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cultures

: NEW MEDIA : : : : :

Protocols for Producing Indigenous Australian
New Media



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IMPORTANT NOTICE - The information included in this guide is current as at Sydney, May 2002. This guide provides general advice only. It is not intended to be legal advice. If you have a particular legal issue, we recommend that you seek independent legal advice from a suitably qualified legal practitioner.



introduction

Indigenous Australians, the Aboriginal and Torres Strait Islander people, are the original owners and inhabitants of Australia.

In Indigenous cultures the artist is a custodian of culture, with obligations as well as privileges.

Indigenous people's right to own and control their cultural heritage is known as 'Indigenous cultural and intellectual property rights'. The term is used in *Our Culture: Our Future*¹ to refer to those rights as they are developing within international law.

Since 1998, when *Our Culture: Our Future* was first published, the term 'Indigenous heritage rights' has gained more favour in the international arena. In the *New Media Cultures* guide we use 'Indigenous heritage' to refer to these rights.

Indigenous heritage comprises all objects, sites and knowledge transmitted from generation to generation. Indigenous people's heritage is a living heritage. An Indigenous person's connection with the land, water, animals, plants and other people is an expression of cultural heritage. Writing, performing, song, the visual arts and more recently, new media, are ways of transmitting Indigenous cultural heritage.

As primary guardians and interpreters of their cultures, Indigenous people have well-established protocols for interacting with their cultural material. New situations also require cultural protocols.

New Media Cultures guides the reader through many of these protocols.

New Media Cultures is one in a series of five Indigenous protocol guides published by the Australia Council's Aboriginal and Torres Strait Islander Arts Board. The guides reflect the complexity of Indigenous Australian culture, and provide information and advice on respecting Indigenous cultural heritage. Although each of the guides address cultural protocols specific to an Indigenous artform, they are shaped by the same underlying principles – the backbone of the protocols. The five guides in the series are:

- Song Cultures
- Writing Cultures
- Performing Cultures (Drama/Dance)
- Visual Cultures
- New Media Cultures.

The Indigenous protocol guides will have relevance for everyone working in or with the Indigenous arts sector, including:

- Indigenous and non-Indigenous artists
- People working within related fields of Indigenous artform practice
- Federal and state government departments
- Industry agencies and peak organisations
- Galleries, museums and arts centres
- Educational and training institutions
- Indigenous media and targeted mainstream media.

We hope Indigenous people, and those working with Indigenous people, will be inspired to use the principles as a framework for developing protocols appropriate to their specific projects, language groups, regions, clans and communities.

We also hope the guides will spark debate and that additional protocols will be developed across artforms. Your comments and ideas can be forwarded to atsia@ozco.gov.au or Director

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Using the *New Media Cultures* guide

New Media Cultures is written as a first point of reference in planning a work with Indigenous new media practitioners, or using Indigenous cultural material. When you need specific advice on the cultural issues of a particular group, we recommend that you either speak to people in authority, or engage an Indigenous cultural consultant with relevant knowledge and experience.

It is important to read all sections of *New Media Cultures*.

The **Introduction** defines protocols as used in this guide, and looks at the special nature of Indigenous new media art.

The next section, **Indigenous Heritage**, is an important overview of the issues that inform the development of Indigenous protocols. It looks at the complexity of Indigenous Australia. It also charts international initiatives for the protection of Indigenous cultural and intellectual property rights.

The key section, **Principles and Protocols**, presents nine principles we have developed to support the protection of Indigenous cultural heritage. There is valuable information on protocols specific to the use

of cultural heritage material in the context of new media art. A number of case studies and commentaries from Indigenous new media artists identify pitfalls and offer advice.

The **Copyright** section contains general information and advice on the main law in Australia governing the use and reproduction of arts and cultural expression.

Follow Up provides a checklist of key points to consider when developing appropriate protocols for a new media project. It offers different and more specific information than the preceding sections. We therefore suggest you use the points outlined in **Follow Up** together with the *Principles and Protocols* and *Copyright* sections.

We have also included a list of **Contacts** to be used as starting points for accessing relevant people and information.

What are protocols?

Indigenous communities are clearly enthused about the emerging multimedia industry and (are) keen to participate. But this enthusiasm is tempered by concerns about process and protocol.

Wal Saunders²

Protocols are appropriate ways of using Indigenous cultural material, and interacting with Indigenous people and their communities. Protocols encourage ethical conduct and promote interaction based on good faith and mutual respect.

Indigenous protocols arise from value systems and cultural principles developed within and across communities over time.

Responsible use of Indigenous cultural knowledge and expression will ensure that Indigenous cultures are maintained and protected so they can be passed on to future generations.

It is important to note the diversity and complexity of the many different Indigenous cultures in Australia. Ways of dealing with issues and cultural material may differ from community to community. There are also many different protocols across the diversity of urban, rural and remote communities.

While it is not possible to prescribe universal rules for transacting with Indigenous people and their communities, there are some fundamental principles within which to conduct respectful work.

The protocols outlined in *New Media Cultures* are shaped by nine fundamental principles. The protocols are, by definition, ways of actioning these principles. For example, a cultural protocol to action the underlying principle of respect is to acknowledge the Indigenous custodians of country at the site of each performance or installation, or in the introductory on-screen text in a screen-based project.

New Media Cultures also aims to formally identify issues arising from the interaction between Indigenous cultural concerns and the law protecting the rights of artists. The Australian legal system incorporates some but not all of these concerns.

While protocols differ from legal obligations, *New Media Cultures* outlines the current copyright law framework. The process of following the protocols supports the recognition of Indigenous heritage rights. It encourages culturally appropriate working practices, and promotes communication between all Australians with an interest in Indigenous new media art.

What is new media art?

As with all things experimental, there is confusion around the area of new media arts: the edges are blurry and definition bleeds across forms.

Jenny Fraser³

New media art is generally a collaborative practice where artists engage with performance, digital technologies and cross-disciplinary artforms to produce a range of performance, installation and screen-based artworks. It can also explore the creative synthesis of art and emerging science and technology fields.

New media art is sometimes referred to as *cross-disciplinary art*, *hybrid art* or *art fusion*.

As Samara Mitchell describes it:

New media artists often employ existing mediums such as photography, painting, film making and performance, and combine these mediums in new ways, or forge them with emerging technologies (such as digital video, electroplating), or in methodology, such as an artist working alongside geneticists to sculpt with stem cells. The results aim to generate a new medium for conducting ideas and experiences that are invoked by being on the threshold of cultural discovery.⁴

The subject matter of new media is diverse and resists categorising. Some examples of new media art include:

- creative web-based projects
- new applications of film or video
- installations incorporating mixed forms of art such as sculpture, sound and visual technologies
- hybrid performance practice
- digital manipulation of images such as photographs or video (enhanced, adapted, and/or mixed)
- computer-generated art such as DVDs and CD-ROMs, including games and databases.

There are two fundamental aspects of new media that suggest the 'newness':

- How the work is created – often through cross-disciplinary or hybrid practices where artists collaborate across artform, culture and/or fields of practice.
- How the work is transmitted and made accessible to the audience – often involving integration of text, pictures, video, sound and the use of technologies as a mode of delivery. The integration determines the interactivity and/or how the audience engages with the work, either through a public event or via screen-based technologies such as a CD-ROM, DVD, video or film.

It is not necessary for all new media artists to employ emerging technologies in the creation of their work. Hybrid performance and installations can be produced using traditional artforms that are fused into something new.⁵

The Australian Network for Art and Technology (ANAT) and the Australian Centre for the Moving Image (ACMI) are two organisations with a new media art focus.

Australian Network for Art and Technology – ANAT

ANAT is the peak advocacy body for art and technology, and represents the concerns of art and technology practitioners all over the world.

ANAT offers a range of national professional development initiatives for emerging and established artists and curators.

ANAT is developing opportunities for Indigenous artists to learn about new media.

For more information visit their website www.anat.org.au

Australian Centre for the Moving Image – ACMI

The Australian Centre for the Moving Image (ACMI) at Federation Square in Melbourne is a state-of-the-art centre for the exhibition, collection, preservation and appreciation of Australian screen-based arts. ACMI showcases the moving image in all its forms – film, television, multimedia, games, video, Internet and digital media.

ACMI features the world's largest digital media gallery, a unique exhibition space for innovative Australian and international screen-based art, including interactive installations, large-scale projections and immersive environments.

ACMI offers production facilities and a diverse range of educational programs.

For more information visit their website www.acmi.net.au

Special nature of indigenous new media art

New media is a developing field of Indigenous arts practice. In this century Indigenous cultural expression spans all artforms and can include digital technologies and hybrid art practices.

According to a report by the Australian Network for Arts and Technology, access to new media technologies is an issue for Indigenous artists.

Indigenous artists with an interest in new media technologies often feel locked out of this developing area. This is in part due to the difficulties (both perceived and real) of either accessing or obtaining the equipment required to learn these new skills.⁶

There are growing numbers of Indigenous artists practising in the field of new media. Some artists are Brook Andrew, Tina Baum, Brenda L Croft, Destiny Deacon, Jenny Fraser, Jason Hampton, Dianne Jones, Jonathon Jones, Rea, Michael Riley and Christian Thompson.

The different forms of work are diverse and range from digital manipulation of photographs and CD-ROM to performance and installation art.

The artists in this field state a variety of reasons for the special nature of this medium as a form of Indigenous cultural expression.

These include:

- facilitating ongoing transmission of information
- recording community knowledge
- recording oral histories/life stories
- community ownership of stories
- cultural reclamation and maintenance
- entertainment
- personal and community healing (e.g. stories of the Stolen Generation)
- educating the broader community about Indigenous issues
- educating Indigenous communities about local and national Indigenous issues.

New media art is an incorporation process. This raises issues for Indigenous new media artists in the use of cultural heritage and appropriate representation and production of this material.

Indigenous artists must incorporate cultural respect protocols when dealing with Indigenous cultural heritage material. This is particularly important because technology makes it easier to combine, copy and manipulate materials without permission from Indigenous custodians. Indigenous artists must incorporate cultural respect.

The digital form is scrutinised very carefully by Indigenous communities. For this reason respect for cultural protocols is an important step in the process of creating Indigenous new media works, or using Indigenous cultural material.

