

Working respectfully with Aboriginal and Torres Strait Islander artists

Within the RAP community, many organisations choose to engage Aboriginal and/or Torres Strait Islander artists during the design of their RAP artwork, or for other activities within their RAP.

Aboriginal and Torres Strait Islander artwork can come in a number of different mediums. For example, music, writing, visual arts, media arts, performing arts. This guide focuses mainly on visual arts, specifically any artwork you wish to use for your RAP – e.g. on the front cover, throughout the document, or to include on brochures, posters and any other material related to your RAP.

If your organisation is wanting to incorporate Aboriginal and/or Torres Strait Islander artwork into your RAP, it is important to understand the protocols and procedures that should be followed as well as Indigenous Cultural and Intellectual Property and Copyright laws. The following resource will help guide you along this journey.

First steps

Aboriginal and Torres Strait Islander cultural diversity

It is important to recognise that Aboriginal and Torres Strait Islander cultures are diverse and complex. This resource should therefore be used as a 'first step' and an introduction, rather than an exhaustive guide. Please ensure that you consult with Aboriginal and Torres Strait Islander stakeholders when commissioning an Aboriginal and Torres Strait Islander artwork for your RAP.

Copyright and Indigenous Cultural and Intellectual Property (ICIP)

It has been widely commented that current Australian intellectual property laws, such as the Copyright Act 1968 (Cth), provide inadequate levels of protection for Aboriginal and Torres Strait Islander intellectual property and cultural heritage. For example, the Copyright Act 1968 (Cth) is aimed at protecting individual creators of arts, rather than protecting communal rights. It is also designed to protect artistic works but offers little protection against the reproduction of cultural knowledge, stories or artistic styles.

Laws all over the world known as "intellectual property laws" protect some of the things that people produce as a result of their intellectual effort including artworks and designs. Australian intellectual property laws only protect some forms of Indigenous Cultural and Intellectual Property.

It is therefore important for organisations to go above and beyond the minimum legal requirements.

Ask the important questions

Reconciliation Australia will remind you upon conditional endorsement of your RAP to acknowledge the artist and the story behind any Aboriginal and/or Torres Strait Islander artwork or imagery you are using in your RAP. However, the process of obtaining Aboriginal and Torres Strait Islander art for your RAP will begin much earlier than this.

The following guides your approach to ensure you have considered laws and protocols well before sending your final RAP to Reconciliation Australia for endorsement.

Key considerations

- Who is the artist and has your organisation taken time to build a relationship?
- Where is the artist from?
- Have you received permission from the artist to produce the artwork in the exact way you intend to?
- Have you come to an agreement with the artist about payment?
- Have you considered what you will do if the artist passes away?
- Have you discussed and received permission to reproduce the artwork in different ways and through different mediums e.g. posters, t-shirts, online, through social media etc.?
- Have you consulted with the local Elders and Traditional Owners about the appropriateness of producing this artwork on your RAP?
- Have you acknowledged the artist appropriately?
- Have you shared enough accurate information about the artist and artwork in your RAP?
- Have you considered how this artwork may be accepted by the community? For example, if you are a company in Melbourne and you have engaged an artist from Sydney, have you thought about this and consulted the necessary parties?

Stock images and artificial intelligence image generation

Taking into account these key considerations is important to ensure any artwork or photos are used in a considered, meaningful and respectful way.

Do not use stock images or artificial intelligence image generation for Aboriginal and Torres Strait Islander artwork or images in your RAP.

Consent, credit and captions

Ensure permissions are sought from photographers and individuals depicted in all photographs. All photos in a RAP should be appropriately captioned and help to explain your reconciliation journey and future commitments.

Further reading

We encourage you to learn more through these helpful resources:

- **Creative Australia:** [Protocols For Using First Nations Cultural And Intellectual Property In The Arts](#), Terri Janke & Company: True Tracks®: a pathway to Indigenous engagement
- **Copyright Agency** information on [permissions and licenses](#)
- The **Arts Law Centre of Australia** Artists in the Black [information sheet](#) on Indigenous Cultural and Intellectual Property
- The **Indigenous Art Code** [website](#)
- The **Fake Art Harms Culture** [campaign](#)
- The Narragunnawali: Reconciliation in Schools and Early Learning [professional learning resource on Visual Arts](#)
- The [Copyright Act 1968](#)

Suggested Deliverables for your RAP

If your organisation would like to support the Aboriginal and Torres Strait Islander arts sector and do more in this space, consider including the following deliverables in your RAP.

- Support the 'Fake Art Harms Culture' campaign to lobby the Australian Government to address the proliferation of fake Aboriginal and Torres Strait Islander art and art products.
- Develop relationships with local Aboriginal and Torres Strait Islander artists.
- Ensure all Aboriginal and/or Torres Strait Islander artwork displayed in your workplace is accompanied by information about the artwork, the artist and where they are from.

Still unsure?

Please email us at rap.team@reconciliation.org.au.