



# **CAIRNS INDIGENOUS ART FAIR**

## **CODE OF PRACTICE**

FOR ARTISTS, VISITORS, ART CENTRES AND GALLERISTS

---

## **ABOUT CIAF AND THE CODE OF PRACTICE**

CIAF is committed to:

- strengthening and celebrating culture;
- creating professional development opportunities for artists; and
- cultural exchange between Aboriginal and Torres Strait Islanders and visitors.

CIAF is focused on offering an ethical art market place, attracting national and international collectors and curators, commissioning new work and providing pathways for emerging visual and performance artists.

CIAF is an opportunity for participants to display and exhibit First Nations art, design and performance unique to Queensland. This Code of Practice (**Code**) is to be adhered to and understood by participants as a condition of engaging with and participating in CIAF for the purpose of meeting CIAF's goals to:

- Leverage existing markets and develop new markets for Queensland Indigenous art;
- Grow audiences through immersive Indigenous arts and cultural experiences;
- Build CIAF's national and international profile;
- Contribute to development pathways for Queensland Indigenous artists; and
- Ensure the relevancy and viability of CIAF.

When referring to First Nations peoples in this Code this is intended to apply to First Nations peoples of Queensland.

### **CIAF CULTURAL CODE**

CIAF supports an authentic Queensland Indigenous art movement that celebrates a traditional and contemporary approach to Aboriginal and Torres Strait Islander cultural expressions through stories, design elements, motifs, symbolism and imagery that is unique to Queensland.

The use of traditional and cultural designs must be representative of Queensland Aboriginal and Torres Strait Islander cultures and not representative of people and cultures outside of Queensland.

The use of dot work and cross-hatching with origins and styles from the Central and Western Desert and Arnhem Land in the Northern Territory is not considered traditional to Queensland. Traits of this symbolism established by the central and western desert movement were adapted by Aboriginal people across the country as a form of art identity and Aboriginality due to loss of culture and historical events that have resulted in the loss of identity.

### **PURPOSE**

The purpose of this document is to provide a guide to artists, gallerists and art centres on expectations for participating in the Cairns Indigenous Art Fair (**CIAF**).

---

## GUIDING PRINCIPLES

The principles guiding this document are designed for participating artists, gallerists and art centres to understand their role in upholding CIAF's mission and values. The guiding principles CIAF asks its participants to observe before, during and after the event are for all participants to act in a way which is or which ensures:

- **Ethical** – participation in CIAF is always ethical and fair;
- **Quality** – work exhibited at CIAF supports artistic vibrancy of the First Nations art market in Queensland;
- **Collaborative** – art sellers and artists work collaboratively together to support economic benefit to First Nations arts and artists in Queensland; and
- **Culturally aware** – all participants will understand and be aware of cultural protocols particular to First Nations arts and artists in Queensland.

All participants are expected to uphold a high standard outlined in this Code as a condition of participation.

## VALUES

CIAF upholds the following values and all participants in CIAF, agree to uphold these values as a condition of participation:

- **Authenticity** – Create an ethical marketplace that will educate audiences through First Nations knowledge and control and personal engagement with the artists.
- **Connection to Culture and Country** – critical for First Nations artists and communities for cultural maintenance and the development of artistic practices for expressing culture through art form.
- **Economic opportunity** – acknowledged in the business model that enables financial return to artists and the viability of CIAF.
- **Vibrancy** – CIAF offers a world-class marketplace and opportunities for cultural exchange that inspires local, national and international recognition.
- **Equity** – CIAF is committed to the employment, training and professional development of Aboriginal and Torres Strait Islander people.

All participants should uphold these values during and after CIAF.

## THE CODE

### Acting with courtesy and integrity

All participants in CIAF will:

- Exhibit and act with courtesy and integrity at all times, upholding the values of CIAF and complying with the guiding principles;

- 
- Carry out their work and participation in CIAF in a professional manner, acting with due care, skill and diligence at all times and in an ethical way;
  - Not act in a way which will in any way bring CIAF into disrepute or impact the reputation of CIAF, or First Nations arts and culture, or its participants negatively;
  - Not act in an improper way which will impact CIAF or its participants negatively, including not acting dishonestly or fraudulently;
  - Not provide any misleading, fraudulent or false information to CIAF or its stakeholders;
  - Promote a culture within CIAF and for the purpose of maintaining the reputation of CIAF and First Nations art at a high standard; and
  - Not use any material of CIAF without prior written permission, and not represent CIAF in any way without permission from CIAF.