Some of the issues include:

- Who has the right to use Indigenous cultural material?
- Can Indigenous cultural material be adapted or altered?
- What is the proper treatment of Indigenous cultural material, including creation stories and clan images?
- How should Indigenous cultural information be properly attributed?



Indigenous heritage

New media is an important means of expressing Indigenous heritage – past, present and future. Indigenous heritage, enshrined in Indigenous cultural and intellectual rights, is discussed at length in *Our Culture: Our Future*.⁷

The new media sector can adopt a 'best practice' approach by encouraging respect for the cultures of Indigenous Australians. It can do this by acknowledging their innate value, their difference from other cultures, and by respecting Indigenous ownership and control of Indigenous heritage.

All Indigenous artists are responsible for safeguarding cultural knowledge. They need to ensure that Indigenous cultures, both in the past and today, are protected and maintained in their works. In this way these cultures can be passed on to future generations.

There is not one, but many Aboriginal or Torres Strait Islander cultures. These cultures have developed over thousands of years and have been passed down from generation to generation. Despite the enormous impact of the invasion in 1788, Indigenous cultures have continued to develop.

An Indigenous person's connection to Indigenous heritage is expressed in contemporary life through his or her relationship with land, waterways, animals and plants, and his or her relationships with other people.

Aboriginal and Torres Strait Islander people have a well developed and complex web of relationships based on family ties, clan belonging, language group affiliations and community, organisation and government structures. A range of authority structures exists across urban, regional and remote communities. It is important to acknowledge the complexity of Indigenous Australia when negotiating the use of Indigenous heritage for a new media project.

Indigenous Australians are concerned that there is no respect for their Indigenous cultural knowledge, stories and other cultural expression in the wider Australian cultural landscape. Concerns include the current legal framework that does not promote or protect the rights of Indigenous people – particularly to own and control representation and dissemination of their stories, knowledge and other cultural expression.⁸

The process of following the protocols not only supports Indigenous heritage rights, but also promotes diversity and new initiatives in new media, and culturally appropriate outcomes.

Our Culture: Our Future

Indigenous cultural and intellectual property rights refer to Indigenous people's cultural heritage.

Heritage comprises all objects, sites and knowledge – the written nature or use 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.

Indigenous people's heritage is a living heritage and includes objects, knowledge, artistic, literary, musical and performance works which may be created now or in the future, and based on that heritage.

Indigenous cultural and intellectual property rights include the right to:

- own and control Indigenous cultural and intellectual property
- ensure that any means of protecting Indigenous cultural and intellectual property is based on the principle of self-determination
- be recognised as the primary guardians and interpreters of their cultures
- authorise or refuse to authorise the commercial use of Indigenous cultural and intellectual property, according to Indigenous customary law
- maintain the secrecy of Indigenous knowledge and other cultural practices
- full and proper attribution
- control the recording of cultural customs and expressions, the particular language which may be intrinsic to cultural identity, knowledge, skill and teaching of culture.

For a full list of rights see *Our Culture: Our Future*.⁹

Current protection of heritage

Australia's current legal framework provides limited recognition and protection of these rights. *Our Culture: Our Future* recommended significant changes to legislation, policy and procedures.

As yet there has been no formal response to these recommendations from the Australian Government. Much of the rights recognition has been done at an industry and practitioner level, through the development of protocols and use of contracts to support the cultural rights of Indigenous people.

Across the world, Indigenous people continue to call for rights at a national and international level. Indigenous people are developing statements and declarations which assert their ownership and associated rights to Indigenous cultural heritage. These statements and declarations are a means of giving the world notice of the rights of Indigenous people. They also set standards and develop an Indigenous discourse that will, over time, ensure that Indigenous people's cultural heritage is respected and protected.

The Draft Declaration on the Rights of Indigenous Peoples states, in Article 29:

*Indigenous peoples are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property. They have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts.*¹⁰

The Mataatua Declaration on Indigenous Cultural and Intellectual Property Rights, in Article 8, urges Indigenous people to 'develop a code of ethics which external users must observe when recording (visual, audio, written) their traditional and customary knowledge'.¹¹

Draft Principles and Guidelines for the Protection of the Heritage of Indigenous People (1993) were adopted by ATSIC's Indigenous Reference Group in 1997.¹² Article 39 states:

Artists, writers and performers should refrain from incorporating elements derived from Indigenous heritage into their works without the informed consent of the Indigenous owners.

In January 2002, the World Intellectual Property Organisation's International Forum, *Intellectual Property and Traditional Knowledge: Our Identity, Our Future*, held in Muscat, Oman, adopted a Declaration recognising that 'traditional knowledge plays a vital role in building bridges between civilisations and cultures, in creating wealth and in promoting the human dignity and cultural identity of traditional communities'.¹³


Internationally, the World Intellectual Property Organisation has established an intergovernmental committee on intellectual property and genetic resources, traditional knowledge and folklore to discuss intellectual property issues that arise in the context of:

- access to genetic resources and benefit-sharing
- protection of traditional knowledge, innovations and creativity
- protection of expressions of folklore.¹⁴

Regionally, a model law for protecting traditional knowledge in the Pacific was drafted and completed in July 2002. The *Pacific Regional Framework for the Protection of Traditional Knowledge and Expression of Culture* establishes 'traditional cultural rights' for traditional owners of traditional knowledge and expression of culture.¹⁵

The prior and informed consent of the traditional owners is required to:

- reproduce or publish the traditional knowledge or expressions of culture
- perform or display the traditional knowledge or expressions of culture in public
- make available online or electronically transmit to the public (whether over a path or a combination of paths, or both) traditional knowledge or expression of culture
- use the traditional knowledge or expression of culture in any other form.



principles and protocols

The principles outlined below are a framework for respecting Indigenous heritage.

- Respect
- Indigenous control
- Communication, consultation and consent
- Interpretation, integrity and authenticity
- Secrecy and confidentiality
- Attribution
- Proper returns
- Continuing cultures
- Recognition and protection.

In the following pages, under each of these principles, we have suggested protocols for using Indigenous cultural material, and interacting with Indigenous artists and Indigenous communities.

Respect

Respectful use of Indigenous cultural material and information about life experience is a basic principle.

Acknowledgment of country

Indigenous Australians, the Aboriginal and Torres Strait Islander people, are the original inhabitants of Australia.

When organising an installation, performance or event, it is respectful to seek the consent of the Indigenous owners of the land.

If consent is given, it is important to acknowledge country and custodians at the site of each performance, installation and event, or in the introductory on-screen text in a screen-based project.

Seek advice from the Indigenous community on the preferred manner of acknowledgment.¹⁶

Accepting diversity

Indigenous culture is diverse. Culture varies from Indigenous country to country and from clan to clan. Indigenous artists come from many different backgrounds, learn their art in many different ways, and develop their new media works in many different styles.

Representation

Indigenous people and their cultures need to be represented in a manner preferred by those cultures. Derogatory or outdated perspectives and terminology should be avoided. It is important to consult the relevant groups about this.

Living cultures

Indigenous cultures are living and evolving entities – not historical phenomena.

Indigenous artists draw upon their pre-existing cultural base in many different ways.

It is important to respect the diversity of cultural expression in Indigenous new media art, and acknowledge its ongoing development through different styles and forms.

Indigenous control

Indigenous people have the right to self-determination in their cultural affairs, and expression of their cultural material. There are many ways in which this right can be respected in the development of new media works.

One significant way is to discuss how Indigenous control over a project will be exercised. This raises the issue of who can represent clans and who can give clearances of traditionally and collectively owned material.

To consult effectively and gain consent for use of Indigenous cultural material in a particular project, the Indigenous people with authority for specific geographic locations, stories, rhythms, song cycles and images need to be identified.

Speaking to the right people is very important. Indigenous communities, whether regional, urban or remote, have an infrastructure of organisations and individuals who can advise on a range of issues – including guidance about locating Indigenous people with authority to speak for specific Indigenous cultural material.

For initial inquiries and contacts, Doreen Mellor¹⁷ recommends the following directories.

- *ATSIC's 2000/01 Visual Arts and Crafts Resources Directory*. Available from ATSIC's National Marketing & Media Office on (02) 6121 4000 or toll free 1800 079 098.

- *The Black Book Directory 2000 – Indigenous Arts & Media Directory*. Published by Blackfella Films and available from Publication Sales, AIATSIS on (02) 6261 4200 or www.aiatsis.gov.au
- *National Directory of Aboriginal and Torres Strait Islander Organisations*. Published for ATSIC and available from Crown Content on (03) 9329 9800 or www.crowncontent.com
- Aboriginal Arts and Crafts Centres. For a list see *Valuing Art, Respecting Culture: Protocols for working with the Australian Indigenous Visual Arts Sector*.¹⁸

If your project involves a visit to Aboriginal lands or outer Torres Strait Islands, permission must be obtained from the local Land Council or Trust, or the Community Council concerned. For a list of relevant authorities consult the *National Directory of Aboriginal and Torres Strait Islander Organisations*.

Some other useful starting points for inquiries include:

- Aboriginal Land Councils
- Aboriginal and Torres Strait Islander Commission
- Torres Strait Regional Authority
- Island Coordinating Council
- Australian Institute of Aboriginal and Torres Strait Islander Studies
- Indigenous Unit of the Australian Film Commission
- relevant individuals or family members
- elders and custodians of relevant Indigenous clans and groups
- Indigenous arts centres
- Indigenous media organisations
- Indigenous language centres

- Indigenous curatorial staff at local keeping places, state and national galleries, museums and libraries
- State and territory government arts departments in NSW, WA, QLD, SA, TAS and NT which have staff dedicated to Indigenous arts programs.

New media artist Vynette Wright offers some advice on locating relevant Indigenous custodians.

