



# Evaluation of Artists in the Black Education Program

January 2009

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W e s t W o o d S p i c e

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**Front cover photo:**

Martumuli community members and  
Artists with Artists in the Black team members  
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## 1 Executive Summary

The Artists in the Black Program (AITB) was initiated by the Arts Law Centre of Australia (Arts Law) in 2003 with an initial two year pilot project funded by the Australia Council. It has continued to expand through a range of funding sources and provides a broad sweep of activities across Australia to increase the access of Indigenous Australians to legal advice and support in relation to their arts activities. Arts Law is the only organization in Australia addressing legal issues for Indigenous artists even though it is not an Indigenous organisation.

A central focus of AITB is its educational program which has as its objectives:

- To increase understanding and awareness of Arts Law issues affecting Indigenous people/artists;
- To develop Arts Law expertise within the Indigenous community;
- To increase awareness of the Arts Law Centre services.

Over the past five years, AITB has held 153 workshops in more than 130 different geographical locations around Australia and has had a total of approximately 3085 Indigenous artists and workers participants. The workshops deal with the Arts Law issues that artists and communities need to manage as part of their arts activities. Primarily these are copyright, moral rights, protecting Indigenous cultural heritage, contracts and licensing and in more recent time wills.

In addition to the workshops AITB has developed an Information Kit which consists of comic/information sheets, a poster and brochure. To date 12,000 kits have been distributed nationally. AITB also works on educational projects in conjunction with external agencies e.g. Aboriginal Directorate of NSW Board of Studies to provide legal expertise.

An external evaluation of the effectiveness and impact of the AITB educational activities was undertaken by WestWood Spice consultants from September through November 2008.

### Findings

The AITB project has had extensive reach to a very broad spectrum of Indigenous artists across all regions of Australia. It has had a vital role in identifying key legal issues and gaps relating to Indigenous artists and addressing these. The education project has been responsive to identified needs as they have arisen and endeavoured to adapt and evolve educational approaches to respond to the great diversity of artists and their communities in terms of literacy, language, educational levels, cultural and living contexts in locations ranging from urban to remote communities. The educational initiatives have clearly been successful in meeting objectives and providing participant satisfaction across this diversity of contexts.

The evaluation findings confirmed enthusiastic support of the AITB education program, its value and effectiveness. Participants reported overwhelmingly that they gain greatly from the workshops and that the manner of delivery is flexible, responsive and well adapted to most participants' needs. The Arts Law staff are

seen to be knowledgeable, helpful and sensitive to community needs. A range of areas were identified where the workshop delivery can be further enhanced.

The broader impacts of AITB have also been important in promoting awareness nationally of Indigenous Arts Law issues and undertaking advocacy across a range of identified issues such as wills.

There is strong support for the continuation and expansion of the program including that expressed by the Australia Council. There was unanimous support for the AITB team approach and for Arts Law/AITB, despite the fact that Arts Law is not an Indigenous organisation. It was also clear that the branding of AITB and the employment of Indigenous staff were very effective strategies to give Indigenous artists and organizations an entry point into Arts Law and its services. Furthermore Arts Law demonstrates a very inclusive approach to the AITB program and has developed a policy to support Indigenous staff working in the organisation. It is clear that the policy is much more than words on paper and models an effective organisational approach to Indigenous inclusiveness.

Arts Law has allocated significant additional organizational resources to the AITB well beyond the grants received for the program. Providing education to remote communities across Australia is very costly in terms of time and travel and the Centre has been very proactive and enterprising in securing sponsorships and additional funds to enable broad delivery of the program. With no other body in Australia undertaking work of this nature to enhance the access of Indigenous artists to legal knowledge and rights the AITB program provides an invaluable service which needs to be sustained. Arts Law also has an important ongoing role in promoting these issues in the broader sector, educating artists in their diversity and advising and providing individuals and organisations with legal advice.

## **Recommendations**

The following recommendations build on the substantial achievements of the AITB program and provide a framework to expand and strengthen AITB and to enhance its impact in addressing the enormous unmet need in arts law issues for Indigenous artists which has been identified.

### **1. Secure funding to ensure AITB is sustained and expanded**

Arts Law has been very resourceful and effective in securing funds to deliver programs. However, sustained funding needs to be secured. The need to move away from short term funding of Indigenous programs once effectiveness has been established is now widely recognised. Not only does Arts Law need to have secure recurrent funding but the broad need for the AITB services indicates that additional funding is required. There is no other body addressing the unmet legal needs of the Indigenous arts sector.

### **2. Continue and expand broad awareness raising about Arts Law issues for Indigenous artists**

The promotion role played by Arts Law in highlighting issues for Indigenous artists needs to be further expanded through:

- Further development of the core messages which need to be delivered as basic information and an entry point of access for all Indigenous artists along with appropriate materials/resources to convey them;
- Further development of the data base of contacts, networks and utilisation of this to increase ongoing reach of messages and information;
- Increased dissemination of information through the Koori Mail and other Indigenous media, Indigenous and regional radio, the Media Entertainment and Arts Alliance, theatre companies, Indigenous festivals to name a few;
- Continuing to work with broad media and further national and regional network building.

### **3. Review and improve workshop process/delivery**

There needs to be ongoing review and revision of the workshop format and content to ensure its responsiveness to individual groups and monitoring of its effectiveness and appropriateness through inclusion of more experiential and creative approaches. Suggested changes include:

- Increased interactivity and use of small group work;
- Simplification and reduction of content;
- Inclusion of more Indigenous case studies and scenarios;
- Use of more visuals and appropriate graphics;
- Inclusion of a range of participatory evaluation processes.

### **4. Explore options for delivery of core messages for Indigenous artists through other workers and community members**

To enhance the reach of key, non technical messages and general information about arts law more broadly and sustain information dissemination following AITB workshops a range of options should be considered. This involves:

- Determination of key, non legal messages;
- Exploration of options of local groups/workers/organisations who can be key informants and convey key messages through for instance, Community Legal Centres, Arts Centres, Community Cultural Centres etc;
- Development of materials/resources with key messages, including review and/or adaptation of AITB information kit comics;
- Provision of training and information sessions for relevant workers or community members as necessary;

- Identification of key workers/contacts in communities who can continue to distribute AITB materials following workshops by AITB.

#### **5. Monitor appropriateness and impact of AITB in engaging with diverse community members**

Many of the Indigenous artists to whom AITB delivers programs are in remote communities where English is not the first language, literacy levels are generally low and there may be significant community sensitivities. It is important that AITB continues to monitor and evaluate its effectiveness and appropriateness in engaging with community members through:

- Monitoring the effectiveness of protocols developed for visiting new communities;
- Agreeing a set of qualitative evaluation indicators for AITB presenters to observe and monitor effectiveness and feedback about workshops;
- Developing processes for tracking informal feedback, e.g. debrief AITB meetings after workshops, diary entries etc;
- Establishing the routine of enquiring with Indigenous callers to Arts Law where they heard about Arts Law to track impact and awareness.

