AUSTRALIAN INDIGENOUS

DESIGN CHARTER - Communication Design

Protocols for sharing Indigenous knowledge in communication design practice

Indigenous Architecture and Design Victoria (IADV)

Design Institute of Australia (DIA)

Deakin University - Institute of Koorie Education (IKE)

       - School of Communication and Creative Arts (SCCA)

AUSTRALIAN INDIGENOUS DESIGN CHARTER - Communication Design

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Preface

The Australian Indigenous Design Charter – Communication Design was coauthored by Dr Russell Kennedy and Dr Meghan Kelly from Deakin University, School of Communication and Creative Arts in collaboration with Dr Brian Martin (Muruwari, Bundjalung, Kamilaroi), Deakin University, Institute of Koorie Education (IKE), Jefa Greenaway (Wailwan/Gamillaraay), Indigenous Architecture and Design Victoria (IADV) and the Management and Executive Board of the Design Institute of Australia (DIA). The authors would like to thank Professor Christoph Antons (Deakin Law School) and Patricia Yates (Deakin University Solicitor) for discussions and input regarding legal terminology and legal issues related to traditional cultural expressions.

Tailored specifically for the communication design profession, this Charter expands on the research findings of Dr Russell Kennedy's PhD thesis titled: *Designing with Indigenous Knowledge: Policy and protocols for respectful and authentic cross-cultural representation in communication design practice*. As acknowledged in the references, the Charter also builds on foundations set by existing protocol documents and writings with an aligned purpose such as Oxfam's Aboriginal and Torres Strait Islander Cultural Protocols document (2007) and the work of intellectual property lawyer Terri Janke (1999, 2002, 2007, 2007).

Part 1: Australian Indigenous Design Charter : Communication Design (AIDC:CD)

When working on projects involving the representation of Aboriginal and Torres Strait Islander culture communication designers and buyers of design (non-Indigenous and Indigenous) are expected to adhere to the following ten points**:**

1) **Indigenous led**. Ensure Indigenous representation creation in design practice is Indigenous led.

2) **Self-determined.** Respect for the rights of Indigenous peoples to oversee representation creation of their culture in design practice.

3) **Community specific.** Ensure respect for the diversity of Aboriginal and Torres Strait Islander culture by following community specific cultural protocols.

4) **Deep listening.** Ensure respectful, culturally specific, personal engagement behaviors for effective communication and courteous interaction are practiced.

5) **Impact of design.** Always consider the reception and implications of all designs so that they are respectful to Indigenous culture.

6) **Indigenous knowledge.** Respectfully ask the client if there is an aspect to the project, in relation to any design brief, that may be improved with Indigenous knowledge.

7) **Shared knowledge (collaboration, co-creation, procurement).** Develop and implement respectful methods for all levels of engagement and sharing of Indigenous knowledge (collaboration, co-creation, procurement).

8) **Legal and moral.** Demonstrate respect and honour cultural ownership and intellectual property rights, including moral rights, and obtain appropriate permissions where required.

9) **Reconciliation Action Plan (RAP).** Develop a RAP incorporating the AIDC:CD.

10) **Charter implementation.** Ensure the implementation of the AIDC:CD to safeguard Indigenous design integrity.

2. Introduction

2.1 Context

Despite the existence of protocols for the creation, distribution and ownership of Australian Aboriginal and Torres Strait Islander visual and media arts, there remains a lack of information, guidance and professional leadership regarding the appropriate creation and commercial use of Indigenous graphical representations in communication design practice. The Australian Indigenous Design Charter: Communication Design (AIDC:CD) responds directly to calls by governments, professional design associations, professional design practitioners and buyers of design as outlined below.

