

ABORIGINAL AND TORRES STRAIT ISLANDER VISUAL ARTS AND CRAFTS
ISSUE PAPER

WHAT IS THIS STUDY ABOUT
What issues should this study focus on?
<ul style="list-style-type: none">• The obvious exclusion of recognising NSW for its rich cultural landscape, practices and stories.• The lack of data about the true state of the industry Australia wide. Art centre models are not representative of all states. Whilst they receive the bulk of Federal funds they do not represent the bulk of the market.• The study should focus on gathering the missing data to show a true indication of the market outside of art centres including:<ul style="list-style-type: none">- Gathering data from individual artists, collectives, community arts and cultural programs as to their experiences- Gathering data as to the numerous ways in which artists sell their works- Gathering data as to the actual income artists make from selling their works in various ways
Given the number of previous inquiries into the Aboriginal and Torres Strait Islander visual arts and crafts markets, what are the main contributions this study can make?
<p>Support for the Aboriginal Arts Network in NSW.</p> <ul style="list-style-type: none">•It can aim to gather a true representation of the market outside of the art centres as this model is not representative of the majority of artists or states despite receiving the most investment.•Look at ways that the Government can redistribute support o make it more equitable for Aboriginal artists and creatives across Australia.•Investing in existing networks such as the Aboriginal Arts Network in NSW to strengthen support for what works.•Invest in supporting new Aboriginal controlled initiatives to develop the sector•Ensure supports exist for individual artists as well as collectives, groups, communities and art centres to develop their careers and grow their markets <ul style="list-style-type: none">• Gathering data to gain a better picture of the market across Australia - not just relying on art centre models and figures

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THE MARKETS FOR ABORIGINAL AND TORRES STRAIT ISLANDERS VISUAL AND CRAFTS
Have we characterised the markets accurately? Are there any aspects of the supply chains that we have missed?
<ul style="list-style-type: none">• Artists being commissioned to do murals and public artworks. Eg: funded by local councils• Workshops are major income earning for Urban and regional artists. Weaving and basket making would be the most popular.<ul style="list-style-type: none">- children's workshops at festivals, and community events- Adult -weekend workshops/ zoom/ naidoc community events• Local and regional community and makers markets• Social media and other online platforms where artists sell their works eg FB, Insta, Etsy, Ebay and websites• Government Departments commissioning works for their offices, comms, RAP's etc – e.g. Health, Education, Transport etc• Schools commissioning artworks or purchasing artworks and cultural items to be used as educational resources• Online facilitation and presentation - Zoom, facebook and Instagram live and prerecorded workshops and events• Sales via community organisations who may or may not have a dedicated gallery - eg Local Aboriginal Land Councils and Corporations
In addition to the sources listed above, what other data sources are there on the size and value of the overall market or parts of the market?
<ul style="list-style-type: none">• Local govt grants and applications for NAIDOC• Public art funding data• Local Information &/Tourism Centres• Museums and Galleries NSW -• RADO stats• Suggestion to conduct research through networks such as the above to gather data specifically relating to the market.
What shares of income flow to artists, art centres, galleries, dealers, manufacturers, wholesalers and retailers?
Varies – it all depends on the mode of sale or delivery e.g

- a 30% commission to a gallery and 70% for the artist
- consignment arrangements – such as those with Visitor Information Centres
- Individual artists selling directly on Facebook where they would receive 100%
- ebay – income to artists (minus admin fees)
- an online event may charge a fee for participants through Eventbrite. It is unknown what % would go to the creative practitioner delivery the workshop.

What shares of income flow to artists, art centres, galleries, dealers, manufacturers, wholesalers and retailers?

Varies - depends upon the arrangement

What information is there on how independent artists make their works, bring them to market and make a living?

If independent artists are attending community markets- they all need public liability Insurance, this means that the companies that sells this type of insure would have data

There is a definite lack of data on how independent artists make their work, bring to market and make a living. Previous studies have not cast the net wide enough to get a true representation of the position of artists beyond art centres. There needs to be a coordinated effort to gather this data across all states utilizing local, regional and state networks to support information gathering.

