



## Submission to the Productivity Commission into Indigenous Visual Arts and Craft



APY ART CENTRE COLLECTIVE

### VIDEO SUBMISSIONS-

Nyurpaya Kaika- Part 1&2  
Illuwanti Ken  
Tuppy Goodwin Part 1 & Part 2

### LETTER SUBMISSIONS-

Letter from Nyunmiti Burton  
Letter from APYACC  
Letters from Tjala Arts: Nyurpaya Kaika, Barbara Moore, Sylvia Ken  
Letters from Iwantja Arts: Vincent Namatjira, Marinka Burton, Betty Chimney  
Letter from Kaltjiti Arts: Ingrid Treacle & Kaltjiti Artists  
Letter from Sally Scales



## NYURPAYA KAIKA



## ILLUWANTI KEN





## TUPPY GOODWIN PART 1



## TUPPY GOODWIN PART 2







### **Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission**

It is a time of unprecedented opportunity for us, Anangu artists (Indigenous artists from APY Lands). There is new excitement in Australia and all over the world for our art and culture. We have a new Art and Culture Museum being built here in Adelaide which will support incredible opportunities. There is also new interest in APY work from museums and galleries abroad, with many projects planned for the coming years. The excitement and energy that comes with new opportunities can be felt in our Art Centres. We also feel this excitement in our galleries in Sydney and Adelaide, with our young and emerging artists getting lots of positive attention and sales. There is optimism at all the wonderful industry events where our art and culture is celebrated.

The elders and leaders who run the art centres on the APY Lands are positive about the future. We have worked very hard to ensure we are in a good position to harness the opportunities that will come with a second market boom. It made sense for us focus on the Art Centres because they are the only source of non-government income and meaningful employment in many of our communities. And it is our job as leaders to protect and grow opportunities for our young people and future generations.

As you know we have many challenges we are trying to address in our communities including higher rates of incarceration, substance abuse, domestic and family violence and food security issues. Our Art Centres play such a positive role in supporting everyone in our communities to have work they can be proud of particularly the vulnerable, our elderly and disabled family members. Our Tjukurpa, our culture is alive every day in our Art Centres, it is celebrated and instructed to younger generations. Our Art Centres benefit every household on them APY Lands and play a key role in improving the health and well-being for all Anangu families on the Lands.

Elders and leaders of the APY lands are working with a drive that is underpinned by the knowledge that we are running out of time. Incredible leaders of our art movement have passed away in the past few years. We have new leaders stepping up but the most senior artists and leaders want to leave this world knowing they have fulfilled their commitment to community and done a good job, leaving behind a better future for the youngest members of community.

We are grateful for the opportunity to share with you our story, and the key challenges we face in our industry, in our Art Centres and in our careers as professional artists. We are hoping that our submission to you will be the start of further conversation. We welcome you to our gallery and studio in Adelaide and our gallery in Sydney. Leaders across the APY Lands are pleased to extend the invitation to you to visit community. Art Centre directors would be grateful for the opportunity to host you on the Lands next year.

Carpetbagging has been an issue for APY Lands Art Centres since 2005. Sadly, the commencement of the IAC following the 2007 Senate Inquiry into the Indigenous Visual Arts Industry has not made an impact and further action is needed. Dealing with the impact of unscrupulous private dealers has become a repetitive and futile task for Art Centres. Measures are taken to protect vulnerable artists against one carpetbagger; but it is only a matter of time before another one pops up using the very same unscrupulous and dangerous behaviour. Unscrupulous private dealers place the health and well-being of our vulnerable artists and staff at risk and cause conflict and violence in our families and communities. They also take our focus away from our core business and the important work of artmaking and impacting positive change in our communities.

We know our art and culture is of vital importance to our national identity and it is appropriate that government take measures to better support and protect remote Indigenous artists and Art Centres.

We are very grateful for the opportunity to share with you our submission which consists of the following.

- APY Art Centre Collective Submission
- Letter from Nyurpaya Kaika Burton, Amata Community, APY Lands, South Australia
- Letter from Sylvia Ken, Amata Community, APY Lands South Australia
- Letter from Barbara Moore, Amata Community APY Lands South Australia
- Letter from Sally Scales, Adelaide, South Australia
- Letter from Vincent Namatjira, Indulkana, South Australia
- Letter from Betty Chimney, Indulkana, South Australia
- Letter from Marinka Burton, Indulkana South Australia
- Video- Nyurpaya Kaika Burton, Amata Community, South Australia
- Video Iluwanti Ken, Amata Community, South Australia
- Video Tuppy Goodwin, Mimili Community, South Australia

We look forward to hearing from you and further conversation in the coming months.

Yours sincerely,

A handwritten signature in dark ink, reading "Nyurpaya Kaika Burton". The signature is written in a cursive, flowing style. The first name "Nyurpaya" is written in a larger, more prominent script, followed by "Kaika" and "Burton" in a slightly smaller, more compact script.



## Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission

*‘Ngayulu kuliningi panya iritija tjuta ninti panya tjana wantikatingu Tjukurpa nganala, pala Tjukurpa nyangatja key purunypa waintarinytja, purapulan ngananala wirunku community-ngka.*

*Ka Anangu kuranyitja tjutanku use-milalpai Arts Centre-ngka rawanku katulpai kuranyu-kutungku Ananguku. Pukularinytjikitjanku munu nintinyitjikitjanku tjittji Tjuta Tjukurpa iritija tjutatjara, palu purunypa ungkupai warka munu money Anangungku palyara pukularinytja-ku munu kupungku arkanytjaku waintarira tjanampa wanka kuranyu kutungku palyanytjaku.*

*Ka Art Centre nyangatja nganampa kututungka ngaranyi munu nganampa Communityku kulu nganampa Communityku kulu nganampa Art Centre kunpu Ananguku kuranyu kutuku munu Community kunpuni’*

‘I wonder if the ancestors knew that when they left the Tjukurpa (ancestral stories) with us, that culture would be the key to overcoming the social challenge we would face in our communities. The elders use the Art Centres every day to create a better future for Anangu (people of the APY Lands); to celebrate and teach the younger generations about Tjukurpa, but also to provide jobs and income that give people purpose and hope, and empower them to exercise control over their lives, and future.

