



Indigenous Art Code Ltd - Strategic Plan 2021 - 2023

- Vision** The fair and ethical treatment of Aboriginal and Torres Strait Islander Artists and universal respect for Aboriginal and Torres Strait Islander Arts and Culture.
- Purpose** Promote fair and ethical trade between art dealers¹ and Aboriginal and Torres Strait Islander Artists² by:
1. Promoting the adoption of the [Indigenous Art Code](#)
 2. Encouraging dealers to become signatories to, and comply with the Code.³
 3. Advocating for improved standards, policies and practices to sustain the ethical trade of Aboriginal and Torres Strait Islander artworks.⁴
 4. In other ways, supporting the growth of a fair, healthy and respectful market for Aboriginal and Torres Strait Islander art.
- Key Outcomes**
1. The Indigenous Art Code is recognised as the benchmark for fair and ethical trade between Aboriginal and Torres Strait Islander Artists and Dealers.
 2. Dealers and Artists have clarity about what is fair and ethical when acquiring and selling Aboriginal and Torres Strait Islander Artworks.
 3. The majority of dealers who trade in Aboriginal and Torres Strait Islander Artworks are signatories to the Indigenous Art Code.
 4. Disputes and complaints are dealt with fairly and efficiently.
 5. Consumers have confidence that artworks acquired from IartC Dealer Members are fairly and ethically acquired.

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 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).

3 IartC constitution Object e)

4 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.

About the Indigenous Art Code

The Indigenous Art Code is about a fair go for Aboriginal and Torres Strait Islander Artists. The Code is a voluntary industry code of conduct administered by the Indigenous Art Code Ltd (IartC).

Art dealers and others are encouraged to become IartC members and signatories to IartC Code. Once signatories, Dealer Members are required to adhere to the Code and ensure they are using fair, ethical and transparent practices when engaging with Aboriginal and Torres Strait Islander Artists.

How did The Code come about?

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 arts 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 recommendations in the Report refer to the establishment of the Code.

In 2008, in response to these recommendations, 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 Arnhem, Northern and Kimberley Artists (ANKA), Umi Arts, Ananguku Arts (Ku Arts), Desert, Australian Commercial Galleries Association (now known as Australian Galleries Association), National Association of Visual Arts (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 and ethical 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 the IartC made the recommendation to the Commonwealth Government to prescribe an industry code under its Competition and Consumer Act 2010 (CCA).

In 2017, after launching the Fake Art Harms Culture Campaign, the 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 to see an amendment of the Competition and Consumer Act 2010, as an interim measure prior to Indigenous Cultural and Intellectual Property (ICIP) legislation being drafted.

To date, the Act has not been amended to prohibit fake art, nor has standalone ICIP legislation been introduced.

What does the Code require?

The Code provides clear standards for dealings between dealers and Aboriginal and Torres Strait Islander Artists to deliver:

- a) fair and ethical trade in Artwork;
- b) transparency in the process of promotion and sale of authentic Artwork
- c) efficiency and fairness in how disputes are dealt with.

Who is responsible for the Code?

The Company or the IartC (The Indigenous Art Code Ltd) is the organisation that administers the Code, through:

- a) administering voluntary membership of the Code and overseeing compliance
- b) coordinating, liaising, and seeking the support of governments, regulatory and legal bodies, and associations and groups with a role in the promotion and sale of Artworks
- c) furthering the Objects of the Company with the principal object being the promotion of Indigenous visual arts.

How is the IartC Governed?

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

The structure of the Board allows for:

- up to 4 commercial art dealers who are IartC Dealer Members and are elected by IartC Members
- up to 3 Indigenous artists who are appointed by the Board
- up to 2 artists resource organisation representatives who are appointed by the Board
- up to 8 representatives with legal, arts, business or consumer knowledge and experience who are appointed by the Board. A list of current Board members and their roles is at Attachment A.

Who can become a Code member?

The IartC operates through a voluntary membership structure. There are three categories of membership:

- **Dealer Members** may be agents, persons or organisations who acquire Aboriginal and Torres Strait Islander Artwork, or who carry on a business involving the acquisition of Artwork, for re-supply by means of sale or other distribution. They are signatories to the Code and agree to abide by it.
- **Artist Members** are practising Aboriginal and Torres Strait Islander artists. By becoming an Artist Member, artists are adding their voice to the call for fair and ethical trade with Aboriginal and Torres Strait Islander artists, and transparency in the promotion and sale of artwork.
- **Supporter Members** are organisations or individuals that are supportive of the objects of the Code and wish to add their voice to the call for fair and ethical trade with Aboriginal and Torres Strait Islander artists, and transparency in the promotion and sale of artwork. Supporter Members are not involved in commercial trade of Artworks.

Dealer Members must adhere to, and demonstrate a commitment to, upholding the ethical standards laid out in the Code. Dealers undergo a rigorous application process in order to gain membership.

