributed to the development of trust and a very successful partnership. In developing the agreement, certain standard process ideals were excluded by the Campaign and Brand team as their importance was not as valued as the relationship with the supplier and the quality of the design that was being provided by Coolamon Creative.

The co-development of this agreement reflected an Indigenous way of doing, knowing and being, through its focus on a verbal and visual way of communicating, and the trust built through this process was considered to be more important than the written contractual elements of the partnership.

### Interpretation and cultural integrity: Indigenous co-design and cultural considerations in the design process

Coolamon Creative graphic artist Samantha Campbell co-led the design project alongside the University's lead designer, working collaboratively to create a design and colour scheme that would integrate with and enhance the University's refreshed branding. IED leadership also consulted with the artist on appropriate colour palette selections that would integrate with refreshed University branding without detracting from the artwork or the meaning of its story.

A central aspect to this co-design project was the vetting process undertaken by Ms Campbell at the time of development of the design, that utilised her cultural heritage and knowledge to ensure that the design reflected Indigenous themes and shapes whilst excluding inappropriate elements or links to any specific Indigenous groups or communities. The University's lead designer also worked closely with the artist during the post-design process to clarify the appropriate usage of various individual elements of the artwork, ensuring that the authenticity and meaning of the artwork will continue to be maintained appropriately through development of the official style guide for the artwork. Approvals for appropriate usage of the artwork will also continue to be assessed by the University's Brand and Creative Production department.

### End result: 'Chasing Dreams'

Coolamon Creative's 'Chasing Dreams' is now the recognised hallmark of the Indigenous Engagement Division. The design signifies its involvement in the leadership and strategic direction to the University on education, employment, engagement and research in relation to Australian Indigenous individuals, stakeholders and communities.

## PART 6

# Managing ICIP complexities

**In the event of a dispute arising in relation to the use of ICIP within CQUniversity, parties must address any conflict or concern with respect for Indigenous perspectives.**

CQUniversity acknowledges the importance of dispute resolution processes and working to ensure that Indigenous voices are involved to advocate for the protection and respectful use of their ICIP.

This includes respectfully engaging with Indigenous knowledge holders and community representatives should a dispute arise regarding ICIP.

- › In the first instance, any disputes should be reported via email to the Indigenous Engagement Division: [ied-enquiries@cqu.edu.au](mailto:ied-enquiries@cqu.edu.au), who will assist in facilitating an informal mediation to address concerns and seek a collaborative resolution.
- › In the event that the matter requires further escalation, the Indigenous Engagement Division will refer the parties to an external ICIP specialist for further advice.

CQUniversity commits to recognising and respecting Indigenous traditional decision-making processes within communities and may invite Traditional Owners and Indigenous Peoples with cultural authority to assist in resolving any ICIP related disputes.

## PART 7

# Implementation and feedback

**CQUniversity invites and values feedback on the Protocol from all stakeholders, including Indigenous Peoples and communities, University staff, students and researchers.**

Inclusive, accountable and transparent processes will be followed to ensure that the Protocol provides appropriate protections for ICIP.

**Please provide any queries or feedback to [ied-enquiries@cqu.edu.au](mailto:ied-enquiries@cqu.edu.au).**

## PART 8

# Appendix

### SAMPLE ICIP NOTICE

Below is an example of an ICIP notice to advise that ICIP have been included. Staff and students should adapt this statement by amending the [NAME] sections provided, to make it appropriate for their contexts.

For example, researchers and authors should provide an ICIP notice, attributing the relevant individuals and groups, and any applicable cultural protocols in their publications in a prominent place.

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‘This work embodies traditional knowledge and traditional cultural expressions of the [NAME] community. It was created with the consent of the custodians of the community. Dealing with any part of the work for any purpose that has not been authorised by the custodians is a serious breach of customary law of the [NAME] community, and may also breach the Copyright Act 1968 (Cth). For enquires about permitted reproduction of this work, contact [NAME].’

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## GUIDED APPROACH FOR USING ICIP IN RESEARCH

This guided approach provides key considerations for students and staff using ICIP in research. This approach is not a one-size-fits-all model, but rather, assists researchers to map out the considerations they may need to have at each stage in relation to ICIP.