What data is available on production and sales of souvenirs and other merchandise (licensed or otherwise)?

Data relevant to specific funding – eg IVAIS reporting, RADO projects
Data relevant to specific events – e.g. CIAF, DAAF, Saltwater Freshwater, SE Aboriginal Art Market etc
Data from art centres

We know that some Indigenous-style arts and crafts are produced and sold without the authority of Aboriginal and Torres Strait Islander artists and communities. How can we estimate the extent of this type of market activity?

There needs to be an effort to collect real data on this. One way might be to call out to Aboriginal communities to submit examples of this type of market activity in their area.

THE ROLE OF GOVERNMENTS

How effective are government investments in independent artists and artists working with art centres, such as grant funding programs administered by the Australia Council and State Governments?

Ineffective for independent artists.
Governments invest heavily in the art centre model (Federal IVAIS)

There needs to be a focus on funding independent artists at all levels (not just those with a big name) to develop artistically and professionally to grow their career

Funding needs to be distributed more equitably across Australia and needs to be more flexible and not so focused on the art centre model in terms of assessing applications for funding and reporting
How effective are programs administered by the Office for the Arts and State Governments to support art centres?
<p>They are not recognizing the diversity, needs and challenges of the Aboriginal arts and crafts sector across Australia.</p> <p>There needs to be an overhaul to make funding programs more equitable, fair and accessible for Aboriginal artists and communities</p> <p>Funding assessment and reporting needs to be more flexible to recognised the different circumstances of artists and communities across Australia</p>
How can government programs be improved?
<p>They need to be more equitable in the distribution of funding across Australia.</p> <p>Funding programs need to recognize the diversity of Aboriginal artists, communities, organisations, artforms, challenges etc and that a one size fits all model will not work.</p> <p>There needs to be opportunities for funding for both individual artists and groups</p>

WHAT IS (IN)AUTHENTICITY AND HOW IS IT DETERMINED?
What constitutes authenticity? When does it matter?
Authentic Aboriginal Art is done by an Aboriginal person. It matters when work is produced, marketed and sold
What criteria should be used to determine authenticity?
At present the three-part definition (descent, self-identification and community recognition) would be the best working definition for determining authenticity of an Aboriginal artist.
Who should have the authority to make judgments regarding the authenticity of Aboriginal and Torres Strait Islander arts and crafts?
<p>Community is the best placed to determine Aboriginality. </p> <p>Artists identifying as Aboriginal should be able to demonstrate that they can meet the three part test and produce evidence to support that such as a Confirmation of Aboriginality.</p> <p>This could be the evidence required for a Certificate of Authenticity to be issued.</p> <p>There may be difficulties in managing this when it comes to independent artists selling their works directly.</p> <p>In the future there may be other mechanisms developed such as a national body and process for registration but at present this would be a workable option.</p>
What processes should there be for artists to obtain permission from the relevant cultural authorities when needed
<p>This is complex - when do permissions need to be sought and who from.</p> <p>There needs to be consultation and discussion with Aboriginal artists and communities to see if there is a consensus around this.</p>

WHAT ARE THE EFFECTS OF INAUTHENTIC ARTS AND CRAFTS?
What are the negative effects of inauthentic art? Do they vary between different types of misuse or inauthentic product?
It undercuts and devalues Aboriginal art It deprives Aboriginal artists of opportunities to sell their work It floods the market with cheap, poor quality work
What does respectful, meaningful and mutually beneficial collaboration across different cultures look like?
Respect is central to all interactions Open, honest communication Cultural values, rights and expectations are incorporated into all discussions Expectations and rights of all parties are fair, clear and beneficial All parties fully understand the collaboration and are on equal ground

