

Submission to the Australian Government

Towards a New National Cultural Policy 2026

Submitted by Ngalgarra Resources Indigenous Corporation

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Introduction

Ngalgarra Resources Indigenous Corporation welcomes the opportunity to contribute to the development of Australia's next National Cultural Policy as outlined in the consultation paper Towards a New National Cultural Policy.

As an Aboriginal-led organisation grounded in community, cultural governance, environmental stewardship, cultural education and self-determination, we submit that any future National Cultural Policy must move beyond symbolic recognition toward legally enforceable protections for Aboriginal and Torres Strait Islander peoples' cultural rights, intellectual sovereignty, governance authority and rights to Free, Prior and Informed Consent (FPIC).

While the consultation paper acknowledges that "First Nations cultures are Australia's oldest continuing heritage and a defining source of cultural strength," the next stage of reform must ensure that First

Nations peoples are not merely participants within policy systems, but recognised as rights-holders under both domestic and international law.

This submission emphasises that Aboriginal and Torres Strait Islander peoples possess inherent cultural rights that pre-exist the Australian state and continue notwithstanding colonisation.

This submission emphatically asserts that Aboriginal and Torres Strait Islander peoples possess inherent cultural rights, sovereign responsibilities and enduring systems of law, governance and knowledge that pre-date the formation of the Australian state by tens of thousands of years and continue notwithstanding invasion, dispossession and ongoing colonial occupation. These rights were never ceded, surrendered or extinguished. They do not derive legitimacy from Australian legislation, policy frameworks or institutional recognition; rather, they arise from our ancient and continuing relationships to Country, waters, celestials, kinship, ceremony, language and Lore.

For too long, governments and institutions have approached First Nations cultures as matters of heritage management, public interest or stakeholder consultation, while continuing to deny the full legal and political authority of the peoples to whom these cultures belong. My people. Aboriginal and Torres Strait Islander peoples are not merely participants within the Australian cultural landscape — we are the original custodians, knowledge holders and sovereign cultural authorities of this continent.

Accordingly, any future National Cultural Policy must move beyond symbolic acknowledgement and performative inclusion toward enforceable protections grounded in self-determination, Free, Prior and Informed Consent, Indigenous Cultural and Intellectual Property rights, and genuine power-sharing with Aboriginal and Torres Strait Islander peoples at every level of cultural governance and decision-making. Without this shift, policy risks continuing the very colonial structures that have historically extracted, regulated and commodified First Nations culture while excluding First Nations peoples from authority over our own stories, knowledge systems and futures. And one voice per clan group (corporate or otherwise is insufficient); we as a people need the political authority to make genuine effort to engage with our people on this.

1. International Legal Obligations

Australia is bound by multiple international human rights instruments that affirm the cultural, political and collective rights of Indigenous peoples.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Australia endorsed the United Nations Declaration on the Rights of Indigenous Peoples in 2009. UNDRIP establishes minimum standards for the survival, dignity and wellbeing of Indigenous peoples.

The future National Cultural Policy must explicitly incorporate and operationalise the following principles:

Free, Prior and Informed Consent (FPIC)

Articles 11, 19, 28, 29 and 32 of UNDRIP require governments to obtain the Free, Prior and Informed Consent of Indigenous peoples before adopting legislative, administrative or commercial measures affecting Indigenous cultural heritage, lands, knowledge systems or resources.

This principle must apply across:

Cultural funding frameworks

Museum and collecting institution practices

Intellectual and cultural property use

Research and data governance

Digital cultural archives

Screen, arts and music industries

Environmental and heritage projects

AI systems using Indigenous cultural materials

Consultation alone is insufficient. Consent must be:

Free from coercion

Prior to decision-making

Fully informed

Culturally appropriate

Ongoing and revocable

The National Cultural Policy should therefore mandate FPIC protocols across all Commonwealth-funded cultural activities involving Aboriginal and Torres Strait Islander cultural knowledge, imagery, languages, stories, artefacts and performances.

Cultural Self-Determination

UNDRIP affirms Indigenous peoples' rights to:

Maintain and strengthen distinct political, legal, economic, social and cultural institutions

Protect traditional knowledge

Revitalise languages

Control cultural heritage

Determine representation and governance structures

The current policy framework remains largely state-controlled. Future reforms must shift toward:

Aboriginal-controlled decision-making bodies

Long-term direct investment into community-led organisations

Independent Indigenous cultural authorities

Indigenous ownership of cultural data and archives

International Covenant on Civil and Political Rights (ICCPR)

Under Article 27 of the ICCPR, Indigenous peoples have the right to enjoy culture in community with others.

The United Nations Human Rights Committee has repeatedly recognised that Indigenous cultural practices are inseparable from land, waters, kinship systems and traditional governance.

Therefore, cultural policy cannot be separated from:

Caring for Country

Language revitalisation

Intergenerational knowledge transfer

Sacred site protection

Traditional ecological knowledge

Community governance systems

Convention on the Elimination of Racial Discrimination (CERD)

Australia also has obligations under CERD to eliminate discriminatory policies and ensure equal enjoyment of cultural rights.

Current barriers include:

Underfunding of Aboriginal-led organisations

Structural exclusion from major arts institutions

Cultural appropriation without consent

Exploitation of Indigenous designs and stories

Lack of legal protection for Indigenous Cultural and Intellectual Property (ICIP)

2. Domestic Legal and Policy Frameworks

The future National Cultural Policy must align with domestic legal principles recognising Aboriginal and Torres Strait Islander peoples as the custodians of the oldest living cultures on earth.

