

INDIGENOUS ETHICS

1. AUSTRALIAN INDIGENOUS VISUAL ARTS CODES AND PROTOCOLS

ABORIGINAL ART DIRECTORY

Aboriginal Art Directory Ethics

<http://www.aboriginalartdirectory.com/directory/about-us/ethics.php>

- The Aboriginal Art Directory promotes Indigenous art nationally and internationally. It provides consumer information about ethics and authenticity when buying Aboriginal art

ARTS TASMANIA'S ABORIGINAL ARTS ADVISORY COMMITTEE

Respecting Cultures: working with the Tasmanian Aboriginal Community and Aboriginal Artists (2009)

http://www.arts.tas.gov.au/__data/assets/pdf_file/0017/91232/Respecting_Cultures_October_2009_Revised_2014.pdf

- This protocol guide was developed to assist in the development of Aboriginal and Torres Strait Islander cultures and to provide guidance for those interacting with Aboriginal artists in the use and marketing of Aboriginal arts and culture

AUSTRALIA COUNCIL FOR THE ARTS

National Aboriginal and Torres Strait Islander Arts Policy

<http://www.australiacouncil.gov.au/aboriginal-and-torres-strait-islander-arts/>

- This policy provides a framework for how to work more effectively for the continued growth of Indigenous arts – locally, regionally, nationally and internationally. This policy acts as a blueprint for the implementation of policy and programs promoting the artistic and cultural expression of Indigenous Australians.

Guides to Help do the Right Thing with Indigenous Culture

<http://www.australiacouncil.gov.au/about/protocols-for-working-with-indigenous-artists/>

- The purpose of the protocols is to encourage ethical conduct in relation to Indigenous culture and promote interaction based on good faith and mutual respect.
- This protocols function guides, designed to be an initial point of reference in planning to work with Indigenous visual artists practitioners or using Indigenous cultural material.

AUSTRALIAN HERITAGE COMMISSION

Ask First: A guide to respecting Indigenous Heritage Places and Values

<https://www.environment.gov.au/resource/ask-first-guide-respecting-indigenous-heritage-places-and-values>

- Maintaining heritage values and places is a vital part of the Indigenous Australian community's sense of place, cultural identity and well-being. This guide is intended to ensure that rights and interests of Indigenous people in maintaining their heritage are respected.

AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES (AIATSIS)

Guidelines for Ethical Research in Australian Indigenous Studies (2012)

http://www.aiatsis.gov.au/_files/research/GERAIS.pdf

- This new edition of the Guidelines embodies standards and ethical behaviours and human rights. They are founded on the right of self-determination, emphasizing it is essential that Indigenous people are full participants in research projects that concern them.

CITY OF MELBOURNE

Code of Practice for Galleries and Retailers of Indigenous Art

<http://www.melbourne.vic.gov.au/arts-and-culture/aboriginal-torres-strait-islander-arts/Pages/aboriginal-art-code-of-practice.aspx>

- This Code functions as a practice guide for galleries and retailers to help ensure Indigenous art is exhibited and sold appropriately and authenticity is protected.

AUSTRALIAN GOVERNMENT DEPARTMENT OF REGIONAL AUSTRALIA, LOCAL GOVERNMENT, ARTS AND SPORT

Funding for Indigenous Culture, Languages and Visual Arts

<http://arts.gov.au/indigenous>

- These guidelines are for the Indigenous culture languages and visual arts program funded by the Australian Government through the Office for the Arts (OFTA), Department of Regional Australia, Local Government, Arts and Sport (DRALGAS)

See, Indigenous Visual Arts Industry Support (IVAIS) Program <http://arts.gov.au/indigenous/ivais>

INDIGENOUS ART CODE

<http://www.indigenousartcode.org/wp-content/uploads/2011/06/Indigenous-Art-Code.pdf>

- A code to promote fair and ethical trade in works of art by Indigenous artists.

ABORIGINAL ART ASSOCIATION OF AUSTRALIA

Code of Ethics

<http://aboriginalart.org.au/aaaa/code-of-ethics/>

- This sets out the ethical standards for members of the association

INDIGENOUS AUSTRALIAN ART CHARTER OF PRINCIPLES FOR PUBLICLY FUNDED COLLECTING INSTITUTIONS (2009)

<http://www.indigenousartcode.org/wp-content/uploads/2011/06/charter-of-principles.pdf>

- The purpose of this Charter is for publicly funded collecting institutions to affirm their continuing commitment to dealing fairly and ethically with Indigenous artists and their representatives and communities at all times.