#### **6. Ongoing review and development of AITB education processes**

The AITB team has evolved the workshops approach and delivery over time to enhance its appropriateness for Indigenous participants. Further work in developing the educational approaches can be undertaken through:

- Exploration of participatory educational/empowerment techniques used in international community development and to consider their applicability to AITB, including for instance utilisation of cultural action approaches through drama and other cultural forms;
- Identification of opportunities for AITB staff to undergo professional development and further training in relevant adult education methodologies;
- Exploration of options for conveying Arts Law messages in creative formats through collaboration with other training organisations, e.g. hip hop music, paintings, radio programs, within the parameters of limited budgets.

## 2 Introduction

### 2.1 Background to the Artists in the Black Program

Since its inception in 1983 the Arts Law Centre of Australia has had an ongoing interest in, and commitment to, addressing issues for Indigenous artists and has engaged in a range of activities to this end over the years. This has included work on better protection of Indigenous cultural and intellectual property, such as the development of notices of community interests in artworks and participation in various fora about the protection of cultural heritage.

However it was after the current Executive Director joined Arts Law, together with the support of the Australia Council, that the issues for Indigenous artists were addressed in a significant way with the establishment of the *Artists in the Black* (AITB) service in 2004. The service was initially funded as a two year pilot project by the Australia Council and has received ongoing but non-recurrent funding for the program in the years since. Funding is accessed from a range of sources as well as the funding from the Australia Council.

To inform the development of the project Arts Law conducted a needs assessment survey in 2004 of Indigenous arts organisations across Australia to ascertain levels of interest and to determine the types of Arts Law services used, legal problems faced by Indigenous artists, areas of interest, and general awareness of Arts Law services. The 14 responses received were primarily from Indigenous organisations rather than individual artists. Of these most already knew about Arts Law (11). Many wanted the AITB program to provide a range of services including workshops, seminars, videos, information sheets, checklists, Indigenous specific information on the Arts Law website as well as legal advice and referrals. Most respondents also wanted a wide range of legal issues for Indigenous artists to be covered, e.g. contracts, insurance, copyright, protecting ideas and designs, employment, business names and structures and Indigenous intellectual property.

#### **Objectives of the AITB educational program**

AITB aims to provide information, education and support to the breadth of Indigenous artists living in urban, rural and remote locations across Australia and has the following stated objectives:

- To increase understanding and awareness of Arts Law issues affecting Indigenous people/artists;
- To develop Arts Law expertise within the Indigenous community;
- To increase awareness of the Arts Law Centre services.

Indigenous artists constitute a very heterogonous target audience working in a wide range of artistic forms, with very diverse educational backgrounds, varying English literacy levels and living in vastly different socio-economic and cultural contexts ranging from very remote communities to large metropolitan centres.

This poses considerable challenges in the design and delivery of education, information and support which is effective for varying needs, capacities and contexts.

## **2.2 This evaluation project**

The Australia Council as the major AITB funding body requested that Arts Law undertake an external evaluation of the Education Program to determine its impact and effectiveness and to identify ways to improve future service delivery and explore potential alternative approaches to delivery of education and information.

Funding of \$7,000 was made available through an Aboriginal Legal Access Program (ALAP) grant from the Combined Community Legal Centres Group in April 2008. WestWood Spice consultants were contracted to undertake the evaluation following unsuccessful attempts to secure an Indigenous evaluator.

The investigative questions to be considered in the evaluation were:

### **Program impact and effectiveness**

- Has participation increased awareness of the Arts Law services and in particular those of the AITB program?
- Have participants had further contact with AITB after attending a seminar/workshop?
- Has participants' understanding of Arts Law issues increased as a result of attending an AITB workshop/seminar?

### **Program modification**

- What improvements could be made to increase the effectiveness of the education program delivery?
- What alternative approaches could there be to the delivery of the Arts Law information and education activities, e.g. through train the trainer models?

### **Methodology**

The evaluation was undertaken in the period September to November 2008 and involved the following activities:

- Review of documentation and available evaluation material;
- Individual interviews with key Arts Law staff;
- Telephone interviews with a representative sample of participants, i.e. artists, Arts Centre managers, funding bodies, remote and urban areas
- Workshop with Arts Law AITB staff;
- Drafting of report and workshop to review feedback with Arts Law staff;
- Final report and recommendations.

The evaluation was both formative and summative and adopted an explicit capacity building approach with the intent of increasing the skills and insights of the AITB team during the project to strengthen the program.

### **Evaluation challenges and limitations**

The scope of the evaluation was limited by available resources. The findings are drawn from the best available data and input from a limited sample of stakeholders from urban and remote Indigenous contexts.

Evaluating the impact of providing information and education for a very diverse target group of Indigenous people has very specific challenges, particularly when many participants do not have English as a first language nor strong literacy skills. Ideally the evaluation would have included participation and observation by the evaluator in an AITB workshop. However these were being conducted in remote areas of Central Australia in the period of the evaluation and travel to participate in these was precluded.

It was beyond the scope of this project to evaluate the effectiveness of the Plain English Kit.

### **2.3 Increasing Indigenous access to mainstream services**

Increasing the access of Aboriginal and Torres Strait Islander people to services and support from mainstream organisations has been an important goal across many sectors in recent years. However, doing this effectively requires the commitment of focussed effort and resources and in particular developing understanding and sensitivity to the needs of Indigenous individuals and communities. Employing Indigenous staff can be an important way of both increasing understanding of Indigenous issues and also facilitating engagement and trust with communities by creating a link between services and communities and increasing cultural appropriateness. In order to be effective it is critical that organisations provide appropriate support for Indigenous employees which is reflective of their needs.

Engaging with a broad range of Indigenous communities presents particular challenges and each community is different and needs to be approached accordingly to establish credibility. This is particularly the case when working with remote communities where community protocols and sensitivities need to be respected. Delivering information and education face to face is essential for remote communities in particular, where the establishment of personal rapport and trust is a vital pre-requisite for accessing and accepting information.

## 3 The Artists in the Black program

### 3.1 AITB activities

The Artists in the Black Program undertakes a broad range of activities including:

- Education and training sessions/workshops on specific topics, e.g. copyright, moral rights, contract, intellectual property, issues relating to protection of cultural heritage, music law and wills;
- A 1800 help line providing legal advice, information and referrals with a direct link through to the Indigenous Information Liaison Officer;<sup>1</sup>
- Case work in the public interest for specific matters;
- Direct legal information and advice in response to calls from Indigenous artists and arts organisations;
- Broader awareness raising in the sector through promoting the program and Indigenous issues in publications, electronic media, conference, sector networks locally and nationally. There has also been an international profile established through presentation of the AITB program at the World Indigenous Intellectual Property Organisation (WIPO) in Geneva in 2007 and 2008.

