



Australian Government

Department of Education, Employment and Workplace Relations

CUAPRF305A Perform in ways that respect customary law, ethics and traditions

Release: 1

CUAPRF305A Perform in ways that respect customary law, ethics and traditions

Modification History

| Version | Comments |
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| CUAPRF305A | This version first released with <i>CUA11 Live Performance Training Package version 1.0</i> |

Unit Descriptor

This unit describes the skills and knowledge required to apply appropriate specific Aboriginal and Torres Strait Islander cultural protocols, values and principles to develop as an Indigenous Australian performing artist. It is intended that this unit be delivered by and to Aboriginal and Torres Strait Islander people.

The local or community cultural knowledge necessary to achieve competency in this unit may only be accessible to Aboriginal and Torres Strait Islander people; or persons recognised by specific Aboriginal and Torres Strait Islander Community elders, or those persons who are local custodians of local cultural heritage.

It is necessary for organisations delivering this unit to respect community protocols and heritage in the implementation of this unit. They would be expected to work closely with the local Aboriginal and Torres Strait Islander community or Community Advisory Board (CAB). Information on the composition and role of CABs is provided in the Assessment Guidelines in CUA11 Live Performance Training Package.

Application of the Unit

Aboriginal and Torres Strait Islander employed (including self-employed) dancers and small business entrepreneurs with some practical experience in traditional Indigenous Australian dance apply the skills and knowledge outlined in this unit. They could be developing their awareness of customary law and copyright issues in group performances at events in the local community or in public performances for visitors to their region or community.

Work performed requires a range of well-developed skills where some discretion and judgment are required and individuals take responsibility for their own outputs.

Trainers and assessors in this unit must be validated by the Community Advisory Board.

Collaboration with Aboriginal and Torres Strait Islander people on the delivery and assessment of this unit is recommended.

Licensing/Regulatory Information

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

| Element | Performance Criteria |
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| <i>Elements describe the essential outcomes of a unit of competency.</i> | <i>Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.</i> |

Elements and Performance Criteria

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| <p>1. Apply principles of Aboriginal and Torres Strait Islander customary law to performing arts practice</p> | <p>1.1. Seek advice from <i>relevant personnel</i> where appropriate to establish how principles of <i>customary law</i> affect own dance practice</p> <p>1.2. Take guidance and direction from cultural mentors</p> |
| <p>2. Behave ethically and with respect for tradition</p> | <p>2.1. Provide rationale and scope for <i>a code of ethics</i> in a particular sector of the arts</p> <p>2.2. Consult where relevant to determine parameters and contents of code of ethics</p> <p>2.3. Compile a code of ethics and test it in the community to determine its workability</p> <p>2.4. Act in terms of personal, professional and <i>cultural values and principles</i></p> <p>2.5. Advocate for and support the maintenance and renewal of <i>traditions</i> in appropriate ways</p> |
| <p>3. Identify copyright issues for the protection of cultural heritage</p> | <p>3.1. Apply knowledge of <i>copyright</i> to <i>products</i></p> <p>3.2. Seek advice where required, to ensure that copyright issues are fully addressed in terms of own rights and the rights of others</p> |
| <p>4. Liaise with Indigenous communities, groups and individuals in ethical and culturally appropriate ways</p> | <p>4.1. Seek advice where relevant to determine appropriateness of reasons for <i>liaison</i> and protocols to be complied with</p> <p>4.2. Make ethical arrangements for contact which respect and support people's cultural needs</p> <p>4.3. Determine own rights and responsibilities in particular situations</p> |
| <p>5. Follow cultural protocols, ethics and traditions when rehearsing and performing</p> | <p>5.1. Comply with customary law and <i>cultural protocols</i> as they relate to performance</p> <p>5.2. Implement <i>strategies</i> to account for cultural difference during performance of dance activity</p> <p>5.3. Interact with and acknowledge directors, performers and audiences in appropriate ways</p> |

Required Skills and Knowledge

This section describes the skills and knowledge required for this unit.

