

Statement to the
Minister for the Arts

on the proposal for a
National Cultural Policy



NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

December 2011

Statement by The National Congress of Australia's First Peoples on the proposal for a national cultural policy

1. Introduction

The National Congress of Australia's First Peoples welcomes the opportunity to comment on the Australian Government's proposal to develop a national cultural policy.

Congress has been established to be a national leader and advocate for Aboriginal and Torres Strait Islander peoples. We advocate for the recognition of the rights of Australia's First Peoples, and for securing their economic, social, cultural, political and environmental future.

Congress supports the development of a national cultural policy.

Congress agrees with the premise set out in the discussion paper that the arts and other forms of culture are fundamental to Australia's identity as a society and a nation, and increasingly important to our economy. Nowhere is this truer than for Aboriginal and Torres Strait Islander people. Culture in all its many forms is central to the identity and wellbeing of Aboriginal and Torres Strait Islander peoples at an individual, family, community and national level. It is also important as a source of independently-derived income for communities and individuals.

The history of dispossession of Aboriginal and Torres Strait Islander peoples includes a long struggle to retain language, ceremony, traditional knowledge, and the land which underpins culture. Much has been lost, but much has remained to fuel the modern explosion of cultural reconnection and revitalisation which includes expression of traditional and contemporary-style Aboriginal and Torres Strait Islander visual and performing arts.

That reconnection with culture and the telling of our stories and histories – whether at a family and community level or through expression in national and international showcases such as the Deadly Awards and the Sydney 2000 Olympics – make a significant contribution to strengthening pride, identity, positive promotion and unity of Aboriginal and Torres Strait Islander peoples. The national expression of Aboriginal and Torres Strait Islander cultures builds reconciliation with other Australians and is the source of a uniquely Australian identity.

2. Government obligations to cultural rights

Congress asserts that a national cultural policy must reflect the rights recognised by the UN Declaration on the Rights of Indigenous Peoples, among these the right of Aboriginal and Torres Strait Islander peoples to:

- Maintain, protect, control and develop the past, present and future manifestations of their cultures, such as designs, ceremonies, technologies and visual and performing arts and literature (*Article 11*), and their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions (*Article 31*).
- Practise, revitalise and transmit their cultural traditions, histories, languages, oral traditions, philosophies, writing systems and literatures (*Article 13*).

Congress also maintains that a national cultural policy must enact the obligations of the Australian Government set out in the UN Declaration to provide effective measures to recognise and protect the exercise of these rights, and redress cultural, intellectual, religious and spiritual property taken without free, prior and informed consent or in violation of their laws, traditions and customs. These measures are required to be developed and implemented in conjunction with Aboriginal and Torres Strait Islander peoples.

The recommendations that follow are based on the importance of these rights and obligations. Congress is of the view that a national cultural policy that fully implements these rights and obligations will enable Aboriginal and Torres Strait Islander peoples to take their rightful place in the nation's cultural life.

3. Congress comment

3.1 Acknowledge the unique status, diversity and continuity of Aboriginal and Torres Strait Islander cultures

Congress is of the view that the unique status of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia must be recognised both through the development of a separate Aboriginal and Torres Strait Islander peoples national cultural policy, and by being given specific focus in a national cultural policy. The modern exercise of Aboriginal and Torres Strait Islander cultures should not be regarded simply as another facet of multicultural Australia. The strong bonds between land, language, ceremony, belief and knowledge systems makes Aboriginal and Torres Strait Islander culture unique in Australia, and the oldest continuing cultures in the world. This cannot be replicated through recent experience.

Aboriginal and Torres Strait Islander cultures are continuous and evolving. A national cultural policy should not treat 'traditional' and 'modern' forms of Aboriginal and Torres Strait Islander cultures as distinct and separable.

The diversity of Aboriginal and Torres Strait Islander cultures must also be recognised in a national cultural policy. As a case in point, Goal 1 of the discussion paper should refer to 'Indigenous *cultures*' in the plural.