The Art Centres are the beating heart of community and their existence is key to keeping people, culture and community strong.’

**Inawintji Williamson, Founding Chair of Kaltjiti Arts and Director APY Studio Adelaide**

## BACKGROUND

The Anangu Pitjantjatjara Yankunytjatjara Lands (APY Lands) are located in remote Central Australia in the far northern tip of South Australia. APY Art Centre Movement began in Pukatja Community in 1948, with the establishment of Ernabella Arts, Australia’s longest running Art Centre. Since then, Anangu elders have worked tirelessly to establish and grow these important Indigenous owned and governed not-for-profit organisations in communities across the APY Lands.





The APY Art Centre Collective Aboriginal Corporation (ABN 37 959 235 321 / ICN 8546) (APY Art Centre Collective) is registered with the Australian Charities and Not for Profit Commission (ACNC), and incorporated under the Office of the Registrar of Indigenous Corporations (ORIC). The APY Art Centre Collective is now a group of ten Indigenous owned and governed Art Centres located on the APY Lands, and facilitate and market the work of over 500 Anangu artists.

All APY Art Centres that are part of the APY Art Centre Collective are also incorporated with ORIC, with the exception of Ernabella Arts, which is registered under the ACNC. Under ORIC, Art Centres are exposed to an independent annual audit (published each year on the ORIC website) and are also subject to regular examinations. In addition, accountability for Art Centres is maintained through rigorous government financial reporting requirements. APY Art Centres, like most central desert art centres receive annual federal government funding from the Department of Infrastructure, Transport, Regional Development and Communications as a contribution to art centre operations. This funding is provided under the Indigenous Visual Arts Industry Support (IVAIS) Program.

Importantly, the federal government invests in Indigenous owned and governed not for profit art centres as they are the engine room of local economies in remote Indigenous communities marked by disadvantage. The Art Centres on the APY Lands are often the only source of non-government income and provide some of the only employment opportunities in community. Crucially, Art Centres are the vehicle used by Indigenous elders to positively impact the disadvantage they face and to create a better future for the next generations of Anangu families.

Exploitation of remote Indigenous artists by unethical Alice Springs based private art dealers known as “carpet baggers” has been an ongoing and well-known concern discussed by the industry since the beginning of the Western Desert Movement. Geoffrey Bardon detailed this issue in the 2004 *Mr Patterns* documentary, which depicts the emergence of aggressive unscrupulous private dealers (carpet baggers) in the 1970s, when the value of artworks produced by Papunya Tula artists was first recognised.



Although the first APY Art Centre was established in 1948, Anangu artists working in APY Art Centres joined the Western Desert painting movement much later. Until the mid 1990s APY Art Centres operated as craft rooms, and were predominantly women's spaces where craft items and tourist curios were created by Anangu artists for the tourist market. Products included tie dyed fabrics, knotted rugs, batik and carved wooden artifacts. Anangu artists were reluctant to paint Tjukurpa (cultural stories/cultural law) due to heightened concern about sharing secret/scared material. Anangu men and women believed that sharing cultural stories with non-Indigenous people was blasphemous. Today, senior Anangu men recall this period with humour and speak of the wonderful realisation that non-Indigenous people would never be able to read or understand the Aboriginal iconography or the visual language of culture that was/is embedded in artworks. This was when Anangu realised they could paint freely and truly benefit from this exciting new income already being enjoyed in Kiwirrkurra and Kintore by their family members working for Papunya Tula Artists

It wasn't until the early 2000s, at the height of the first Indigenous art market boom, that artists across the central desert and APY communities started speaking up about carpet baggers en masse; sharing the specifics of the exploitation of their vulnerable family members. Media attention alongside rigorous lobbying and advocacy from elders, Art Centres and Peak Bodies for Aboriginal owned and governed art centres led to the 2007 Senate Inquiry into Indigenous Visual Arts and Craft sector. This Inquiry made several recommendations including the establishment of the Indigenous Art Code of Conduct, which would provide the required support to protect vulnerable artists and Art Centres from the impact of carpet baggers. Artists and art centres felt they were being heard and were optimistic that industry change and consequences for carpet baggers would be forthcoming. The first Board of the Indigenous Art Code (IAC) spoke publicly about a strategy of bringing all industry parties together including artists, dealers in production, dealers in marketing and sales, peak bodies, partners, museums and institutions as members of the new industry Code. The Directors of the IAC spoke directly to remote artists, describing it as bringing all industry parties together 'inside a fence'. Once all parties were inside the fence, parties in breach of the IAC who were demonstrating unethical behaviours would have their IAC membership revoked. Indigenous artists were told that the removal of IAC membership would have a devastating impact on a dealer's business; and carpet baggers would effectively see cessation of their business.

Art Centres were understandably disappointed that their not-for-profit social enterprises were not recognised for their unique role in the industry under the IAC. These Indigenous owned and governed businesses, operating with transparency and accountability under ORIC rules and government reporting protocol were placed on the IAC dealers list alongside private dealers. These dealers were not under the same level of public scrutiny and many were known to be unscrupulous.