*Sometimes the lines of custodianship over traditional cultural material are like a tangled web. Different language groups, clans and families may share common songs, stories, dances and designs. Cultural disruption has led to confusion and conflict over who controls the right to use and exploit this lore. If there is such conflict the new media artist can decide not to use the material or to seek out the senior custodians of each group. Most custodians and community desire our cultural heritage to be revived and restored and strongly emphasise the need for cultural transmission to younger generations. These custodians tend to consider traditional law first and their duties to transmit knowledge to youth as a priority. So a new media project can be unifying, if senior elders consent to material being used. If the elders give their consent (a consent form is suggested), the majority of people in their respective mobs will relax and show strong support.*¹⁹

Engaging Indigenous contributors

When engaging Indigenous contributors to participate in a project, the ATSIC definition of Aboriginal identity can be used as a guide.

The current practice of the Australia Council requires all Indigenous participants to provide a letter of support confirming their Aboriginal or Torres Strait Islander identity from an incorporated Indigenous organisation.²⁰

Communication, consultation and consent

It is only natural for works to reflect the Australian experience, but the intention to include Indigenous experiences needs to go through a consultative process of collaboration and acknowledgment.

Jenny Fraser²¹

New media artists may use material from any artform to create their works. For instance, a CD-ROM might include artworks, old photographs and songs. The cultural content may range from sensitive to more openly available material.

By communicating and consulting with the relevant Indigenous people and groups you can be better informed about the issues in using this material before seeking their consent.

Communication, consultation and consent is an important first step when:

- developing and planning new media projects
- reproducing and including existing cultural material.

case study

Consultation for a CD-ROM – Walkabout Walkabout Bulurru

Vynette Wright, a Yidinji artist, is working on a CD-ROM, *Walkabout Walkabout Bulurru*, that aims to record the songlines of a number of Indigenous groups. Vynette emphasises the importance of close consultation with the elders who she is recording on film telling stories and singing songs. Prior to filming, there was a lot of consultation allowing elders to decide if they wanted to be involved, what they wanted to say, and how they wanted the material represented.

Vynette says the elders often like the idea that the old stories are told in 'a new media' that will engage the younger people.

'There's been too much taking and not enough giving. You have to go to the elders. They have had life experience and if you go there with the intention to exploit them, they will pick it up.

The elders won't cooperate with people that are not genuine. When talking to the elders it has to be face-to-face in a meeting with you telling them all about the project, basically asking for their support and seeking their agreement to be involved.'²²

The artist's responsibility to effectively communicate with the elders is reaffirming her role in the continuing practice of culture.

Doreen Mellor outlines the importance of early consultation:

Consultation with a community or group of people is not simply a formality ... Consultation is required as a precursor to consent for it to proceed. It is not appropriate to have decided that the activity is to proceed, or that its structure or format is established before consulting the Indigenous group or person involved. The idea may be a good one from an external point of view. Consultation establishes the internal, cultural perspective and it is important to accept that it is this perspective which should determine the appropriate course of action.

With regard to the process of obtaining consent:

- *allow time (perhaps more than one meeting) for communication of a proposal*
- *allow time for a decision to be made*
- *remember that the decision will be made on other bases than the ones brought from outside the community – different types of knowledge operating in Indigenous communities may conflict with the requirements of a project*
- *be prepared to take 'no' for an answer (but don't take it personally)*
- *respect the views of all factions within a community, and ensure that consent comes from the appropriate quarter for a particular activity or project.*²³

Collaborating with other artists

There are many situations where an Indigenous new media artist may be approached to collaborate on a project with a group of artists. It is important that communication and consultation with the Indigenous artist and their communities takes place in the initial development phase of the project.

Many new media works are collaborative works in that they are produced by more than one artist. When more than one person works on a project such as a database or CD-ROM, the copyright ownership may belong to more than one person, unless employed by the creating entity (see the *Copyright* section for details). It is important to discuss ownership of rights at the outset and where possible, allow Indigenous people to retain rights to their cultural material. Proper attribution should also be given to the owners of the story.

Where possible, licences should be sought rather than an assignment of rights.

Interpretation, integrity and authenticity

Interpretation

Interpretation refers to how cultural material is interpreted and represented. In the past, Indigenous cultural material has been subjected to interpretation by non-Indigenous people. Today, as Indigenous people seek to reassert and claim control over their cultural heritage material, Indigenous interpretation of cultural heritage is a means of giving power to the cultural significance of the work.

Integrity

Jenny Fraser adds:

*Most people are happy to see their stories come to life if they are dealt with properly. This means respecting the integrity and also attributing the source of the story.*²⁴

Integrity refers to the treatment of the original work. Under the *Copyright Act 1968 (Cth)*, the moral right of integrity provides a right of protection for individual artists against 'derogatory' treatment of their works. For example, the alteration of the work by adapting, cutting, editing, and/or enhancing may materially alter the original intention of the work and infringe the artist's moral rights.

Maintaining the integrity of a work is important for artists. Integrity of a work is also very important for the Indigenous communities where a work originates. Unfortunately there is no legal remedy for a community as a whole if a work is subjected to derogatory treatment, although individual artists can exercise their legal rights.

Authenticity

Authenticity refers to the cultural provenance of Indigenous heritage material.

Giving proper consideration to authenticity means respecting any customary law or cultural obligation associated with the work such as gender, correct language and sensitivity to the context of the work's reproduction. It is important to consider the authenticity of a new media work during its development phase.

Consider authenticity and context in the publication or performance of new media works.

- Words or phrases from particular languages should not be used just because they are 'language words'.

- Language should only be used where its proper meaning is known and where it is used in the proper context.²⁵
- Cultural material should always be used in the appropriate context.

CD-ROM and database works

New media works in digital formats are often created by combining content from different sources. The current technology makes it easy to combine materials created by others such as film clips, photographs and songs.

Clearing copyright on use of this material is necessary. If copyright material is included without permission, the owner of copyright can stop you distributing your work. They can also claim damages – that is, financial compensation for losses suffered.

For each element, it is also necessary to get permission for the use and context cultural material.

Adapting materials

Some Indigenous content may not be suitable for adapting, editing, mixing and altering. Under the moral rights law it is an infringement to materially alter a work without the specific consent of the copyright owner.

Issues to be considered:

- Can an individual consent to alteration where the work depicts traditional ritual knowledge?
- Is the consent of the group needed?

Adaptation of works

The adaptation of works is an important issue. When permission to adapt is given, the copyright created in new work may not always be clear and can raise the following issues:

- Who should own and control reproduction of works that incorporate new works?
- How do artists clear uses of works that are in the public domain?

According to Indigenous new media artist Vynette Wright:

Indigenous artists today are dreaming new stories, songs, dances and designs based on cultural lore, with the approval and guidance of their elders. Adaptations to traditional cultural material is often sanctioned so the younger generation have the right to publicly show this material without elders always needing to be on hand. For example, dancers may subtly change movements in a traditional dance or artists will change a clan design slightly so that it retains the majority of characteristics, yet still satisfies the Law.

... The community easily accepts the use of new media technologies and contemporary art practices applied to traditional material as long as the original spirit embodied in the work is not harmed by the changes. I think this is the key to using cultural material validly and in a way that will almost guarantee sanctioned use, even when the work is radically altered. If the spirit embodied within the work is recognisably retained it is easily acceptable. A song may have contemporary music applied and mixed with the traditional sound but it retains its original integrity. A Rainbow Serpent may be drawn traditionally, scanned into a computer, translated into a 3D figure, animated, morphed into water, a rainbow or sculpted out of microscopic matter created in a laboratory, photographed as a geometric configuration in quantum physics, yet still recognisably retain its identity as a Rainbow Serpent in the context of the entire presentation.²⁶

Traditional motifs

Indigenous traditional motifs such as the Wandjinas and Mimis are part of the cultural heritage of certain Indigenous groups. They may not be suitable for mass communication or dissemination. The context of the reproduction is an important consideration.

It is necessary to discuss context and intended use and get moral rights clearances from the relevant artists. You should also get permission from custodians. Each and every intended context should be discussed so that there is an understanding of the envisaged extent of use.

case study

Sydney Olympics

For the Sydney Olympics images of – the Wandjina – an ancestral rain spirit from a specific region in the Kimberley in north Western Australia, were commissioned for inclusion in the opening ceremony. According to Rhoda Roberts, the written agreement for filming the event included provisions requiring any use of the footage after the event to be cleared by the traditional owners for each and every new context and purpose.²⁷

Photographs

New media art might involve the digital manipulation of photographs including collage, superimposition, heightened colouring and play with text.²⁸ According to Jenny Fraser, the use of archival photographs is a big problem which needs further consideration by Indigenous artists working in new media forms.

Some artists feel the need to use photographs to create an atmosphere of time and place, knowing that such an act is like treading on eggshells, but using it anyway – without seeking approval from the subject's family or acknowledging who the person was or where the image came from. Even some Indigenous artists use images inappropriately – and they probably shouldn't – like images of people that are not from their own particular mob or language group, or people who have passed away. Images are also sometimes used in a new context which is inappropriate. This issue hasn't really been dealt with properly in this country.²⁹

Some Indigenous artists apply cultural sensitivity by seeking consent from family members to use photographs of family, or by only using Indigenous clan material from their own regions.

Other artists feel that unless they can ascertain the origins of archival photographs and gain permission then it may be unwise to reproduce or use such images – particularly where there is little or no information about the individual or community depicted in the photograph.

Brenda L Croft states,

At the very least there should be attempts to consult with experienced people in the same field.

Cultural sensitivity applies to Indigenous artists as well, and this is along the lines of appropriating symbols and designs that are not from your language group, simply because they 'suggest' Indigenous visual art and culture, e.g. dot paintings or cross-hatching, which come from particular regions in the desert or in Arnhem Land, northern Australia.³⁰

Some artists have developed culturally sensitive practices such as:

- not using photography of deceased people in their work
- explaining in writing the proposed use and using release forms with models
- working in close collaboration with an Indigenous community giving them joint control of the project
- using only photographs of their own family members and/or clans.

Indigenous imagery

Permission from the artist (or copyright owner) is necessary for artwork protected by copyright. A copyright artwork is one created by a living artist, or created by an artist who passed away less than 50 years ago.

See the *Copyright* section for further information. It is important to note that the artist of the original work has the moral right of integrity in respect of his or her work. Special permission and consent will be needed to alter or adapt the works. It is recommended that such consent be sought in writing, after fully explaining to the original artist how his or her work will be adapted or altered.