Government

In 2008, Prime Minister Kevin Rudd, made a formal apology to Australia's Indigenous peoples, apologising to Aboriginal and Torres Strait Islander peoples for past wrongs of successive Australian governments. His speech identified the need to honestly, openly and authentically re-adjust the telling of Australian history. Rudd called for a climate of respect and responsibility required to deliver change, 'acknowledging the past and laying claim to a future that embraces all Australians' (Rudd, 2008). Acknowledging and respecting intellectual property law, moral rights and basic common courtesy, the AIDC:CD has been created within the context of anticipated constitutional recognition of Indigenous Australia. The proposed constitutional reform has bipartisan political support to recognise Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia, to affirm their full and equal citizenship, and to remove the last vestiges of racial discrimination from the Constitution (Dodson & Leibler, 2012). An Australia wide consultation process will be followed by a subsequent national referendum (date to be determined).

The AIDC:CD responds to the Australian Government's call for the creative industries to consider more closely the relationship between Australian Aboriginal and Torres Strait Islander people's cultures and national identity. *Creative Australian,* the Australian Government National Cultural Policy document, launched in 2013 announced plans to work across government to develop a policy framework to increase the visibility of Aboriginal and Torres Strait Islander culture within the national identity. "Significantly, this policy also enthusiastically upholds the fundamental place that Indigenous culture holds in the Australian story and the deep responsibility that bears upon our nation to nurture and promote Aboriginal and Torres Strait Islander people's cultural expression" (Gillard 2013).

Professional Design Associations

The Australian Design Alliance [AdA] in '*Driving Australian Design'* proposed an Australian National Design Policy, making the recommendation to "encourage support for Aboriginal and Torres Strait Islander design and cultures-based innovation, in partnership with Indigenous communities" (AdA, 2010, 5.6, p8). The AIDC:CD responds to these calls proposing a method to turn recognition rhetoric into action.

The AIDC:CD mission is to improve and maintain high ethical standards of Australian Aboriginal and Torres Strait Islander peoples representation in design practice. Framed for both Indigenous and non-Indigenous designers, this Indigenous-led initiative is endorsed by Deakin University, the Institute of Koorie Education at Deakin University, Indigenous Architecture and Design Victoria (IADV) and the Design Institute of Australia (DIA). Through the act of supporting this Charter the design professions, represented by peak bodies IADV and DIA have also identified a need to develop methods to assist communication designers to understand and appropriately represent Indigenous ontology in their work.

Professional Design Practitioners

In accordance with AIDC:CD*,* the Australian design profession calls on communication designers to build and maintain the highest legal, ethical and professional standards. This Charter encourages practitioners to play a leadership role in promoting best practice policies and procedures for knowledge sharing, creation, procurement, commissioning and representation of Australian Aboriginal and Torres Strait Islander culture in design practice.

AIDC:CD strongly encourages Australia's professional design community to continue to actively promote and implement best practice ethical principles. Designers need to ensure that Indigenous communities are not exploited or disadvantaged by the commercial representation of their culture and to understand their professional and social responsibility to establish, maintain and promote ethical standards and principles.

Since colonisation, Australian Aboriginal and Torres Strait Islander peoples have borne the brunt of extreme prejudice, discrimination and misunderstanding (Oxfam Australia, 2007). The fact that the interests, rights and concerns of Indigenous Australians have in the past been dismissed or ignored reinforces the need for an Indigenous-led process for cultural representation. The establishment of cultural protocols and engagement processes for communication designers represent an important step towards understanding, respecting and representing Aboriginal and Torres Strait Islander views with an aim to encourage culturally

appropriate working practices that value cultural diversity, motivate others and enrich a continually evolving Australian identity

The cultural protocols included in this Charter recognise the diverse cultures and traditions that make up Aboriginal and Torres Strait Islander communities in Australia. The AIDC:CD suggests that appropriate representation of Aboriginal and Torres Strait Islander peoples can ONLY be achieved when effective and respectful partnerships are established between relevant stakeholders.

The AIDC:CD discourages generalisations and instead recognises the unique circumstances, customs and status of Aboriginal and Torres Strait Islander peoples as the First Australians. It acknowledges the diversity of Aboriginal and Torres Strait Islander culture across Australia and the special relationship Indigenous peoples have with their traditional lands. The AIDC:CD insists that designers (non-Indigenous and Indigenous) respect cultural ownership, adhere closely to customs and protocols, and gain appropriate individual and community permissions when required.