### **Promoting First Nations arts and culture**

All participants in CIAF will:

- Promote and encourage the diversity and value of Queensland First Nations arts and culture;
- Respect different cultures and understandings of First Nations arts and artists;
- Uphold and promote the region of Queensland and First Nations arts and artists from diverse country within the region in a positive light;
- Acknowledge Traditional Owners, invite to participate in Welcome to Country and acknowledge country at any and all exhibition openings or events;
- Respect First Nations cultural practices and differences at all times, noting there are multiple and diverse cultures across Queensland;
- Promote engagement, relationships and networks between participants in CIAF and the art market in Queensland, Australia and internationally;

### **Cultural safety and protecting First Nations arts and culture**

All participants in CIAF will:

- Represent First Nations arts and culture in a way which is sensitive and ensures cultural safety for all. “Cultural safety” includes appropriate Indigenous Cultural Intellectual Property (ICIP) notices and notices where displays include work by deceased persons or sacred and secret material (an example notice is included at the end of this Code);
- Not sell fake, false, fraudulent or art misrepresenting First Nations arts and culture;

- 
- Consult and obtain consent or endorsement about the use of cultural material in arts and culture displayed during CIAF, including where displaying photographs or biographical information for First Nations artists;
  - Recognise and support the role of art centres in Queensland to the First Nations art market and take all necessary steps to ensure that art sold as part of CIAF is authentic;
  - Properly and accurately represent the provenance of work displayed as part of CIAF and not, at any time, display false information about the work;
  - Recognise the Moral Rights of artists and ensure proper attribution of artists participating in CIAF; and
  - Respect and obtain appropriate permissions relating to copyright for all works displayed as part of CIAF.

### **Responsibilities to CIAF**

All participants in CIAF will:

- Maintain confidential, private and personal information of CIAF and not disclose the same without prior written consent of CIAF;
- Respond in a timely manner to communications from CIAF;
- Comply with all relevant policies and procedures provided by CIAF;
- Disclose any real, perceived or actual conflicts of interest as soon as the participant becomes aware of the conflict;
- Comply with all relevant Commonwealth, State and Territory legislation and laws as they apply to participation in CIAF.

All participants agree to comply with this Code as part of the terms and conditions for participation in CIAF. Breach of the Code will be considered a breach of those terms and conditions and appropriate action may be taken by CIAF as and where required.

### **Responsibilities of Artists**

All artists participating in CIAF will:

- Ensure that they behave with respect and integrity to other participants in CIAF;
- Provide CIAF with Copyright, ICIP and Moral Rights information in a timely manner upon request by CIAF;
- Report any fraudulent, misrepresentative or inappropriate behaviour relating to the sale or exhibition of works in CIAF to CIAF as soon as becoming aware of same;

- 
- Inform CIAF of any requirements for cultural safety specific to a work or artist required for CIAF to enable appropriate protection mechanisms to be put in place; and
  - Represent First Nations arts and culture in Queensland proudly and with enthusiasm.

### **Responsibilities of gallerists, art centres and other exhibitors**

All gallerists, art centres and other exhibitors participating in CIAF will:

- Not, under any circumstances, sell any fake or fraudulent art, including but not limited to selling fake or misrepresentative objects such as boomerangs, didgeridoos, coolamons or other objects not made by First Nations artists or made overseas and misrepresented as authentic First Nations arts and culture;
- First Nations exhibitors should not engage in activities or behaviour which would undermine the values of CIAF and this Code or in any way negatively affect First Nations arts and culture, including by ensuring there is no exploitation of First Nations artists by way of producing work in 'sweat shop' conditions;;
- Not engage in any harassment, bullying or other behaviour, including not forcing or inducing First Nations artists to pose in photographs or sign names to paintings which are not theirs;
- Provide appropriate, accurate and legal provenance documentation as part of the sale of artworks or other works in CIAF;
- Ensure all works are sourced from authentic sources and to consider joining associations promoting fair and ethical conduct (and adhere to relevant industry codes of practice in addition to this Code);
- Conduct business in accordance with proper practice under fair trading laws in Queensland and Australia; and
- Properly label, acknowledge, represent and respect cultural traditions of First Nations artists, including in relation to sensitivity to gender, secret or sacred material, place of origin, biographical information, country and language.