Posters have been developed using graphics, Indigenous language and simple English text in partnership with the Pilbara Indigenous organisations PACDAC and Wangka Maya. (See Figures 1 and 2).

From the outset the AITB has evolved and developed in response to identified needs in a flexible and enterprising manner and endeavoured to monitor its effectiveness for its target audience. An on-line survey of the effectiveness of the AITB program was conducted in 2006/2007. Whilst the response rate was small (15), all respondents indicated a high degree of satisfaction with the services they had received with 100% of clients saying:

- The service met their needs;
- The service was delivered in a sensitive way;
- They would use the service again;
- They would recommend the service to others.

93% of clients rated the service as very good or excellent.

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<sup>1</sup> Note: the Indigenous information officer is only employed part-time so is not available to support every AITB client who contacts Arts Law.

## Wills workshops 2008

A priority focus of AITB in 2008 has been conducting workshops with Indigenous artists across Australia to assist them in understanding the importance of wills and working with them in preparing wills. This was in response to observations in Western Australia in 2007 that many artists did not have wills and this was identified as a significant problem. Specific funding was secured for this work along with the services of pro-bono solicitors.

## AITB resource kit

A Plain English resource and information kit was developed by Arts Law with visual brochures covering the topics of moral rights, copyright, contracts, indigenous cultural and intellectual property. These are distributed by Arts Law at all workshops and upon request to Indigenous and non-Indigenous organisations, with approximately 12,000 having been distributed to date.

Figure 1: AITB poster developed for Pilbara Arts Crafts and Design Corporation

**Yutimala**

There are lots of things to work out, if you want to have an exhibition. Heres some...

Where? What? How? Who's paying?

**Show Time**

**You are thinking about having an exhibition!**  
**There is a lot to think about:**  
**Where will it be? How long will it run for? Will you exhibit on your own or with another artist? How many artworks will be in it? If you sell an artwork, will the gallery/venue keep any money? What about the opening, advertising, packing, transport and insurance? Who will pay for what? You should have a written contract. Who will it be with?**

**Want to know more?**  
Contact these organisations

**The Arts Law Centre of Australia**  
FreeCall: 1800 221 457  
Ph: 02 9356 2566 Fax: 02 9358 6475  
Web: www.artslaw.com.au Email: artslaw@artslaw.com.au  
Address: The Gunnerly, 43-51 Cowper Wharf Rd, Woolloomooloo, N.S.W. 2001.

**Pilbara Arts Crafts & Designs Aboriginal Corporation**  
Ph: 08 91731059 Fax: 08 9173 1073  
Web: www.pacdac.org.au Email: pacdac@kisser.net.au

**Wangka Maya**

Always get legal advice.

These posters were made possible with support from these funding bodies:

artswa  
GOVERNMENT OF WESTERN AUSTRALIA  
Australian Government  
Department of Communications, Information Technology and the Arts

Can you help me please?

MW

AITB poster developed by Arts Law Centre of Australia, Pilbara Arts Crafts & Designs Aboriginal Corporation and Wangka Maya Pilbara Aboriginal Language Centre

### 3.2 Funding

Funding for AITB is accessed from a range of sources. Since the initial two year grant from the Australia Council there have been fluctuating levels of annual funding which provides some funding for staff positions but does not fully cover the broad activities of the program. For instance costs for travel to remote communities are considerable. The Arts Law Centre has been very resourceful in accessing funding through diverse sources to enable specific activities and the provision of education across Australia. Funds have been secured from grants, philanthropic organisations, pro bono and in kind contributions through legal firms, local Community Legal Centres and other services, e.g. Copyright Agency Limited.

#### **The costs of running the AITB program far exceed the core funding provided.**

Whilst Arts Law received \$100,000 from the Australia Council, the actual expenditure in 2008 was approximately \$200,000 and the real cost of delivering the service including the work of Arts Law's non-Indigenous staff and the in-kind contributions of law firms was closer to \$650,000.

#### **Funding Case Study**

In response to Indigenous art centres identifying an urgent need for wills to be drafted for senior Indigenous artists, a Wills project was established as the focus for 2008. This involved travel to 16 communities and drafting wills for 300 artists in Western Australia and Northern Territory. In some cases artists travelled from more remote communities to access the AITB will-drafting service. Arts Law also had to charter planes on three occasions to access the more remote communities.

Funding for this initiative was secured from Copyright Agency Ltd (CAL), the Myer Foundation and BHP Billiton and received further support from DLA Phillips Fox, Minter Ellison and CAL with participation of their solicitors on a pro bono basis. Funding of \$86,000 was obtained although costs including the time of Arts Law/AITB and pro bono lawyers, the pro bono lawyers' expenses were approximately \$250,000. Law firms have also taken on follow-up work as a result of their involvement.

### 3.3 Staffing and management

The AITB program funds a full time Indigenous solicitor and a part-time Indigenous Information and Liaison Officer. The other Arts Law solicitors are also extensively involved in the delivery of the service including workshops in remote communities and case work.