Congress recommends the establishment of a new goal in the national cultural policy. This goal should express recognition of and support for the unique status of Aboriginal and Torres Strait Islander peoples and their diverse and continuous cultures, and the contemporary expression of those cultures in many interrelated forms.

A national cultural policy should give explicit support to the value of Welcome to Country ceremonies and Acknowledgements as an important cultural recognition of the unique status of Aboriginal and Torres Strait Islander peoples. Welcome to Country ceremonies are also an important form of economic support for many elders, and provides recognition of their status as cultural leaders in their communities.

3.2 Recognise that culture is essential to wellbeing

Congress is of the view that a national cultural policy must recognise that access to and exercise of cultures contributes to the wellbeing of Aboriginal and Torres Strait Islander individuals and communities. It forms bonds between people, builds a sense of individual and community identity, and contributes to resilience – the capacity to withstand and recover from setbacks.

Among disadvantaged Aboriginal and Torres Strait Islander communities, improving wellbeing is essential to closing gaps in disadvantage. It underpins the capacity to self-govern, and to take greatest advantage of opportunities and services. While gaps in health, education, housing, employment and justice continue to divide Aboriginal and Torres Strait Islander peoples from other Australians, it is support of cultures which provides a foundation for positive change. This principle should be given greater recognition in Government's Closing the Gap policies, and through a holistic approach to implementation of cultural policy for Aboriginal and Torres Strait Islander peoples which involves many agencies and service providers.

3.3 Ownership and control of Aboriginal and Torres Strait Islander cultures must rest with communities

A national cultural policy must acknowledge the premise of the UN Declaration that Aboriginal and Torres Strait Islander peoples have the right of ownership and control of their own cultures in all their forms, and that governments have obligations to take measures to protect the exercise of those rights.

Implementation of this principle in a national cultural policy should include these strategies:

Fund Aboriginal and Torres Strait Islander national cultural institutions

A national cultural policy must include the strategy of supporting existing and establishing new national institutions for Aboriginal and Torres Strait Islander cultures.

The Australian Institute of Aboriginal and Torres Strait Islander Studies has a vitally important role in the preservation, protection, provision of access to, and research on, cultural materials and knowledge. Its status as a national cultural institution must be recognised, and its work must continue to be supported and strengthened through a national cultural policy.

Aboriginal and Torres Strait Islander visual and performing art attract international and national interest which is disproportionate to the government support they receive, but this is not acknowledged by the existence of national institutions for Aboriginal and Torres Strait Islander arts. Funding national mainstream bodies for Aboriginal and Torres Strait Islander visual arts has not vested true control with Aboriginal and Torres Strait Islander peoples, nor led to the vitality, vision and world-class innovation that is evident in Aboriginal and Torres Strait Islander-controlled and led organisations such as Bangarra Dance Theatre.

Mainstream national art institutions have considerable inertia to overcome, and lack a critical mass of Aboriginal and Torres Strait Islander voices. As Hetti Perkins, one of the nation's most respected curators of Aboriginal art, said:

"Generally speaking, mainstreaming Aboriginal and Torres Strait Islander arts has failed us... While I value our presence in major institutions across this country, there is a vital piece of the puzzle that's missing, and that is our own properly resourced national cultural centre – a flagship cultural centre that can lead by example, that can promote the professional development of our people right across the arts industry. A place that can be a centre of research, of excellence, of scholarship and of consultation, and that can be part of the fabric of cultural centres and keeping places that exist in communities right across our country. It can be an advocate for our people and for our culture, and most importantly it can showcase the incredible diversity and talent of the work of our artists who are the inheritors of the world's oldest continuous cultural tradition."¹

¹ Presentation at the 28th Telstra National Aboriginal and Torres Strait Islander Art Awards in Darwin, Northern Territory Australia, 2011.

Furthermore, the distinctions between the various forms of arts and culture made in mainstream paradigms are alien to Aboriginal and Torres Strait Islander cultures. Language, dance, song, visual arts, ceremony, knowledge systems – are a continuum of cultural practice which has not been possible to capture in mainstream institutions devoted to one branch of the arts, or in mainstream public funding models.