Directors of the IAC Board encouraged remote Indigenous artists and Art Centres to bring incidents and complaints regarding carpet bagging to the IAC Complaint Process. The IAC Board publicly expressed an enthusiasm to demonstrate that the "tiger had teeth". Senior artists from Tjungu Palya and Tjala Arts brought a complain to the IAC in 2012. Despite reassurances that the process would be conducted in an efficient, timely and culturally appropriate manner, described as much easier and less stressful than the court systems, Anangu found the process intensely stressful and onerous. The complaint process took 18 months to resolve. The artists told the IAC Board of their experiences being harassed, pressured, intimidated and harnessed to debt by an Alice Springs based carpet bagger. They believed it was a very clear case of unethical dealing. To the immense disappointment of the artists involved and leaders of the region, no recommendations were upheld and there were no consequences for the dealer.

It is our understanding that the IAC Board has never excluded a dealer member from its membership on any grounds, since its establishment.

Following this failed complaint, Anangu arts leadership believed the door to the APY Lands region swung open to Alice Springs based carpet baggers who were encouraged by the knowledge that the IAC was powerless with regard to actioning unethical dealing. Since 2010, artists have relentlessly complained about the ongoing harassment of various unethical private dealers based in Alice Springs. Several incidents and experiences have received media attention with senior artists like Barbara Moore speaking up as victims, seeking government support for an end to exploitation of Indigenous artists and forgery of Indigenous artwork.

Furthermore, Directors, artists and staff of APY Art Centres have continued to experience threatening, intimidating behaviour from unscrupulous private dealers based in Alice Springs. These behaviours have compromised retention of staff in remote Art Centres on the APY Lands. Vulnerable artists, community elders and staff have genuine concerns for their personal health, well-being and safety – as well as that of their Art Centres' business if carpet bagging remains unaddressed.

## **SOLUTIONS**

In October 2019 Art Centre Directors and artists wrote to Minister Fletcher, Minister Wyatt and Premier Marshall seeking support. In their letter, senior artists and leaders asked for the Federal Government to consider the following solutions. Art Centre Directors continue to see value in the solutions they detailed in this letter, as follows:

1) We request the IAC be housed within the Australian Competition and Consumer Commission (ACCC). The IAC needs to be better supported with rigor and expertise. The IAC and the ACCC must operate with a serious commitment to regulate the industry and end the culture of carpetbagger sweatshops in Alice Springs. Indigenous owned and governed art centres are required to operate with transparency and accountability under ORIC. It is time that the IAC is empowered to demand the same level of transparency and accountability from private dealers working with remote Indigenous artists. The commission structure of private dealers must be made clear to the IAC, and to the public so consumers can make informed decisions. The IAC is currently poorly-resourced and needs to be housed within a larger government agency to access the systems and staffing it needs to operate effectively and professionally.

2) It is the position of the APY Art Centre Collective that IAC membership must be mandatory for all dealers who are working with central desert artists. The IAC is the appropriate industry framework under which to develop and execute solutions to carpetbagging. It will however require an overhaul and the focus of the IAC must return to its original purpose – to end the exploitation of Indigenous artists.

3) The APY Art Centre Collective sees enormous value in having artist's contracts more meaningfully supported by the IAC. The IAC should publish list of all artists working under contract with their Art Centres in remote Indigenous communities. This list should be available on their website and referenced in marketing assets.



In addition to this we ask that the IAC introduce new protocol and process around changes in the contractual arrangements of central desert artists. If a private dealer wishes to engage an artist who is under contract with their community art centre, this should trigger a mandatory process, with artists supported by the IAC to ensure a clear understanding of the terms of the new deal before any changes are made. Dealers must be compelled to operate with transparency in this IAC facilitated process. This would prevent carpet baggers from taking advantage of taking advantage of an artist who is in the midst of personal or family crisis, and prevent the carpet bagger from unlawfully inducing an artist to breach their exclusive contract with an Art Centre.

If an artist who is under an exclusive contract with their community Art Centre is engaged to work for a private dealer, the second source of dealer representation must quarantine the artwork and refrain from marketing and selling works until the above process is completed. Art Centre Directors and senior artists believe that exclusive contracts must be respected by dealers. This would be consistent with the expectations and experience of non- Indigenous artists in the broader contemporary visual arts industry. APY Art Centre Directors have invested significant time and effort into developing culturally appropriate contracts (in language); video has also been used to capture artists endorsing these agreements.

When exclusive artist contracts were introduced by Art Centres, it was hoped these would protect artists from being unlawfully targeted, pursued and pressured by unscrupulous private dealers. Artists use their own contracts as tool of protection. We do not believe direct support for artists engaged in new dealer relationships would be an onerous task or undertaking for the IAC, nor would it require exorbitant new resources. We believe it would potentially involve the support of up to 10 artists annually from the APY Lands. The impact of this process however, would be significant. It would create a powerful deterrent for unscrupulous private dealers who rush the production and sale of works, often taking advantage of artists who are in the midst of personal or family crisis. Ensuring understanding of the new contract or terms of the deal in a supported process, would establish a level of accountability and transparency that has the potential to be both a very real and practical solution, as well as a gamechanger for the industry. We believe that ethical dealers would be pleased to agree to this process to avoid concern and confusion.

4) The practice of carpet baggers making upfront payments made to artists in the form of second-hand vehicles, accommodation, and goods must cease. As should payments made by carpet baggers to family members of established artists, with the expectation the debt is underwritten by future paintings created by the artist. There is a concern that this places the artist in form of debt bondage, and the artworks that they create for these carpet baggers are the proceeds of a form of modern slavery.