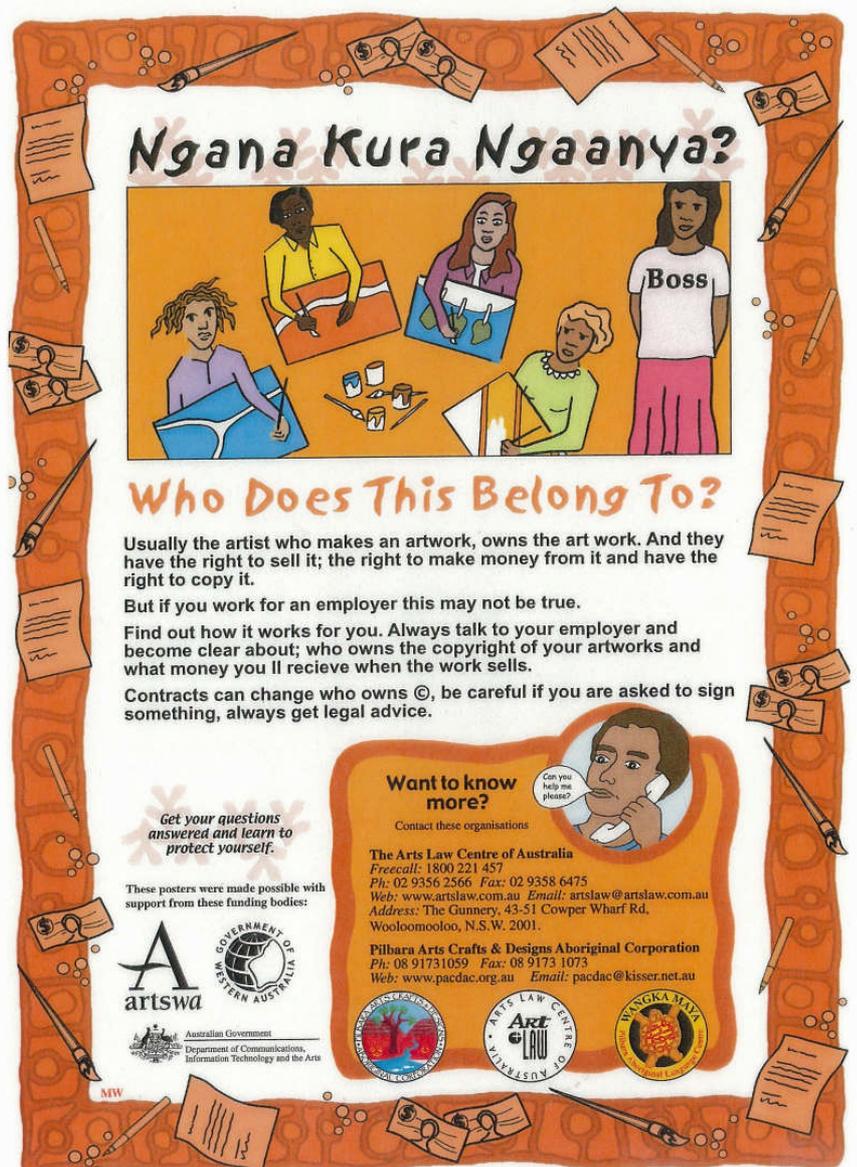
The AITB program is very strongly supported by Arts Law. There is an organisational culture of valuing and including the Indigenous staff as a clear commitment to the AITB program. Arts Law has developed a policy to support Indigenous staff working in the organisation and it is clear that the policy is much more than words on paper. The commitment of Arts Law staff resources beyond what is specifically funded by AITB is illustrative of the overall support.

All staff have been involved in cultural awareness training and those who deliver education undergo Train the Trainer training through the Community Legal Centres Program (CCLCG).

**Provision of a supportive working environment is recognized as a key factor in the recruitment and retention of Indigenous staff in mainstream organizations.**

The program is overseen by a Reference Group comprised of local and interstate members. However, in practice the Reference Group does not function as effectively as Arts Law would like. Yet, regular reports are provided to the Reference Group about AITB's activities, successes and problems. The Reference Group has been helpful in the development of protocols and dealing with funding difficulties.

Figure 2: AITB poster developed for Wangka Maya



AITB poster developed by Arts Law Centre of Australia, Pilbara Arts Crafts & Designs Aboriginal Corporation and Wangka Maya Pilbara Aboriginal Language Centre

## 4 AITB education workshops

### 4.1 Workshop formats

Educational workshops and seminars are delivered across Australia to Indigenous and non-Indigenous artists, Arts Centre managers and other interested individuals. The locations and participant numbers for workshops is in Table 1 (below). Workshop focus topics are:

- Copyright;
- Moral rights;
- Intellectual property other than copyright;
- Wills;
- Contracts;
- Music law.

Workshops are generally delivered by an Arts Law team comprising the Indigenous lawyer and/or Information Liaison Officer together with a non-Indigenous lawyer and are tailored to the specific audience and their needs or interests. Workshops are delivered either in response to specific requests from organisations, groups or communities or as part of a scheduled program. Groups usually comprise between 10-20 participants and the length of the workshop varies according to the content and context.

Some workshops are co-delivered with other presenters, e.g. Indigenous staff from Viscopy, the collecting society for visual artists. Pro bono lawyers have assisted with the wills workshops during 2008. Partnering with local Indigenous organisations in arranging or delivering workshops is central to the program.

#### **Partner organisations**

The AITB program works with a broad range of Indigenous and non-Indigenous organisations in the delivery of programs including: Koori Business Network, University Schools of Aboriginal Studies and other departments, TAFEs, Indigenous Art Centres, art galleries, collecting societies (Viscopy and CAL), regional arts bodies etc other organisations such as Public Interest Advocacy Centre, Anti Discrimination Board, Aboriginal Land Councils, tourism organisations, law firms, ANKAAA, Desart, Anunguku Arts, Umi Arts, Community Legal Centres and Aboriginal Legal Services.



Figure 3: Community workshop with Warlayirti Cultural Centre

### Workshop approach and development

The AITB team has been continuously evolving the workshop style and delivery to improve its effectiveness and appropriateness for the literacy, cultural and learning needs of the various Aboriginal contexts. The workshops aim to be participatory and reflective of the needs of the participants; information is sought about the particular community or participant group prior to delivering the education. Formats combine legal content with specific advice and responses to participants' questions. For instance presentation for a one day program for artists in a metropolitan context is different from that in a remote community. There is a focus on use of visual media with graphics and Powerpoint presentations<sup>2</sup>, butchers paper, white-boards and use of case studies and scenario discussions.

Questions are encouraged with endeavours to answer them and provide further advice.

***Arts Law staff encourage artists with specific legal problems to obtain separate detailed legal advice in a more private setting.***

Participant evaluation of some workshops has been through written feedback sheets. However, this has had limited applicability for many groups.

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<sup>2</sup> An earlier reliance on Powerpoint presentations has now been modified to more interactive approaches

**Table 1: AITB educational programs 2004-2008**

Year	Partic- ipants	Workshops/ Conferenc es	Locations
2004 (Jun– Dec)	580	16	Melbourne VIC, Townsville QLD, Perth, South Hedland, Roebourne, Newman, Parrngurr WA, Darwin, Alice Springs NT, Sydney NSW
2005	473	25	Adelaide SA, Alice Springs, Berrimah Prison, Darwin, Katherine, Oenpelli, Borrooloola, Tiwi Islands NT, Canberra ACT, Kununurra, Perth WA, Cairns, Mereeba, Townsville QLD, Melbourne VIC, Newcastle, Wollongong, Yasmarr Detention Centre Sydney NSW, Launceston TAS
2006	1016	37	Adelaide, Alice Springs, Arnhem Land, Darwin, Tiwi Islands NT, Balgo, Broome, Carnarvon, Perth, Cairns, Mackay QLD, Blacktown, Bourke, Coffs Harbour, Dubbo, Newcastle, Port Macquarie, Redfern, Sydney Tweed Heads, Walgett NSW.
2007	424	33	Alice Springs NT, Derby WA, Cairns, Cardwell, Gold Coast, Townsville, Yarrabah, Kurandah, Thursday Is, Darnley Is, Murray Is, Bamaga QLD, Kingsford, Redfern, Sydney Tweed Heads, Wardell, Casino, Banalbo, Grafton, Nambucca Heads, NSW, Hobart TAS, Bendigo, Melbourne VIC, Geneva Switzerland
2008	614	42	Adelaide, Port Augusta, Umuwa SA, Alice Springs, Batchelor, Oenpelli, Raminining, Tiwi Islands NT, Balgo, Roebourne, Well 33, Punmu, Parrngurr, Kununurra, Fitzroy Crossing, Warmun, Perth WA, Brisbane QLD, Melbourne, Frankston VIC, Gerringong, Broken Hill, Windsor, Redfern, Sydney NSW, Geneva Switzerland
<b>Totals</b>	3085	153	

