

A fair go for Aboriginal and Torres Strait Islander artists.

Strategic Plan 2024 – 2026



Indigenous Art Code acknowledges the Traditional Owners and custodians of Country throughout Australia and recognises their continuing connection to the land, waters and skies, often expressed through art.

We pay our respects to artists, Elders and community members past, present and future.

About IartC

[Indigenous Art Code Ltd](#) (IartC) is the national organisation responsible for administering a voluntary industry code of conduct for art dealers¹, and other entities who trade in or deal with Aboriginal and Torres Strait Islander artworks². The [Indigenous Art Code](#) commits signatories (Dealer Members) to fair, ethical and transparent dealings with Aboriginal and Torres Strait Islander artists³ and their artworks.

IartC is a limited liability public company led by a Board of Directors drawn from the Aboriginal and Torres Strait Islander visual arts industry and the wider community. IartC is also a registered Charity through the Australian Charities and Not-For Profits Commission.

The IartC Board is independent from government and is administered under the Australian Corporations Act 2001.

Definitions

¹ A dealer is any agent, person or organisation who acquires Aboriginal and Torres Strait Islander artworks, or who carries on a business involving the acquisition of artwork, for re-supply by means of sale or other distribution.

² An artwork is a work of visual art or craft produced by an artist, whether or not incorporated into another work of visual art or craft produced by that artist or another person, including but not limited to painting, drawing, artists' books, woodwork, ceramics, glass, jewellery, sculpture, fibre work, printmaking, photography, installation, video and multimedia.

³ An artist is someone of Aboriginal and/or Torres Strait Islander descent (whether living or deceased) who identifies, (or who prior to their death, identified), as an Aboriginal and/or Torres Strait Islander, and is (or, prior to their death was) recognised as such by members of the community with which the artist identifies (or identified).



FAIR DEAL?



For artist membership & support
contact 0497 467 794



www.indigenousartcode.org

We can also connect you with other organisations that will help.

0497 467 794

contact@indigenousartcode.org

Our Vision

Aboriginal and Torres Strait Islander arts and cultures are celebrated and respected, with artists empowered and benefiting from art markets that are consistently fair, ethical and transparent.

Our Objectives

1. Encourage art dealers, businesses and other entities who trade in or deal with Aboriginal and Torres Strait Islander artists and their artworks to become signatories (Dealer Members) to and to comply with the Code.
2. Have the Code adopted and recognised as the benchmark for fair, ethical and transparent dealings between Aboriginal and Torres Strait Islander artists and entities who trade in or deal with their artworks.
3. Advocate for improved standards, policies and practices to deliver fair, ethical and transparent dealings with Aboriginal and Torres Strait Islander artists and their artworks, and for better protection of Indigenous Cultural Intellectual Property (ICIP) rights.
4. Efficiently and fairly administer applications to become Dealer Members, and manage disputes and complaints related to the Code.
5. Support the growth of a fair, healthy and respectful marketplace for Aboriginal and Torres Strait Islander artists and their artworks.
6. Build consumer and art market awareness and confidence that IartC Dealer Members respect the rights and self-determination of Aboriginal and Torres Strait Islander artists and that their dealings related to their artworks are fair, ethical and transparent.

About the Code and IartC

History and Origins

The need for a national Indigenous art code was a recommendation of the 2007 Senate Inquiry into Indigenous art which investigated, among other things, the unethical trading of Indigenous visual art and craft. The Senate Inquiry Report, entitled *Securing the Future*, established the foundations of a self-regulation Code for the Indigenous visual arts sector. Almost one-third of the Report recommendations refer to the establishment of the Code.

In 2008, the National Association for the Visual Arts (NAVA), in collaboration with the Australia Council for the Arts, commenced work on the Code.