Certain cultural imagery may not be suitable for adaptation or alteration. For instance, it is considered culturally inappropriate to distort or adapt an artwork that embodies a creation story. This is because part of the cultural value of the artwork relates to the accuracy of the artwork in depicting that particular story.

Although some very old artworks may no longer be in copyright, it is still good practice to consult with Indigenous people for the use of these works. Although such works might be able to be sourced and copied from the Internet or accessed from cultural institutions, permission for context and use is culturally appropriate.

The artist may require consent for instances where communally owned knowledge and potentially sensitive material is used. It is important to develop strong consultative ties with the owners of such material and to keep them informed of how you intend to use the material. The owners should also be informed of any intended uses by third parties to whom you might license the rights to your works.

Indigenous songs

For traditional songs it is a good idea to consult with the clan and get permission to use the song in the intended context. For example, a didgeridoo song as synchronised music for a film on Torres Strait Islanders is not appropriate, as didgeridoos are not Torres Strait Islander instruments.

Copyright permission for songs will be necessary if development of the work involves the reproduction and performance of a song. This includes doing your own version of it, or using an existing recording. For information on music and copyright see *Music Cultures*.³¹ See also the Australasian Performing Rights Association (APRA) and the Australasian Mechanical Copyright Owners Society (AMCOS) at www.apra.com.au

It is important to note that many Indigenous musicians may not be members of these copyright societies and direct permission for copyright may be necessary.

Film footage

It is also necessary to consult on the use of old film footage, particularly if many of the people depicted are deceased.

Another issue that arises for new media artists is the filming of performances. Generally, under the performer's rights of the Copyright Act, once a performer gives permission for a recording of his or her work to be used, it can be used in any way that the owner of the recording chooses in the future.

Some Indigenous performance artists may not wish to be photographed. Consent is necessary and all potential uses of the footage should be discussed prior to filming. Where possible, release forms should also be used.

Jenny Fraser encourages performers to ask questions such as:

- How many cameras will be recording the performance?
- Who is the film being made for?
- What are the proposed uses of the footage or stills from the performance?
- Can I view the edited version and consent to the context?
- Who has the rights to control the use of the footage, e.g. the film maker(s) or the participants, or both?

It is possible to ask to limit the rights given to the film maker by way of a written agreement, which can include setting agreed terms about the nature and extent of permitted use. Some useful samples of agreements are available from the Arts Law Centre.

case study

Filming of Yeperenye Festival

The grant of rights to the Australian Broadcasting Corporation to broadcast the dance ceremonies in the Yeperenye Festival restricted Internet use of the footage. Further, to respect the elderly age of many of the Indigenous dancers, the film footage was only to be used by the ABC for one year after the event. After this the film was to be destroyed.³²

case study

Dance performance on CD-ROM

An Indigenous woman developed original choreography based on the removal of Aboriginal children from their parents. She had developed the piece sensitively in a culturally appropriate manner, taking into account the content in consultation with others. Although the work was still in progress, she performed part of it publicly at a university concert involving dance students she was tutoring.

At the performance the dance was filmed without her consent. The film maker used excerpts from the performance to make a CD on video production at the university. The clip was also put on the Internet. The clip contained images from her dance but the images were cut and interposed with another more violent piece. In the choreographer's opinion, the sensitivity of the original dance piece was severely misrepresented.

The choreographer was able to stop the filmmaker and university from using the dance in that way. She also negotiated payment by raising the issue of copyright and moral rights infringement.³³

Internet publishing

Indigenous people tend to consider that publishing in new media technology such as the Internet and CD-ROM is different from publishing in books. This stems from the belief that books tend to have a finite number of copies and circulation which to some extent can be monitored. The Internet and CD-ROM, on the other hand are perceived as being much more difficult to monitor. Not only is there potential for a wider audience on the Internet, but it also increases the potential for abuse by others.

Indigenous people are concerned that aspects of Indigenous culture risk being taken out of their contexts through wide dissemination of heritage material on the Internet. For example, the practices of caching, linking and framing raise issues concerning the appropriate storage, display and juxtaposition of cultural heritage material on the Internet.

Indigenous people are also concerned about the rate at which Indigenous material is being uploaded onto the Internet. While some sites are of benefit because they facilitate access to Indigenous people, others may contain inaccurate or sensitive information. There is already a large range of Indigenous websites and Indigenous cultural material available on the Internet, including:

- library collections of articles
- information on collecting institutions
- artworks and prints
- languages
- photographs
- manuscripts
- oral histories
- recorded interviews
- creation stories
- recordings of Indigenous music.

case study

In 2000, the International Olympic Museum reproduced the works of three Indigenous artists on its website without seeking their prior permission. Viewers were encouraged to copy the paintings as computer 'wallpaper'. One of the artists, Sam Tjampitjin of Balgo Arts, was appalled when he heard that his sacred painting was treated in this way.³⁴ On behalf of the three artists, the National Indigenous Arts Advocacy Association is following the moral rights and copyright claim.

In responding to this challenge, some Internet creators have developed a means of protecting material in the design and presentation of the material online. For example, Jenny Fraser notes it is a good idea to ensure images for websites are created at a low resolution; if they are downloaded they will only print at a small size, but are still large enough on screen to view the overall work. She also recommends watermarks over the images – such as a big 'c' for copyright laid over the top of the image to get the message across. Also, Brenda L Croft advises artists signing licence agreements to request their work be reproduced in hard copy (print format) to check they are not also agreeing to their work being reproduced on the web.³⁵

Secrecy and confidentiality

Some Indigenous content may not be suitable for wide dissemination on the grounds of secrecy and confidentiality. It is the responsibility of artists putting together new media projects to discuss any restrictions on use with the relevant Indigenous groups.

Representation of deceased people

In many Indigenous communities the reproduction of names and photographs of deceased Indigenous people are not permitted. Doreen Mellor notes some communities will request that an artwork by a deceased artist not be displayed for some time after the death of the artist. They may also require the artist's name not to be used or an image of the artist not to be displayed. The artist's family or community should be consulted so that the appropriate protocols are observed.³⁶

case study

Barani website

In developing the Barani³⁷ website for the City of Sydney at www.cityofsydney.nsw.gov.au/barani/ CyberDreaming incorporated a gateway entrance protocol to respect the content of the site. The website entrance page states:

'Barani contains the history, life stories and images of many Indigenous men and women who have made great contributions to their people and their country. The story of Aboriginal Sydney could not be told without recognising their achievements.

In some Aboriginal communities, seeing the names and photographs of dead people may cause sadness and distress, particularly to relatives of those people.'

Viewers are then asked if they wish to proceed. They must click on 'I agree' to proceed or 'cancel' to return to the home page.

'You have to respect cultural sensitivities. Developing respect for culture within the design of a website is important,' says Mark Leavy of CyberDreaming.³⁸

- made available only to the initiated
- used for a particular purpose
- used at a particular time
- information/material that can only be seen and heard by particular clan members (such as men or women or people with certain knowledge).

Personal privacy

Are you planning to depict an identifiable individual or community? If so, ask the individual, community or relatives of the individual for permission and observe close consultation and consent throughout the process.

It is important to avoid disclosing sensitive information without discussion and consent. Confidential information must not be disclosed without permission from all Indigenous people affected by the disclosure. Disclosure about a person who has passed away will be very sensitive.

If a new media artist uses details about an individual's life experiences, it is advisable to consult with that individual. There may be important cultural formalities to be observed in telling their story.

Attribution

Indigenous people should be attributed for the use of their cultural heritage material in new media works.

Under the moral rights provisions of the Copyright Act, the right of attribution is recognised for individual creators. However, as a new media work may use material from many different sources, it is respectful practice to credit individuals, families, clans or communities who contributed to the work at any stage.

It is important to consult on the form of attribution people may want such as proper wording and spelling of names.

The culture of attribution is changing:

- It has become the practice with many Indigenous artists to also list their clan affiliations after their own names.
- Indigenous custodians, contributors and relevant Indigenous organisations contributing resources and knowledge are now given a significant credit as a collaborator on the project.

case study

Community and technical collaboration

A collaborative project brought together an Indigenous artist, an Indigenous community (whose information was the subject matter) and a non-Indigenous computer programmer. At the end of the project the programmer wanted 'top billing' on promotional material for the work because he had technically put the project together. The artist had to make very clear that it was the Indigenous community who owned the story, and that the artist had directly collaborated with the community. The artist insisted that the order of attribution be headlined with the Indigenous community, followed by the Indigenous artist, and finally the programmer.³⁹

Proper returns

Given that there may be many different components in a new media artwork, resolving ways in which benefits can be shared among all contributors is a challenge.

Some new media artists have developed methods of benefit-sharing which allow large scale projects to be undertaken – for instance, exchanging technical information for free copies of the product for members of the contributing cultural groups.

Brenda L Croft says,

Artists should also receive licence or royalty payments for any commercial product generated by the collaboration.⁴⁰

This should apply to all creative contributors. When applying for funding, these fees should be incorporated in the project budget.

Continuing cultures

Cultures are dynamic and evolving, and the protocols within each group and community also change.

Consultation is an ongoing process, and thought should be given to ways of maintaining relationships for future consultation. This might include consultation, at a later date, for further uses of the music not envisaged at the initial consultation.

The new media artist will also need to consider how his or her work might be made available to the relevant communities in the future. Some artists have dealt with this issue by donating collections to Indigenous cultural centres or depositing material at the Australian Institute of Aboriginal and Torres Strait Islander Studies and/or ScreenSound. Before depositing material, discuss the deposit terms with the communities.

Recognition and protection

There are currently no special laws dealing with Indigenous cultural heritage ownership and reproduction rights. The Copyright Act has been criticised for not recognising the communal ownership of heritage material and that rights to heritage are infinite. It is important for Indigenous new media artists to be informed about copyright and other laws in order to protect their cultural interests.

The Indigenous artist owns copyright in his or her new media work. This means that he or she can control the reproduction and dissemination of their new media work. Such rights are granted under the Copyright Act.

It is important for Indigenous new media artists to be informed about copyright and other laws in order to protect their cultural interests. The *Copyright* section provides some general information.

There are currently no special laws dealing with Indigenous cultural heritage ownership and reproduction rights. The Copyright Act has been criticised for not recognising the communal ownership of heritage material and the continuing right of heritage custodians to control the use of this material.