2.2 Role of the Charter (AIDC:CD)

The AIDC:CD can be used to help facilitate accurate and respectful representation of Australian Aboriginal and Torres Strait Islander culture in design and associated media. The role of the Charter is to assist design practitioners but it is also intended to promote understanding among practitioners, their clients and the buyers of design including governments, corporations, businesses and not-for-profit organisations. It is a cultural innovation tool to be used by designers to explain the benefits of authentic cultural representation to their clients and to help them to understand the process required when referencing Australian Aboriginal and Torres Strait Islander knowledge/culture in design. All design stakeholders need to understand that co-creation and the sharing of Australian Aboriginal and Torres Strait Islander peoples' knowledge must be undertaken responsibly. The sensibilities and sensitivities associated with sharing Indigenous knowledge require respectful exchange, open thinking, deep listening and a genuine commitment to learning which is based on the premise of relationality. Indigenous participants are not simply to be referenced, but are active participants in the process. Building relationality ensures that respectful and ethical practices are established and maintained through a positioning based on trust and inter-connectedness.

The AIDC:CD recommends that designers involve their clients, the buyers of design (government and corporate), in the discussion of Australian Aboriginal and Torres Strait Islander knowledge and how it relates to their organisation. It is important for designers to show leadership in promoting cultural innovation to their clients by encouraging them to

commission design work that involves Indigenous-related content from preferred suppliers who follow professional Indigenous design best practice standards as outlined in the AIDC:CD.

AIDC:CD protocols pave the way for improving working relationships between the Australian communication design profession and Indigenous stakeholders with the consequence of improving cultural representation and ensuring ethical outcomes. It is a best practice policy guide for the communication design profession and its associated disciplines including graphic design, digital design, environmental design, branding, advertising and design strategy. This Charter performs an important role as Australia seeks active mechanisms for achieving Indigenous recognition and greater visibility of Aboriginal and Torres Strait Islander culture within its multifaceted national identity. The AIDC:CD can assist designers to effectively respond to shifts in community thinking and attitudes towards national identity enhancing Australia's relationship with Indigenous culture.

The Charter reinforces the rights of Indigenous peoples to cultural self-determination as recognised by the United Nations in their *Declaration on the Rights of Indigenous Peoples*. The UN declaration describes the right of Indigenous peoples to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions of their cultures, including *designs* (UNDRIP, 2006). The AIDC:CD has also been created to assist Australian Aboriginal and Torres Strait Islander designers working outside of their country/community.

The Charter recommends the document be used as a tool to explain the issues to the buyers of design and to encourage them to consider the following supplier/designer combinations when commissioning Indigenous-themed communication design:

- Indigenous-owned and operated design companies who pledge to comply with professional practice standards for Indigenous design engagement as outlined in Australian Indigenous Design Charter (AIDC:CD).
- Indigenous design companies or consultants who subcontract creative work to other design companies (Indigenous or non-Indigenous) and comply with professional practice standards for engagement as outlined in Australian Indigenous Design Charter (AIDC:CD).
- Non-Indigenous designer/company who pledge to comply with professional practice standards for engagement as outlined in Australian Indigenous Design Charter (AIDC:CD) but also procure Indigenous expertise or engage Indigenous consultants when applicable.

NOTE: Communication designers should all feel confident of fitting within one of the combinations outlined above. The positioning of designers and the buyers of design within the context of the charter discussion is important. All stakeholders (client, designer, cultural

custodian) need to be clear on the sensibilities and processes involved in respectful cultural design practice.