5) Resources need to be applied to establish market clarity. We receive feedback daily, particularly from tourists, but also art lovers and collectors; that they are more confused than ever when it comes to the two industry models of production and marketing of central desert artwork. We refer these individuals to the ethics page of our website at

[www.apyartcentrecollective.com/industry-ethics](http://www.apyartcentrecollective.com/industry-ethics), which simply states the facts about the two models. This information doesn't exist anywhere else. APY Art Centre leaders are currently communicating with Art Centres from other regions about establishing a list of Indigenous owned and governed arts and culture enterprises that will work like a Supply Nation for Indigenous Visual Art and Culture. This list needs to be supported with marketing at airports and tourist information centres, and by an App for visitors to use while they are in Australia. This could also be accompanied by the use of a certification mark. State, Territory and Federal Governments must demonstrate a commitment to supporting ethical pathways for buying Indigenous art work; for tourists, but also art lovers and all consumers. If government is not able to guarantee the ethical conduct of the dealers they promote through State, Territory and Federal government tourism strategies, then these dealers should not be included in government promotions or marketing strategies. Art Centres would prefer for their artists and galleries not be included at all, rather than be promoted amongst unethical parties.

6) A tri-state taskforce must be established as a matter of urgency to support better communications between the police in each of the States and Territories. In 2010, our experience was there were several individuals who worked for the police force in Western Australia and on the APY Lands with expertise and experience in this area, but we have found an absolute lack of interest from the Alice Springs police in regard to serious incidents of carpetbagging over the past few years.

It may be prudent to note that the support that Anangu leadership is/has been requesting from the Federal Government may not be required in regions outside of the central desert. However, it is equally important to note that this issue impacts the entire Indigenous Visual Art industry, and if unaddressed it will compromise future market growth, consumer confidence and international opportunities.







### Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission

My name is Nyurapya Kaika Burton, I am an Anangu woman and I live in Amata Community, I'm a Director of Tjala Arts and a Founding Director the APY Art Centre Collective . My sister Langadiki De'rose started the art centre in this community. It's 25 years later and over this time the Elders from our community have worked hard to make our art centre the beating heart of our community. It's a strong business, we love our Art Centre, it has a positive impact for every single family and every single home in our community. For the past 25 years Tjala Arts has been the most powerful and important place. It is a place where all the leaders of our community work each day, we share and instruct our cultural stories, it is the place where we have grown the most meaningful employment opportunities in community. There are very few jobs outside of the Art Centre in our community, and I am proud of Tjala Arts which my sister started, and I look after now. Everyone needs a job in the world, everyone needs a place to be where they are respected for their work and ideas, this is Tjala Arts in Amata. We grew it and it means everything to us.

I called my staff at the APY Art Centre Collective last week. I was strong with them and asked a question What are you working on that is more important than the carpet bagging problem? Our company has galleries and other programs, and we are very busy, but I meant my question what could possibly be more important. The time of my call was good, because my staff were working on this proposal to you the Productivity Commission and they had a meeting with our lawyer in Sydney that day. I got on a Zoom meeting with our lawyers about 2 hours later, and I asked the same question, I was strong I asked "What could be more important?" We talked about the issues, I talked about how concerned and distressed Anangu leadership is about Carpet Baggers and I talked about how our situation is getting worse, I talked about my sadness. I was asked by the leading lawyer "How do the Carpet Baggers get artists in"? I responded by saying "they know the tricks to use on Anangu; they use our desperation against us"

We used to get asked this question all the time, before people stopped asking about carpet baggers. People say now say artists should know better, they should say no to carpetbaggers. I need to make it very clear, our world is different to yours. Anangu are still relatively new to the white world, and it's a tough life full of challenges. We live in a place where elders responsibilities are endless, this is because of the lack of jobs and because of all the other problems in community we are trying to fix. These are the problems you read about in the newspapers, sometimes we are without food, our young people are in and out of jail, and we have family and social issues that come from trauma and substance abuse. The elders and I who run the art centre know it wasn't always this way and we want to return our people to a better life. We are a proud and hardworking people; we are determined to make a better future for our young people and future generations. Our communities have scars from the petrol sniffing epidemic of the 1980's and substance abuse. NPY Women's Council is the main organisation that has worked on these issues and our art centres help. Life in our communities is tough, we haven't given up. This is why we are respectfully asking for government for help. To help us protect our Art Centres from Carpet Baggers. We have asked this of government for a long time now. We heard this new Productivity Commission Inquiry is a new chance for us, so we are asking you to please listen, to please help.

Carpet baggers lure in family members of famous artists into Alice Springs, most often money is lent to young people and famous artists are required to pay back the debt. There is a cultural rule with Anangu that means the oldest generation of our society will always provide for younger generations, we will always help. This rule is different to the white world for us, it is different to being kind to your grandkids, it is a cultural obligation.

Myself and the other leaders of the APY Lands survived the impact of the white world. We survived your world coming into ours, we survived the frontier wars, the fallout from Maralinga. We survived the petrol sniffing epidemic. I am a leader and a teacher, I worked at Ernabella school for most of my life, education to me is the most important thing. Anangu are not ignorant, we are smart but we need time to catch up, to fully understand your world and art business. Most importantly though, artists need help and protection when making decisions about their art/business. This support is required because so many decisions are being made from a position of disadvantage, from inside a constant crisis. We need help to protect our Art Centres and our vulnerable artists from the tricks of carpet baggers. We have been asking for this support for a long time and it hasn't been delivered.

When government started the IAC we were excited, we called it "Art Court" on the Lands and we were told that Art Court would finish the carpet baggers. Carpet baggers would stop calling our



family members at home, stop giving our young family members money in town, would stop pushing and pressuring artists to paint. Not one thing has changed since Art Court or the IAC has started. It's gotten worse for us. Carpet Baggers run after famous artists. Family members in town are paid money for giving out family phone numbers, they also contact family through Facebook. Family members who are in town are given large sums of money for their grandparents to come in and paint. Or Carpetbaggers go direct to artists with the 'magic deals', mostly cars for canvas. "I'll give you a car for every canvas."