Dealer membership is renewed annually, and an annual fee is charged. Dealer Members must also respect the rules set out in the Company's Constitution.

Artist Members and Supporter Members are not bound by the Code, but as members, must abide by the rules set out in the Company Constitution.

As of 1 December 2021, IartC members stand at:

- 204 Dealer members
- 340 Artist members
- 28 Supporter members.

Updated figures are listed on the [IartC website](#).

How is the IartC resourced?

IartC is currently funded through:

- Commonwealth Government grant under its Indigenous Visual Arts Industry Support (IVAIS).
- Meeting of Cultural Ministers, a forum for Australian, State and Territory Arts and Culture Ministers.
- Membership fees
- Small scale contributions and in-kind support from corporate partners, including Allens Linklaters.

To find out more about IartC or the Code, go to the [IartC website](#).

lartC Priorities and Success Measures 2021–23

- 1) Maintain a strong, engaged and compliant Dealer Membership base –
 - 1.1 Grow lartC membership.
 - 1.2 Provide Dealer Members and potential applicants with quality advice and support.
 - 1.3 Efficiently administer membership applications.
 - 1.4 Respond to non-compliance issues, disputes and complaints in an efficient and transparent manner.

We'll know we are making a difference if we:

- a) Increase in lartC membership numbers.
- b) Maintain high levels of compliance with the Code.
- c) Increase the number of Dealer Members adopting best practice written
- d) Dealer Members report that:
 - i) they are appropriately supported by lartC
 - ii) complaints, disputes and concerns against them were managed efficiently and transparently.

- 2) Advocate for a fair, ethical and respectful Aboriginal and Torres Strait Islander Artwork market –
 - 2.1 Advocate for improved policies, practices and other reforms to protect Aboriginal and Torres Strait Islander Artists & Indigenous Cultural Intellectual Property (ICIP).
 - 2.2 Provide consistent, quality information and advice on the fair and ethical trade of Artworks to external stakeholders including government agencies, the media, arts and professional bodies, academic and research institutions.
 - 2.3 Build and maintain partnerships and industry collaborations and participate in activities which help promote the fair and ethical treatment for Aboriginal and Torres Strait Islander Artists.

We'll know we are making a difference if we:

- e) Increase in the recognition, respect and protection of Indigenous Culture and Intellectual Property.
- f) Increase in the recognition, application and use of fair and ethical practices involving the sale of Aboriginal and Torres Strait Islander Artworks.
- g) Increase in broader awareness and support of the Code and the lartC, including among government agencies, the media, arts and professional bodies, academic and research institutions.
- h) Stakeholders recognise lartC as a respected, responsive and effective organisation promoting the fair and ethical treatment of Artists.

- 3) Provide clear advice and information to Aboriginal and Torres Strait Islander Artist Members and potential applicants –
- 3.1 Make available quality, consistent advice and information for Artists about what comprises fair and ethical trade in Artworks.
- 3.2 Triage and refer individual Artist members and potential applicants to other organisations who may be able to assist them with specific sale or trade issues that are beyond the scope of the lartC.

We'll know we are making a difference if we see:

- i) Increase in the quality and use of lartC Artist resources available online.
- j) Decrease in the number of Artists seeking lartC staff assistance due to:
 - i) lack of clear and consistent information about what is fair and ethical
 - ii) complaints against lartC Dealer Members.
- k) Timely and efficient referral of Artists to organisations that may be able to address their issues that are outside of the lartC and Code's responsibilities.

- 4) Ensure lartC is a well-resourced and effective organisation –

- 4.1 Take steps to make lartC a viable, well governed organisation with sufficient resources and capacity to fulfil its purpose and deliver its goals and priorities.
- 4.2 Continuously improve the efficiency and effectiveness of lartC operations .

We'll know we are making a difference if we:

- l) lartC receives sufficient funding to fulfil purpose and take up new opportunities to further grow a fair, ethical and respectful Aboriginal and Torres Strait Islander Art market.
- m) lartC has implemented ongoing improvements to how it operates.

Also see success measures g) and h).

Risk Appetite and Management

The IartC Board has adopted the following risk framework for the organisation:

1. IartC has a **high-risk appetite** for undertaking new, strategic initiatives and partnerships related to progressing the fair and ethical trade in Aboriginal and Torres Strait Islander Artworks consistent with our Code and Constitution.
2. IartC has a **low-risk appetite** for activities that compromise the ethics, brand and reputation of IartC.
3. IartC has **zero tolerance** to any fraud, corruption and funds diversion that is not wholly consistent with our Code and Constitution.
4. IartC has **zero tolerance** to work health and safety breaches, and a low-risk appetite for non-compliance with IartC operational and human resources policies and procedures.

Putting the Plan into Action

To put this Strategic Plan into action, the IartC has developed and is implementing several companion documents including:

1. An annual Business Plan
2. A current set of Financial Statements
3. A Risk Management Plan
4. Marketing and Communications Plan
5. Reporting and Data Collections Plan