The increasing level of non-Indigenous appropriation of Indigenous cultural material has compelled Indigenous people to seek greater protection of indigenous arts, including the call for new legislation recognising communal rights to culture.

Indigenous artists should be aware that while information gained from an interview is the cultural and intellectual property of the artist, the copyright in the resulting article, book, thesis, television or radio program that is produced as an outcome of this and other interviews remains with the author (or publisher or producer).

The artist can negotiate with the writer, publisher or film maker for a proper credit and a share in any money made from the exploitation of the book, or film, for example. The terms of the arrangement can be incorporated in a written agreement.

Resources

A number of protocol documents have been produced in recent years to meet the needs of particular communities, organisations, industries and situations. The following are selected as useful guides for people working in new media arts:

- *The Greater Perspective: Protocol and Guidelines for the Production of Film and Television on Aboriginal and Torres Strait Islander Communities*, Lester Bostock, Special Broadcasting Services, Sydney, 1997.
- *Doing It Our Way: Contemporary Indigenous Cultural Expression in New South Wales*, Terri Janke, Indigenous Reference Group, New South Wales Ministry for the Arts, Sydney, NSW, 2002.
- *Our Culture: Our Future – Report on Australian Indigenous Cultural and Intellectual Property Rights*, written and researched by Terri Janke, Michael Frankel and Company, Solicitors, for the Australian Institute of Aboriginal and Torres Strait Islander Studies and the Aboriginal and Torres Strait Islander Commission, Sydney, 1998.
- *Taking the Time – Museums and Galleries, Cultural Protocols and Communities, A Resource Guide*, Museums Australia Inc. (Qld), 1998.
- *Previous Possessions, New Obligations*, a policy document produced by Museums Australia in 1994 provides a way for museums to approach Indigenous cultures. A plain English version with case studies has been published.
- *Aboriginal and Torres Strait Islander Protocols for Libraries, Archives and Information Services*, compiled by Alex Byrne, Alana Garwood, Heather Moorcroft and Alan Barries for the Aboriginal and Torres Strait Islander Library and Information Resources Network.



copyright

Copyright protects the works of Indigenous artists and creators in the same way it does for other Australians.⁴¹ There is no need to register copyright.

Copyright protects:

- artistic works
- literary works
- musical works
- dramatic works
- films, sound recordings
- television and sound broadcasts
- published editions of works.

Requirements of copyright

Copyright will exist in a work as soon as it is created in a material form or as soon as a recording or film is made, provided that certain statutory requirements are met. They are:

- **Original work:** The new work must not be copied, and the creator must have used the necessary degree of skill, labour and effort to create a new work.
- **Material form:** A work must be written down or recorded in some fixed form.
- **Identifiable author:** There must be an author, or authors, for a work to be a copyright work. Generally the author must be identifiable, although there is some protection for anonymous works.

An understanding of legal issues is essential for new media artists. Depending on the subject matter and the particular artform, the following areas of law may be relevant:

- patents
- trademark
- breach of confidence (or trade secrets law)
- copyright.

More information on the law can be obtained from the Arts Law Centre of Australia and the Australian Copyright Council. See *Contacts* for further information.

The following is a general summary of copyright law under the *Copyright Act 1968 (Cth)*.

For further information about copyright and how it applies to dance, music, film and other media, visit the Australian Copyright Council's website, www.copyright.org.au

What is copyright?

Copyright is a bundle of specific rights granted to the creators of literary, dramatic, artistic or musical works and the makers of sound recordings and films, published editions and broadcasts under the Copyright Act.

Copyright exceptions

There are some significant exceptions to this general rule of ownership:

- Where the work is produced under a contract of employment, copyright will belong to the employer.⁴²
- Where a work is produced under the direction or control of the Crown, copyright may belong to the Crown.⁴³
- Where copyright has been assigned under a written agreement, the agreement may specify who owns copyright.

How long does copyright last?

The period for protection of copyright is generally:

- 50 years from the death of the artist for published artistic, literary, musical and dramatic works.
- 50 years from the date of creation for unpublished artistic, literary, musical and dramatic works.
- 50 years from the date of creation for films and sound recordings.

What rights do copyright owners have?

Under the Copyright Act specific rights are granted to copyright owners.

Literary, dramatic or musical works (such as novels, plays or songs)

The exclusive right to:

- reproduce the work in material form⁴⁴
- publish the work
- perform the work in public
- broadcast the work⁴⁵

- communicate the work to the public⁴⁶
- make an adaptation of the work.⁴⁷

Artistic works (such as paintings)

The exclusive right to:

- reproduce the work in material form
- publish the work
- communicate the work to the public.⁴⁸

Sound recordings (such as tapes and CDs)

The exclusive right to:

- make a copy of the sound recording
- cause the recording to be heard in public
- communicate the work to the public
- enter into a commercial rental arrangement.⁴⁹

Films (such as videos and movies)

The exclusive right to:

- make a copy of the film
- cause the film to be seen or heard in public
- communicate the work to the public.⁵⁰

Reproduction right

Aside from the new right of communication to the public, the most important right in the digital domain is the reproduction right. This is the right to reproduce a work in material form.⁵¹

The Copyright Act provides that an original work, which is protected by copyright, can be infringed if it is reproduced in the same format or in a different format – for example, where a literary, dramatic or musical work is reproduced as a sound recording or film. It is important to note that reproduction in a digital form would also include scanning.⁵²

It is not necessary for a work to be reproduced completely for an infringement of the exclusive right of reproduction to occur. If a 'substantial' part of the material protected by copyright is reproduced

without permission from the copyright owner – for example, when extracts of a work are digitally sampled, an infringement of copyright may occur. But this will always be a question of degree. It is not so much the quantity of what is copied or reproduced, but rather the quality of what is taken. In deciding on the issue, the court will consider the circumstances of each particular case.

An infringing work must be shown to have been copied from the copyright work – whether done consciously or unconsciously, directly or indirectly.

Collaborative works

Under the Copyright Act, a 'work of joint ownership' refers to a work resulting from the collaboration of two or more artists, where each artist's contribution is equal to the contribution(s) of the other artist(s).⁵³

The artist must contribute to the work by way of effort, skill and labour. It is not enough to inspire or make suggestions. The custodians of cultural images are generally not recognised as the legal copyright owners of an Indigenous artwork that depicts clan cultural images.

Each creative contributor to a work of joint authorship owns copyright in the resulting work.⁵⁴ This means that each artist must obtain the consent of the others before exercising any of their rights under copyright. For example, if an artist wants to license the rights to reproduce a collaborative work, he or she must get the consent of all the artists who participated in the collaboration.

New media works are often produced in a collaborative arrangement. To avoid any future disagreements the participating artists should discuss issues of copyright and proposed use of the work prior to commencement of the project.

Communal ownership vs. joint ownership

In *Bulun Bulun v R & T Textiles*,⁵⁵ the court considered that traditional Indigenous works containing 'traditional ritual knowledge', handed down through generations and governed by Aboriginal laws, are not works of joint ownership. Although under Aboriginal laws the entire community may have an interest in the particular artwork, and the designs and knowledge within the work, copyright does not recognise the group as the owners.

The individual artist is recognised as the copyright owner and may have a special obligation to the clan to deal with the copyright in the art, in ways that are consistent with Indigenous law. Depending on the circumstances, this obligation may be enforceable in the courts.

What are moral rights?

The moral rights provisions of the Copyright Act provide some new ways to challenge derogatory treatment of Indigenous artworks. Moral rights were introduced into the Copyright Act in December 2000. These new laws provide the following rights to artists:

1. *The right to be attributed as artist*

The artist has the right to be identified as the artist where his or her work is reproduced in material form, published, performed, adapted, or communicated to the public.⁵⁶ Artists can require their names be clearly and prominently identified with their works.⁵⁷

2. *The right not to have work falsely attributed to another artist*

Artists can bring a legal action against parties who falsely attribute others as creators of their works.

3. *The right of integrity*

Artists can bring a legal action against parties who edit, alter or treat their works in a derogatory way, causing harm to the artist's honour or reputation.⁵⁸ This might include work that is cropped or materially altered, or reproduced in poor quality. An artist cannot bring an action against derogatory treatment if he or she agreed to the alteration or treatment of the work. Whether or not the work has been treated in a derogatory way is subject to reasonable defence.⁵⁹ Prior to making any significant alterations to, or adaptations of an artwork, it is important to get the consent of the artist in writing.

New media artists need to ensure they respect the moral rights of any copyright owners whose works they incorporate in their own new media works.

Further, there are issues of protecting new media artist's own moral rights in an artform practice where manipulation and alteration is common.

New media art protection

As copyright protects particular categories of creation such as artistic and literary works, a new media work will usually contain a number of works protected by copyright. For example, the following elements of a new media work may have separate copyright owners:

- text graphics
- music
- choreography
- video
- animation
- sounds
- photographs
- computer software.

For new media art projects, copyright clearances must be obtained from each and every copyright owner of each included component.

There is no separate category in the Copyright Act for 'new media art' which specifically covers new media. Artists seeking to protect a new media work have in the past adapted it to one of the categories within the Act such as a cinematograph film, sound recording or a dramatic work.

Different levels of copyright protection will be available to the copyright owner depending on which category the new media work falls under.

Reproducing works

A new media work will involve clearing rights from a range of copyright owners. It is important to seek prior permission for reproduction by way of a licence from all copyright owners for all intended purposes.

Remember that writers, artists and other creative contributors are entitled to a fee for the reproduction of their works

It is also important to note that the artist has the moral rights of integrity, attribution and the right against false attribution. It is a good idea to clear any material alterations with the artists and to carefully check proofs of the work prior to publication. It is also important to use correct labelling.

When reproducing artworks, we recommend you seek the assistance of a lawyer, or speak to the relevant copyright collecting society.

Licensing use of works

It should not be assumed that traditional Indigenous works are in the public domain. It is necessary to consult with relevant Indigenous people for permission to use their material and if agreed, there should be scope for negotiating with Indigenous people on appropriate royalties for use.