An Industry Alliance Group was formed to help design the Code, comprising artists, Indigenous art centres, commercial art galleries, public art galleries, auction houses and visual arts peak bodies, including the Association of Northern, Kimberley and Arnhem Aboriginal Artists, Umi Arts, Ananguku Arts and Cultural Aboriginal Corporation, Desert, Australian Commercial Galleries Association (now known as the Art Galleries Association of Australia), NAVA and the Australian Indigenous Art Trade Association (now known as the Australian Aboriginal Association of Australia).

After a period of public consultation, the Industry Alliance Group endorsed a final Code in August 2009. A public company, Indigenous Art Code Limited (IartC), was established to administer the Code. IartC opened for memberships in July 2010. The Code and the distinctive IartC logo were publicly launched in November 2010.

While the Code had early success and attracted a significant number of Dealer Member signatories, there was industry recognition that not all players in the sector were joining or acting in fair, ethical or transparent ways, as foreshadowed in the *Securing the Future* Report. For example, Recommendation 21 of the report set out “that the industry be given the opportunity to self-regulate. If after two years persistent problems remain, consideration should be given to moving to a prescribed code of conduct under the Trade Practices Act.”

In 2012 and again in 2013, IartC recommended that the Commonwealth Government prescribe an industry code under its Competition and Consumer Act 2010 (CCA).

In 2017, after launching the Fake Art Harms Culture Campaign, IartC, in partnership with Arts Law and The Copyright Agency, advocated for the Commonwealth to consult Indigenous artists, organisations, and communities as a step towards developing legislation to prohibit the sale of inauthentic Indigenous products sold as souvenirs. The goal was for the Australian government to introduce stand-alone ICIP legislation in line with UNDRIP Article 31.

Recent Developments

In late 2022, the Productivity Commission released its [final report](#) on its study of Aboriginal and Torres Strait Islander visual arts and crafts. The report recognised challenges with the sale of inauthentic art and breaches of Indigenous Cultural and Intellectual Property (ICIP), recommending new legislation to offer artists legal remedies, plus the mandatory disclosure of unlicensed or inauthentic works. The Commission also recommended 'bolstering' IartC and increasing funding subject to an evaluation. In response, the Commonwealth's Office for the Arts undertook to conduct a review of IartC.

In 2023, the Commonwealth Government released its [National Cultural Policy, Revive](#). It committed to stand-alone legislation to protect First Nations knowledge and cultural expressions, and to address the harm caused by fake art, merchandise and souvenirs.

IartC Today

IartC is a limited liability public company led by a Board of Directors drawn from the Aboriginal and Torres Strait Islander visual arts industry and the wider community. The Board is independent from government and administered under the Australian Corporations Act 2001.

As at December 2023, IartC has a volunteer [Board](#) of 12 directors, five of whom identify as Aboriginal and Torres Strait Islander people.

IartC continues to administer the voluntary Code and raise the profile of fair, ethical and transparent dealings with Aboriginal and Torres Strait Islander artists and their artworks.

IartC's membership has changed significantly since its inception. Across the Dealer Membership, 46% identify as Indigenous-owned businesses and 54% as non-Indigenous businesses. Seeing the growth of the overall and Aboriginal and Torres Strait Islander-owned businesses in the market is a sign of the increasing value and trust in IartC.

The application process for Dealer Membership has changed significantly since the early days of the Code, with applicants being asked to provide more detailed information to inform IartC of their business model and engagement with artists. The application process is thorough, rigorous and, when necessary, lengthy.

The IartC membership process takes a behavioural change approach, striving to motivate dealer applicants to reflect on and improve their business practices to gain and maintain membership. For those businesses already working to best practice standards, the application process is much more straightforward. Although not necessarily outwardly visible, this behavioural change with membership has seen tangible improvements to many businesses and, in turn, improvements in business dealings with artists.