Artists from the APY Lands are lured into Alice Springs, they paint in empty suburban houses, on kitchen and lounge room floors; they paint in sheds and in garage and storage spaces in summer. Summer and Christmas is the big time for carpet baggers, our Art Centre's are closed and our staff go back to Sydney and Melbourne and spend time with their families. Our young family members are paid off and asked to leave the sheds and then the old people, and the famous artists paint to pay back their debt. Or for cars to give to family. Blanket sized canvases. Sometime the kids will make the dots, they know to jump out of the photo when the Carpet Baggers take the photos. Carpet Baggers always have copies of the artist's work from our Art Centre's printed out on paper- they tell artists to 'paint this one again'. Our book The Tjala Arts book comes out in the Carpet Baggers shed and other books that the Museums have made come out; the carpet bagger tells the artist to paint this one again. Sometimes white people will work with the artists doing their designs, sometimes the artists doesn't need to do much work at all, just sit and have the photographs with the canvas.

When artists come back to community from Alice Springs there is always terrible fights, quite often there is violence. The police are called, and sometimes we ask for help from NPY Women's Council. Artists return to community ashamed, and the family members are disappointed and angry; they went to Alice Springs for a great deal, and they have come home with a bad deal, a broken down car. They are embarrassed.

We have meetings and talk about the problems as leaders, and we ask questions. Will the good galleries stop working with us? Will the artist/s have a bad name? Will they still have opportunities? Will an artist or our art centres be in trouble when a white woman makes their work? Sometimes the Carpet Bagger is angry too and continues to call the artist and their family saying there is still money owed. Sometimes we don't know the number, the amount that is owed. Sometimes artists paint for so long in the sheds in Alice their Art Centre business is damaged, we have seen this recently on the Lands.

We have young white staff working in our Art Centres, they work for Anangu, and we need them until our own young people can grow the skills to take on these important jobs. We know our staff sometimes receive aggressive and threatening calls from carpet baggers from Alice Springs. We feel very sad and worried that this is hurting our staff, we are worried that our staff can't and won't stay in their jobs. We know they are frightened of the Carpet Baggers, staff of Art Centres talk to each other about these men and try to keep each other safe.

Our lives aren't easy on the APY Lands, but our leadership is resilient and strong, and we are working hard to create a better future for our young people, we will be successful. It wasn't so long ago that we use to talk about carpet baggers all the time, with other organisations that support art centres and with government. Government use to ask us questions about this issue when they came to

our communities. No one asks us any questions anymore. I think everyone gave up because it was too hard, and maybe it's easier just to blame Anangu. The silence is very troubling. We need to acknowledge that this problem hasn't gone away and start talking about it again. I am an old lady and I haven't given up, I never will.

Your sincerely,

Nyurpaya Kaika.

NYURPAYA KAIIKA





### Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission

My name is Barbara Moore. I am an aboriginal artist from Amata Community in the APY Lands. I have worked hard at my art centre Tjala Arts for over 15 years to grown my name and my career. I am a famous artist and have travelled all around Australia and overseas with my art centre for my artwork. I have large paintings in lots of exhibitions every year, this year I was also a finalist in the Wynne Prize at the AGNSW. I have lots of friends in the art industry and everyone knows my name because of my paintings. I work every day, painting in the studio to make money, not for myself but for my family. It is my responsibly to support my children and grandchildren.

Ever since I became famous, carpetbaggers have been chasing me. They have been hassling me for many years now. A few years ago one carpetbagger brought lots of fake paintings that looked like mine to my house in Amata. I did not make these paintings but they tricked me and offered me a little bit of money to have my photo taken with these paintings and to sign my name. They spoke to my family and then my family was pressuring me to do this for some easy money, even though they weren't mine. I knew this was the wrong thing to do but I couldn't say no to my family, they really needed the money. I felt very upset afterwards and felt shame.

This year I was in Alice Springs for my grand daughters medical appointment. I was anxious and stressed at this time and felt pressured by people to paint a carpet baggers studio. Everyone just kept asking and asking me and told me that they needed the money so desperately. It is my duty to provide for my family and I felt very stressed by this and eventually said yes. I worked in a studio painting for a carpetbagger in Alice Springs. I knew I have been ripped off by this lady carpetbagger and only paid a small amount of cash for these paintings. My paintings usually sell for much more money and I get a better payday from them because I am a very famous artist.

I returned to my community and my family and I am ashamed for painting for carpetbaggers. I have always only worked with my family and the art centre in Amata and I am proud of this.

I have been a director of Tjala Arts for a few years now and I am always working together with the art centre staff to help make sure they feel supported. I know that the managers who have been working here are very worried about carpetbaggers. When artists are in town working for carpetbaggers they are worried about their safety and wellbeing. They are also worried about what will happen to the art centre if the carpetbaggers keep chasing artists. They are also scared about their own safety because some carpetbaggers are very dangerous people.

As a director I know that our business is strong and I am proud of this. Tjala Arts is the only place in community where young and old people can make money independent of the government. It is an Anangu business, helping Anangu make money. There are lots of artists working here and lots of young arts workers' working every day, helping old people and running the art centre. Our art centre is the heart of the community. It is where we paint, share stories and teach our young ones Tjukurpa (culture and law). We want to protect our art centres from the threat of carpet baggers but we need help to do this, I want these carpetbaggers to stop chasing me.

Yours Sincerely,

A handwritten signature in black ink that reads "Barbara Moore". The signature is written in a cursive, flowing style. The first name "Barbara" is written with a large, stylized 'B' that loops around the start of the word. The last name "Moore" is written in a similar cursive style. The signature is positioned on a light-colored, slightly textured background.





## Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission

My name is Sylvia Ken and I am a senior artist working at Tjala Arts in Amata Community in the APY Lands. I have always lived in Amata, I was born here and went to school here. I have been working at this art centre for a very long time. I began painting when I left school, I did some batik works but I kept trying different ways of painting. I have been working very hard to develop my own way of painting the Seven Sisters story, this is my family's Tjukurpa; where the seven sisters travelled through Cave Hill and Alkunyunya.

Now I am a very famous artist and I feel very proud. I have travelled all around Australia for my exhibitions and I have had paintings in lots of galleries overseas. I am most proud of winning the Wynne Prize at the Art Gallery of New South Wales in 2019. Every year I also have exhibitions with commercial galleries, like Jan Murphy Gallery and Olsen Gallery, I always sell my paintings quickly at this exhibitions.

Amata is my home and I like working at Tjala Arts alongside my family. This is my country and this art centre belongs to Anangu. I work at the art centre doing paintings so I can get money to help my family. My family is very big, I have 3 kids and lots of grandkids to support. It is my responsibility to help provide for my family.



This is me with my Wynne Prize work in 2019.

I often catch the Bush Bus into Alice Springs for respite with NPY Women's Council (my NDIS provider), for shopping and to visit family. While I have been in Alice Springs I have been asked many times by carpet baggers to come and paint in their sheds. One man even had a picture of me printed out and chased me down the Todd Mall, he was trying to get me to paint for him! I always say NO when these carpetbaggers chase me down and ask me to paint. I tell them I am just a visitor and I am going back to Amata to work. Sometimes these people offer me a second hand motor car for painting. I know that these people are stealing money from Anangu, they are greedy and keeping too much money for themselves. They do not pay artists the proper way. Some of my family have worked in these sheds in Alice Springs, but not me. I know what happens in there and I do not want to go.

Last year I was in an accident and was in hospital in Alice Springs for a long time. I had hurt my leg very badly and I had to stay in hospital for a long time until it got better. I was very homesick and missed my family. While I was in hospital one carpetbagger kept harassing me, asking me to paint for him and he said he would buy me a motorcar. I was stuck in a wheelchair and I was very upset. I felt weak and I did not want to paint for him but he kept asking me. That's what carpetbaggers do, they just keep asking you until you say yes. I kept strong and stayed in hospital, making sure my leg got better and then I came back to Amata.

Every time I go into Alice Springs I am worried that someone will ask me to paint for them or I will get pressured by other family to go and work in town. I am a strong lady and I always say no but carpetbaggers just keep asking me because they know I am a famous artist and my paintings sell for lots of money. I know it is sometimes hard to say no, Anangu are poor and sometimes people need money quickly while they are in town but everyone knows artists get ripped off by carpetbaggers. We need help to fight these carpetbaggers, to stop them from ripping off Anangu.

Sylvia Ken

Sylvia Ken







Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission



Carpet Baggers is a very serious issue, it should be completely exposed and known to the public. There should be more action on what can be done and how this problem can be stamped out.

Carpet Bagging makes me feel uncomfortable and actually makes me sick. These people like to target well-known artists. They put a lot of pressure on artists' families, they try to cheat their family and the artist. They're not good people, I can't believe this is happening in 2021! How is this corruption and trickery still going on?

I don't ever want to see them or work for them. I don't want them contacting my family or trying to catch us like fish and take us in to their town studios, it is a dodgy and corrupt system. They try to catch the famous artists and force them to pay back debts of money they've paid to their family by

making paintings in town. Whenever I'm in Alice Springs – around Todd Mall where I know there are dodgy galleries – if I hear someone say 'Hey Vincent!' or 'Are you Vincent?' I just put my head down and keep walking. I can't relax there.

I only want to paint for my art centre, for my own gallery and my career that I have built. It makes me feel like I need to be more careful, take things more seriously. And to also just keep an eye and ear out and stay strong with my career. It really is just a big scam.

My art centre is a great place. If I worked for carpet baggers it would bring too much stress and pressure into my life. It's not ethical to manipulate Indigenous artists and get them to paint for you, just to make you rich.

Carpet Bagging is a problem for Anangu because they see us as easy targets. They think we haven't been educated or understand what they are doing to us, to our families, to our art centres and our communities. To keep our culture strong and our art centres strong, we need to stay strong as a community, work hard in our art centres and keep trying to support our next generations of artists and children.

The younger generation needs to open their eyes, they need to work with focus and under the direction of the Elders, keeping our culture strong for into the future.

A handwritten signature in black ink that reads "Vincent Namatjira". The script is fluid and cursive, with the first name "Vincent" written in a slightly larger, more prominent hand than the surname "Namatjira".





## Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission

It is important for Anangu to paint in their own communities at their art centres. The Elders have built these art centres together for the community. The APY Lands is our home. We don't want our families painting elsewhere. We support our art centre and our people, we look after each other and grow our business and our careers together. Our art centres is where our people are safe.

MaringkaBurton





### Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission

It makes me angry that there are people trying to trick Anangu and mislead them about their art careers, it is very disrespectful to Indigenous people. Anangu want to work in their own community, at their own art centres. We don't need people trying to make us paint anywhere else, or work in a way that only looks after the private dealers. I think about my daughter who is a painter, it's no good for her to leave community to go and paint somewhere else – I don't want people taking advantage of her or tricking her to work in a place that is no good for her.

Betty Chimney







### **Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission**

My name is Ingrid Treacle, I am a long-standing Director of Kaltjiti Arts, our community Art Centre. I am a Traditional Owner of the country around Fregon and take my leadership position at the Art Centre very seriously. I am very proud of what we have achieved through our Art Centre, it is the most important place in our community. It is a place of culture, a place of jobs, it is a happy and powerful place, which has brought independent income into our community for over 30 years. On the APY Lands independent income is very rare.

