



Ngarrngga: ICIP Declaration

Introduction

[Ngarrngga](#) is a Taungurung word meaning to know, to hear, to understand.

The Ngarrngga vision is for all Australian students to have the opportunity to deeply connect with Aboriginal and Torres Strait Islander knowledge systems, histories and cultures. To achieve this, Ngarrngga are creating national, fit-for-purpose curriculum resources for educators, complemented by the delivery of masterclass-style professional development.

Through the development of the Ngarrngga knowledge and curriculum resources, the team has applied careful selection and evaluation of existing Aboriginal and Torres Strait Islander histories and cultures published in the public domain. The team does this through an understanding and application of the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#), the [Charter for Research with Indigenous Knowledge Holders \(Charter\)](#), the Ngarrngga Project Principles, and the 10 True Tracks® principles developed by Terri Janke and Company.

The project team developed this ICIP Declaration to guide its respectful engagement throughout the Project.

Purpose

The ICIP Declaration is an internal and public-facing resource. It provides an overview of the ICIP standards and principles which inform all areas of the Project (e.g. project operations, curriculum and education team, research conduct and practice, data collection, evaluation, etc.) and engagement with Aboriginal and Torres Strait Islander communities, Elders, Knowledge Holders, materials and cultural expressions.

This ICIP Declaration complements:

- [The University of Melbourne's Charter for Research with Indigenous Knowledge Holders](#),
- [The University of Melbourne's Indigenous Cultural Protocols](#),
- [The University of Melbourne's Intellectual Property Policy](#),
- Ngarrngga custom Plain Language Statements and consent forms,
- Ngarrngga ICIP checklists and workflow processes,
- Ngarrngga feedback procedures.

Declaration of Ngarrngga

The culture of Aboriginal and Torres Strait Islander peoples has been practiced on this continent since time immemorial. The values and intellect of those engaging with the Ngarrngga knowledge and curriculum resources will be enriched by gaining a deep understanding of, and respect for, the world's oldest continuous living culture.



Ngarrngga is committed to upholding the inherent sovereign rights of Aboriginal and Torres Strait Islander peoples to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions (collectively ICIP) as enshrined in Article 31 of the [United Nations Declaration on the Rights of Indigenous Peoples](#).

Ngarrngga recognises Aboriginal and Torres Strait Islander peoples as the primary guardians and interpreters of their culture. Through the development of the Ngarrngga knowledge and curriculum resources a practice of respect and exchange is built. This is expressed through the overarching Ngarrngga Project Principles:

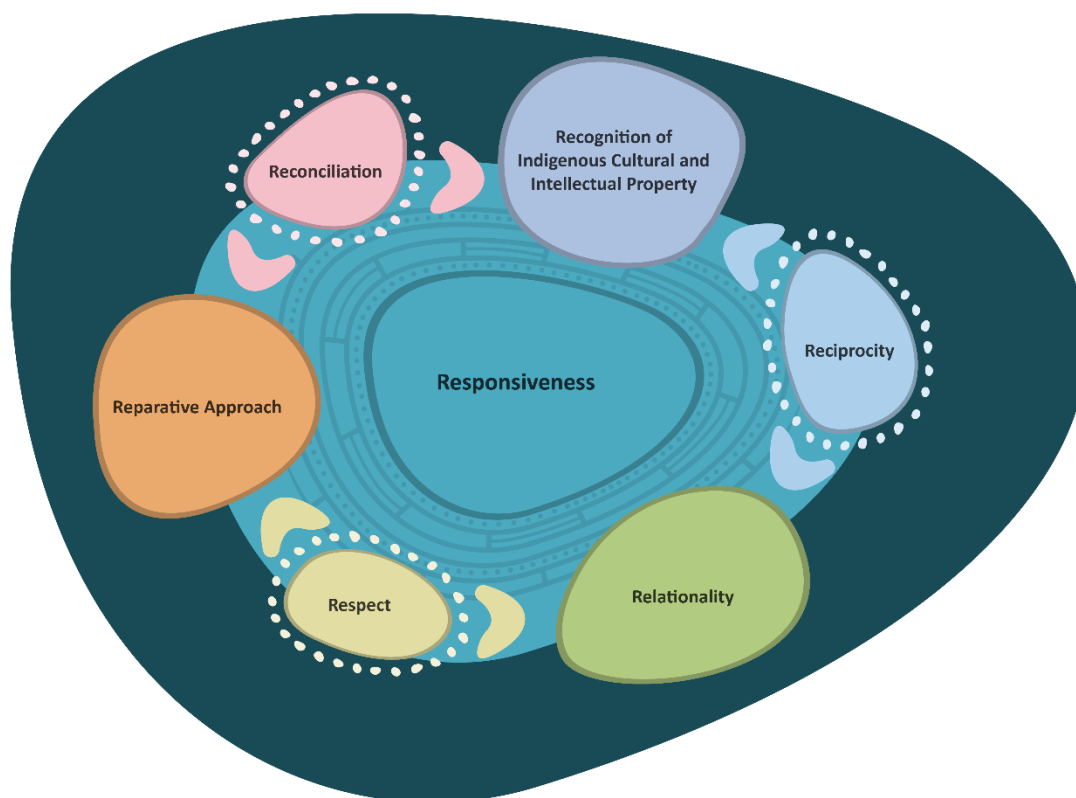


Figure: *The Ngarrngga Project Principles.*

In relation to this Project, Ngarrngga defines Indigenous Cultural and Intellectual Property (**ICIP**) to mean information which relates to all aspects of Australian Aboriginal and Torres Strait Islander peoples heritage including without limitation literary, performing and artistic works; language; traditional cultural expression; traditional knowledge; cultural practice; objects and items of cultural significance; genetic and ancestral material; sites of significance; and all associated documentation.

The overarching Ngarrngga Project Principles and practical applications contained within this ICIP Declaration guide the team. It provides the framework for respectful and informed engagement with Aboriginal and Torres Strait Islander peoples and their ICIP in relation to the Project.



ICIP Declaration Framework	How Ngarrngga applies the Framework to the Project
<p>Respect</p> <p>Recognition and respect of Aboriginal and Torres Strait Islander peoples’ custodianship over their lands, waterways, seas and skies and the right to maintain, control, protect and develop their ICIP and any intellectual property incorporating their ICIP. This principle draws directly from Article 31 of the UNDRIP, and Principle 2 of the Charter.</p>	<ul style="list-style-type: none"> • Project team acknowledges the ongoing rights Aboriginal and Torres Strait Islander peoples have to their ICIP. • Project team respects and implements this ICIP Declaration. • Project team has undertaken appropriate ICIP training and seek ongoing cultural support as required. • Project team has clear working knowledge of best practice protection of ICIP in relation to the Project.
<p>Self-determination</p> <p>Aboriginal and Torres Strait Islander peoples have the right to self-determination in relation to their ICIP. Aboriginal and Torres Strait Islander peoples must lead, co-design or otherwise be encouraged and empowered in decision-making processes concerning their ICIP. This principle draws directly from Article 3 of UNDRIP, and Principle 1 of the Charter.</p>	<ul style="list-style-type: none"> • Ngarrngga will generate knowledge and curriculum resources (resources) that seek to empower Aboriginal and Torres Strait Islander communities. • New resources are co-designed and developed with Aboriginal and Torres Strait Islander people. • Project team will improve processes of best practice engagement with ICIP as required when reasonably directed by Aboriginal and Torres Strait Islander peoples to do so.
<p>Consultation and Consent</p> <p>Aboriginal and Torres Strait Islander peoples have the right to be consulted on matters that may impact or involve them, their community or their ICIP. Consent should be provided on a free, prior and informed basis. This involves ongoing consultation, negotiation and informing custodians about the implications of consent. This principle draws directly from Article 19 of UNDRIP, and Principle 3 of the Charter.</p>	<ul style="list-style-type: none"> • Project team engages in appropriate consultation with Aboriginal and Torres Strait Islander people in the creation of new resources and, where relevant, use of existing ICIP materials. • Project team ensures free, prior and informed consent of Aboriginal and Torres Strait Islander peoples for collection, access and use of their ICIP in the creation of new resources for the Project, in conjunction with copyright obligations outlined in “Recognition and Protection” below. • When undertaking a review and evaluation of existing ICIP materials in the public domain, the project team will ensure it applies ICIP best practice at all times.
<p>Interpretation</p> <p>Aboriginal and Torres Strait Islander peoples are responsible for maintaining their culture and are the primary custodians and interpreters of their ICIP.</p>	<ul style="list-style-type: none"> • Ngarrngga ensures Aboriginal and Torres Strait Islander perspectives are represented truthfully and appropriately. • Project team seeks interpretation of ICIP from Aboriginal and Torres Strait Islander peoples in the