2.3 Legal Context

This Charter is a self-regulated, professional best practice guide. The AIDC:CD has been drafted to complement existing laws and other relevant codes of ethics and best practice guidelines such as the Indigenous Australian Art Commercial Code of Conduct (Arts Law Centre of Australia, 2012). The AIDC:CD supports existing policies, procedures and protocols that ensure the rights of Australian Aboriginal and Torres Strait Islander stakeholders; including their intellectual property rights. It also emphasizes the crucial right to fair and informed negotiation and remuneration.

The document does not claim to be the definitive answer to appropriate representation of Australian Aboriginal and Torres Strait Islander culture in communication design. Instead it aims to encourage a climate of *learning through active practice* to guide designers to produce informed, authentic and respectful outcomes in the future. The AIDC:CD is an open document, it will be reviewed on a regular basis and modified as required. Feedback and case study testimonials are welcome and will be acknowledged where appropriate and desired: aidc.feedback@deakin.edu.au

NOTE: Where there is conflict or inconsistency between the principles contained in the AIDC:CD and any Commonwealth, state or territory law, then the law shall prevail to the extent of the conflict or inconsistency.

2.4 Inclusive Practice Exemplar

The AIDC:CD has been conceived and written in the spirit of inclusiveness. It is intended to perform as an active agent of change and help facilitate the Indigenous reconciliation process in Australian. This inclusive practice exemplar aims to dissipate ignorance through respectful and ethical knowledge sharing and increased visibility. It promotes the best practice, moral principles and engagement methods (collaboration, co-creation, permissions, procurement) required by designers to represent Australian Aboriginal and Torres Strait Islander culture authentically in their practice. As mentioned earlier, the AIDC:CD has been written for both non-Indigenous designers and Australian Aboriginal and Torres Strait Islander designers working in and out of country/community. Fostering cultural innovation through inclusiveness is the aim of the AIDC:CD.

The World Intellectual Property Organisation (WIPO) provides guidance in the area of cultural innovation and representation however it cautions designers to be vigilant when sharing Indigenous knowledge. "The protection of traditional knowledge should contribute toward the promotion of innovation and to the transfer and dissemination of knowledge to the mutual advantage of holders and users of traditional knowledge and in a manner conducive to social and economic welfare and to a balance of rights and obligations" (WIPO 2014). The AIDC:CD is a facilitation tool for cultural engagement and knowledge sharing. Based on a premise of appropriate representation, consultation and respect. This Charter calls on designers to develop applied research methods and principles that incorporate effective communication and permissions but also include the associated collaboration co-creation processes (co-authorship/co-beneficiary). It should not be viewed as a 'how-to' guide for creating Indigenous designs but instead a guide to develop open, and respectful cross-cultural engagement and exchange.

2.5 Avoidance and the fear of failure

Australia has a history of inappropriate representation and miss use of Indigenous culture in communication design practice leading to many designers avoiding such referencing in their contemporary practices (Kennedy, 2015). Aboriginal and Torres Strait Islander culture is often presented as an adjunct to mainstream Australian society. There is a clear division between Indigenous and non-Indigenous/migrant cultural representation. Maintaining the integrity of Aboriginal culture is vital, however Kennedy argues that avoidance by designers results in a lack of visibility which impacts on the reconciliation process and the progressive development of an 'Australian style' and an historically authentic national identity (Kennedy, 2015). The AIDC:CD discourages avoidance and encourages designers to work on projects requiring Indigenous representation but only if they are prepared to respect appropriate practice methods as outlined in this Charter. Kennedy's thesis is that by adopting respectful knowledge-sharing methods of practices, communication designers can help build cross-cultural understanding and break down barriers of ignorance within the broader community (Kennedy 2015). Designers need to understand the co-creation concept of *relationality* and that in some cases co-authors are better described as co-beneficiaries

Part 3: AIDC:CD Points Expanded

This section expands on each Charter point by setting out the protocols, explaining the context and then proposing actions.

1) **Indigenous led**. Ensure Indigenous representation creation in design practice is Indigenous led.