## 4.2 Community engagement and participation

The Arts Law staff are very sensitive to the need to pay attention to appropriate engagement with Indigenous communities and put substantial effort into preparation before visiting communities. It can be very important to be aware of sensitive issues or problems in communities such as community conflicts or “sorry business” which may impact the ability to deliver the program effectively.

In advance the AITB team makes contact with relevant services including Arts Centres, Aboriginal Legal Service to seek local knowledge on who to approach/invite, significant community members and elders, where to hold the workshop, information about critical community issues and sensitivities, relevant protocols, key informants and so on. Further, time is allowed in visits to remote communities at the outset to develop rapport with local community members before engaging in educational activities.

The AITB team has adopted an explicit empowerment approach to working with Indigenous community members in all aspects of service delivery.

Supporting self determination and informed decision making is central to this approach.

*"when you know you have empowered an artist you feel so good"*

--AITB staff member

AITB recognize that this approach could be further enhanced through the further development of their workshops and materials.

### **Remote Community Case Study**

Arts Law solicitors together with a pro bono lawyer visited a remote community in Western Australia in 2008 as part of the wills project. The staff received minimal assistance from local staff and were ill-equipped to deal with the lack of facilities, minimal fresh food, unsecure accommodation and a general concern about levels of violence in the community, e.g. lawyers closely witnessed a violent brawl. Upon returning to Sydney when discussing the trip one of the lawyers was visibly distressed and noted how unsafe she had felt. The pro-bono solicitor also contacted the Arts Law director about the difficulties they had experienced.

The Indigenous information liaison officer was extremely concerned that the staff had been so ill-prepared and that this might impact on their willingness to participate in the AITB education programs in the future. She immediately set about tackling the issue so such problems would not arise again. She consulted with the Executive Director recommending the staff seek counselling from Arts Law's consultant psychologist and then looked at developing protocols for visits to Indigenous communities in the future. The Reference Group were also able to assist the Information Liaison Officer in gathering materials for the protocol. A protocol has now been developed so that key questions can be discussed with local staff prior to Arts Law's visit and staff can anticipate what issues they will face and the level of support they will receive in the community.

## 5 AITB education program impact and effectiveness

Program impact and effectiveness was assessed from feedback from workshop participants gathered through interviews with a sample of participants from diverse settings and with varying stakeholder interests in addition to written post workshop evaluation forms received by AITB staff.

The feedback confirmed overwhelmingly that participants gain considerably from the workshops and that the manner of delivery is flexible, responsive and well adapted to most participants needs.

### 5.1 Participant satisfaction with workshop presentation

Respondents reported a high level of satisfaction with the style of presentation of the workshops. A safe and supportive learning environment is created and the engagement, knowledge levels and helpfulness of the team were particularly commented on. Participants felt comfortable to ask questions and in feedback about the program made statements such as “it was fantastic”, “it was a great learning opportunity”.

The team were reported to be respectful and sensitive to community needs. The style of delivery of the education has evolved and become more interactive and participatory as the staff have become more confident.

*“For the wills we do drawings of the family and where people are in the family – and people respond to the visual representation”*

--AITB team member

### 5.2 Specific participant impacts

#### 5.2.1 Increased understanding of legal and related issues

The program does not lend itself to closer examination of changes in knowledge levels through formal pre and post test evaluation and this has not been attempted. Participants commented on the value of the increased understanding they had gained about legal issues through the workshops and the issues were considered to be of relevance and importance to artists. The AITB team were seen as being very knowledgeable and well informed about the area.

*“It really opened our eyes as to what our rights are as performance artists”*

--Workshop participant (metropolitan)

Some respondents also commented that the level of detail provided in the workshop was overwhelming and unnecessary. There was particular reference to the technical detail and volume of information in Powerpoint slides. A simpler scaled down content was suggested, supported by more detailed hand-outs and follow up contacts for further information as needed.

*“make it more simple, break it down to the nuts and bolts”*

--Workshop participant (metropolitan)

Importantly there is also some evidence of long term impact of the AITB education observed by AITB staff on a recent return visit to the Tiwi Islands to conduct wills workshops. The team noted that local artists had a good knowledge of copyright, royalties etc. Also the community members/ artists remembered the "mob from Arts Law" including several who had kept the business card from the Arts Law solicitor who was previously there with the AITB program.

### 5.2.2 Increased awareness of and contact with Arts Law

The AITB program has resulted in significantly increased contact by Indigenous people with Arts Law and its services. Importantly participants commented that now that they know "the AITB mob" they know who to contact and feel confident to do so.

*"we know we can contact them fellas"*

--Workshop participant (remote)

**There has been an increase in contacts by Indigenous artists from 0 initially<sup>3</sup> to 507 contacts in 2008:**

- 320 legal advice (usually by telephone);
- 167 legal advice consultations involving documents (by face to face contact or telephone); and
- 20 case work matters.

An Arts Law staff member commented that sometimes it can be 10-12 months after the workshop that contact is made by artists. It is not clear what the delayed contact is due to however it could be assumed that subsequent contact is made at the time that a specific issue becomes relevant. However it is also relevant that in 2008, when Arts Law spent considerable time in WA and the NT that the number of Indigenous advices provided in those places increased enormously as demonstrated by the following table 2.

**Table 2: Numbers of LANs**

Year	NT advices	NT LANs*	WA advices	WA LANs
2007	25	4	11	5
2008	80	42	141	100

\* LANs are face-to-face consultations or longer telephone consultations where legal documents are likely to be reviewed and discussed.

<sup>3</sup> Prior to 2003 there possibly were more but Arts Law had no means of ascertaining if the client was Indigenous

### 5.2.3 Changes as a result of workshops

The workshops made an important impact in increasing awareness of rights, closer scrutiny of contracts etc for participants. Apart from being aware of the Arts Law services there have been reports of increased contact with the Aboriginal Legal Services and respondents also commented on telling others about their legal rights "spreading the word", talking to students about legal issues and generally empowering more artists.