ICIP Declaration Framework	How Ngarrngga applies the Framework to the Project
	<p>creation of new resources, and where possible, the interpretation of existing ICIP materials.</p> <ul style="list-style-type: none"> • Ngarrngga does not purport harmful, offensive or racist interpretations of ICIP or Aboriginal and Torres Strait Islander peoples.
<p>Cultural Integrity</p> <p>Aboriginal and Torres Strait Islander peoples have the right to ensure cultural integrity over their ICIP. Maintaining integrity ensures culture remains strong.</p>	<ul style="list-style-type: none"> • Ngarrngga seeks to maintain the integrity of culture through best practice engagement with ICIP and Indigenous data. • Project team ensures it uses existing ICIP materials which are accurate. • Project team ensures new resources are accurate. • Ngarrngga will ensure that in any use of ICIP incorporated in the new resources and the Project, users of the resources are informed of ICIP obligations in relation to access and use of the relevant material. • Project team will take responsibility to safely and securely store and archive ICIP and Indigenous data collected during the Project, and ensure appropriate mechanisms for access and use by Indigenous data providers, and removal upon request. • Ngarrngga will not destroy or dispose of ICIP without the consent of Aboriginal and Torres Strait Islander peoples, where relevant.
<p>Secrecy and Privacy</p> <p>Aboriginal and Torres Strait Islander peoples have the right to keep secret their restricted and ritual knowledge in accordance with their cultural protocols and customary laws. Privacy and confidentiality concerning aspects of Aboriginal and Torres Strait Islander people's personal and cultural affairs should be respected. This principle draws directly from Principle 5 of the Charter.</p>	<ul style="list-style-type: none"> • Ngarrngga will not incorporate secret/restricted knowledge and information, where possible. • Project team will seek to identify any confidential, sensitive or restricted information or materials, and ensure they are not incorporated in the new resources, or if they are to be included, determine appropriate conditions of use and access in consultation with Aboriginal and Torres Strait Islander peoples who have a connection to the information or material. • Project team will maintain the privacy of Aboriginal and Torres Strait Islander peoples engaged in the creation of new resources.
<p>Attribution</p>	<ul style="list-style-type: none"> • Ngarrngga will acknowledge the contributions of Aboriginal and Torres Strait Islander peoples.



ICIP Declaration Framework	How Ngarrngga applies the Framework to the Project
<p>Aboriginal and Torres Strait Islander peoples have the right to be attributed for, and in relation to, their rights under UNDRIP, including in relation to the use of ICIP and use of intellectual property incorporating their ICIP. This is in addition to copyright attribution.</p>	<ul style="list-style-type: none"> Project team seeks to attribute Aboriginal and Torres Strait Islander peoples for collection, access or use of their ICIP.
<p>Benefit Sharing</p> <p>Aboriginal and Torres Strait Islander peoples have the right to share in the benefits from engagement with them and their lands, waterways, seas and skies, as well as use of their ICIP. This can include in a monetary and non-monetary capacity. This principle draws directly from Principle 4 of the Charter.</p>	<ul style="list-style-type: none"> Ngarrngga seeks to ensure Aboriginal and Torres Strait Islander peoples benefit from the collection, access and use of their ICIP. Project team will engage with Aboriginal and Torres Strait Islander peoples to determine appropriate benefit sharing where new resources are created. Ngarrngga will seek to provide opportunities for Aboriginal and Torres Strait Islander peoples and service providers in relation to the Project.
<p>Maintaining Aboriginal and Torres Strait Islander Culture</p> <p>Aboriginal and Torres Strait Islander culture is not static but ongoing. Measures need to be taken so that Aboriginal and Torres Strait Islander peoples can maintain, revitalise and advance culture for future generations.</p>	<ul style="list-style-type: none"> Ngarrngga seeks to positively impact Aboriginal and Torres Strait Islander peoples. Ngarrngga supports Aboriginal and Torres Strait Islander peoples to have greater say in relation to, access to, and engagement with their ICIP. Project team will provide an appropriate mechanism for feedback and comments from Aboriginal and Torres Strait Islander peoples in relation to the resources and ICIP used.
<p>Recognition and Protection</p> <p>Australian policy and law should be used to recognise and protect ICIP rights. For example, copyright and other laws, protocols and contracts can be used to help ensure ICIP recognition and protection.</p>	<ul style="list-style-type: none"> Ngarrngga aims to raise awareness of and provide guidance to the Australian Education sector in relation to acknowledgement, respect and appropriate engagement with Aboriginal and Torres Strait Islander peoples, their culture and their ICIP. Project team ensures identification and protection of ICIP in all its activities and resources. Project team enters into appropriate agreements to ensure the protection of ICIP incorporated in resources or otherwise uses materials that incorporate ICIP in accordance with relevant legislation and international best practice, including UNDRIP.



ICIP Declaration Framework	How Ngarrngga applies the Framework to the Project
	<ul style="list-style-type: none">• Copyright in new resources developed by the project team that incorporates ICIP will be jointly owned with Ngarrngga and the Aboriginal and Torres Strait Islander person/peoples providing the ICIP, and there will be appropriate licences in place for use.