National Aboriginal and Torres Strait Islander arts bodies must be run on lines which may differ from the model of existing mainstream national bodies:

- They must have the freedom to not only showcase Aboriginal and Torres Strait Islander talent and stories, but act as high-profile advocates and entrepreneurs for Aboriginal and Torres Strait arts.
- They must have the flexibility to remain dynamically connected to communities and forge new connections. Having a broad view of their relationship with communities, not fixed in a 'performer and audience' viewpoint, opens opportunities for community development and participation, exchange of skills and reinforcement of cultures.
- Their establishment need not necessarily involve large investment in infrastructure in a single location, and their touring need not be confined to places with large infrastructure. Groups such as Bangarra Dance Theatre and the National Theatre of Scotland demonstrate that a performing arts body can successfully operate to an internationally-acclaimed standard while working within communities, growing and shrinking with need.
- They must have the opportunity for cross-disciplinary partnerships outside the arts – with areas such as education, health and community development – to maximise the many benefits that arise from a holistic approach to community investment.

Better fund and support national Aboriginal and Torres Strait Islander celebrations

There are a number of national Aboriginal and Torres Strait Islander cultural celebrations which are held in communities all across Australia, most notably NAIDOC Week (running annually in the first full week of July), the Survival Concerts (on 26 January each year) and Reconciliation Week (usually in May, to coincide with National Sorry Day on 26 May each year).

Aboriginal and Torres Strait Islander festivals and celebrations are an important vehicle for community expression, unification of Aboriginal and Torres Strait Islander peoples, positive promotion of Aboriginal and Torres Strait Islander peoples, cultures and communities, and reconciliation and sharing with the broader community.

National celebrations are particularly important in building unity amongst Aboriginal and Torres Strait Islander peoples because they are inclusive of all Aboriginal and Torres Strait Islander peoples, even displaced peoples who for one reason or another are not living on their homelands. These celebrations also promote cultural self-determination because the celebrations are not constrained in their form, style or content, and are thereby open to local Aboriginal and Torres Strait Islander peoples to celebrate as they wish.

Providing support to national Aboriginal and Torres Strait Islander celebrations also provides a vehicle for direct contribution to economic and employment benefits for Aboriginal and Torres Strait Islander peoples in the performing arts industry including Elders, singers, dancers, artists, event managers, graphic designers and media professionals.

Congress has been informed by Members that NAIDOC Week and Survival Celebrations are particularly underfunded and under-supported by Government and this makes the celebrations difficult to manage and promote to the wider community. A specific example is NAIDOC Week

funding, which is currently excluded from a number of Federal Arts Grants noted in the discussion paper due to being funded separately (and inadequately), by the Department of Families, Housing, Community Services and Indigenous Affairs.

Congress recommends that national Aboriginal and Torres Strait Islander celebrations be urgently considered by the Federal Government for increased funding, coordination and support.

As Glenda Kickett, Chairperson of NAIDOC Perth said:

“NAIDOC Perth is focused on the celebration of Aboriginal and Torres Strait Islander peoples, cultures and communities in Perth. Our organisation commenced in 2007, following the disbandment of ATSIC, which used to coordinate NAIDOC. The growth of our organisation and demand for our services since then is an indication of the thirst for well-coordinated, promoted and inclusive Aboriginal and Torres Strait Islander celebrations which are community driven. However, we lack funding and support and rely heavily on the goodwill of volunteers. We need greater Government support, involvement and recognition to be able to keep up with the growing demand.”

- Glenda Kickett, Chairperson, NAIDOC Perth (Inc.) and Delegate to the National Congress.

Congress also recommends that thought and consultation be given to a national public holiday which celebrates Aboriginal and Torres Strait Islander peoples, cultures and communities.