   The creation of new, Indigenous themed works requires designers to demonstrate patience, respect and determination. Indigenous knowledge sharing extends beyond the procurement and use of existing artworks or cultural iconography. The AIDC:CD respects the desire of Aboriginal and Torres Strait Islander peoples to oversee their cultural heritage and encourages all communication designers to respect their rights and interests in how they are portrayed in design through both image and text.

   The IADC:CD clearly states Aboriginal and Torres Strait Islander peoples' right to share in the benefits from the use of their culture especially where it is being commercially applied. The AIDC:CD asks designers to:

   • engage with local Aboriginal and Torres Strait Islander designers who are connected with the relevant communities and provide opportunities for them to oversee the creative development and design process.

   • employ Aboriginal and Torres Strait Islander staff or consultants where possible.

   • share and disseminate information and any findings with the relevant Aboriginal and Torres Strait Islander stakeholders.

   • provide copies of the published design works to the people involved.

   Action: Always apply the AIDC:CD protocols when new works are created involving Indigenous culture, especially on projects requiring a statement about place and history.

2) **Self-determined.** Ensure respect for the rights of Indigenous peoples to facilitate the representation creation of their culture in design practice.

   The AIDC:CD reinforces the rights of Indigenous peoples to cultural self-determination as recognised by the United Nations in their *Declaration on the Rights of Indigenous Peoples* (2007). Communication designers must respect cultural ownership and only use Indigenous knowledge if the right permissions have been granted and community protocols observed as specified in the AICD:CD..

   Action: Follow the AIDC:CD guidelines and respect the rights of Indigenous peoples to self-determination, which includes the application of traditional knowledge and representation of

their culture in design practice.

3) **Community specific.** Ensure respect for the diversity of Aboriginal and Torres Strait Islander culture by following specific local community cultural protocols.

There is no one set of rules for professional, cultural engagement and interaction with Aboriginal and Torres Strait Islander peoples. Protocols differ between communities and are often influenced by a community's location (urban, rural, remote). Designers should be aware that in some cases they would only be given information/knowledge when they are deemed ready for it and trust has been established.

The following community engagement guidelines have been created with reference to Oxfam Australia's *Aboriginal and Torres Strait Islander Cultural Protocols* (2007) and Message Stick, Cultural Protocols for Indigenous Reporting in the Media, Australian Broadcasting Commission. The AIDC:CD supports these protocols and recommends that designers:

- check with the relevant Land Council as to whether a permit is required to enter Aboriginal and Torres Strait Islander lands.

- seek permission from the relevant local council or authority to enter a community.

- be considerate, courteous and respectful by sending an initial letter of intent, stating the purpose of your visit.

- always seek permission before taking any images.

- be aware that Aboriginal and Torres Strait Islander kinship systems are complex and will impact on how you can interact with members of a community. For instance, in some cases avoidance relationships dictate that a son-in-law cannot be in his mother-in-law's presence or a brother cannot use his sister's name.

- be aware that "women's business" and "men's business" relate to gender-specific knowledge and practices (specifically health, well-being and religious matters) that cannot be known or observed by the opposite sex. It is a mark of cultural respect not to discuss traditionally female issues ("women's business") in the presence of men and vice versa.

- be aware that community members may prefer to deal with people of their own gender. As a mark of respect your initial approach should be to a person of the same gender.

Action: Follow the AIDC:CD guidelines, treat people with respect and be aware of the

sensibilities and diversity of cultures that exist across Australia.

4) **Deep listening.** Ensure respectful, culturally specific, personal engagement behaviors for effective communication and courteous interaction are practiced.

Designers need to be aware that meetings might be scheduled around cultural obligations or travel considerations (especially in remote locations). The time factor can impact on the research and development of design projects. Designers and their clients need to develop dedicated research practice methods for Indigenous-themed projects and be aware of the budgetary impact associated with such time related considerations.