Figure 4: AITB staff Robyn Ayres and Kyas Sherriff with Nola Taylor and her granddaughter

### 5.3 AITB team observations

It was not possible to interview a wide range of participants from remote It was not possible to interview a wide range of participants from remote locations, for whom English is not the first language, to independently assess levels of comfort and confidence in the workshops and their impact. Requesting written feedback was not an appropriate form of evaluation for these community members. However, other qualitative measures are useful to observe impact in such contexts and AITB staff were asked to identify indicators which they considered provided valid evidence of the level of satisfaction which participants found in the workshops and meeting people's needs. Those identified included the following:

#### 5.3.1 Indicators of effectiveness/satisfaction with workshops

- Body language and engagement, enthusiasm;
- The nature of questions asked (number and types of questions);
- Telling others, other community members turning up on subsequent days;
- Detail and nature of will instructions;

- Requests from other communities for AITB sessions;
- Pride in completed wills – individuals proudly showing off the piece of paper, inviting family along to see it and the participation of descendents (for instance adult children who will be trustees) – it is a significant event;
- Participants wanting to “celebrate”, waving piece of paper in the air; (see front cover photo)
- Artists stressing the importance of getting the names (on the wills) right;
- *You can tell people have been talking about us - more people turn up, word gets around;*
- Often there is direct feedback from people in remote communities: “come more often”, “come back”.

#### **5.4 Effectiveness in community engagement**

The AITB team commitment to providing a high quality of service which is responsive to the specific needs of each community is apparent and from the evaluation findings there appears to be a high level of effective community engagement. Responsiveness to the differing needs and contexts of each community is well understood. When visiting in a particular region there has been extensive use of local media to disseminate information broadly to other communities about Arts Law issues and the work of AITB.

Employing Indigenous staff is a vital aspect of the success of the AITB engagement with a breadth of Indigenous communities. Having a team which includes both an Indigenous lawyer and an Indigenous information and liaison officer has been particularly effective. The role of the latter in facilitating culturally appropriate liaison in the remote community setting was particularly commented on and provides added value to the legal expertise.

The underlying empowerment approach adopted by the AITB team is also matched by an emphasis on mutual learning from Indigenous communities. Staff commented on the importance of taking time to listen to community members:

*“... we are learning from them – it is about listening more than talking.”*

--AITB team member

The AITB team recognizes the need to be aware of potential “shame” issue for some Indigenous people who have limited literacy which can be accompanied by reluctance to ask questions due to lack of English. Creating a safe learning environment is vital and the issue of building rapport and trust cannot be overemphasized. This will be an ongoing challenge along with developing more interactive, experiential approaches to the AITB education program.

### 5.5 Challenges in working with remote communities

The AITB team commented that providing education and supporting drafting of wills in remote communities is intensive, hard work for urban AITB staff. It involves difficult travel, harsh conditions and significant culture shock for both Indigenous and non-Indigenous workers. However, the rewards are significant when there is clear benefit and appreciation by artists in the communities.

Taking time and working diligently at the outset to build rapport with community members before commencing any education or other interventions pays dividends. For remote communities the personal delivery of information is essential and constitutes the most appropriate form of education. Many of these community members are neither familiar with nor have easy access to electronic communication or other formal information technologies.



Figure 5: AITB Indigenous Information and Liaison Officer Kyas Sherriff and artist Glenn Namundga, Oenpelli, September 2008

## 6 Broader impacts of the AITB program

Arts Law works very effectively in disseminating information and promoting initiatives through its established networks and alliances in the arts and also more broadly in legal sectors. The involvement of legal firms in pro bono work is one important element of this. There have also been broader impacts from AITB in addition to those of the targeted educational strategies described above as a result of the strategic position of Arts Law and its influence nationally. Those impacts include the following:

### 6.1 National promotion and awareness raising

AITB has played a major role in raising awareness of issues and programs nationally for Indigenous artists through journal articles, media coverage, industry networks, and conference presentations. Arts Law and AITB are recognized for their expertise in protecting Indigenous artists' rights and media coverage has included Stateline, Radio National and the 7.30 Report on ABC television. In addition they are contacted on a regular basis to brief Government and political representatives as well as key Indigenous organisations on relevant issues.

### 6.2 Action and advocacy in response to emerging issues for Indigenous artists

As a relatively new and developmental program targeting a very large and previously unaddressed area of need, AITB has since its inception identified legal and justice needs which have emerged as a result of working closely with Indigenous artists. These have been responded to in a range of effective ways through advocacy, referral for legal advice, provision of targeted education. For instance:

#### Issues relating to wills:

Western Australian laws about intestacy were identified to be racist and inappropriate. Arts Law is lobbying the WA Government to have these changed, and has involved a pro bono law firm in this work;

- o The Kimberley Wills project (see box below)

#### Advocacy in relation to issues such as:

- o Indigenous prisoners art being sold by prisons without their consent; and being reproduced infringing their copyright;
- o Code of conduct in relation to Indigenous art;
- o Model contracts for artists with Arts centres;
- o Impact of proposed resale royalties on Indigenous artists;

- o Need for better protection of Indigenous culture and intellectual property.

Advocacy and follow up with pro bono lawyers on specific issues for individual artists to ensure the rights of individual artists are also addressed.

Kimberley Wills project – Arts Law was initially approached by the Association of Northern Kimberley and Arnhem Aboriginal Artists (ANKAAA), the resource agency for Indigenous art centres in the Kimberley and Northern Territory, to provide education for artists about wills at their Annual General Meeting. As a result, art centres contacted Arts Law about problems they were experiencing with intestate estates of Indigenous artists. Following from this Mangkaja Art Centre at Fitzroy Crossing obtained some funding to get wills drafted for the centre's artists. Arts Law was able to obtain additional funding from the Myer Foundation and CAL so that they could draft wills not only for artists in the Kimberley, which was their initial focus, but for Indigenous artists in the Pilbara in Western Australia and various locations in the Northern Territory and South Australia. This resulted in 300 wills being prepared in 2008.

### **6.3 Impact on Arts Law staff of Indigenous AITB team members**

The employment of indigenous staff within Arts Law has increased awareness and understanding of issues for Indigenous people more generally within the organisation. Indigenous staff can be an important source of information about Indigenous cultural and community issues and sensitivities as well as advice in relation to appropriate approaches with communities. It is, however, important that all staff become culturally competent over time and that there is not an expectation that all Indigenous issues be dealt with by the Indigenous staff. Within Arts Law there is both strong organisational support for the Indigenous staff and in turn direct advocacy by the AITB staff in relation to understanding and acceptance of key issues for Indigenous people and particular clients.

