CREATIVE ECONOMY

Submission: Aboriginal and Torres Strait Islander Visual Arts and Crafts for The Productivity Commission

Submitted by
Creative Economy Pty Ltd
13th December 2021

W: creativeeconomy.com.au

Overview

We welcome this opportunity to provide a submission to inform the study on the market nature and structure for Aboriginal and Torres Strait Islander arts and crafts.

Creative Economy is a strategic advisory practice specialising in sustainable development for cultural and creative industries. Since 1997, we have worked extensively with Aboriginal and Torres Strait Islander arts and crafts in all aspects of the market from product development, enterprise development, production, distribution, sales, and export, including trade missions.

Our submission provides insights from decades of working in the field. We work with Aboriginal art centres on a daily basis providing strategic development advice to improve enterprise sustainability and increase returns to Aboriginal and Torres Strait Islander artists. To date, we have worked with over 100 art centres. Most recently, we conducted a 30-year review of *Desert Mob*, Australia's longest-running Aboriginal art fair for over 30 art centres of the Central Desert where the Aboriginal art movement began.

We understand that this study is arising as a result of the House of Representatives *Report on the impact of inauthentic art and craft in the style of First Nations peoples*, tabled in 2018, finding that there is a lack of information and analysis on the markets for Aboriginal and Torres Strait Islander arts and crafts. As such, the committee recommended as a matter of urgency that the Productivity Commission conduct a comprehensive inquiry into the value and structure of the current markets for First Nations art and crafts.

We offer some key points for consideration in undertaking this study and enclose a range of submissions we have made to previous inquiries, as well as reports and articles that address the scope of this study.

Submission Key Points

Key Point #1: Break the cycle of failed policy.

Our first key point in our submission is to implore the Productivity Commission to contribute to breaking the cycle of government policy failures in Indigenous Affairs.

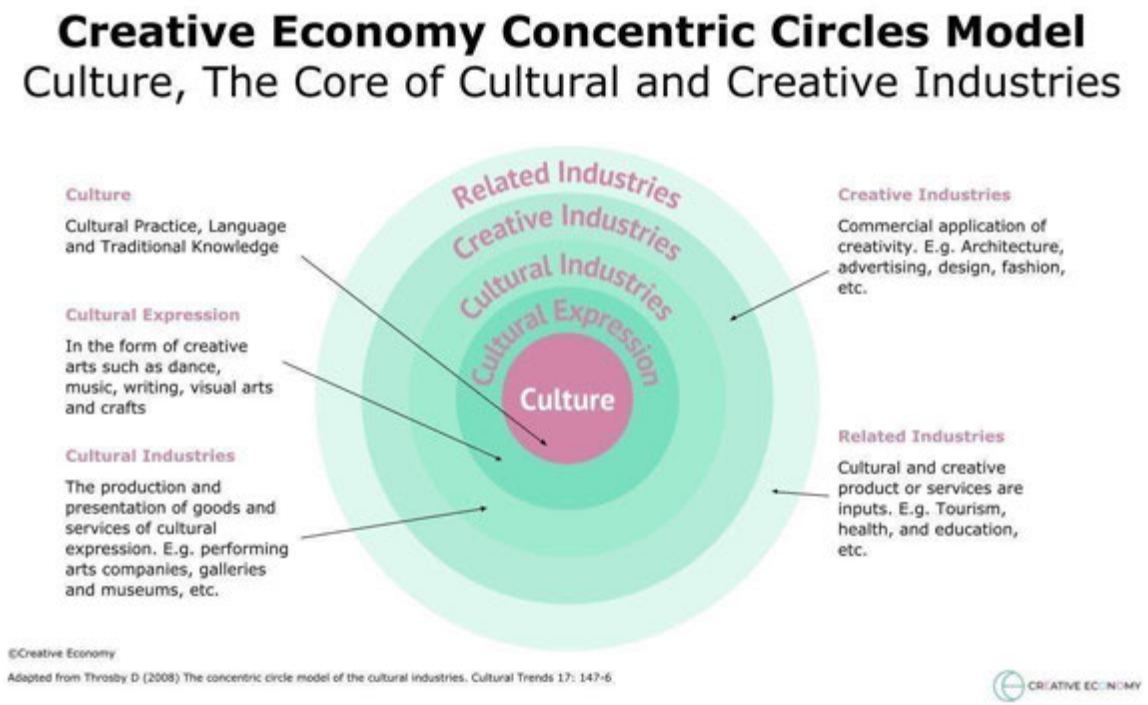
The Aboriginal and Torres Strait sector suffers from over-consultation in formulating and responding to ill-informed government agencies that perpetuate government policy failures in this sector.