WHAT POLICY OPTIONS ARE THERE TO ADDRESS INAUTHENTIC ARTS AND CRAFTS?
How effective have previous initiatives been at reducing the incidence and negative effects of inauthentic art? What gaps and problems have they encountered? When are approaches to verify or demonstrate authenticity inappropriate?
There needs to be stronger policy and penalties for those producing, importing and selling inauthentic art. Particularly when the seller is not an Aboriginal person or organisation. There has been a lack of strong policy and enforcement which is the gap that allows inauthentic art to be produced and sold. There could be a registration process - whether through the Indigenous Art Code or another format for Artists, organisations, galleries and sellers to register. Self registration does not always happen - consideration could be given to mandatory registration. Non Aboriginal sellers need to be policed and penalties enforced for selling inauthentic art.
What else could be done to increase consumer awareness and demand for ethically produced art? Would further education campaigns be effective? What about labelling schemes or requirements?
We need stronger education campaigns about the negative impacts of inauthentic art and encourage consumers to demand ethically produced art Labelling schemes should be considered but may be problematic in terms of centralizing this process and who has the authority to approve artists as being authentic. Any process put in place needs to be user friendly for artists and community.
What are the limits of the existing intellectual property protections? How can existing intellectual property laws be amended to improve protections for Indigenous Cultural and Intellectual Property or do we need standalone legislation?

There needs to be stand alone ICIP protections to recognize the unique position of Indigenous artists.
What are the merits of, and concerns about, amending the Australian Consumer Law to prohibit the sale of inauthentic arts and crafts? Are there more effective ways to restrict the supply of inauthentic arts and crafts?
Create stronger penalties and close the loopholes to weed out unscrupulous businesses.
What have been the barriers to implementing any of these initiatives to date?
The conversations haven't been had. More information and data needs to be collected on the state of the situation there needs to be more education for artists and communities stronger protections need to be put in place and publicised
What can we learn from other countries' efforts to protect First Nations people's legal rights over their arts and cultures?

WHAT ISSUES ARISE IN THE INTERACTIONS BETWEEN ARTIST AND DEALERS
What do 'fair' and 'ethical' dealings between artists and dealers look like? How can best-practice ethical trade of Aboriginal and Torres Strait Islander arts and crafts be nurtured?
Industry standards Case studies – best practice and name and shame unethical dealings Promotion in various formats of what fair and ethical dealings are Registration of dealers on a database – certification?
How prevalent are unfair and unethical dealings between artists and dealers? What information sources can we draw on to estimate the scale of harmful practices?
Regional NSW Aboriginal Artists have had little exposure to dealers in comparison to artists in other states. Individuals who have experienced working with dealers would be best placed to comment on their dealings. Additionally there should be a public callout for feedback on this issue to gather information from those who might slip through the cracks
What are the merits and costs of amending the Australian Consumer Law to prohibit unfair treatment of artists?
The long-term benefit for artists, communities and the sector of amending the Australian Consumer Law would be worth the investment. It would provide clear directives and consequences for unfair treatment of artists and hopefully deter unfair treatment of artists. That being said penalties for breaching these laws need to be strong and impactful.
How well is the Indigenous Art Code working? How could it be improved? What are the pros and cons of moving to a mandatory code?
It is an ad hoc, toothless tiger at present, reliant on self registration.

Pros : a mandatory code with an easy processes for registration and reporting breaches of the code would be beneficial in terms of supporting industry standards and best practice.

Cons: education, implementation and enforcement of the code would be a time consuming and costly. Making something mandatory doesn't always ensure compliance – how would this be policed and what would be the consequences of failing to abide by the code?

How well are other educational and advocacy initiatives working? What limitations do these face? What else should be done?

Limitations

- Access – physical access
- Reliable communications – digital access
- Opportunities are not always located in areas which are accessible or financially viable for artists – e.g. regional artists do not always have the financial means to support accessing opportunities in urban centres
- Not enough funded positions for Aboriginal Arts Officers who support and advocate for artists and communities

What could be done:

- Investment in RADOs to enable them support artists and communities on the ground with long-term, sustainable programs rather than short term grants.
- Investment in the Aboriginal Arts Officers network in Regional NSW to increase the number of positions across the state.
- By investing in current model where these positions are situated within the RADO network it would ensure that there is an existing support structure for Aboriginal artis officers to enable them to support artists and communities.
- Ensure that this funding is on at least a 3 year cycle to ensure job security for AAOs and to allow for long-term planning and delivery of impactful, sustainable programs.