This Charter refers to Oxfam Australia *Aboriginal and Torres Strait Islander Cultural Protocols* (2007) recommendations in the regard to face-to face engagement and communication:

- be aware that English is often a second, third, fourth or fifth language in remote locations. If necessary, use an interpreter, keep technical terms to a minimum, speak slowly, do not mimic Aboriginal and Torres Strait Islander speech patterns. Try to learn a few words of the local language to improve relations and credibility within the community (Oxfam 2007).

- understand that an indirect communication style is common in Aboriginal and Torres Strait Islander communities. Sometimes being direct can be seen as confrontational. Aboriginal and Torres Strait Islander peoples may delay expressing a firm opinion instead, they may opt to listen to others before offering their own view and if their view conflicts with others, will often understate their position.(Oxfam 2007).

- be sensitive of non-verbal cues. For instance, silence may mean that people are listening, remaining non-committal or waiting for community support (Oxfam 2007).

- body language is important in Aboriginal and Torres Strait Islander communities. In some communities this may include actions such as lowering your eyes and avoiding eye contact with older people or authority figures; not pointing when giving directions; avoiding body contact such as friendly touching or jostling or touching the upper torso or arm; shaking hands only if initiated by the other party (Oxfam 2007).

- dress appropriately and modestly; in many communities it is a sign of respect to cover the shoulders; it is always inappropriate to wear short dresses or revealing shorts (Oxfam 2007).

- be aware that questioning can be seen as challenging or being pushy. "Why?" is

virtually absent from conversations in remote Australian communities and observation is used instead (Oxfam 2007).

Action: Follow the AIDC:CD guidelines; start conversation as if you are there to learn not teach; be courteous, be patient and listen deeply.

5) **Impact of design.** Ensure the reception and implications of all designs are respectful of Indigenous culture.

Increasingly Indigenous culture is being identified by design firms and branding agencies as providing a unique point of difference, especially in the representation of land and location in place branding. Designers must be aware of their professional and moral responsibilities. They need to understand the power they have to influence opinions.

Designers (Indigenous and non-Indigenous) are often required to represent national identity narratives in their work but are often unclear on how to do so respectfully and ethically. A situation currently exists where some designers still appropriate Indigenous culture (Kennedy 2015). In other cases the inappropriate practices of the past have created a climate of uncertainty where designers cautiously avoid Indigenous cultural representation completely through a fear of offending (Kennedy 2015).

The AIDC:CD acknowledges that recognition and visible representation go hand in hand. It supports the notion of a greater mainstream presence of Indigenous culture. It does so provided Aboriginal and Torres Strait Islander peoples are recognised as the primary guardians of their cultures.

The AIDC:CD suggests that all Indigenous-themed communication design projects require consultation and/or co-creation, co-authorship, co-beneficiary considerations between communication designers and the relevant community stakeholders.

The AIDC:CD asks designers to ensure the representation of Aboriginal and Torres Strait Islander cultures:

- reflect their cultural values and respect their customary laws.

- empower Indigenous peoples

- authentically reflect their cultural identity.

- do not reinforce negative stereotypes or depict confidential, personal and/or sensitive information.

Action: When representing Indigenous issues or choosing images to accompany text, it is important for designers to consider how the work might affect the Aboriginal and Torres Strait Islander peoples who are concurrently both the subject and producers of the story.

6) **Indigenous knowledge.** Respectfully ask the client if there is an aspect to the project, in relation to any design brief, that may be improved with Indigenous knowledge.

   Understanding the Indigenous background is of particular relevance when working on place branding, tourism and land development projects.

   The AIDC:CD suggests that designers and their clients have a responsibility to research the Indigenous history of all projects. The AIDC:CD encourages designers to ask: is there is an Indigenous story in this project? Asking this question promotes awareness and also provides an opportunity for innovative outcomes.

   Action: Enquire to whether there is an Indigenous story to tell in every project undertaken, even if it may seem unrelated at first.

7) **Shared knowledge (collaboration, co-creation, procurement).** Develop and implement respectful collaboration, co-creation, procurement methods as outlined in this Charter for sharing of Indigenous knowledge

   The AIDC:CD insists that appropriate consultation processes with cultural stakeholders should always be followed and approvals and permissions sought. The AIDC:CD expects designers to:

   - acknowledge the diversity of Indigenous cultures as represented in urban, rural and remote communities.

