

INDIGENOUS ART CODE

What is the Indigenous Art Code (the Code)?

The Code is designed to set standards of ethical behaviour for art dealers and galleries operating in the Australian Indigenous art sector by regulating the conduct of commercial art dealers and agents to ensure:

- fair and ethical trade with artists;
- transparency with the promotion and sale of artworks;
- a fair dispute resolution system for disputes arising under the Code.

The Indigenous Art Code has created a resource for artists explaining how the Code works, and containing educational and professional development tools and information. Artists in the Black was involved in developing this resource which is called 'Code World' and can be accessed [here](#).

Who needs to comply with the Code?

Becoming a 'signatory' is voluntary and involves a voluntary commitment to agree to uphold the Code. However, once a dealer or gallery has committed to the Code, there is a strict framework in place specifying the ethical standards which must be adopted and for the investigation of complaints against signatories who may have breached the Code. Anyone who is interested in ethical treatment of Indigenous Artists can sign up to the Code. There are three categories of membership for dealers, artists and support members. More information can be found at <http://www.indigenousartcode.org/index.php/become-a-member/>

Once a member, signatories may display the Code logo and use Code certificates on Indigenous artworks sold or handled by them to demonstrate their commitment to ethical trading in Indigenous art.

Who is responsible for managing the Code?

Indigenous Art Code Limited (IAC), a public company, was established in 2010 to provide a governance and legal structure for the administration of the Code. IAC is led by a Board of Directors, drawn from the Indigenous visual arts industry and the wider community. It is responsible for processing applications for membership and maintaining a register of signatories. It is also charged with investigating compliance with the Code and imposing sanctions for non-compliance. For further information see the dedicated [Code website](#).

What happens if someone does not comply with the Code?

When IAC receives a complaint made against a signatory it will investigate the complaint through an independent Complaints Committee. The signatory will be given an opportunity to answer any allegations or remedy any breach. If a breach is established, the IAC may publish the name of the signatory and the breach of the Code on the Code website and/or remove the signatory from the Code register. It is a type of 'name and shame' system designed to discourage unethical behaviour. There is no mechanism for sanctions against 'non-signatories'.

How does the Code impact on the relationship between artists and art dealers?

The Code provides a detailed list of minimum terms that should feature in any agreements between artists and art dealers. Arts Law's [Indigenous Artist and Art Centre Agreement](#) has all the essential terms required by the Code.

Under the Code, agents and art dealers are required to provide regular written reports detailing receipt of artwork, sales of artwork and promotional activities undertaken.

The Code also sets a number of benchmarks, including recommended timeframes for payments to artists, guidance on how to respect Indigenous cultural practices and artist's rights and guidelines for acting professionally.

What's in it for the consumers?

The Code sets out requirements and procedures for the issue of certificates of authenticity, known as 'Indigenous Art Code Certificates'. Consumers will take a level of comfort as to an artwork's authenticity and provenance if accompanied by such a certificate.

Need more help?

Contact Arts Law if you have questions about any of the topics discussed above

Telephone: (02) 9356 2566 or toll-free outside Sydney 1800 221 457

Also visit the Arts Law website (www.artslaw.com.au) for more articles and information sheets and the Code website (www.indigenousartcode.org).

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