



ALIA submission in response to the IP Australia Inquiry into the Protection of Indigenous Knowledge in the Intellectual Property System

1 February 2019

1. About us

The Australian Library and Information Association (ALIA) is the professional organisation and peak body for the Australian library and information services sector.

On behalf of our 5,000 personal and institutional members, we provide the national voice of the profession in the development, promotion and delivery of quality library and information services to the nation, through leadership, advocacy and mutual support. We represent school, public, academic, research, corporate, law, health, government, National, State and Territory libraries and the people who staff them.

2. Libraries and Indigenous matters

Libraries across Australia are focused on improving services for people identifying as Aboriginal and Torres Strait Islander, whether they live in cities, towns or remote communities. On 4 February, ALIA will publish a report¹ featuring examples of initiatives that are already underway, while highlighting opportunities for further improvement.

The report shows that libraries are maximising the use of their facilities, developing thoughtful programs, taking a more respectful approach to collections and expanding professional development opportunities for library and information professionals.

The report provides ideas for libraries that may not be so far advanced in their approach, and it prompts discussion about ways in which Australian libraries can work together to make further progress.

3. Response to Part A: Indigenous Knowledge issues in Australia

Q1 *Are there any other issues associated with the protection and management of Indigenous Knowledge not addressed above that you would like IP Australia to consider?*

A1 ALIA agrees with the six issues identified in the consultation paper and has no further issues to put forward for consideration. We would, however, like to make the following comments:

¹ <https://www.alia.org.au/advocacy-and-campaigns/indigenous-matters>

While there have been failures in the past, contemporary library practice is designed to be respectful of Indigenous Knowledge. Our Members consult widely with Indigenous communities to ensure that documents, photographs, film footage, audio and digital files in library collections are held appropriately, and that access and usage permissions are in keeping with the wishes of Indigenous people. For example, the State Library of Queensland has worked with 12 Indigenous Shire Councils since 2002 to develop Indigenous Knowledge Centres², providing programs that encourage the capture and retention of traditional knowledge, culture and languages; support family history research and preserve Indigenous Knowledge.

Australian galleries, libraries, archives and museums (GLAM) use the 12 ATSILIRN (Aboriginal and Torres Strait Islander Library, Information and Resource Network) Protocols³, which were created in 1995 and have gone through several iterations. They provide advice about governance and management, and the handling of secret, sacred and sensitive materials. They are now used by collecting institutions worldwide to help guide GLAM engagement with Indigenous collections.

National and State Libraries of Australia has initiated a long-term project entitled 'culturally safe libraries', recognising the sensitivity and significance of materials in these collections and the libraries' responsibility to ensure there are policies in place to deliver respectful services to Aboriginal and Torres Strait Islander people.

In addition, new resource descriptions are being developed to better reflect the Indigenous rather than the Western perspective on how items are categorised and described.

4. Response to Part B: Proposed initiatives for the protection and management of Indigenous Knowledge

Q2 *What do you consider to be the greatest challenges for Indigenous people in ensuring that Traditional Knowledge is not misappropriated or misused?*

A2 One challenge is the lack of public awareness of the issues discussed in the consultation paper. While protection from intentional misuse can be dealt with as described in the proposed initiatives, unintentional misuse, through ignorance, is less easily tackled.

Libraries uphold the rights of IP owners through acquisition and collection management practices; they are centres of expertise in the community, and they help educate the public about how works can be utilised for study, research and other approved uses, and when permission must be sought from the creators.

Another challenge is how to assist people to navigate the complexities of seeking permission to use Indigenous Knowledge. We support the development of protocols and guidelines. The ATSILIRN protocols have proved invaluable, providing a simple framework for GLAM staff to adopt.

² <http://www.sla.qld.gov.au/about-us/indigenous-knowledge-centres>

³ <http://atsilirn.aiatsis.gov.au/protocols.php>

Q4 *Are there other ways in which collaboration between Indigenous communities and researchers could be encouraged and supported in order to create economic opportunities?*

A4 ALIA has been pleased to support since inception the First Nations Australia Writers' Network⁴, "the peak body for Aboriginal and/or Torres Strait Islander writers, poets and storytellers, advocating and lobbying on their behalf, supporting ongoing development opportunities, in order to sustain and enhance First Nations Australia writing and storytelling."

Published writing, resulting from collaboration between Indigenous communities, researchers, authors and illustrators, has commercial value. Approved use of Indigenous Knowledge can create compelling stories, which people want to read. Libraries are not only customers for these publications, but also providers of source materials from their collections.

Q11 *Are there any specific issues you would want IP Australia to consider, were it to set up an Indigenous Advisory Panel (or similar body)?*

A11 If an Indigenous Advisory Panel or similar body were to be established, we would welcome the inclusion of a representative from the library and information sector to contribute expertise in the areas of cultural collections. ATSILRIN, an ALIA Group, and National and State Libraries Australia would be able to put forward suitably qualified and experienced nominees.

Q13 *Do you have any suggestions for how an education and awareness campaign should be conducted and whether any particular community or industry sectors should be targeted?*

A13 Relating back to our previous comment under A2, libraries would be well placed to support such an education and awareness campaign.

5. Summary

On behalf of our members, representing libraries Australia-wide, ALIA welcomes the opportunity to comment on the *Protection of Indigenous Knowledge – Consultation Paper*. We would be pleased to be involved in further discussions about the outcomes of the IP Australia inquiry.

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⁴ <http://www.fnawn.com.au/>