

NSLA Position Statement on Indigenous Intellectual Property and Ownership

Background

The collections of NSLA libraries include a great deal of rich content relating to Australian Indigenous people. Much of the material reflects first contact between European and Indigenous people and includes pastoral, anthropological and cultural items as well as contemporary material created by Indigenous Australians.

NSLA has established an Indigenous Library Services and Collections Working Group which aspires to exemplify best practice in the planning and provision of Aboriginal and Torres Strait Islander library services and collections. The role of the Working Group is to: develop consistent approaches where practical; promote successful models for appropriate community consultation; and develop and implement strategic and operational policies for managing Indigenous collections and contested materials.

NSLA has also published the National Policy Framework for Aboriginal and Torres Strait Islander Library Collections and Services. The policy framework acknowledges that “the library and information services sector is a vital access point for Aboriginal and Torres Strait Islanders to their past as well as their future.”¹

The policy framework aims “to progress and achieve best practices in developing and managing information services and collections responsive to Aboriginal people and Torres Strait Islanders, their cultures and communities,”² which also includes management of copyright and ownership of Indigenous materials.

Principles

NSLA acknowledges that Indigenous content held in library collections is different from non-Indigenous content. The World Intellectual Property Organisation identifies that these differences arise because the expression of Indigenous intellectual property is:

- Handed down from one generation to another, either orally or by imitation;
- Reflects a community’s cultural and social identity;
- Consists of characteristic elements of a community’s heritage;

¹ National Policy Framework for Aboriginal and Torres Strait Islander library services and collections / National and State Libraries Australasia [Melbourne]: National and State Libraries Australasia, [2006] p [1]. <http://www.nsla.org.au/publications/policies/2007/pdf/NSLA.Policy-20070129-National.Policy.Framework.for.Indigenous.Library.Services.pdf>

² Ibid. p. [2]



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- Produced by “authors unknown” and/or by communities and/or by individuals communally recognized as having the right, responsibility or permission to do so;
- Often created for spiritual and religious purposes; and is,
- Constantly evolving, developing and being recreated within the community.³

The implementation of the National Policy Framework for Aboriginal and Torres Strait Islander Library Collections and Services will differ according to local needs and issues. Some NSLA libraries have published protocols and guidelines to support local practice.

Decisions about the copying and/or digitisation of Indigenous content should be made in accordance with Australian copyright law and with reference to the NSLA National Policy Framework for Aboriginal and Torres Strait Islander Library Collections and Services.

NSLA libraries will endeavour to give higher priority to digitising collections which have been removed from their places of origin, such as collections relating to Central Australian communities now held in Sydney, Adelaide or Canberra. In this way digital access to significant Indigenous materials can be provided.

³ *Intellectual Property and the Safeguarding of Traditional Cultures: Legal Issues and Practical Options for Museums, Libraries and Archives*. Written for the World Intellectual Property Organization (WIPO) by Molly Torsen and Jane Anderson, 2010 p.15
<http://www.wipo.int/export/sites/www/tk/en/publications/1023.pdf>