   - ensure they and their clients understand that consultation processes may require an extended period to enable consideration of and consultation with community members.

   - ensure the appropriate people (elders and/or those with authority) are present when consulting or co-creating.

   - understand it is important to collaborate from the outset of the design process rather than seek approval at the end. The ability of Indigenous decision makers to consider without undue pressure is a vital factor in respectful cross-cultural engagement.

   Action: Follow the AIDC:CD guidelines. Respect is generated with intent and earned through actions. Designers must therefore operate with patience and sincerity supported by a methodical process of transparency and inclusiveness.

8) **Legal and moral.** Demonstrate respect and honor cultural rights and intellectual property rights, obtaining appropriate permissions where required.

The AIDC:CD emphasizes the importance of respecting both copyright, including moral rights, and cultural rights. It encourages the buyers of design (corporate, government, not-for-profit) to engage Indigenous designers and design companies. It includes protocols for the acquisition and reproduction of existing artworks in communication design practice.

The Charter also aims to help designers (Indigenous and non Indigenous) navigate the more complex areas relating to the creation of new artifacts or imagery, especially when concerning place branding and national identity. It points out that the creation of new work requires designers be aware of vital engagement methods and processes.

The Oxfam Australia's Aboriginal and Torres Strait Islander Cultural Protocols (2007) states:

Cultural and intellectual property rights include the right for Aboriginal and Torres Strait Islander peoples to:

- own and control their cultural and intellectual property

- ensure that any means of protecting their cultural and intellectual property is based on the principle of self-determination

- be recognised as the primary guardians and interpreters of their cultures and so regulate how stories and information is presented

- authorise or refuse the use of their cultural and intellectual property according to customary law

- maintain the secrecy of their knowledge and other cultural practices

- be given full and proper attribution for sharing their heritage

- control the recording of cultural customs and expressions, the particular language of which may be intrinsic to cultural identity, knowledge, skill, and teaching of culture (Janke, 1999, p.47-48).

Action: Follow the AIDC:CD guidelines and ensure protocols are followed to protect Aboriginal and Torres Strait Islander cultural and intellectual property rights. The AIDC:CD emphasises

the importance of appropriate acknowledgements and credits. The Arts Law Centre of Australia's traditional custodian notice can be customized for use on printed or digital designs representing traditional knowledge:

> The images and elements of this design embody traditional ritual knowledge of the (name) community. It was created with the consent of the custodians of the community. Dealing with any part of the images for any purpose that has not been authorised by the custodians is a serious breach of the customary law of the (name) community, and may also breach the Copyright Act 1968. For enquiries about permitted reproduction of these images contact (community name). (ALCA 2015).

9) **Reconciliation Action Plan (RAP).** Develop a RAP incorporating the AIDC:CD.

The AIDC:CD encourages designers and their clients to develop a Reconciliation Action Plan (RAP). It is also recommended that the AIDC:CD be incorporated into individual RAPs. Follow this link for more information on how to generate an RAP:
www.reconciliation.org.au/raphub/

Action: Designers should develop a dedicated company RAP and feature it on their web site and state their support of AIDC:CD practice standards on any business stationary or marketing collateral. Designers should also encourage their clients and the buyers of design to develop their own RAP's that includes a statement of their compliance to the AIDC:CD.

10) **Charter implementation.** Ensure the implementation of the AIDC:CD to safeguard Indigenous design integrity.

Consultation with the custodians of traditional knowledge should be cautious and respectful. Design motivations should be transparent and outcomes accessible. Designers need to be aware that some aspects of Aboriginal and Torres Strait Islander representation may be unsuitable for public scrutiny. Secret and sacred material is often restricted under customary law and therefore unsuitable for publication. Privacy and confidentiality must be respected with personal information requiring special attention in some cases.

