

First Nations Artwork and Indigenous Cultural and Intellectual Property Policy

Responsible commissioning, licensing and use of Aboriginal and Torres Strait Islander artwork

Organisation	NewGen Apparel Pty Ltd	Policy owner	Senior Management
Approved by	David O'Keeffe, Director	Effective date	1 January 2026
Review cycle	Every two years	Next review	January 2028
Contact	info@newgenapparel.com	Version	2.0

1. Purpose

NewGen Apparel recognises that Aboriginal and Torres Strait Islander artwork may embody cultural knowledge, identity, stories and connections to Country and community. Responsible use requires more than legal copyright compliance. It also requires informed consent, cultural respect, clear permitted uses, appropriate attribution and fair commercial arrangements. This Policy sets out the process NewGen will follow where a customer wishes to incorporate Aboriginal or Torres Strait Islander artwork into uniforms, merchandise or branded products.

2. Scope

This Policy applies to NewGen directors, employees, contractors and representatives involved in sourcing, commissioning, licensing, adapting, producing or supplying products that incorporate Aboriginal or Torres Strait Islander artwork. It also applies to customer-supplied artwork proposed for use on NewGen-produced products.

3. Principles

NewGen's approach is informed by recognised Australian principles concerning fair and transparent trade with Aboriginal and Torres Strait Islander artists and respect for Indigenous Cultural and Intellectual Property (ICIP).

- Artist authority and informed approval must be established before production.
- The artist retains ownership and copyright unless expressly agreed otherwise in writing.
- NewGen and the customer receive only the rights granted for the specific project.
- Artwork must be used only for the approved products, applications and period.
- Alteration, recolouring, cropping, rearrangement or reuse requires the permission specified in the agreement.
- Artist attribution and any cultural conditions must be followed.
- Commercial terms must be clear and agreed with the artist or authorised representative.
- Where authority cannot be established, NewGen will not reproduce the artwork.

4. Artwork sourcing

Artwork may be:

- commissioned from an Aboriginal or Torres Strait Islander artist for a particular customer project;
- licensed through an authorised art centre, agency or artist representative; or
- supplied by a customer that already holds the rights required for the proposed use.

NewGen will not knowingly reproduce artwork presented as Aboriginal or Torres Strait Islander artwork where the artist, source or authority to use it cannot be reasonably established. NewGen will not commission or use imitation First Nations-style artwork as a substitute for an authorised artist-led process.

5. Approval before production

Production will not begin until NewGen has received written confirmation or documentation covering:

- the identity of the original artist;
- the artist's approval or the authority of the representative granting permission;
- the products and applications on which the artwork may be used;
- the duration, territory or quantity covered where relevant;
- any restrictions on placement, reproduction, alteration, recolouring, cropping or adaptation;
- the required artist attribution;
- the agreed commissioning fee, licence fee, royalty or other commercial arrangement;
- any cultural conditions or restrictions; and
- any approval required for final artwork, strike-offs, samples or finished products.

6. Artist ownership and licensing

The artist retains ownership of the artwork and associated copyright unless the artist expressly agrees otherwise in writing. A commission or licence does not transfer ownership merely because NewGen or a customer pays for garments, merchandise, design work or production. NewGen and the customer receive only the rights expressly granted for the agreed project. Permission for one garment range, merchandise item, campaign or branding application does not automatically permit use for another product, campaign, location or purpose. The artist remains free to use or license the artwork for other purposes, subject to the terms of the relevant agreement.

7. Cultural integrity and artwork changes

NewGen will not alter, recolour, crop, rearrange, combine or extend artwork to additional products unless the change is permitted under the agreement and any required approval has been received. NewGen will follow agreed cultural restrictions, attribution requirements, reproduction conditions, approval processes and limitations on use. Where there is uncertainty about the meaning or cultural suitability of a proposed application, NewGen will seek guidance through the artist or authorised representative before proceeding.

8. Customer-supplied artwork

Where a customer supplies Aboriginal or Torres Strait Islander artwork, the customer must provide evidence that it is authorised to use the artwork for the proposed products.

NewGen may require:

- a copy or relevant extract of the licence or commissioning agreement;
- written confirmation from the artist or authorised representative;
- confirmation of the permitted products, quantities and uses;
- attribution instructions;
- details of any cultural or reproduction restrictions; and
- approval of any proposed adaptation or product application.

NewGen will not proceed where the required authority cannot be reasonably established.

9. Commercial arrangements

Licensing and commissioning arrangements must be agreed with the artist or their authorised representative. The arrangement should clearly identify the permitted use, products and quantities, duration, payment or royalty arrangements, attribution, approval requirements, restrictions on alteration or reuse and the process for any future or additional use.

NewGen will not represent that purchasing garments or merchandise transfers ownership of the underlying artwork.

10. Records and traceability

For each project, NewGen will retain relevant records, which may include:

- the artist's identity and authorised representative;
- the commissioning or licensing agreement;
- written approvals and correspondence;
- authorised artwork files;
- approved products and applications;
- attribution wording;
- cultural, reproduction or confidentiality conditions;
- approved strike-offs or samples; and
- final production approval.

11. Marketing and public display

NewGen will not publish, promote or display an artist's artwork, name, story, image or project details unless the relevant permission has been obtained. Permission to manufacture a product does not automatically include permission to use the artwork or artist information in NewGen marketing, tenders, case studies, websites or social media.

Where permission is granted, NewGen will use the agreed artist attribution and will not imply endorsement beyond the approved project relationship.

12. Concerns and escalation

Any uncertainty about artwork ownership, artist authority, cultural restrictions, permitted use or attribution must be resolved before production. Concerns must be referred to NewGen senior management.

Where NewGen becomes aware that artwork may have been used outside the agreed terms, it will pause further use where practicable, review the relevant agreement and approvals, consult the artist or authorised representative and take appropriate corrective action.

13. Governance and review

Senior management is responsible for oversight of this Policy. Employees involved in sales, design, sourcing, production and customer approvals must follow this process and retain the required records.

This Policy will be reviewed every two years, or earlier if relevant legal, industry or customer requirements change or if NewGen's experience identifies a need for revision.

14. Frameworks informing this Policy

This Policy is informed by the Indigenous Art Code, recognised Australian protocols for working with First Nations artists and principles concerning Indigenous Cultural and Intellectual Property. Reference to these frameworks does not represent external certification or membership unless separately stated by NewGen.

First Nations Artwork and ICIP Policy

DOCUMENT HISTORY

This table records the known development of the policy and the point at which the current consolidated public issue took effect. Current version: 2.0. Effective date: 1 January 2026.

Version	Date	Description	Approved by
Earlier internal guidance	Prior to January 2026	Artwork authority, licensing, approval, attribution and reproduction requirements applied through project, customer-approval and production processes.	Senior Management
2.0	1 January 2026	Requirements consolidated and expanded into the First Nations Artwork and Indigenous Cultural and Intellectual Property Policy for approved public issue.	David O'Keeffe, Director

STATUS OF EARLIER MATERIAL

The current title and public document consolidate earlier internal requirements and project controls. Version 2.0 does not represent the first time NewGen applied authority, licensing or artwork-approval requirements.