

INDIGENOUS ARTS



ARTS PORTFOLIO
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AUSTRALIAN DEMOCRATS ISSUE SHEET

The Australian Democrats have a proud history of supporting Indigenous arts and crafts. In 2001 we released The Australian Cultural Plan, with a strong focus on protecting and promoting Indigenous culture through intellectual and cultural rights. The Democrats continue to lead the push for copyright law reform and an ethical Indigenous arts industry.

Australian Indigenous artists and craftspeople are internationally renowned and their unique works. As a nation we are indebted to Indigenous artists for their contribution to the cultural life of our nation and to the international art world.

Legal rights

The Democrats strongly advocate for the rights of Indigenous artists and the protection of Indigenous culture.

■ **Communal moral rights:** we continue to lead the push for legal protection of collective rights through the Copyright Act. These rights are essential in protecting Indigenous cultures from exploitation – to ensure artists have relevant cultural authority, and that protection against copyright infringement extends to Indigenous communities. The onus of protecting moral rights should be shifted from the responsibility of the community and/or artist seeking redress, to a positive obligation on others to respect Indigenous culture.

■ **Resale royalty rights:** The Democrats have long advocated for Australian artists to receive a share of the profits as their work increases in value and is on-sold or used in any way. This would greatly benefit Indigenous artists and communities, who often endure living standards comparable to developing countries while the value of their art rises dramatically.



Photo: Courtesy Yothu Yindi Foundation

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■ **Repatriation:** we call for increased pressure on foreign governments to immediately return all Indigenous remains to their communities in Australia.

Fair contracts with galleries and arts centres

Indigenous artists are often vulnerable to exploitation from galleries and arts centres. The Democrats support a strategy for an ethical and equitable Indigenous arts industry, including:

- a voluntary code of conduct for galleries and art centres, with a compliance and complaints regime;
- education programs for artists to raise awareness of their legal rights;
- education programs for consumers to ensure they can make informed choices about their Indigenous art purchases; and,
- an authenticity label certifying genuine Indigenous artwork and craft, created with the authority of the relevant cultural community. The Democrats support the development of such a scheme, which would enable consumers to purchase

authentic art and assist in the transfer of profits to Indigenous communities. Previous failures in this area show any successful authenticating scheme should be administered by a nationwide network with strong regional foundations, after extensive community consultations, and be accompanied by legislation prohibiting the unauthorised use of cultural images.

Indigenous media content

The Democrats strongly support Indigenous media organisations and Indigenous content in mainstream radio, television, film and online. We call on the Government to guarantee continued funding of Indigenous media organisations previously funded by ATSIC and to ensure the full development of the sector. We support the funding of digital broadcasting to Indigenous communities and Indigenous television services. The Democrats advocate increased Indigenous radio and television content both public and commercial media to promote cultural awareness and assist in culture and language maintenance.

We also support a national representative body like the Australian Indigenous Communication Association to effectively represent all Indigenous Media organisations but especially those in regional and remote communities.

Australian cultural integrity

The Democrats are committed to strengthening and enriching Australian cultural integrity in the face of an increasingly global market. An appreciation of and respect for the arts and crafts of Indigenous Australians is crucial in shaping contemporary Australian culture.

We oppose the Australia-US Free Trade Agreement on a number of grounds but especially regarding the impact on Australia's cultural integrity—especially on our Indigenous cultures, on our local media content rules and on our intellectual property and copyright laws.



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