Some other points are:

- Written contracts are preferred to oral agreements.
- Indigenous artists, writers and cultural owners should be given the opportunity to consider contracts and to obtain proper legal advice.
- The contract should be explained to Indigenous artists, writers and contributors, and if necessary, a translator should be used to explain the major issues of the contract.
- If the work is to be altered or adapted, artists should be given opportunity to approve, or otherwise reject, the alteration or adaptation their work.

Assigning copyright vs. licensing

Copyright can also be assigned. This means that you can give the copyright in your work to someone else. They become the copyright owner and can authorise others to reproduce your work.

Copyright is usually assigned under written agreement. Once assigned, the artist relinquishes copyright in his or her work.

Where possible, Indigenous artists should retain the copyright in their works so they can maintain control over reproductions.

It is important for Indigenous artists to check agreements and make sure they are not assigning their rights away instead of licensing use of their work.

It is a good idea to seek legal advice on copyright licensing issues.

Managing copyright to protect your interests

As copyright exists as soon as a work is recorded or written down, it is not a legal requirement to register copyright. However, certain precautionary practices can provide good warning to potential infringers and notify them of where to get prior permission to copy.

Given the mixed media nature of new media works, there will often be a range of copyright materials that are combined to make the overall work. For instance, a website will include songs, artworks and text. Each component may be owned by a number of copyright owners and licensed for use by the new media artist. It is important to include copyright notices for each component, as well as the overall works.

Label all reproductions of the work clearly with the following information:

- title of the work, song or story
- creator
- date created
- copyright owners
- if applicable, cultural group or clan.

When authorising others to reproduce your works make sure you use written agreements and keep records of the rights you have granted. Ask for copies.

Copyright notice

You should also include a copyright notice. A copyright notice provides information about uses that are acceptable and includes details about contacting the copyright owner for consent to use in other material.

Some works use the words 'All Rights Reserved'. This is not necessary but if you are publishing in some South American countries it may be advisable. If you think that your work will be first published overseas seek advice from a suitable practitioner on appropriate wording.

The following is an example of a copyright notice for a **website**:

© Aboriginal Web Group, 1999*.

* The date of creation or the date the website was first published.

The following is an example of an **artwork**:

© Banduk Marika, 1998.

The following is an example of a copyright notice for a **song**:

'Black Woman' written and performed by Toni Janke.

Recording from the Album *The Brink*,
© Toni Janke Productions, 2002.

Licensed by: Toni Janke Productions

The following is an example of a notice for **clan owned traditional materials**:

Traditional story: Torres Strait Islands

This version: © A. Murray, 2002.

This performance is made with the permission of the clan. It may not be reproduced in any form without the permission of the writer and the clan concerned.

It may also be prudent to include warnings against filming, for example:

WARNING: Any unauthorised recording or broadcasting of this performance is prohibited.

Authorised recordings of performances often carry a warning such as:

WARNING: Copyright subsists in this recording. Any unauthorised sale, rental, hire, broadcasting, public performance or re-recording in any manner whatsoever will constitute an infringement of copyright.

For more information on recommended copyright wording for publications, see the *Style Manual for Authors, Editors and Printers*.⁶⁰

Moral rights notice

If your work is to be distributed in New Zealand and the UK, it is also a good idea to include a notice asserting your moral rights:

The creator(s) assert their moral rights.

When is copyright infringed?

It is an infringement of copyright to copy or deal with a copyright work without the consent of the copyright owner.

A person will infringe copyright in a musical, dramatic, artistic and literary work if he or she reproduces the work in material form, publishes or communicates the work to the public, without permission from the copyright owner.⁶¹

For musical, dramatic and artistic works it is also an infringement to adapt the work.

It is also an infringement to copy a substantial part of a work. This does not necessarily refer to a large part of the work. The court will look for striking similarities between the original work and the infringing copy, and assess the quality of what was taken.

It is also an infringement of copyright to import copies of a copyright infringing recording into Australia for sale or hire.

Some exceptions to infringement are:

Fair dealings provisions

The argument of 'fair dealings' can be a defence to allegations of copyright infringement. Copyright in the work is not infringed if it is used for:

- research or private study purposes⁶²
- criticism or review, whether of that work or of another work, and a sufficient acknowledgment of the work is made⁶³
- the purpose of, or associated with the reporting of news in a newspaper or magazine and a sufficient acknowledgment of the work is made; or for the purpose of, or associated with the reporting of news by means of broadcasting or in a cinematograph film⁶⁴
- judicial proceedings or of a report of judicial proceedings, or for the purpose of the giving of professional advice by a legal practitioner.⁶⁵

Crown use of artworks

The Crown may use a copyright work without permission of the copyright owner where the use made is 'for the services of the Crown'. The artist is still entitled to payment for use and the government must contact him or her as soon as possible to negotiate this.

Library copying

Libraries and archives can make copies of copyright works under certain circumstances in accordance with statutory procedures.⁶⁶

Educational copying

Educational institutions such as schools and universities can make multiple copies of print material and can copy television and radio programs for education purposes. They must

however pay statutory licence fees to the relevant collecting societies. New Media artists should be aware of these schemes, as there may be royalties payable in certain circumstances. Contact APRA, Viscopy, CAL and Screenrights where applicable.

The above is general only and does not cover all issues relating to infringement. If you think your work is copied without your consent, we strongly recommend that you consult a lawyer regarding.

Further copyright information

For information on copyright laws see the following websites:

- Australian Copyright Council
www.copyright.org.au
- Arts Law Centre of Australia
www.artslaw.com.au
- Viscopy
www.viscopy.com.au

Copyright collecting societies

Most copyright owners lack the time and necessary bargaining power to manage and exploit their copyright works. Several collecting societies have been established in Australia to manage and administer the copyright of its members for a fee, or share of the royalties. Some of them such as CAL and Screenrights have a legislative basis for collecting royalties. Others are voluntary organisations which artists are required to join. CAL, APRA, Screenrights and Viscopy are the most relevant collecting societies for new media artists.

CAL – Copyright Agency Limited

The Copyright Agency Limited (CAL) is an Australian statutory collecting agency whose role is to provide a bridge between creators and users of copyright material.

CAL collects and distributes fees on behalf of authors, journalists, visual artists, photographers and publishers, operating as a non-exclusive agent to license the copying of works to the general community.

CAL administers licences for the copying of print material by educational institutions, government agencies, corporations, associations, places of worship and other organisations.

Authors must register to receive monies directly from CAL. If not registered, the monies may go to the publisher who is then responsible for passing on the author's share under terms of the publishing contract.

For more information on CAL visit their website www.copyright.com.au

APRA – Performing rights for composers

The Australasian Performing Rights Association (APRA) administers the performing rights in the music of composers, songwriters and publishers in Australia and New Zealand. These are the rights of performance in public and communication to the public.

The rights of performance in public occur mostly when music is played on radio, television, in music venues and other venues that play music (including incidental music), and businesses (including online businesses) which use music.

The right of communication to the public includes any method of communicating music to the public including television, radio, Internet, cable services and other media.

APRA also manages the reproduction rights' licensing business of the Australasian Mechanical Copyright Owners Society (AMCOS).

For more information about APRA visit their website www.apra.com.au

Screenrights

Screenrights is a copyright collecting society for screenwriters, producers, distributors, music copyright owners, copyright owners in artistic works and sound recordings, and other rights holders in film and television.

Screenrights manages rights on behalf of copyright owners in film and television, licensing the use of their work in circumstances where it is difficult or impossible to do so on an individual basis.

Screenrights also administers the educational copying license. This allows educational institutions to copy from radio and television, provided they pay a fee to copyright owners. Screenrights monitors copying, collects money and distributes this income to the copyright owners.

In addition, Screenrights collects royalties being held by other societies administering rights in their territories. All money collected is distributed to the copyright owners after deduction of administrative overheads.

For more information on Screenrights visit their website www.screen.org

Screenrights has also established a website for educators at www.enhancetv.com.au.

Enhancetv lets teachers know about upcoming programs relevant to their curriculum and provides teaching resources for using television and radio in educational contexts.

Viscopy

Viscopy is the copyright collecting society for visual artists in Australia and New Zealand. Established in 1995, Viscopy is the main point of contact for those wishing to clear copyright for the reproduction of artistic works.

Viscopy has about 2 000 Australian artist members, half of which are Indigenous artists and their estates.

Viscopy negotiates copyright-related transactions between the artist and the user for reproductions of artistic work in advertising, publications, newspapers and electronic media such as television, cinema, the Internet and CD-ROM. Viscopy handles associated contracts, negotiations, legal requirements and the distribution of royalties.

There is no membership fee to join Viscopy. However, an administrative charge applies to clearances. Payments are then made to artists half yearly.

For more information on Viscopy visit their website www.viscopy.com.au



follow up

Applying the protocols

Protocols are about people's value systems and their cultural beliefs.⁶⁷

The protocols in this guide are flexible. You can use them to further develop protocols for your new media art project, program or practice, and language group, region, clan or community.

It is important to read all the preceding sections of *New Media Cultures* before applying the protocols. **Follow Up** can then be the main point of reference when returning to the guide at a later date, or in the planning stage of an Indigenous new media art project or program.

Follow Up provides a checklist of key points to consider when developing protocols for a new media art project, or in your own practice. It offers different and more specific information than the preceding sections. We therefore suggest you use the points outlined here together with the *Principles and Protocols* and *Copyright* sections.

The following principles are a framework for respecting Indigenous heritage.

- Respect
- Indigenous control
- Communication, consultation and consent

- Interpretation, integrity and authenticity
- Secrecy and confidentiality
- Attribution
- Proper returns
- Continuing cultures
- Recognition and protection.

Respect

The rights of Indigenous people to own and control their cultures should be respected.

Diversity of Indigenous cultures should be acknowledged and encouraged.

Indigenous world views, lifestyles and customary laws should be respected in contemporary artistic and cultural life.

Those working in Indigenous new media art are encouraged to respect that:

- Indigenous Australians, the Aboriginal and Torres Strait Islander people, are the original inhabitants of Australia.
- Acknowledgment should be given to the Indigenous custodians of the country and in a manner preferred by the custodians.
- Indigenous cultures are living cultures.
- Indigenous culture is diverse. Culture varies from Indigenous country to country and from clan to clan.