## 7 AITB modifications and improvements

The AITB program has been developmental and innovative in addressing unmet need for Indigenous Australians. As such Arts Law has been responsive to changing and adapting the educational and information delivery to optimize effectiveness for the diversity of audience needs. There is awareness of and commitment to ongoing efforts to ensure the program is more Indigenous focused and more interactive.

As a key strategy of the evaluation, a workshop was held with AITB staff to provide feedback on evaluation findings and to explore alternative methodologies and approaches to improve the effectiveness and reach of the AITB program.

A range of suggestions has been made to enhance program interactivity, increase responsiveness to participant's issues and to expand the reach of the key messages relevant to Arts Law issues for Indigenous artists.

### 7.1 Workshop modification and development

There is scope for review of the overall workshop format with a range of suggested options below to provide for:

- More interactive participation and group work and less technical content delivery;
- Clearer articulation at the outset of participants' needs to enable careful tailoring of content;
- More Indigenous case studies and scenarios;
- More visual presentations and material with appropriate Indigenous graphics;
- Inclusion of a range of evaluation methodologies to gain meaningful feedback from participants;
- Exploration of experiential education approaches used in other empowerment contexts such as international development.

Suggested modifications include:

#### 1. Establish workshop guidelines at outset

Agreeing a set of guidelines/rules at the start of the program which can be written on butchers paper/whiteboard and referred to during the workshop can assist in creating a supportive context to encourage greater participation, e.g. "there is no such thing as a dumb question", "everyone gets a turn" etc.

## 2. Determine participants' questions and issues at the outset

Once trust has been established, undertake an interactive process (small group work is recommended) to enable participants to identify at the outset the questions and issues which are relevant to them or their community and which are a priority to address during the workshop. For instance: *What do people in your community want/need to know? What are the most important things for you/for other artists to know?*

Based on their previous experience AITB staff can if necessary suggest the types of questions people usually want answered.

Questions can be recorded and displayed and added to during the workshop to guide the main focus areas for the workshop. At the end of the workshop the questions can be reviewed as a means of evaluating workshop coverage to meet participants' needs and also reinforcing relevant answers. Questions and issues which have not been answered can be followed up at a later date as necessary.

## 3. Review the program content, presentations and materials

Review the number and content of the current Powerpoint slides to:

- Provide simple core detail with additional technical detail recorded in hand outs for participants - either as separate sheets or collated in workbooks;
- Simplify all language to Plain English;
- Review images and create more appropriate graphics for Indigenous audiences;
- Develop more Indigenous case studies, experiences and scenarios based on real cases.

Further explore options for developing illustrative posters, story boards, large picture cards, or board games etc which can be displayed and/or used interactively. Some options have been considered, e.g. playing cards were discounted as an option in view of big gambling problems in some communities.

(Note: an AITB game was developed but didn't work very well when trialled and could benefit from further review)

### **Incorporate a range of evaluation methods**

Seeking feedback about the impact and effectiveness of the workshop and key learnings is important and needs to be tailored to different audiences. A range of feedback and evaluation methods could be tested including:

- Checking in after individual sessions (rather than at the end of the workshop) with various feedback methods;
- Checking back against the original set of questions/issues at the end;

- Using story telling about key learnings – either individually or as a small group;
- Creating visual images, paintings about the key learnings;
- Using photo language or other imagery;
- Using song/dance to tell a story about the workshop learnings;
- Discussion and review of scenarios in small groups;
- Devising tailored games, e.g. Arts Law bingo, quizzes, snakes and ladders.

#### **4. Explore other education and empowerment approaches**

The AITB objectives are similar to empowerment, awareness raising and educational objectives in a range of other national and global initiatives such as health promotion, civil rights, gender issues and women's rights, HIV/AIDS, environmental issues etc. Various forms of "cultural action" have been used effectively through using various cultural forms to convey messages and engage community members in the issues at hand – for instance theatre, song, dance etc which could be drawn from in further development of the AITB along with approaches to experiential education.

##### **Cultural action**

<http://www.wwcd.org/action/action.html#>

<http://www.wwcd.org/action/uprooted.html>

##### **Participatory learning and action**

<http://www.planotes.org/about.html#>

##### **Experiential education: the International Consortium of Experiential Education**

(linked to UTS Education Faculty which hosts conferences every 2nd year)

<http://www.icel.org.uk/>

## **7.2 Expansion of delivery of key Arts Law messages**

### **7.2.1 Disseminating key messages through other key community informants**

The provision of detailed Arts Law education and information by AITB for Indigenous artists across Australia is very resource and time intensive. There is a need for basic awareness raising more widely for Indigenous artists around the core issues of:

- What are the key things I need to know as an artist or an arts organisation?
- Who/where do I go for further information and advice?

Due to the holistic nature of working with Indigenous communities there are many opportunities to disseminate more broadly basic information

about the key Arts Law issues that all Indigenous artists need to be aware of. Further, many Indigenous community members have multiple roles such as elder, artist, health worker, board member of community organisations (e.g. Land Councils etc) and are in key positions to increase awareness of core Arts Law issues. The AITB participants are often elders who are key informants in the community and there is the opportunity to encourage them to spread the key messages to others.

1. Collaborating with other workers in the community and training them in knowledge of basic issues can enable this by informing them where to refer artists for more detailed technical information and advice.
  - Determine the key messages which all artists need to be aware of and which do not have technical legal information;
  - No one can copy your art without your permission;
  - Do not sign any document that you do not fully understand etc;
  - Your rights as an artist must be respected - you should be named as the artist and no one can change your work without your permission;
  - Make sure you get paid fairly for your work;
  - Respect for culture – only use your own people's imagery and don't take what is not yours.
2. Produce basic materials and training for a range of workers and community members on the core issues (or review the AITB information kit);
3. Identify opportunities to provide basic training for interested community workers who have the capacity to disseminate information with an emphasis on referral contacts;
4. Seek other opportunities to link with related programs/issues and community education forums such as Community Legal Centres, social and emotional well being and health awareness, community culture and tradition forums, events, community education;
5. Facilitate broader dissemination of information linking into the Community Legal Centres with information sheets about protection of culture and heritage.

### **7.2.2 Using other media to convey Arts Law messages**

There are opportunities to diversify message delivery and explore innovation into other types of media which may be effective for younger people and those who are more technically competent. Respondents suggested the AITB information would be well suited to for instance:

- Radio programs – aired on Indigenous radio shows;

- Music/video clips – devised and performed by artists who are students and have an interest in using their art form as a communication medium;
- Web based, interactive materials.

While it can be costly to develop resources in other media there is scope for exploration of opportunities with partners such as university departments, arts schools, and Indigenous media.