Support local arts centres

Arts and crafts are an essential component of the wellbeing of many Aboriginal and Torres Strait Islander communities, particularly remote and regional communities where employment opportunities are rare.

While the 110 or more Aboriginal and Torres Strait Islander arts centres vary widely in their function and quality of their infrastructure, they are almost all owned and operated by local communities, make a significant contribution to community wellbeing, and provide a safe place where peoples may practice and teach their culture to younger community members.

Congress recommends that the Government implement outstanding recommendations of the 2007 Senate report *Indigenous Art – Securing the Future* to boost support for Aboriginal and Torres Strait Islander art centres, including the recommendations to boost funding to the National Arts and Craft Industry Support program and complementary fund for infrastructure, and the recommendation to increase the skill base of art centre managers and prospective managers.

Support languages as a vital part of culture

Congress is of the view that Aboriginal and Torres Strait Islander languages need to be owned by communities and protected from extinction by their widespread use in communities. Languages should be taught in and by communities, and grow and adapt to modern life through that use.

A national cultural policy must acknowledge that languages are an important piece of Aboriginal and Torres Strait Islander cultures and identity, and should take into consideration outcomes of the recent inquiry into language learning in Aboriginal and Torres Strait Islander communities conducted by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Committee to which Congress has provided a submission.

Congress is of the view that Aboriginal and Torres Strait Islander languages are important in the long term as well as the short term.

“As the health, educational and economic gaps between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians disappear, as they must, all that will distinguish Aboriginal and Torres Strait Islander peoples from other Australians is culture. It will be then that we will feel the loss of Indigenous languages most keenly.”

-Wesley Enoch, Artistic Director, Queensland Theatre Company and member of the Ethics Council advisory body to Congress.

3.4 Aboriginal and Torres Strait Islander cultures must be better protected

The respect of Aboriginal and Torres Strait Islander cultures espoused by Government and organisations is not reflected in the protection of law.

The many State, Territory and Federal laws which regulate cultural heritage protection are frequently inconsistent, incomplete and provide inadequate protection in many circumstances. They require significant reform, preferably through a Federally-led process agreed to by all jurisdictions.

Australia’s copyright laws are at odds with Aboriginal and Torres Strait Islander world views based on collective ownership, orally-transmitted knowledge, and the perpetual nature of culture. Copyright and intellectual property laws focus on material forms, protect expression rather than underlying content, grant moral rights only to individuals and for a limited term, and give no special protection to sacred knowledge².

Congress supports the establishment of a national Aboriginal and Torres Strait Islander cultural authority that would protect cultural and intellectual property rights and set standards for appropriate use, including royalties, cultural integrity and attribution. Such a body could promote the negotiated use of tradition-based creativity and innovation, including commercialisation; ensure that prior consent of traditional owners is obtained; and ensure the sharing of benefits derived from the use of Aboriginal and Torres Strait Islander cultural and intellectual property.³

3.5 New technologies must benefit Aboriginal and Torres Strait Islander cultures

Congress welcomes the attention to emerging technologies in goal 2 of the discussion paper on a national cultural policy. Emerging communication technologies have enormous power to enable Aboriginal and Torres Strait Islander communities and individuals to transmit, teach and share cultural traditions, and to build social cohesion and connections across long distances.

Lack of access to culture threatens the continuity of culture.

-Wesley Enoch, Artistic Director, Queensland Theatre Company and member of the Ethics Council advisory body to Congress.

An effective National Broadband Network would have numerous benefits for Aboriginal and Torres Strait Islander peoples:

- **Join communities** in cultural experiences such as mutual engagement in ceremonies;
- **Bring individuals back to their communities** by enabling people living in distant locations to observe, learn and participate in the traditional and modern ceremonies of their Country;
- **Grow the number of Aboriginal and Torres Strait Islander language speakers** through the transmission, teaching and sharing of languages;

² Janke, Terri. *Writing up Indigenous research: authorship, copyright and Indigenous knowledge systems*. Terri Janke and Company Pty Ltd. August 2009.