### Planning, beginning and during the project

Principle	Guidance and key actions
Respect	<ul style="list-style-type: none"><li>› Consider, what is the purpose of the project? Why are you using ICIP?</li><li>› How could this project affect Indigenous Peoples and communities?</li><li>› Have you conducted background research relevant to the project, including the cultural contexts and subject matter?</li><li>› Have you sought advice on the cultural issues relating to the project?</li><li>› What consents will your project need? E.g. Does your project involve field work or visiting community?</li></ul>
Self-determination	<ul style="list-style-type: none"><li>› Does your project offer leadership or collaborative opportunities to Elders, Indigenous knowledge holders, youth?</li><li>› Are Indigenous Peoples involved in the planning and development of the project?</li><li>› Is this project proposal welcomed by the community?</li><li>› Are you being flexible and adaptable in your project approach and methodology?</li><li>› Are Indigenous Peoples and communities involved in all stages of the project, including in key leadership and creative roles?</li><li>› What mechanisms are included in the contract to maintain Indigenous control?</li></ul>
Consultation and consent	<ul style="list-style-type: none"><li>› Have you identified all of the relevant Indigenous custodians/ communities who might be affected by the project?</li><li>› How will you consult with and seek consent from the Traditional Owners or other relevant Indigenous Peoples/groups? Is there an engagement model in place (regular scheduled updates, contact persons, etc.) to allow for open lines of communication and knowledge exchange?</li><li>› For recordings, photographs or films: how will you obtain consent to create or use that material? Consider both ICIP and copyright.</li><li>› For material held in existing archives: do you have current consents to access and use that material from family or community representatives of the Peoples or clans referred to in material from existing archives?</li><li>› Is FPIC being implemented at all stages of the project?</li><li>› Are there effective and culturally safe grievance mechanisms in place for resolution of any disputes relating any use of ICIP?</li></ul>
Interpretation and cultural integrity	<ul style="list-style-type: none"><li>› Is the project appropriate for the location, site or context?</li><li>› Are you prepared to facilitate Indigenous interpretation of the project?</li><li>› Are you across any cultural protocols that applies to the knowledge or ICIP in your project, such as Men's and Women's Business?</li><li>› Do you have processes in place to respect and comply with those cultural protocols?</li><li>› Do you have a plan in place to re-confirm project findings and seek approval from the Indigenous contributors for how their knowledge was used?</li></ul>



Principle	Guidance and key actions
<b>Secrecy and confidentiality</b>	<ul style="list-style-type: none"><li>› Is there or will there be culturally sensitive subject matter involved in the project?</li><li>› Have you considered how you will manage any subject matter or material that is culturally sensitive, secret or sacred?</li><li>› How will you manage and protect any personal information used in the project (i.e. about the individual themselves, their community, etc.)</li><li>› Have you considered cultural mourning? How will you manage references to any deceased Indigenous Peoples featured?</li></ul>
<b>Attribution</b>	<ul style="list-style-type: none"><li>› Have you considered how you will appropriately attribute contributions and collaborations from Indigenous partners?</li><li>› Have you discussed how all participants would like to be acknowledged/credited?</li><li>› Is the attribution in a reasonably prominent place?</li></ul>
<b>Benefit sharing</b>	<ul style="list-style-type: none"><li>› Have you discussed benefit sharing mechanisms with Indigenous contributors, project partners and communities?</li><li>› Are there appropriate mechanisms for sharing benefits (monetary or non-monetary) with Indigenous Peoples and communities in recognition of their contribution to the project?</li><li>› Do Indigenous contributors and their communities have access to project outcomes?</li></ul>
<b>Maintaining culture</b>	<ul style="list-style-type: none"><li>› Are you keeping clear, detailed records of any ICIP or Indigenous knowledge in the project, including clans, places, next of kin, nature of the material, records of consents, permitted uses, and cultural protocols or restrictions?</li><li>› Have you given the Indigenous contributor/community access to project research and rights to use project outcomes for the ongoing maintenance of culture?</li><li>› Are you storing the project research and documents according to any cultural protocols and consent given?</li></ul>



## Finalising the project and beyond

Principle	Guidance and key actions
Self-determination	<ul style="list-style-type: none"><li>› Are there any conditions or changes that the Indigenous contributors or relevant Traditional Owners would like to apply to the final project?</li><li>› Are any intellectual property rights in the material held by the Indigenous contributors?</li></ul>
Consultation and consent	<ul style="list-style-type: none"><li>› Have Indigenous contributors/communities viewed and given feedback on the final project before it is concluded or published? Have you included their changes and feedback in the final product?</li><li>› Have you discussed all potential uses of the project outcome and ICIP with the community, including any potential future uses?</li><li>› Do you have permission to use and share all elements of the ICIP incorporated in this project?</li></ul>
Interpretation and cultural integrity	<ul style="list-style-type: none"><li>› Have you discussed any marketing and promotion of the project and of any ICIP and Indigenous contributions?</li><li>› Have cultural sensitivity and ICIP notices been included with publications or project reports, if appropriate?</li></ul>
Attribution	<ul style="list-style-type: none"><li>› Have you acknowledged all contributors in project outcome, including both individuals and communal custodians in accordance with their wishes on how they want to be attributed, including on all publications and reports?</li></ul>
Benefit sharing	<ul style="list-style-type: none"><li>› What future benefits may be considered if the project is later developed, commercialised, or expanded?</li></ul>



**Terri Janke  
and Company**  
Lawyers and Consultants

### Authors

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# Indigenous Cultural and Intellectual Property Protocol

## Contact us

13 27 86 (within Australia)  
[ied-enquiries@cqu.edu.au](mailto:ied-enquiries@cqu.edu.au)  
[contactus.cqu.edu.au](http://contactus.cqu.edu.au)

CRICOS: 00219C | TEQSA: PRV12073 | RTO: 40939 | P\_BK\_25260

### Approval and review details

Approval authority: Vice-Chancellor,  
delegated approval authority:  
Vice-President (Indigenous Engagement).