### **7.2.3 Promoting increased awareness of the AITB program**

Time and staffing pressures have limited the possibility to date of specifically pursuing a broader awareness raising strategy in relation to AITB activities. Staff identified that this could be facilitated in the future by development of a data base of participants and other key contacts to follow up and disseminate information on an ongoing basis. There is scope for identification of a broader range of as yet untapped stakeholders in the arts, legal, education and training, Indigenous community and media organisations.

## **7.3 Scope for alternative models**

The current face to face delivery of the AITB education programs from a central Sydney base is time and resource intensive, particularly due to the travel required to access Indigenous artists across the country. In view of concerns about the need to disseminate information widely and the sustainability of the AITB education program, the evaluation was requested to explore the option of developing a Train the Trainer whereby other identified individuals could be trained to deliver the program content in local or regional areas.

A major limitation to this model is the specialized and technical nature of Arts Law and the risk of misinformation or incorrect legal advice being given. A body of expertise is being built up within the AITB team and within Arts Law which combines Arts Law knowledge along with the experience of key issues for Indigenous artists.

While a Train the Trainer option of delivery works in some situations, a more comprehensive exploration of how this would be effectively implemented in the Arts Law context is required. Investigation of the approach and effectiveness of train the trainer models in other fields such as *Law for Non-Lawyers* and associated mechanisms for assuring quality control is suggested.

### **Key considerations in exploring a Train the trainer model include:**

- Determination of the criteria and appropriate sets of skills required of trainers;
- Identification of individuals with appropriate experience/knowledge;
- Appropriate regional areas to have a core trainer and relevant hosting centres, e.g. Arts Centres, Universities, Arts schools, Aboriginal Legal Services, Community Legal Centres, TAFES;

- Development of a Train the Trainer package (resources would need to be secured for this);
- Quality assurance mechanisms;
- Exploration of other options for modified Train the Trainer – law for non-lawyers format.

In the shorter term the determination of key messages and training of other workers and community members and provision of appropriate referral for advice or further information is recommended as the most effective strategies.

## 8 Conclusion and recommendations

The Artists in the Black project has had a vital role in identifying key legal issues and gaps relevant to Indigenous artists and addressing these in many communities across Australia. It has been responsive to identified needs as they have arisen and endeavoured to adapt and evolve educational approaches to respond to the great diversity of Indigenous artists in terms of literacy, language and educational levels, culture and living contexts, different cultural protocols and formalities. The educational initiatives have clearly been successful in meeting objectives and providing participant satisfaction across a diversity of contexts.

The evaluation findings confirmed enthusiastic support of the value and effectiveness of the AITB education program. The broader impacts of AITB have also been important. There is strong support for the continuation and expansion of the program including that expressed by the Australia Council stakeholder interviewed for the evaluation. There was unanimous support for the work and approach of the AITB team and for the initiative of Arts Law despite the fact that Arts Law is not an Indigenous organisation. It was also clear that the branding of AITB and the employment of Indigenous staff were very effective strategies to give Indigenous artists and organizations an entry point into Arts Law and its services.

### 8.1 Recommendations

The following recommendations build on the substantial achievements of the AITB program and provide a framework to expand and strengthen AITB and to enhance its impact in addressing the enormous unmet need which has been identified.

#### 1. Secure funding to ensure AITB is sustained and expanded

Arts Law has been very resourceful and effective in securing funds to deliver programs. However, sustained funding needs to be secured. The need to move away from short term funding of Indigenous programs once effectiveness has been established is now widely recognised. Not only does Arts Law need to have secure recurrent funding but the broad need for the AITB services indicates that additional funding is needed. There is no other body addressing the unmet legal needs of the Indigenous arts sector.

#### 2. Continue and expand broad awareness raising about Arts Law issues for Indigenous artists

The promotion role played by Arts Law in highlighting issues for Indigenous artists needs to be further expanded through:

- a. Further development of the core messages which need to be delivered as an entry point of awareness for all Indigenous artists along with appropriate materials/resources to convey them;
- b. Further development of the data base of contacts, networks and utilisation of this to increase awareness and reach of messages and information;

- c. Increased dissemination of information through the Koori Mail and other Indigenous media, Indigenous and regional radio, the Media Entertainment and Arts Alliance, theatre companies, Indigenous festivals to name a few;
- d. Continuing to work with broad media and further national and regional network building.

### **3 Review and improve workshop process/delivery**

There needs to be ongoing review and revision of the workshop format and content to ensure its responsiveness to individual groups and monitoring of its effectiveness and appropriateness through more experiential and creative approaches. A range of suggestions is outlined in Section 6 and include:

- Increased interactivity and use of small group work;
- Simplification and reduction of content;
- Inclusion of more Indigenous case studies and scenarios;
- Use of more visuals and appropriate graphics;
- Inclusion of a range of participatory evaluation processes.

### **4. Explore options for delivery of core messages for Indigenous artists through other workers and community members**

To enhance the reach of key, non technical messages and information more broadly and sustain information dissemination following AITB workshops a range of options should be considered. This involves:

- a. Determination of key, non legal messages;
- b. Exploration of options of local groups/workers/organisations who can be key informants and convey basic messages through for instance, Community Legal Centres, Arts Centres, Community Cultural Centres etc;
- c. Development of materials/resources with key messages, including review and/or adaptation of AITB information kit comics;
- d. Provision of training and information sessions for relevant workers or community members as necessary;
- e. Identification of key workers/contacts in communities who can continue to hand out AITB materials following workshops by AITB.

### **5. Monitor appropriateness and impact of AITB in engaging with diverse community members**

Many of the Indigenous artists to whom AITB delivers programs are in remote communities where English is not the first language, literacy levels are not high and there may be significant community sensitivities. It is important that

AITB continues to monitor and evaluate its effectiveness and appropriateness in engaging with community members through:

- a. Monitoring the effectiveness of protocols developed for visiting new communities;
- b. Agreeing a set of qualitative evaluation indicators for AITB presenters to observe and monitor effectiveness and feedback about workshops;
- c. Developing processes for tracking informal feedback, e.g. debrief AITB meetings after workshops, diary entries etc;
- d. Establishing the routine of enquiring with Indigenous callers where they heard about Arts Law to track impact and awareness.

#### **6. Ongoing review and development of AITB education processes**

The AITB team has evolved the workshops approach and delivery over time to enhance its appropriateness for Indigenous participants. Further work in developing the educational approaches can be undertaken through:

- a. Exploration of participatory educational/empowerment techniques used in international community development and their applicability to AITB including for instance cultural action approaches;
- b. Identification of opportunities for AITB staff to undergo professional development and further training in relevant adult education methodologies;
- c. Exploration of options for conveying Arts Law messages in creative formats through collaboration with other training organisations, e.g. hip hop music, paintings, radio programs, within the parameters of limited budgets.