Required skills

- communication skills to:
 - discuss customary law, ethics and traditions with relevant personnel
 - respond appropriately to feedback on own skill development and performance
 - participate in mentoring arrangements with Aboriginal and Torres Strait Islander people
- initiative and enterprise skills to:
 - investigate and employ relevant cultural protocols and culturally appropriate communication, such as obtaining permission, consultation, issues of ownership and custodianship
 - observe protocols appropriate to the Aboriginal and Torres Strait Islander community in dance performances
- learning skills to liaise with other Indigenous people in ways that are culturally supportive and comply with relevant protocols
- literacy skills to:
 - identify, read and understand relevant legal documents
 - complete relevant documentation
 - undertake research regarding copyright and interpret research findings
- planning and organising skills to:
 - consult with others in compiling a code of ethics
 - meet work requirements and make informed decisions
- problem-solving skills to negotiate with others and achieve consensus and agreed outcomes
- self-management skills to seek and follow advice as required
- teamwork skills to work collaboratively with others involved in dance classes and performances
- technology skills to search for and download information from the internet.

Required knowledge

- own Aboriginal and Torres Strait Islander identity
- traditions of ownership and protocols relating to created work and performance in Aboriginal and Torres Strait Islander cultures
- common structures and operations in Indigenous communities
- recognition, respect and compliance with Indigenous laws
- recognition and respect for ethical dealings in the performing arts
- sections of Copyright Act 1968 and Copyright Amendment Act 2006 relevant to own arts practice
- moral rights protection
- Australian Indigenous cultural and intellectual property
- difference between performing, mechanical and synchronisation rights
- function of organisations, such as:

- National Indigenous Arts Advocacy Association Inc.
- Australian Copyright Council
- Australasian Performing Right Association Limited
- international copyright and collection societies
- needs and rights of relevant parties.

Evidence Guide

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

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| Overview of assessment | |
| Critical aspects for assessment and evidence required to demonstrate competency in this unit | <p>Evidence of the ability to:</p> <ul style="list-style-type: none"> • integrate knowledge of cultural heritage, moral rights and community ethics into communication with community mentors and performances • maintain the integrity of cultural heritage and cultural knowledge for communities • seek and follow advice in order to work as an Indigenous performing artist in culturally appropriate ways • advocate for and support cultural maintenance and renewal knowledge • understand protocols for the sharing of information and the expression of information pertaining to cultural works • comply with rules of customary laws and protocols in relation to the production, presentation and distribution of works which express Aboriginal and Torres Strait Islander identity • comply with rules relevant to ideas and customs of the specific communities involved in the reproduction of heritage in the dance performance • commit to consultation with elders and other advisers in the construction of a code of ethics • liaise with other Indigenous people in culturally supportive ways that comply with relevant protocols. |
| Context of and specific resources for assessment | <p>Assessment may take place in communities, on the job, off the job or a combination of on and off the job. Assessment must ensure access to:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander elders, custodians and other culturally knowledgeable people authorised by their communities to act as mentors in arts and culture and performance disciplines • appropriate performance areas or spaces, including outdoor locations • sources of information needed to manage copyright, |

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| | <p>including the Copyright Act.</p> <p>Assessors should be Aboriginal and Torres Strait Islander people validated by their communities and the Community Advisory Board set up to oversee implementation of the training. They must ensure that the cultural and intellectual property rights of Aboriginal and Torres Strait Islander peoples are protected.</p> |
| Method of assessment | <p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none"> • direct questioning combined with review of portfolios of evidence • third-party workplace reports of on-the-job performance • evaluation of authenticated samples of culturally appropriate choreographed dance performance • verbal or written questioning to test knowledge as listed in the required skills and knowledge section of this unit • case studies and scenarios as a basis for discussion of issues of copyright • analysis of a documented code of ethics • direct observation of candidate liaising with other Indigenous people in ways that are culturally supportive. <p>Assessment methods should closely reflect workplace demands (e.g. literacy) and the needs of particular groups (e.g. people with disabilities and people who may have literacy or numeracy difficulties, such as speakers of languages other than English, remote communities and those with interrupted schooling).</p> |
| Guidance information for assessment | <p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:</p> <ul style="list-style-type: none"> • CUADAN302A Increase depth of Aboriginal and Torres Strait Islander dance technique • CUAIND302A Develop and maintain relationships with Indigenous Australian performance mentors • CUFCMP301A Implement copyright arrangements. |