### **RESPONSIBILITY OF VISITORS**

Visitors to CIAF should be aware of their responsibilities when attending CIAF in person and digitally including:

- being respectful of Queensland First Nations arts and culture;
- not reproducing or using images on the CIAF website without permission from the artist or CIAF;
- being respectful of protocols when attending the CIAF website digitally or in person.

### **DEFINITIONS**

---

**Copyright Notice:** Written notice of the copyright ownership of the artwork as provided in the example to this Code.

**Indigenous and/or First Nations:** Australian Aboriginal and Torres Strait Islander peoples.

**Indigenous Cultural and Intellectual Property (ICIP):** means the rights of Indigenous people to their heritage. Heritage comprises all objects, sites and knowledge, the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and which is regarded as pertaining to a particular Indigenous group or its territory. Heritage includes:

- (a) Literary, performing and artistic works (including songs, music, dances, stories, ceremonies, symbols, languages and designs);
- (b) Scientific, agricultural, technical and ecological knowledge (including cultigens, medicines and the phenotypes of flora and fauna);
- (c) All items of movable cultural property;
- (d) Human remains and tissues;
- (e) Immovable cultural property (including sacred and historically significant sites and burial grounds);
- (f) Documentation of Indigenous peoples' heritage in archives, film, photographs, videotape or audiotape and all forms of media.

**Indigenous Cultural and Intellectual Property (ICIP) Notice:** Written notice that the artwork or other work contains cultural knowledge of the relevant Indigenous group.

**Intellectual Property:** Existing and future industrial and intellectual property rights, including any copyright, database, patent, design, trade mark, domain name, business name, know-how, trade secret, confidential information and any other rights of a similar nature whether registered registrable, patentable or not.

**Moral Rights:** in accordance with the meaning in the *Copyright Act 1968*.

## EXAMPLE COPYRIGHT AND ICIP NOTICE

© [INSERT NAME OF ARTIST], 2021.

Copyright in all images, text, information and other content used in this document is owned by [INSERT NAME OF ARTIST].

This artwork also contains artistic works which incorporate Indigenous Cultural Intellectual Property (ICIP) and traditional knowledge of the [insert community name]. Dealing with any part of the traditional knowledge in these works for any purpose that has not been authorised by the custodians is a serious breach of the customary law of the [community name] and may breach the *Copyright Act 1968* (Cth).

No part of this artwork can be reproduced stored, copied or redistributed in whole, or in part, by any means (electronic, mechanical, photocopying, recording or otherwise) without the prior consent of [insert artist name]. Contact [artist or art centre name] at [insert email] or [insert contact number] for enquiries about permitted reproduction.

---

## FURTHER RESOURCES

CIAF acknowledges existing resources relating to appropriate practices within the Queensland and Australian First Nations arts market and encourages participants to review the following resources as part of their participation in CIAF:

- Indigenous Art Code <https://indigenousartcode.org/>
- National Association for the Visual Arts (NAVA) <https://visualarts.net.au/>
- Australia Council for the Arts Protocols for Using First Nations Cultural and Intellectual Property in the Arts <https://www.australiacouncil.gov.au/programs-and-resources/Protocols-for-using-First-Nations-Cultural-and-Intellectual-Property-in-the-Arts/>
- Arts Law Centre of Australia 'Artists in the Black' <https://www.artslaw.com.au/artists-in-the-black/>
- Indigenous Art Centre Alliance (IACA) <https://iaca.com.au/>
- Copyright Agency Resale Royalty Scheme <https://www.resaleroyalty.org.au/>
- Terri Janke & Co resources available at <https://www.terrijanke.com.au/resources>