



Study into stand-alone legislation for Indigenous Knowledge

The Australian Government has established a cross departmental Working Group to undertake a scoping study assessing if stand-alone legislation could help First Nations people to protect and commercialise their **Indigenous Knowledge (IK)**.

The Australian Government committed to this study following a recommendation made by the House of Representatives' Standing Committee on Indigenous Affairs, in its [Report on the impact of inauthentic art and craft in the style of First Nations peoples](#). The Standing Committee's recommendation was for a consultation process 'to develop stand-alone legislation protecting Indigenous Cultural Intellectual Property, including traditional knowledge and cultural expressions.' This study is the first step, before the recommended consultation process commences.

Scope of the Study

In undertaking this study, the Working Group will:

- Respond to the challenges identified through previous consultations and inquiries that First Nations peoples experienced in protecting and commercialising their IK.
- Invite and encourage First Nations peoples to participate in the study.
- Investigate best practice approaches and international developments in order to identify possible models of stand-alone legislation.
- Assess the feasibility of the models to deliver additional benefits to First Nations peoples when measured against existing laws and protocols, and the costs of implementation.
- Make recommendations on how to proceed with broad public consultations on potential legislative reform or other measures.

The Working Group will also monitor and consider complementary work underway, including:

- the proposed Productivity Commission study into the nature and structure of the markets for Australia's First Nations peoples' arts and crafts and policies to address deficiencies in these markets,
- development of the [Indigenous Visual Arts Action Plan](#),
- the development of a proposal for a [National Indigenous Art and Cultural Authority](#),
- IP Australia's [consultations](#) on enhancing the existing IP system to support First Nations peoples to benefit from their IK.



Indigenous Expert Reference Group

IP Australia has established an Indigenous Expert Reference Group to contribute expertise and perspectives directly to the study throughout its development. The Working Group will embrace and prioritise all guidance provided by the Indigenous Expert Reference Group in determining feasible models of protection.

Community Engagement

As part of the study, community engagement will be encouraged to ensure that the views and input of Australia's First Nations peoples are central. The Working Group intends to publish the interim findings and provide opportunity for public submissions and consultations between September - November 2021 before the Working Group finalises its report and recommendations to Government. Pursuant to the recommendations of the study, a wide-ranging consultation process will be considered following delivery of the final report.

The Working Group has contracted Ninti One to conduct the study and facilitate meaningful engagement with Aboriginal and Torres Strait Islander communities. Ninti One is an Aboriginal owned company registered with Supply Nation that works collaboratively with communities, businesses and government to achieve social and economic benefits for Australia's First Nations peoples.

A final report will be presented to Government by mid-2022.

The Working Group invites feedback in written, audio and/or video format on any aspect of the Scope of the Study to IKproject@ipaaustralia.gov.au.

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