NATIONAL ASSOCIATION FOR THE VISUAL ARTS

Valuing Art, Respecting Culture: Protocols for working with the Australian Indigenous Visual Arts and Craft Sector by Mellor, Doreen and Janke, Terri, 2001

https://visualarts.net.au/media/uploads/files/Valuing_Art_Respecting_Culture.pdf

- These protocols details minimum ethical behaviour for all those who deal professionally with Indigenous artists, their representatives and communities. They are intended to complement the existing suite of laws, collecting policies, and other relevant, peer reviewed codes of ethics and best practice guidelines which establish and implement artists' rights.

MUSEUMS AUSTRALIA INC.

Continuous Culture, Ongoing Responsibilities: Principles and Guidelines for Australian Museums working with Aboriginal and Torres Strait Islander Cultural Heritage

http://www.nma.gov.au/__data/assets/pdf_file/0020/3296/ccor_final_feb_05.pdf

- This guide serves to assist members of the Council of Australian Museum Associations (CAMA) in making decisions about the ethical issues with which they may be confronted. Most Australian Museums operate within this framework.

OXFAM AUSTRALIA

Aboriginal and Torres Strait Islander Cultural Protocols

<http://resources.oxfam.org.au/pages/view.php?ref=223&k=>

- These cultural protocols provide guidance for Oxfam Australia staff and volunteers to ensure their work respects Aboriginal and Torres Strait Islander cultural beliefs and practices.

SYDNEY OPERA HOUSE

Aboriginal and Torres Strait Islander Cultural Protocols

http://www.sydneyoperahouse.com/about_us/community/cultural_protocols.aspx

- These protocols provide guidance on culturally respectful behaviours and use of Aboriginal or Torres Strait Islander cultural material by the Sydney Opera House. They aim to ensure ethical behaviour and responsible and respectful use of Aboriginal and Torres Strait Islander cultural material in the performing arts context.

2. AUSTRALIAN INDIGENOUS LEGISLATION

Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)

<http://www.comlaw.gov.au/Details/C2010C00807>

(guide to Aboriginal and Torres Strait Islander Heritage Protection Act 1984)

- Australia's state and territory governments have broad responsibilities for recognising and protecting Australia's Indigenous heritage, including archaeological sites.

Protection of Movable Cultural Heritage Act 1986 (Cth)

http://www.austlii.edu.au/au/legis/cth/consol_act/pomcha1986393/

Protection under State and Territory Laws:

<http://www.environment.gov.au/heritage/laws/indigenous/protection-under-state-and-territory-laws>

- Indigenous heritage can be protected under state or territory heritage laws to varying degrees listed here. These laws are an indication to developers of what they need to know.

3. AUSTRALIAN GOVERNMENT PUBLICATION

SENATE INQUIRY INTO AUSTRALIA'S INDIGENOUS VISUAL ARTS AND CRAFT SECTOR 2007

Australian Government response to Senate Inquiry report, August 2008

<http://arts.gov.au/sites/default/files/pdfs/ausgov-response-indig-visarts-inquiry-aug2008.pdf>

4. INTERNATIONAL DIVERSITY CONVENTIONS, DECLARATIONS & ACTS

Berne Convention for the Protection of Literary and Artistic Works

http://www.wipo.int/treaties/en/text.jsp?file_id=283698

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970

<http://www.unesco.org/new/en/culture/themes/illicittrafficking-of-cultural-property/1970-convention/>

UN Declaration on the Rights of Indigenous Peoples

<https://www.humanrights.gov.au/publications/un-declaration-rights-indigenous-peoples-1>

UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions

<http://www.unesco.org/new/en/culture/themes/cultural-diversity/2005-convention/>

<http://www.unesco.org/new/en/culture/themes/cultural-diversity/diversity-of-cultural-expressions/the-convention/convention-text/>

5. ARTICLES

Bowrey, K 2006, *Alternative intellectual property? Indigenous protocols, copyleft and new juridifications of customary practices*, Macquarie Law Journal, Vol. 6, pp. 65-95

Chapman K, *Copyright and Aboriginal art & Balancing Western law and Aboriginal culture*, Asia Pacific Journal of the Arts and Cultural Management, Vol 1, Issue 1, December 2003, pp. 15 & 21

The information in this Code is not intended as legal advice. Users are advised to seek independent legal advice in relation to their specific circumstances.

For issues not covered by law, the Code of Practice for the Professional Australian Visual Arts, Craft and Design Sector presents a set of best practice standards for the industry which can be used as the basis for negotiation between practitioners and those with whom they deal professionally.

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