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Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

UNESCO AI and Intangible cultural heritage

AI and Indigenous art and culture

Presented by Patricia Adjei, Stand-alone legislation team



Intro to Traditional knowledge and Cultural expressions (TK and TCEs)

- TCEs and TK= Indigenous peoples' rights to practice, maintain, control and own their cultural heritage and knowledge;
- ICH of Indigenous Peoples includes music, song lines, stories, ceremonies, dance, symbols, languages, knowledge;
- TK and TCEs are normally oral and not written down;
- TK and TCEs are communal – not owned individually;
- Transmission of TK and TCEs – handed down from generation to generation;
- Gaps in legal protection of TK and TCEs means there is misappropriation and misuse of TK and TCEs;

Protocols

- Best practice guidelines on how to ethically work with First Nations communities;
- 10 principles- True Tracks;
- Respect, self-determination, consent, consultation, interpretation, integrity;
- Secrecy, attribution, Benefit sharing,
- Authenticity, recognition;
- Strong elements that can be transferred to the AI practice;

Protocols

- Practical application in case studies;
- 14 case studies across all art forms;
- Checklist for 10 principles;
- Protocols can be used in contracts;
- [Protocols for using First Nations Cultural and Intellectual Property in the Arts - Creative Australia](#)

AI and protection of Traditional knowledge and Traditional cultural expressions (TK and TCEs)

- AI and Indigenous culture protocols: Out of the Black box;
- Angie Abdilla, Megan Kelleher, Rick Shaw;
- Indigenous data sovereignty, consent for use, ethical sourcing of AI, community led decisions;
- [*Final+Unesco+Paper_Designed.pdf \(squarespace.com\)](#)
- Indigenous governance, standards as relationships with land and culture is vital;
- Indigenising ways to AI so that divergent standards are incorporated;
- Insight- Indigenous ethics-standards- protocols;

Government policy work

- Attorney General department- copyright and AI;
- Department of Industry, science and resources: established roundtables with Creative industries to discuss ways to protection of creators rights in AI and ethical sourcing of AI;
- Indigenous experts part of these roundtable discussions;
- Both discussions are looking at AI and protection of TK;
- Whether new laws can address the misappropriation of TCEs and AI;

The commitment



The Australian Government has committed:

- Create new laws to protect Traditional knowledge and traditional cultural expressions. This includes the harm caused by fake art, merchandise and souvenirs;
- First Nations first – laws must be created by and for Indigenous people;
- First Nations expert working group to be established by November;
- Two-staged approach. Stage 1: Fake art, merchandise and souvenirs;
- Stage 2: Broader TCE and TK law- consider AI in the scope of the law;
- Working with Government departments on TCEs and TK with IP Australia, NIAA, DCEEW and Attorney General's Department;

Eso! Thank you

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[National Cultural Policy—Revive: a place for every story, a story for every place | Office for the Arts](#)