The AIDC:CD recommends that designers should:

- use clear language that is culturally appropriate.

- seek permission from the people/persons who own the stories.

- clearly outline and discuss the final design prior to publishing.

- ensure that Aboriginal and Torres Strait Islander peoples are recognised as the primary guardians and interpreters of their cultures.

- ensure that a collaborative design approach to creating new, project specific designs respects cultural values and customary laws.

- ensure that designs act to empower Indigenous peoples and to appropriately and authentically reflect their cultural identity in traditional, contemporary or interpretive ways.

- share the benefits of any form of commercialisation.

Action: Follow the AIDC:CD guidelines. It is important for designers to consult with Elders and/or those with authority to identify any sensitive, sacred or religious issues.

Part 4: Appendix

4.1 Definitions

The terms *Indigenous/Indigenous peoples* and *Aboriginal and Torres Strait Islander* have both been used in this Charter. In the AIDC:CD, a capital is used for Aboriginal, Torres Strait Islander, Indigenous and Elder. AIDC:CD acknowledges that the word Indigenous can be a contentious term with some but for efficiency and the lack of a more appropriate single word alternative the AIDC:CD has opted to comply with the judgment of the United Nations (2013) Forum on Indigenous Issues which states:

> Considering the diversity of Indigenous peoples, an official definition of 'Indigenous' has not been adopted by any UN-system body. Instead the system has developed a modern understanding of this term based on the following:
> * self-identification as Indigenous peoples at the individual level and accepted by the community as their member.
> * historical continuity with pre-colonial and/or pre-settler societies
> * strong link to territories and surrounding natural resources
> * distinct social, economic or political systems
> * distinct language, culture and beliefs
> * form non-dominant groups of society
> * resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities (UNPFOII, 2013 p.1).

Indigenous Grouping Terminology

ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES - is a collective name to describe the original peoples of Australia and their descendants.

FIRST AUSTRALIANS - is a collective name for the original people of Australia and their descendants, and can be used to emphasise that Aboriginal and Torres Strait Islander peoples lived on this continent prior to European colonisation.

FIRST PEOPLES - as above, a term often used to describe Aboriginal/Indigenous peoples.

INDIGENOUS PEOPLES - those whose ancestors were the original, pre-colonial people of any region in the world.

INDIGENOUS AUSTRALIANS –those whose ancestors were the original, pre-colonial people of the Australian continent and surrounding islands including Tasmania and the Torres Strait Islands.

INDIGENOUS KNOWLEDGE - a term used to describe ways of knowing, seeing, and thinking that are passed down orally and visually from generation to generation of Indigenous peoples.

Design Practice Terminology

COMMUNICATION DESIGN - the term used to describe the profession, which encompasses the disciplines of both graphic and digital/interactive design. This definition reflects the global shift from focusing on design as the production of an artefact to design as a strategic process. Following are the official International Council of Design (Ico-D) definitions of both communication design and communication designer as ratified by the Ico-D General Assembly 22, La Habana, Cuba, 26 October 2007:

GRAPHIC DESIGN - the term for a profession, which is now more commonly referred to as 'communication design' or 'visual communication design' because of the trending shift from print media to digital/interactive design applications that engage with both visual and non-visual senses (see communication design).

RELATIONAL - concerning the way in which two or more people or things are connected.

RELATIONALITY - the state or condition of being relational.

STAKEHOLDER - a person, group, organisation, escrow agent or custodian with a legitimate interest in a given situation, action or enterprise.

COLLABORATION -
The action of working with someone to produce something:

CO-CREATION - A business strategy focusing on customer experience and interactive relationships.

PROCUREMENT - The action of obtaining or procuring something. The act of obtaining or buying goods and services.

PERMISSIONS – The action of officially allowing someone to do a particular thing; consent or authorization:

CO-BENEFICIARIES - more than one person who gain a combined advantage and/or profit from something

CO-AUTHORSHIP - more than one person collaborating as joint author.

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