

# A Guide

---

# Indigenous Arts Protocol



Indigenous Arts Reference Group  
November 2000

Bob Carr MP  
Premier  
Minister for the Arts and  
Minister for Ethnic Affairs

## **Introduction**

Aboriginal Australia is recognised as the oldest living culture in the world. Originally consisting of diverse nations and languages, the Aboriginal people within New South Wales experienced massive changes to their ways of life as a result of European colonisation. Within New South Wales, Indigenous cultural expression<sup>1</sup> plays a major role in the revitalisation of cultural practices and continued strengthening of Aboriginal identity.

One of the New South Wales Government's key goals in its *Cultural Development Policy (March 1995)* is the recognition, support and promotion of Indigenous cultural expression.

To achieve this goal, Indigenous representatives have been appointed to the Ministry's Arts Advisory Council and art form committees. Members of these committees convene as the *Indigenous Arts Reference Group*, which advises on policies and strategies aimed at improving infrastructure and opportunities for Indigenous artists in New South Wales.

This Indigenous Arts Protocol initiative is intended to help nurture Indigenous cultural expression in New South Wales and is timely, given the current focus on issues such as native title and reconciliation.

## **Principles**

1. All Aboriginal people are entitled to respect for their culture.
2. Aboriginal cultural heritage, including cultural expression, is the intellectual property of Aboriginal people.
3. Aboriginal people have a right to protect and manage the use of their cultural heritage and expression.
4. Aboriginal people have a right to benefits<sup>2</sup> accruing from any activities that use their cultural heritage and expression.
5. Aboriginal people have a right to Government support in the protection and maintenance of their cultural heritage and expression.

## **Guidelines**

*for arts workers and organisations developing project proposals*

1. Projects involving Aboriginal cultural expression must be negotiated with the owner/s using appropriate protocols.
2. An agreement outlining the conditions of consent must be obtained from the owner/s for projects to commence and continue.
3. Proposals must acknowledge the owner/s of the cultural heritage or expression.
4. Project proposals must describe clearly in plain and appropriate language:
  - the aims and objectives
  - the methodology;
  - how the results are to be interpreted;
  - what the results are to be used for; and

---

<sup>1</sup> Cultural expression includes visual and performing art and craft, music, dance, theatre, literature and multi-media.

<sup>2</sup> For example training, employment, royalties, promotion etc.

- what the anticipated benefits to the community will be.
5. Proposals must demonstrate that the project will not result in damage to Aboriginal cultural integrity.
  6. Project proposals must demonstrate that the collected information remains the intellectual property of the people who provided it.
  7. An Aboriginal perspective should be sought on all issues surrounding the proposal.

### **Checklist**

*The following questions are intended as a guide to assist applicants in negotiations and consultations with Aboriginal communities.*

1. Does your nominated Aboriginal community representative have the authority to speak for or on behalf of the proposed project?<sup>3</sup>
2. Have you received written consent from the owner/s for the project?
3. Does the community understand the aims, objectives and methodology of the project?
4. Does the community understand how the outcomes of the project will be used?
5. Have you made arrangements with the community to provide feedback on the project at all stages?
6. Have you acted in good faith and respected the privacy of Aboriginal peoples and communities?<sup>4</sup>
7. Have you ensured that the community understands the copyright issues of the project?<sup>5</sup>
8. Does your proposal safeguard Aboriginal sensitivities?<sup>6</sup>

### **Presentations**

An acceptable procedure for organisations and individuals to adopt when touring or visiting regions where the details of the local Indigenous people may not be known is to use the following statement to preface their event, performance or other activity:

"We acknowledge that the Indigenous people were the first people of this land".

Should it be practicable, touring companies and other visitors are encouraged to make timely contact with the local land council or to approach a local elder to undertake a "welcome to country". In this instance, the acknowledgement would become a response by the visitors to the area.

Wherever it is not possible to arrange an Indigenous welcome, the acknowledgement would suffice.

---

<sup>3</sup>If in doubt consult with appropriate community leaders or organisations; for example, community-based organisations, local Aboriginal Land Council, regional ATSIC.

<sup>4</sup> For example, you should ensure that you have written permission for the public exhibition of all materials produced.

<sup>5</sup> For example, you should assist the community in seeking any legal advice that may be required.

<sup>6</sup> Information or images should be used in ways that do not risk their integrity and are not detrimental to the people from whom they come.

Further information on Indigenous issues is available from the Ministry for the Arts.