I am writing to you today because we have been told that there might be a chance that government will listen to Aboriginal artists about the carpet bagging problems. That if we share our story with you, government might listen and make some new rules that will protect Aboriginal artists and our Art Centres.



Our Art Centre has recently become very successful with several artists growing their names and becoming famous. Artists have recently been successful in some of the big prizes like the NATSIAA Prize and the Wynne Prize. Our Art Centre has been operating for a long time, it has always been a very important place in our community; a place for culture and family. But it is the most recent five or so years we have experienced growth in our income. It was when the money started to grow, and our artists started to become more famous that the carpet baggers came. The carpet baggers, they don't want everyone they only want the famous artists. We have been working very hard to protect our Art Centre but the interference from the carpet baggers from Alice Springs is a constant problem. The carpet baggers create a lot of conflict and sadness for Anangu in our communities.

Over the past two years, artists at Kaltjiti Arts have been pressured and tricked to go into Alice Springs to make paintings. They are promised new motor cars, troopies, sometimes two cars each. They are asked to paint blanket sized paintings and they are pushed to work very long days for the carpet baggers. They are pushed to continue to work when they are tired. Sometimes there are non Indigenous people making paintings with the artists. In our Art Centre we have all the time we need to paint because we are painting at home, we are never rushed or pressured.

The artists come back from the carpet baggers upset, humiliated, and tired, they never get the deal they were promised. They return from Alice Springs angry at the carpet baggers, sometimes they say they will never paint again. They share their stories with me and the other leaders. The other Kaltjiti Arts Directors and myself have meetings and speak to each other, we try to share ideas about what we can do to protect our vulnerable artists and our Art Centres from trouble. Sometimes we meet with the other Directors in our region. Our ideas and strategies haven't worked.

We are worried about the future of our art centre if the famous artists are constantly pushed into working for carpet baggers in Alice Springs. When this income is taken out of our communities it creates problems for families and puts pressure on everyone, sometimes there is not enough food. We are worried that artists and our Art Centre will develop a bad name if this issue isn't controlled and the good galleries that we do business with us will lose interest in working with us. We are worried that someone might get hurt one day.

Carpet Baggers have interfered with Anangu artists and Art Centre business for a long time now. It started with Tjunga Palya and later Tjala Arts, again, it is only recently that this has become a problem for Kaltjiti Arts. What is very clear to me and to all the leaders at our Art Centre is that this is not a problem that we can fix without help. We are asking you, please will you help us protect our Art Centre business and artists from the carpet baggers in Alice Springs.

We look forward to hearing from you.

Thank you,

Ingrid Treacle  
Director

Kaltjiti Arts Artists-

Ingrid.T

WITJITI @ -  
Keith Stevens

Gladys Roberts  
Yariti Roberts  
Beverley Cameron

Kami George  
MARIA CURLEY  
Meredith Treacle  
Dennis Hatches  
Karen Hatches  
Joanne Roberts  
Kathy M Roberts



APY STUDIO  
ADELAIDE



### Aboriginal and Torres Strait Islander Visual Arts and Crafts Productivity Commission

Stories come and go in the media about “carpetbaggers”- the dodgy dealers of the Aboriginal art world. The stories always start with sensational headlines and end with quotes from Australian politicians promising action and change. Leaders use the words like ‘sickening’ and ‘abhorrent’ in their descriptions of carpet baggers while they talk about my elders and their art as national treasures.

In 2019, Minister Wyatt, Minister Fletcher and Premier Marshall promised an urgent round table industry discussion in response to letters received from a group of 28 of us; First Nations leaders from the Central Desert, leaders in the Australian visual arts industry, as well as allies in the health and family services space who also deal with the disastrous impact of carpet bagging at the coal face in our remote communities. In our letters we detailed how grim and uncontrollable the issues had become (yet again) and we reminded government what this means for Aboriginal families on the ground; exactly what is at stake.

Aboriginal owned and governed Art Centres are the only source of non-government income and the only real jobs in our communities. They are a place where culture is celebrated and instructed daily and often described by my elders as 'the beating heart' of our communities. Simply, I cannot overstate the importance of our Art Centres - they are so much more than a space to make art. Why exactly do we care so much? The APY Lands and many central desert communities are environments of extreme disadvantage. My family members and I live with a much lower life expectancy than mainstream Australia along with the social challenges that go hand in hand with societal disadvantage; higher rates of incarceration, family violence, intergenerational welfare dependency, food security issues, and chronic health conditions. The reason why we need to protect our Art Centres is quite simply because we already live with more than our fair share of adversity and life-hurdles. Art Centres represent the opposite - they are full of opportunity and they're the best bloody thing we've got.

Stories of carpet baggers are sometimes told with a sense of romanticism, pride, and even awe. They glorify the mavericks and the cowboys; those that braved the hot, lawless environments of the remote central desert in search of cultural jewels. The stories celebrate a time of opportunity, with a joyous lack of accountability - the thrill of buying canvas low, and selling high was like striking gold. The problem is that these stories don't talk about exploitation, and how terribly the artists got ripped off in the process. Some have been talking about it for a long time though. Geoffrey Bardon spoke of the arrival of carpetbaggers after the very first paintings in Papunya were made. Artists of course have been speaking about carpetbaggers since the beginning of the Aboriginal Art Movement.

The last time government made a concerted attempt to stop the exploitation of First Nations artists was nearly 15 years ago. In response to reports of unscrupulous conduct, particularly unfair treatment of First Nations artists the 2007 Senate Inquiry into Australia's Indigenous visual arts and craft sector led to the establishment of the Indigenous Art Code (IAC) in 2010. We were told it would put the carpetbaggers out of business so people from my way started calling it "art court". It was a couple of years too late for the West Australian Art Centres across the border though, who had already lost a battle with a notorious carpet bagger a few years earlier, seeing one of its prominent Art Centres overtaken, run into the ground, and then abandoned. Not before the carpetbagger removed the most high profile of the artists to Alice Springs though, to personally and exclusively fuel his for-profit commercial galleries in Sydney and Melbourne.