- Local community protocols and protocols associated with a specific work should always be respected and observed.
- Derogatory or outdated perspectives and terminology should be avoided.

Indigenous control

Indigenous people have the right to self-determination in their arts and cultural affairs.

This means Indigenous people have the right to own and control their heritage – including Indigenous body painting, stories, songs, dances, images, traditional knowledge and other forms of cultural expression.

- Identify appropriate information and authority bodies
- Discuss your ideas for development of new media works and projects with relevant people in Indigenous media organisations and Indigenous arts centres.
- The current practice of the Australia Council requires all Indigenous participants to provide a letter of support confirming their Aboriginal or Torres Strait Islander identity from an incorporated Indigenous organisation.
- When engaging Indigenous contributors to participate in a project, the Aboriginal and Torres Strait Islander Commission (ATSIC) definition of Aboriginal identity can be used as a guide.
- Keep appropriate and relevant Indigenous people informed and advised, and where possible, provide regular updates.

Communication, consultation and consent

Indigenous people should be consulted on the use and representation of their Indigenous heritage material. Consultation is an ongoing process.

Communication

Have you considered how the proposed work might impact on or portray Indigenous people?

- Consider the risk and benefits of incorporating Indigenous creation stories and discuss widely with relevant individuals, families, clans and people in authority about your intended use.
- Is the particular cultural expression suitable for public use, or is it subject to restrictions? If unsure, discuss with Indigenous custodians.
- Indigenous people have the right to be represented by Indigenous people of their choice. Consult with Indigenous organisations, family members, and individuals relevant to the project.
- Discuss who should own copyright in the resulting work, e.g. the community, the writer, an organisation, or a combination? The following factors may be taken into account:
 - nature of the commission
 - skill, labour and effort of the writer
 - nature of the subject matter
 - whether it is a collaboration
 - fee for engagement, whether royalty-based or a flat fee.
- Have you advised the elders or people in authority of the perceived risks and benefits from the wider dissemination of their cultural material?

Consultation

- Consultation should address the communal nature of Indigenous cultural expression.
- Make opportunities for the relevant Indigenous people to view and comment on proposals and prototypes of the project. Show the community or individual the work prior to public release, and make time available to incorporate their suggestions.
- Be flexible with time and understand that the consultation process may be lengthy. Do not expect to have a reply to a question in a day or week. Each community will need time to consider and consult.

Consent

Has the consent of the relevant Indigenous people been obtained? This should include the consent of writers, storytellers, artists (including next of kin if deceased) and the custodians of traditional knowledge.

- Are you proposing to record cultural information? Do you wish to license the developed work? Prior informed consent must be sought for all uses.
- Are there plans to license the work to other companies? Are there consultation processes built into any agreements for ongoing use?
- Are you planning to focus on an identifiable individual or community? If so, ask the individual, community, or relatives of the individual for permission. Observe close consultation and consent throughout the process.
- Have you considered the possibility that there may be no consent to your proposal?

Interpretation, integrity and authenticity

Indigenous people should be consulted about the integrity and authenticity of their cultural heritage material.

Indigenous people should have control over how their material is presented.

When dealing with Indigenous cultural material, consider the following:

Interpretation

How will your work affect the Indigenous group it is based on?

- Does it empower Indigenous people?
- Does it depict or expose confidential, personal and/or sensitive material?
- Does it reinforce negative stereotypes?

Integrity

- Are you proposing to adapt or alter the cultural heritage material in any way? If so, have you discussed this and gained consent?
- Will the individual or community who is the subject of the work get an opportunity to see the work?
- Have their suggestions been incorporated prior to public dissemination?

Authenticity

- Seek advice on the correct cultural context for the material, particularly for heritage material. Ask about any restrictions on the material and the exact meaning of any language words if unsure.
- Are there restrictions on performance such as where, when, and by whom?
- Are you using heritage material such as imagery, music and language with regard to gender, clan affiliations and cultural restrictions?

Secrecy and confidentiality

Sacred and secret material refers to information that is restricted under customary law. The right of Indigenous people to keep secret and sacred their cultural knowledge should be respected.

Indigenous people have the right to maintain confidentiality concerning aspects of their personal and cultural affairs.

- Does the new media artwork expose secret/sacred, confidential or sensitive material?
- Secret and sacred objects are important to Indigenous religious practices. It may be a transgression of Indigenous law to reproduce these images. For instance, some cultural information may only be learned or viewed by men or women, or only after initiation.
- Speak to elders and/or other Indigenous people in authority to identify any sensitivities, sacred or religious issues that might prevent depicting the image, story or event.
- Be aware that the inclusion of personal material may be sensitive. Many Indigenous communities have restrictions on whether the name and photograph of a deceased Indigenous person can be made public. If individuals, family or clan representatives object – leave it out.
- If depicting deceased people, seek permission from family or clan representatives. Discuss issues of interpretation, integrity and authenticity.
- If adapting content of traditional knowledge or communally-owned material, it is a good idea to explain the adaptation you propose and give people time to comment.

Attribution

Indigenous people should be given proper credit and/or appropriate acknowledgment, including copyright and royalties, for their role in the development and use of their cultural material.

- Acknowledge Indigenous contributors, writers, creators, communities and custodians who contribute to the work in any important way.
- Ask for correct wording of how the person or community wishes to be attributed with ownership or contribution.

- Ensure that proper acknowledgment is given to the writer and the source community, or other relevant Indigenous people.

Proper returns

Indigenous people have the right to be paid for their contribution and for the use of their cultural heritage material.

Indigenous people have the right to control commercial exploitation of their cultural and intellectual property.

- The issue of copyright ownership of the material form of cultural expression should be discussed up-front.
- Have fees or other benefits been negotiated with the contributors and traditional custodians?
- Are the relevant Indigenous people sharing in the benefits from any commercialisation of their cultural material?
- Is the cultural value of the work recognised? The cultural contribution of Indigenous people to new media art should be valued, acknowledged and remunerated.
- Indigenous cultural advisers should be acknowledged and properly remunerated for their contribution.
- Incorporate any such fees in the project budget when applying for funding.

Continuing cultures

Indigenous cultures are dynamic and evolving, and the protocols within each group and community will also change.

Indigenous people have a responsibility to ensure the practice and transmission of Indigenous cultural expression is continued for the benefit of future generations.

Consultation is an ongoing process.

- Have you given thought to ways of maintaining relationships for future consultation?
- Have future uses of the artwork not contemplated at the initial consultation been considered?
- Have cultural protocols been considered and included in any future licence agreements for use of the work?

Recognition and protection

Indigenous people have the right to protection of their cultural and intellectual property.

Australian laws and policies should be developed and implemented to respect and protect Indigenous rights to cultural and intellectual property.

- Have copyright issues been discussed?
- What means of identifying cultural sources of information have been proposed?
- Written releases and contracts are the best way of ensuring that rights are cleared for proposed and intended use. It is a good idea to seek independent advice on written releases and contracts. The Arts Law Centre of Australia has sample agreements available for members.

Copyright

Copyright protects:

- Artistic works
- Literary works
- Musical works
- Dramatic works
- Films, sound recordings
- Television and sound broadcasts
- Published editions of works.

The owners of the copyright works have the exclusive right to, among other things:

- reproduce the work in a material form
- publish the work
- communicate the work to the public.

- Creators do not need to register for copyright protection.
- Copyright lasts for 50 years from the death of the creator for artistic, literary, musical and dramatic works. Films and sound recordings are protected for 50 years from when they are made.
- A person will infringe copyright in a copyright work, film or sound recording if he or she reproduces it in material form, publishes it or communicates the work to the public, without the permission of copyright owner.
- In collaborative works, copyright may be shared with the collaborating artists.
- The Indigenous artist who incorporates traditional ritual knowledge in his or her artwork has a special obligation to the clan when exercising the copyright in the artwork.
- When reproducing copyright material it is necessary to get the copyright clearance from the artist.
- New media artists are encouraged to use written agreements when licensing artworks for commercial purposes.
- The artist has the moral rights to his or her artwork. This includes the right of integrity and attribution.
- There are statutory licensing schemes which allow copying of certain copyright material under certain circumstances. The relevant collecting agencies including APRA, Viscopy, CAL and Screenrights collect and distribute royalties to their members.



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- ¹¹ The Mataatua Declaration was developed at the First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples, 12–18 June 1993, at Whakatane, Aotearoa, New Zealand. A full text of the Declaration is cited in Terri Janke, *Our Culture: Our Future*, pages 306–310.

