

National Cultural Policy Submission

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Submitted on behalf of an organisation with arts-components (e.g. community organisation, tourism, venue, health, education etc);

First Nations: Recognising and respecting the crucial place of these stories at the centre of our arts and culture.

The development of a new National Cultural Policy in Australia has occurred during a period of transformation between First Nations Australians and non-Indigenous Australians. This transformation is the culmination of First Nations people's advocacy for the right to self-determination and the associated freedom to pursue 'economic, social and cultural development';¹ in combination with the increasing support from Australian governments and the Australian population to reconciliation and equality for First Nations Australians. As such, this period provides a unique opportunity for the new National Cultural Policy to ethically contribute to the development and maintenance of First Nations people's cultural knowledge and creative practice.

This submission outlines the importance of First Nations cultural knowledge and creative practice, current opportunities and challenges, the collections held in Australian universities, and suggested inclusions in the new National Cultural Policy.

First Nations Cultural Knowledge and Creative Practice

Australia's unique Indigenous artistic and cultural expression is rooted in thousands of years of heritage and continuing practice.²

First Nations cultural knowledge and creative practice are intrinsically connected through cultural practice. First Nations peoples in Australia form many nations with distinct cultures and knowledge systems. This diversity equates to variation in cultural practices and the artistic and cultural expression between nations. Collectively however, is the interconnection between Country, cosmology, relationships, and identity, and how this informs First Nations culture, knowledge systems, and cultural practices. This elevates First Nations creative practice as an integral part of First Nations culture, and First Nations artists are custodians of cultural knowledge.

This concept of First Nations cultural practice is distinctly different to the Western approach applied in previous National Cultural Policies which focused on individual artists, artistic expression, and emphasised creative output. First Nations cultural practice is the development and maintenance of cultural knowledge through creative practices, which leads to creative and cultural expressions. The emphasis is on the cultural practice over the creative output. In developing the new National Cultural Policy, there should be a focus on First Nations cultural practice.

Current Opportunities and Challenges

The new National Cultural Policy provides a key opportunity for the embedding of self-determination principles for the management of First Nations cultural heritage, traditional knowledge and traditional

¹ Article 3 [United Nations Declaration on the Rights of Indigenous Peoples](#).

² Terri Janke and Company, Australia Council for the Arts, [Protocols for using First Nations Cultural and Intellectual Property in the Arts](#) (3rd ed, 2019).

of cultural expressions.³ These principles require a positioning of First Nations peoples in the centre of decision making for the development of First Nations cultural knowledge and creative practice in Australia. This restoration of First Nations autonomy of cultural practice must also be consistent with First Nation cultural diversity.

There are two significant challenges that should be addressed in the new National Cultural Policy and should be applied within the context of self-determination principles. The first is the protection of Indigenous Cultural and Intellectual Property (ICIP). Dr Terri Janke has written extensively on ICIP protocols and proposed laws.⁴ The new National Cultural Policy used focus on law reform to protect ICIP.

The second challenge is the detrimental impact that colonisation and previous government policies has had on First Nations people's cultural practice. Whilst some First Nation groups have been able to maintain their cultural practice, there are many who have suffered ongoing detriment to cultural practice and have engaged in work to reconnect with their Country, culture and cultural practices. To that end, a national cultural policy should provide targeted support to facilitate reconnection to cultural practices where identified by First Nations groups.

Australian Universities Collections

Australian universities hold historical and future collections of First Nations cultural knowledge and cultural expressions. In particular, many academic institutions hold historical collections of First Nations knowledges and stories (in the form of thesis and research diaries), artworks, and cultural artefacts. In some cases, these collections hold secret sacred information, and require extensive work for repatriations. More recent collections include the First Nations cultural knowledge and cultural expressions submitted in thesis and or as part of research findings. The new National Cultural Policy would need to consider historical and future collections of First Nations cultural knowledge and cultural expressions. This would require a focus on First Nations self-determination and ICIP in order to develop appropriate manage practices for these collections.

Suggested inclusions in the new National Cultural Policy:

- Investment and capacity building for cultural practice for First Nations artists.
- Focus and investment on First Nations self-determination for the management of First Nations cultural heritage, traditional knowledge and traditional of cultural expressions.
- Law reform to protect Indigenous Cultural and Intellectual Property (ICIP).
- Investment in initiatives to support First Nations people's reconnection to Country, culture, and cultural practices.
- Further investigation and investment in Australian universities and the First Nations collections held in those institutions.

³ Article 31 [United Nations Declaration on the Rights of Indigenous Peoples](#).

⁴ See further Janke, Terri, 'Protecting Indigenous Cultural Expressions in Australia and New Zealand: Two Decades after the Mataatua Declaration and Our Culture, Our Future' [2018] (114) *Intellectual property forum* 21.