Native Title and Cultural Continuity

The landmark Mabo decision recognised that Aboriginal and Torres Strait Islander peoples maintained continuing laws and customs notwithstanding colonisation.

This principle should guide cultural policy:

Cultural authority remains with Traditional Custodians

Cultural knowledge is not public domain property

Governments cannot assume ownership or unrestricted use of Indigenous cultural material

Indigenous Cultural and Intellectual Property (ICIP)

Australia currently lacks comprehensive legislation protecting ICIP rights.

The National Cultural Policy should urgently recommend:

Standalone federal ICIP legislation

Criminal and civil protections against unauthorised use

Recognition of communal ownership structures

Protection of oral traditions and ceremonial knowledge

Indigenous control over digitisation and AI use of cultural material

This is particularly urgent given the rise of artificial intelligence systems scraping Indigenous artwork, language and stories without permission or compensation.

3. Response to the Five Pillars

Pillar 1 — First Nations First

The consultation paper identifies the importance of “strengthening recognition of cultural rights” and “support pathways for First Nations leadership.”

Ngalgarra Resources Indigenous Corporation strongly supports this pillar but submits that recognition alone is insufficient.

The next policy must:

Legally embed FPIC principles

Fund Aboriginal-controlled cultural institutions directly

Establish a National Indigenous Cultural Authority

Guarantee long-term operational funding for grassroots organisations

Prioritise language revitalisation programs

Support on-Country cultural education and ranger programs

Recognise Elders and cultural knowledge holders as essential workers

Pillar 2 — A Place for Every Story

The policy must recognise that Aboriginal stories are not merely “content”; they are connected to sovereignty, identity, obligations and living law.

Government agencies, universities, museums and commercial entities must not use Indigenous stories, imagery or cultural expressions without:

Proper consent

Cultural governance approvals

Benefit-sharing agreements

Attribution protocols

Aboriginal communities must retain the right to say no.

Pillar 3 — Centrality of the Artist

Many Aboriginal artists and cultural practitioners experience exploitation, unpaid labour and extractive engagement processes.

The policy should:

Introduce mandatory ICIP standards

Ensure fair remuneration

Protect artists from cultural exploitation

Fund regional and remote artists equitably

Recognise cultural labour beyond commercial artistic outputs

Cultural practice includes:

Ceremony

Songlines

Weaving

Traditional ecological knowledge

Oral histories

Community teaching

Cultural governance

Pillar 4 — Strong Cultural Infrastructure

Strong infrastructure must include:

Aboriginal-owned cultural centres

Keeping places

Digital sovereignty systems

Community archives

Ranger programs

On-Country education hubs

Infrastructure investment should prioritise long-term community wealth building rather than short-term project cycles.

Pillar 5 — Engaging the Audience

The policy should support ethical storytelling and truth-telling frameworks led by First Nations peoples.

This includes:

Protecting communities from trauma-based representation

Supporting independent Indigenous media

Investing in First Nations digital platforms

Supporting intergenerational cultural transmission

Expanding community-led festivals and cultural gatherings

4. Recommendations

Ngalgarra Resources Indigenous Corporation recommends that the Australian Government:

1. Formally embed UNDRIP principles into the National Cultural Policy.
2. Legislate mandatory Free, Prior and Informed Consent standards.
3. Introduce comprehensive Indigenous Cultural and Intellectual Property legislation.
4. Establish a National Indigenous Cultural Authority governed by First Nations peoples.
5. Guarantee long-term direct funding to Aboriginal community-controlled organisations.
6. Recognise cultural practice and knowledge transmission as essential labour.
7. Protect Indigenous cultural material from unauthorised AI and digital exploitation.
8. Expand support for language revitalisation and on-Country cultural education.
9. Ensure Indigenous governance authority over archives, museums and collections.

10. Develop binding ethical protocols for all government-funded cultural projects.

Conclusion

The next National Cultural Policy presents an opportunity for Australia to move from symbolic inclusion toward structural justice.

Aboriginal and Torres Strait Islander peoples are not stakeholders in culture; we are sovereign peoples and rights-holders whose cultures have survived despite dispossession, exclusion and ongoing systemic inequity.

A future-focused cultural policy must therefore uphold:

Self-determination

Cultural authority

Indigenous governance

FPIC

Cultural safety

Collective rights

Intergenerational responsibility

Without these foundations, cultural policy risks reproducing colonial systems under the language of inclusion.

Ngalgarra Resources Indigenous Corporation calls on the Australian Government to ensure the next National Cultural Policy is grounded in justice, truth, sovereignty and the enduring cultural rights of First Nations peoples. Critically, the Policy must recognise that Aboriginal and Torres Strait Islander peoples are not passive stakeholders to be consulted after decisions are already underway, but sovereign rights-holders whose Free, Prior and Informed Consent is required before governments, institutions, corporations or third parties engage with, interpret, reproduce, archive, commercialise or make policy decisions concerning our cultures, knowledges, languages, stories, imagery, artefacts and cultural expressions.

Consent must not be treated as a procedural formality or symbolic gesture. It is a substantive legal, cultural and ethical obligation grounded in international human rights law and inherent Indigenous sovereignty. Where consent is not freely given, projects, policies and activities affecting First Nations cultural heritage and intellectual property must not proceed. Anything less perpetuates the colonial pattern of extraction, appropriation and decision-making imposed upon Aboriginal and Torres Strait Islander peoples without authority, accountability or justice.

The next National Cultural Policy must therefore embed enforceable mechanisms that place Australian First Nations peoples in positions of genuine cultural authority, governance and decision-making power — not merely advisory roles — to ensure that the future of Australia's cultural landscape is built with us, not for us, and never again about us without us.

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