Membership

As of 5 June 2024:

- 212 art dealer signatories
- 671 Aboriginal and Torres Strait Islander Members
- 25 supporters

Staff

lartC has 2.8 FTE staff:

- Chief Executive Officer
- Special Projects and Membership Coordinator
- Artist Engagement and Administration Officer
- Research, Documentation and Executive Support Officer

Funding & Support

lartC receives funding through:

- Commonwealth Government grant under its Indigenous Visual Arts Industry Support (IVAIS) program;
- lartC membership fees;
- Small contributions and in-kind support from corporate partners, including Allens Linklaters.

**Artists have
the right to
a fair deal.**



**INDIGENOUS
ART CODE**



www.indigenousartcode.org

Our Priorities 2024 – 2026

- 1 Maintain and grow a strong, engaged and compliant membership base.
- 2 Advocate for and support fair, ethical and transparent dealings with Aboriginal and Torres Strait Islander artists and their artworks.
- 3 Provide quality advice and information to Aboriginal and Torres Strait Islander artists, potential Code members and supporters, and other stakeholders, about the importance of fair, ethical and transparent dealings with artists and their artworks.
- 4 Ensure IartC is an effective, well-governed and sustainable organisation.

Key Performance Indicators

Members & Supporters	<p>Increase in the number of:</p> <ul style="list-style-type: none"> i. Dealer Members ii. Artist Members iii. Supporter Members. 	Maintain high levels of compliance with the Code.	Increase the number of Dealer Members adopting best practice written agreements.	<p>Members report that:</p> <ul style="list-style-type: none"> i. they are appropriately advised and supported by IartC ii. complaints, disputes and concerns (against them) were managed efficiently and transparently.
Advocacy	Increase in the recognition, respect and protection of ICIP.	Increase in the recognition, application and use of fair, ethical and transparent practices involving the sale of Aboriginal and Torres Strait Islander artworks.	Increase in broader awareness and support of the Code and IartC, including among government agencies, the media, arts and professional bodies, and research institutions.	Stakeholders recognise IartC as a respected, responsive and effective organisation promoting fair, ethical and transparent dealing with Aboriginal and Torres Strait Islander artists and their artworks.
Advice & Information	Increase in the quality and use of IartC artist resources available online.	Timely and efficient referral of artists to organisations that may be able to address their issues that are outside of the Code and IartC's responsibilities.		
Sustainable Organisation	IartC receives sufficient funding to fulfil its purpose and take up new opportunities to further grow fair, ethical and transparent dealings with Aboriginal and Torres Strait Islander artists and their artworks.	IartC continuously implements good governance and operational improvements to enhance its efficiency and effectiveness. (Also see success measures 2c) and 2d).		

Management and Risk

lartC's management approach is committed to governance compliance and the organisation's long-term success. lartC leverages the expertise of an experienced board and management team and utilises consultants with specialist skills in areas such as legal and human resources. Additionally, lartC continuously identifies and addresses any risks in management and operations, ensuring proactive problem-solving and sustained operational effectiveness.

- lartC engages in activities that do not compromise the ethics, brand, and reputation of lartC, Code signatories, and Artist and Supporter Members.
- lartC is enthusiastic for undertaking new strategic initiatives and partnerships related to progressing fair, ethical and transparent dealings with Aboriginal and Torres Strait Islander artists.
- lartC has zero tolerance for any mistreatment, fraud, corruption or funds diversion that is not consistent with the Code and the lartC Constitution.
- lartC proactively mitigates risks associated with work health and safety and non-compliance with lartC operational and human resources policies and procedures.
- lartC proactively mitigates funding risks, including those associated with reliance on government funding.

Putting the Plan into Action

To put this Strategic Plan into action, lartC has developed and is implementing several internal planning documents including:

- An Annual Business and Action Plan
- A current set of Financial Statements
- A Risk Register and Risk Management Plan
- Communications and Marketing Plan
- Quality website and Content Management System (CMS)

In addition, lartC maintains key policy and operational documents.

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For more information visit our website
indigenousartcode.org



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Australian Government
Indigenous Visual Arts Industry Support