Range Statement

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

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| <p><i>Relevant personnel</i> may include:</p> | <ul style="list-style-type: none"> • choreographers • community members • custodians • elders • managers • mentors • performers • supervisors. |
| <p><i>Customary law</i> may include:</p> | <ul style="list-style-type: none"> • rules, values, traditions and protocols governing behaviour in Aboriginal and Torres Strait Islander communities and contexts, which have been passed down generations and often refer to traditions that predate 1788 and that are accepted by members of those communities • customs and protocols as required in particular locations and situations, such as: <ul style="list-style-type: none"> • access to information • kinship • avoidance relationships • ownership • use of signs, symbols, movement or musical sequences • obtaining permission from custodians before performing customary material • communication protocols expected to be followed. |
| <p><i>Code of ethics</i> will include consideration of:</p> | <ul style="list-style-type: none"> • protocols • permission for use of idea or material • ways in which ideas or material are used • social justice • equal opportunity • intellectual and cultural property rights • copyright • feedback to cultural owners and communities. |
| <p><i>Cultural values and</i></p> | <ul style="list-style-type: none"> • sensitive cultural values and principles, such as: |

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| <p><i>principles</i> may include:</p> | <ul style="list-style-type: none">• acceptance within and by the community as an Aboriginal and Torres Strait Islander person• understanding and maintenance of own lore, land and traditions (cultural identity issues)• internal family and community construction politics• levels of acknowledgement and respect for business connected with:<ul style="list-style-type: none">• extended family• ceremonial events, such as funerals and cultural leave, tombstone openings, shaving ceremonies and initiation• customs• cultural values• religious expression• personal and group responsibility and dignity• social and cultural differences, such as:<ul style="list-style-type: none">• structure of community representation and powers of delegation• differing approaches to the concept of respect• individuals' and communities' particular circumstances and histories:<ul style="list-style-type: none">• place or geographical location• access to services, such as education, health and transport• language, including Aboriginal English, Torres Strait Kriol and traditional languages. |
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| Traditions means: | <ul style="list-style-type: none"> • body of knowledge, values and practices that have been collected over time by Aboriginal and Torres Strait Islander communities. |
| Copyright may include: | <ul style="list-style-type: none"> • <i>Copyright Act 1968</i> • <i>Copyright Amendment Act 2006</i> • moral rights protection • Australian Indigenous cultural and intellectual property • Australasian Performing Right Association Limited • ownership of materials • term of licence or assignment • length of control period after expiration of term • exploited reversion triggers • non-exploited reversion triggers. |
| Products may include: | <ul style="list-style-type: none"> • dramatic works • protection against unauthorised use of own and other's work • commercial exploitation of own work under copyright, intellectual property and licensing legislation • social and philosophical characteristics of Aboriginal and Torres Strait Islander creativity. |
| Liaison involves: | <ul style="list-style-type: none"> • communicating and acting together and may include: <ul style="list-style-type: none"> • contact visits to engage with individuals, organisations and communities • telephone conversations • letters • meetings • reasons for liaisons may include: <ul style="list-style-type: none"> • research • advice seeking • feedback. |
| Cultural protocols may include: | <ul style="list-style-type: none"> • rules of behaviour, which include: <ul style="list-style-type: none"> • governing communication, access to and use of cultural information and practices that form the heritage of the diverse range of Aboriginal and Torres Strait Islander societies • full set of protocols of a particular community or cultural grouping, which is likely to be unique, and may relate to: <ul style="list-style-type: none"> • obtaining information and materials • visiting individuals and communities • forms and circumstances of communication • obtaining permission from custodians before |

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| | <p>performing customary material</p> <ul style="list-style-type: none"> • communication protocols for effective and culturally appropriate communication, such as: <ul style="list-style-type: none"> • plain speech avoiding use of jargon • active listening • use of interpreters and mediators • common workplace strategies: <ul style="list-style-type: none"> • identify barriers to effective cross-cultural communication and the causes of ineffective cross-cultural communication • use of visual strategies, such as: <ul style="list-style-type: none"> • diagrams, tables, graphs, pictures, flow charts and video images • computer technology and other media • strategies for individuals may include: <ul style="list-style-type: none"> • non-verbal techniques, such as gestures • display of positive regard and respect • non-judgemental approaches • ongoing personal and interpersonal skill development • forming partnerships with cultural groups to achieve particular work goals • monitoring and reflecting on own actions to ensure cultural values are not imposed on others. |
| <p><i>Strategies</i> may include:</p> | <ul style="list-style-type: none"> • developing understanding of own culture and history • understanding key aspects and effects of Aboriginal and Torres Strait Islander culture and history on workplace issues • understanding similarities to identify common ground of cultural groups in the workplace • contextualising performance to cultural heritage and customary law. |

Unit Sector(s)

Performing arts - performance

Custom Content Section

Not applicable.