- ¹² Erica Irene Daes, *Final Report on the Protection of the Heritage of Indigenous Peoples*, United Nations Document E/CN.4/Sub.2/1995/26. The full text, as adopted and elaborated on by ATSIIC's Indigenous Reference Group, is cited in Terri Janke, *Our Culture: Our Future*, pages 273–277. See also Erica Irene Daes, *Study of the Protection of the Cultural and Intellectual Property of Indigenous Peoples*, United Nations Economic and Social Council, Geneva, 1993.
- ¹³ See the World Intellectual Property Organisation's website, <http://www.wipo.int/globalissues>, for further information.
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- ¹⁶ Mellor, Doreen (ed), *Valuing Art, Respecting Culture: Protocols for Working with the Australian Indigenous Visual Arts and Craft Sector*, National Association for the Visual Arts, Sydney, 2001, page 13.
- ¹⁷ Mellor, Doreen (ed), *Valuing Art, Respecting Culture*.
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- ¹⁹ Vynette Wright, email to Terri Janke & Company, 27 May 2002.
- ²⁰ Registered under the Aboriginal Councils and Associations Act 1976 (Cth) or other relevant legislation.
- ²¹ Jenny Fraser, email to Terri Janke & Company, 21 April 2002.
- ²² Vynette Wright, telephone interview, 20 May 2002.
- ²³ Mellor, Doreen (ed), *Valuing Art, Respecting Culture*, page 44.
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- ²⁷ Rhoda Roberts, [then] Artistic Director, Sydney Olympic Committee of the Olympic Games, telephone consultation, February 2002.
- ²⁸ Virginia Baxter and Keith Gallasch (eds), *Australia's Indigenous Arts*, page 51.
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- ³⁰ Brenda L Croft, email correspondence, 8 May 2002.
- ³¹ Robynne Quiggin, *Music Cultures: Protocols for Producing Indigenous Australian Music*, Australia Council for the Arts, Sydney, 2002.
- ³² Libby Feez, *Message Stick Online*, Australian Broadcasting Corporation, consultation meeting, 22 April 2002.
- ³³ Pauline Lampton, personal communication, 24 May 2002.
- ³⁴ Anthony Balmain, 'Artists Olympian struggle to get justice for brushstrokes', *Age*, 19 June 2001.
- ³⁵ Brenda L Croft, email correspondence, 8 May 2002.
- ³⁶ Dr Anita Heiss wrote this project under commission for the Council of the City of Sydney.
- ³⁷ Mark Leavy, CyberDreaming, telephone consultation, 23 May 2002.
- ³⁸ Mellor, Doreen (ed.), *Valuing Art, Respecting Culture*, page 16.
- ³⁹ Jenny Fraser, email to Terri Janke & Company, 21 April 2002.
- ⁴⁰ Brenda L Croft, email correspondence, 8 May 2002.
- ⁴¹ See full text of the *Copyright Act 1968 (Cth)*.
- ⁴² Section 35(6) of the *Copyright Act 1968 (Cth)* states that where the work is 'made in by the author in pursuance of the terms of his or her employment by another person under contract of service or apprenticeship, that the other person is the owner of any copyright subsisting in the work'.
- ⁴³ Section 176(1), *Copyright Act 1968 (Cth)*.
- ⁴⁴ Section 31(a), *Copyright Act 1968 (Cth)*.
- ⁴⁵ This refers to the broadcasting of both sound and visual images on television.
- ⁴⁶ Section 31(1)(b), *Copyright Act 1968 (Cth)*.
- ⁴⁷ Section 31(a), *Copyright Act 1968 (Cth)*.
- ⁴⁸ Section 31(1)(b), *Copyright Act 1968 (Cth)*.
- ⁴⁹ Section 85, *Copyright Act 1968 (Cth)*.
- ⁵⁰ Section 31(1)(b), *Copyright Act 1968 (Cth)*.
- ⁵¹ The right to reproduce an artistic work in material form is an exclusive right pursuant to Section 31(1)(b) of the *Copyright Act 1968 (Cth)*.
- ⁵² Section 21(1A), *Copyright Act 1968 (Cth)*.
- ⁵³ Section 10, *Copyright Act 1968 (Cth)*.
- ⁵⁴ Section 35, *Copyright Act 1968 (Cth)*.
- ⁵⁵ Bulun Bulun & M* v R & T Textiles Pty Ltd (1998), 41 Intellectual Property Reports 513. The M* refers to a deceased person and that is how the cultural protocol advises speaking of him.
- ⁵⁶ Section 194(1), *Copyright Act 1968 (Cth)*.
- ⁵⁷ Section 194AA, *Copyright Act 1968 (Cth)*.
- ⁵⁸ Sections 195AJ, 195 AK and 195 AL, *Copyright Act 1968 (Cth)*.
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- ⁶⁰ *Style Manual for Authors, Editors and Printers*, 6th edn, Commonwealth of Australia, Canberra, 2002, page 413.
- ⁶¹ Section 36, *Copyright Act 1968 (Cth)*.
- ⁶² Section 65, *Copyright Act 1968 (Cth)*.
- ⁶³ Section 41, *Copyright Act 1968 (Cth)*.
- ⁶⁴ Section 42, *Copyright Act 1968 (Cth)*.
- ⁶⁵ Section 43, *Copyright Act 1968 (Cth)*.
- ⁶⁶ Section 49, *Copyright Act 1968 (Cth)*.
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Virginia Baxter and Keith Gallasch (eds), *Australia's Indigenous Arts*, Realtime for the Australia Council for the Arts, Sydney, 2000.



contacts

Artist associations

National Association for the Visual Arts

PO Box 60
Potts Point NSW 1335
Tel: (02) 9368 1900
Toll Free: 1800 221 457
Fax: (02) 9358 6909
Email: nava@visualarts.net.au
Web: www.visualarts.net.au/nava

Arts policy and funding

Aboriginal and Torres Strait Islander Arts Board, Australia Council

PO Box 788
Strawberry Hills NSW 2012
Tel: (02) 9215 9065
Toll Free: 1800 226 912
Fax: (02) 9215 9061
Email: atsia@ozco.gov.au
Web: www.ozco.gov.au

Arts NT

GPO Box 1774
Darwin NT 0801
Tel: (08) 8924 4400
Fax: (08) 8924 4409
Email: arts.office@nt.gov.au
Web: www.nt.gov.au/cdsa/dam

Arts Queensland

GPO Box 1436
Brisbane QLD 4001
Ph: (07) 3224 4896
Toll Free (QLD): 1800 175 531
Fax: (07) 3224 4077
Toll Free (QLD): 1800 175 532
Email: reception@arts.qld.gov.au
Web: www.arts.qld.gov.au

Arts Queensland – Aboriginal and Torres Strait Islander Unit

PO Box 5300
Cairns Mail Centre QLD 4870
Tel: (07) 4048 1411
Fax: (07) 4048 1410
Email: cairnsaq@arts.qld.gov.au
Web: www.arts.qld.gov.au

Arts SA

GPO Box 2308
Adelaide SA 5001
Tel: (08) 8463 5444
Fax: (08) 8463 5420
Email: artssa@saugov.sa.gov.au
Web: www.arts.sa.gov.au

Arts Tasmania

GPO Box 646
Hobart TAS 7001
Tel: (03) 6233 7308
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Email: arts.tasmania@arts.tas.gov.au
Web: www.arts.tas.gov.au

Arts Victoria

Private Bag No 1
South Melbourne VIC 3205
Tel: (03) 9954 5000
Toll Free (VIC): 1800 134 894
Fax: (03) 9686 6186
Email: artsvic@dpc.vic.gov.au
Web: www.arts.vic.gov.au

Arts WA

PO Box 8349
Perth Business Centre WA 6849
Tel: (08) 9224 7310
Toll Free (WA): 1800 199 090
Fax: (08) 9224 7311
Email: info@artswa.mca.gov.au
Web: <http://hosted.at.imago.com.au/artswa/>

Department of Communications, Information Technology and the Arts

GPO Box 2154
Canberra ACT 2601
Tel: (02) 6271 1000
Fax: (02) 6271 1901
Email: dcita.mail@dcita.gov.au
Web: www.dcita.gov.au

NSW Ministry for the Arts

PO Box A226
Sydney South NSW 1235
Tel: (02) 9228 5533
Toll Free (NSW): 1800 358 594
Fax: (02) 9228 4869
Email: ministry@arts.nsw.gov.au
Web: www.arts.nsw.gov.au

Copyright and legal

Arts Law Centre of Australia

The Gunnery
43–51 Cowper Wharf Road
Woolloomooloo NSW 2011
Tel: (02) 9356 2566
Toll Free: 1800 221 457
Fax: (02) 9358 6475
Email: artslaw@artslaw.com.au
Web: www.artslaw.com.au

Australian Copyright Council

PO Box 1986
Strawberry Hills NSW 2012
Redfern NSW 2016
Tel: (02) 9318 1788
Fax: (02) 9698 3536
Email: cpright@copyright.org.au
Web: www.copyright.org.au

Indigenous Cultural and Intellectual Property website

Web: www.icip.lawnet.com.au

Copyright collecting societies

Copyright Agency Limited – CAL

Level 19, 157 Liverpool Street
Sydney NSW 2000
Tel: (02) 9394 7600
Fax: (02) 9394 7601
Email: info@copyright.com.au
Web: www.copyright.com.au

Australasian Performing Right Association – APRA

Locked Bag 3665
St Leonards NSW 2065
Tel: (02) 9935 7900
Fax: (02) 9935 7999
Email: apra@apra.com.au
Web: www.apra.com.au

Screenrights

PO Box 1248
Neutral Bay NSW 2089
Tel: (02) 9904 0133
Fax: (02) 9904 0498
Email: info@screen.org
Web: www.screen.org

Viscopy

Level 1, 72–80 Cooper Street
Surry Hills NSW 2010
Tel: (02) 9280 2844
Fax: (02) 9280 2855
Email: viscopy@viscopy.com
Web: www.viscopy.com.au

Indigenous organisations

Aboriginal and Torres Strait Islander Commission – ATSIC

PO Box 17
Woden ACT 2606
Tel: (02) 6121 4000
Toll Free: 1800 079 098
Fax: (02) 6281 0722
Web: www.atsic.gov.au

Australian Institute for Aboriginal and Torres Strait Islander Studies – AIATSIS

GPO Box 553
Canberra ACT 2601
Tel: (02) 6246 1111
Fax: (02) 6261 4286
Email: email@aiatsis.gov.au
Web: www.aiatsis.gov.au

Gadigal Information Service

PO Box 966
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Tel: (02) 9564 5090
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Email: info@gadigal.org.au
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Goolarri Media Enterprises

PO Box 2708
Broome WA 6725
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Web: www.goolarri.com.au

Island Coordinating Council

PO Box 501
Thursday Island QLD 4875
Tel: (07) 4069 1446
Fax: (07) 4069 1868

Torres Strait Islander Media Association

PO Box 385
Thursday Island QLD 4875
Tel: (07) 4069 1524
Fax: (07) 4069 1886
Email: admin@tsima4mw.org.au

Torres Strait Regional Authority

PO Box 261
Thursday Island QLD 4875
Tel: (07) 4069 0700
Fax: (07) 4069 1879
Email: wayne.seekee@tsra.gov.au
Web: www.tsra.gov.au

New media and screen organisations

Australian Centre for the Moving Image – ACMI

Federation Square
Flinders Street
Melbourne VIC 8009
Tel: (03) 8663 2200
Fax: (03) 8663 2211
Email: contact@acmi.net.au
Web: www.acmi.net.au

Australian Network for Art and Technology – ANAT

PO Box 8029, Station Arcade
Adelaide SA 5000
Tel: (08) 8231 9037
Fax: (08) 8211 7323
Email: anat@anat.org.au
Web: www.anat.org.au

Indigenous Branch Australian Film Commission

GPO Box 3984
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