³ Janke, Terri. *Beyond Guarding Ground: A vision for a National Indigenous Cultural Authority*. Terri Janke and Company Pty Ltd. 2009.

- **Reduce recidivism** by connecting detainees in prisons and juvenile detention centres to their cultural traditions;
- **Reduce the cost of access** to culture in remote and regional communities;
- **Open new markets** for arts, crafts and performance.

However, Congress is concerned that the application of emerging technologies in ways that are not inclusive of all communities, in particular those which are disadvantaged by poverty and remoteness, will further accentuate the gaps between Aboriginal and Torres Strait Islander peoples and other Australians.

Congress recommends that, in order to enable more people to participate in arts and culture, connection of remote Aboriginal and Torres Strait Islander communities must be prioritised in the roll-out of the National Broadband Network, and connection must provide a high-quality and reliable audio-visual experience.

4. Conclusion

Congress makes these recommendations:

1. A separate Aboriginal and Torres Strait Islander national cultural policy should be developed, in addition to greater recognition of Aboriginal and Torres Strait Islander peoples in a national cultural policy.
2. A national cultural policy must enact the responsibilities of Government to the cultural rights of Aboriginal and Torres Strait Islander peoples set out in the UN Declaration on the Rights of Indigenous Peoples.
3. A national cultural policy must express recognition of and support for the unique status of Aboriginal and Torres Strait Islander peoples as the First Peoples, and the diversity and continuity of their cultures from ancient times to the present. This should be a new goal, separate from those already identified by Government.
4. The Government should give explicit support to the value of Welcome to Country ceremonies and Acknowledgements as important cultural recognition of the unique status of Aboriginal and Torres Strait Islander peoples.
5. Government policy concerning Aboriginal and Torres Strait Islander peoples must recognise that access to and exercise of cultures contributes to wellbeing of individuals and communities, underpins the capacity for self-governance and resilience, and underpins the capacity to take greatest advantage of opportunities and services.
6. Support of cultures should be given greater recognition in Government's Closing the Gap policies, and through a holistic approach to implementation of cultural policy for Aboriginal and Torres Strait Islander peoples which involves many agencies and service providers.
7. Support should be larger for existing institutions and establishing new national institutions for Aboriginal and Torres Strait Islander cultures, in recognition that the UN Declaration states that Aboriginal and Torres Strait Islander peoples have the right of ownership and control of their own culture in all its forms. This should include The Australian Institute of Aboriginal and Torres Strait Islander Studies, and new national visual and performing arts bodies.
8. National festivals and celebrations such as NAIDOC week and Survival Day which promote positive messages about and to Aboriginal and Torres Strait Islander peoples should be better supported by Government.

9. The Government should implement outstanding recommendations of the 2007 Senate report *Indigenous Art – Securing the Future* to boost support for Aboriginal and Torres Strait Islander art centres, including the recommendations to boost funding to the National Arts and Craft Industry Support program and complementary fund for infrastructure, and the recommendation to increase the skill base of art centre managers and prospective managers.
10. The Government should acknowledge that languages are an important piece of Aboriginal and Torres Strait Islander cultures and identity, and should take into consideration outcomes of the recent inquiry into language learning in Aboriginal and Torres Strait Islander communities conducted by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Committee in the development of cultural policy.
11. The many State, Territory and Federal laws which regulate cultural heritage protection should be reformed, preferably through a Federally-led process agreed to by all jurisdictions, to ensure they are consistent and adequate.
12. A national Aboriginal and Torres Strait Islander cultural authority that would protect cultural and intellectual property rights and set standards for appropriate use including royalties, cultural integrity and attribution, should be established.
13. Connection of remote Aboriginal and Torres Strait Islander communities must be prioritized in the roll-out of the National Broadband Network, and connection must provide a high-quality and reliable audio-visual experience.

Congress looks forward to future opportunities to work with the Australian Government on matters of culture, and to the benefits that a national cultural policy can bring to the economic, social, political and environmental interests of Australia's First Peoples.