HOW CAN THE CONTRIBUTION ARTS AND CRAFTS MAKE TO REMOTE COMMUNITIES BE SUSTAINED?

What government investments in the Aboriginal and Torres Strait Islander arts and crafts sector are working well to support communities?

Are there better ways for governments to use these investments in arts and crafts to support Aboriginal and Torres Strait Islander communities?

Investment in Aboriginal Arts workers to support artists and communities

Investment in regional arts development officers

Support for Aboriginal community controlled projects and programs

Governments could increase investment in these initiatives – particularly in NSW to better support Aboriginal and Torres Strait Islander artists and communities

How well is the art centre model working in supporting artists and communities?

What could be done to improve the model?

Where are the gaps?

Is there insufficient focus on independent artists, or artists in particular regions?

The art centre model may work well for some artists and communities but when looking Australia wide we don't believe that it is representative of the sector.
There is no one size fits all model.
There needs to be a recognition by Government that there are a diverse range of ways in which Aboriginal artists and communities work, produce and sell their arts and crafts.
Policies, programs, supports and funding need to be flexible to recognize this diversity and to enable equitable access to support.

Yes, there is an insufficient focus on NSW and in particular independent artists and communities from regional NSW.
There is a lack of recognitions of the diversity, needs and unique situations of our artists and communities.

The art centre model would not be an answer to addressing this need in NSW.
There needs to be a focused effort on engaging with the existing RADO network in regional NSW, Aboriginal Organisations including ARAA and ACHHA, Aboriginal communities and artists to identify what would work best for them.

Can you point us to any examples of art or art centres being used to facilitate broader social, health and community objectives?

Art is used to facilitate broader social, health and community objectives – particularly in terms of creating connection through including art on promotional items, RAP's etc, public art to increase awareness and promote inclusivity.
These examples are often project based, reliant on project funding, undervalued and often result in stereotypical forms of Aboriginal art - particularly where there is a lack of culturally appropriate Aboriginal perspectives and leadership on such projects.
Positive examples of where this has been done well include:
EGS

How can the economic, social and cultural contributions that arts and crafts make to communities be maximised?

They need to be recognized, valued and supported to grow to reach their full potential.
This can be done by investing in community controlled and supported programs and projects, support networks across Australia – particularly where there has been an under-investment.
This could include investing in RADOs, AAO positions and Aboriginal initiatives supported by communities and artists.
Ensuring funding opportunities are equitable, flexible and attainable for Aboriginal artists and community organisations
Ensure that Aboriginal arts workers, organisations and community are actively part of the development and leadership of projects

HOW CAN YOU CONTRIBUTE

How and who should we engage to maximise individual and community input to this study?

- Regional Aboriginal Arts Officers in NSW
- Aboriginal Local Aboriginal Land Councils
- ACHAA Members including Aboriginal Culture Centres, Keeping Places, Museums in NSW.

- Engage the Aboriginal Regional Arts Alliance to engage with the Aboriginal communities in Regional NSW, we have the connection, commitment and cultural knowledge to obtain real feedback and information.
- Engagement can not only be online and via online platforms, we continue to have the lowest rates of numeracy and literacy in the country, we are in the lowest socio-economic demographic and live in regional and remote areas with little access to internet and phone, and often its even unreliable. This leaves a massive gap for our people, whos voice should be heard and valued to be heard!

RADO's
AAO's
ACHAA
ARAA

Public callout

There needs to be adequate time for engagement and multiple points of access for people to provide feedback. There needs to be a variety of ways people can give feedback including digital and non-digital formats, and opportunities for groups and individuals across Australia to participate to gain a better representation of the sector.

Survey questions need to be written in plain English and provide clear explanations of the information being sought.

There is no one size fits all model for how to do this as our Aboriginal Communities have diverse needs and desires. Network members are best placed to know what works in the communities in their region.