I was only in High School but, like my friends, was very interested in how the IAC could change things; as were my parents and grandparents who were running APY Art Centres and really starting to gain some traction and recognition in the industry for Anangu artists. This is ofcourse when the carpetbaggers start to take notice, and come for you. This was around the time of the first market boom; the rise of the APY artists continued, but so did the aggressive approaches of carpetbaggers and the art court hasn't taken down a single one of them.

Now I have taken on my mother's responsibilities and am helping run our art centres too. We know now that we are at the beginning of the second boom. We are living and working in a time rich with international opportunities. Within the national context, doors that were firmly closed for Aboriginal artists have been busted open. Vincent Namatjira winning the Archibald prize has fundamentally changed our dream, vision and belief of what is possible for young artists across the Lands; including me. Seeing our work in the Wynne and Sulman Prizes and being celebrated alongside the best First Nations artists in Museums across Australia has attracted so many new artists like me to our art centre studios. But with every win experienced by remote First Nations artists there are intense new



challenges to negotiate. The pressure of being a high-income earner in an environment of poverty is extreme. The carpetbaggers use the economic and social vulnerabilities of artists and their family members to lure them in. It's usually lucrative offers of money and cars that don't add up. The pursuit is relentless, the offers excessive and it takes them down a torturous road of mistreatment, only to be spat out the other end with their career in pieces.

First Nations artists from my way have watched on as the visual arts industry seemed to give up on addressing the issue of carpet baggers almost entirely. The name carpet bagger itself almost left the vernacular with industry leaders now referring to 'contentious or controversial private dealers'. The failure of the IAC to protect artists from exploitation has been such an intense frustration to so many. Rather than making a determined effort to fix it, it seemed like a quiet agreement was made that it belonged in the 'too hard basket'. The tone changed and the entire focus of the IAC became about Fake Art. Of course fraudulent souvenirs are a problem, but rip offs of Aboriginal artefacts being sold at Paddy's market are not putting the immediate health and well-being of vulnerable artists at risk. So, why was this the priority?

The IAC and some Industry leaders also began to speak more about their soft outcomes; "educating artists" so they could protect themselves, and other new catchphrases including "artists responsibilities" and "family responsibilities". It was the start of a peculiar kind of victim blaming. The sense of hope we had that the IAC would put the most well known and notoriously aggressive carpet baggers out of business dwindled as we saw no impact to their operations. Carpet baggers became strangely accepted and we began to see them emerge more freely from their sheds, attending museum openings and industry events. This was new territory as carpet baggers were now on the invitation list; it was terrifying.

At the same time, young leaders like me connected with each other. What is going on here? What are we missing? We thought carefully about the issue and reflected on our role in describing the challenge. Did we need to change the way we talk about carpet bagging? We knew that our elders stories of carpet bagging were always met with outrage and a passionate commitment for action and change. What we couldn't understand is why this passion or commitment was always so quick to dwindle. Why did, and why does leadership continue to lose interest in finding a solution?

At the end of 2019 Industry leaders committed to an urgent industry round table. As yet, this hasn't taken place and we have been told that it fell off the list of priorities because of Covid. Last year I watched government turn around an urgent meeting in Parliament House with bi partisan attendance by Indigenous and non Indigenous politicians keen to get into the Aboriginal Flag issue.

My elders have been asking for help - for 15years. They are asking for help to protect the safety, health and well being of vulnerable artists and to protect their businesses; businesses that provide the only independent income and jobs to our communities.

Elderly and vulnerable Aboriginal artists are being exploited. They are being forced to paint in sheds in Alice Springs daily, in the industrial area around Elders street and in unfurnished rented houses.

Artists are painting for less than 20% of the retail price of their artwork. They are also painting at the back of hotels in Adelaide and other cities in Australia. Family members in the midst of horrendous challenges are being used as leverage, harnessed with debts that elderly artists are required to service with their paintings. If Aboriginal people are to hold onto the opportunities that will come with the second boom of the Indigenous art market that we worked so hard to create, Government must get involved. If our art centres are going to be able to scale and grow our work to impact the disadvantage we live with on the Lands, Government must get involved.

We need a significant overhaul of the Indigenous Art Code so it can regulate the industry. All private dealers running studios should be required to operate with the same transparency and accountability as Aboriginal owned art centres. A commission structure in Aboriginal studios working with remote First Nations artists should be mandated. If you can't afford to pay artists because you are a hopeless business person (an 'accidental' carpet bagger) you have no place in the Indigenous art Industry. There needs to be legislated standards for professional Aboriginal art studios. Private dealers that require elderly people to paint in storage facilities and hot, grotty sheds should be shut down. Payment for Aboriginal artists must be made in cash, not vehicles or other goods. There should be regular inspections and we should be able to rely on an Indigenous Art Code that has rigor in its processes and that can action consequences for these dodgy dealers. There are countries around the world looking at laws around modern-day slavery, we need to do the above now or start considering how that applies to us.

My elders and ancestors started their art centres for two reasons. One, to keep culture strong and two, to generate income and jobs. Young artists today are joining the APY art centres with a dream that through their art they will travel the world and have a great life on the Lands. They feel that finally they have something to look forward to, that life can be different to what we've come to know. And surely there isn't a person in Australia who doesn't want that for them?! To the government representatives and Indigenous leadership that attended an emergency Flag session, we ask you to come together again. We need someone to do the work necessary to create legislation that will protect remote First Nations artists from exploitation, so that the dreams of young artists are not in vain.

A handwritten signature in black ink, appearing to read 'Sally S.' with a stylized, flowing script.