A sound methodology for a study would start with an informed understanding. To break the cycle, it is imperative to start by being respectful and diligent. Make the choice to engage expertise that is informed and fully understands the context of the Aboriginal and Torres Strait Islander visual arts and crafts market.

Key Point #2: Understand that culture is integral to Aboriginal and Torres Strait Islander arts and crafts.

The Aboriginal and Torres Strait Islander arts and crafts market does not happen in a vacuum (George, 2018). Culture, as the source of value for Aboriginal and Torres Strait Islander arts and crafts, is both central and fundamental. We have illustrated this in our Concentric Circles Model:

Diagram I. Creative Economy Concentric Circles Model



Source: © Creative Economy Pty Ltd

What is considered "culture" here includes cultural practice, language, and traditional knowledge; radiating out to "cultural expression" in the form of creative arts, and then expanding to "cultural industries" as the production and presentation of goods and services of culture and cultural expression. This, then, expands out to "creative industries" with the commercial application of creativity and then to "related industries" where culture and creative products become inputs to other sectors such as tourism, health, and education. This concentric circles model is a representation of the value chain in the creative economy, and it utilises culture itself as a source, driver, and enabler to generate economic value (George & Widisto, 2021).

Therefore, realise that this is all fundamentally about culture. Invest in culture, as it is essential to the sustainability of Aboriginal and Torres Strait Islander visual arts and crafts. Making art and craft is a way to connect and maintain culture. Furthermore, it provides social, cultural, and economic well-being for the communities involved. Without considering culture, there is no merit in conducting studies or developing policies and strategies to address product and supply.

Key Point #3: Understand that economic value is linked to cultural value.

There exists a common misconception that cultural and economic values are mutually exclusive. However, our experience has shown that this is not the case. In fact, it is the exact opposite. Sustainable development is not a matter of choosing between cultural or economic value, but combining the two to generate sustainability. These two types of value are closely intertwined, and the best results occur when they are utilised in harmony.

Creative Economy's view, as illustrated in our Concentric Circles Model, is that culture is the core of the cultural and creative industries, expanding outwards to other forms of cultural value, which in turn translates to their respective economic value. The Creative Economy Concentric Circles Models also serves to illustrate the value chain. The following table is an example of this illustration for Aboriginal and Torres Strait Islander visual arts and crafts.

Table I. Examples of Cultural and Economic Values Based on Creative Economy Concentric Circles Model

Layer	**Cultural Value**	**Economic Value**
Culture	Cultural practice, language, and traditional knowledge. Story of place, connection to place and culture.	Core - basis of everything else. Authentic story.
Cultural Expression	Expression of culture in the creative arts.	Artwork commissions, artistic development grants, sales.

Cultural Industries	Production and presentation of goods and services of cultural expression.	Curatorial fees, exhibition production commissions, exhibition fees, speaker fees, performance fees, sales.
Creative Industries	Commercial applications of creativity - input to other creative sectors e.g. book publishing fashion homewares design film/TV/digital media/animation	Commission design fees, License fees for reproduction e.g. merchandise in homewares, fashion, etc. Production unit % fees.
Related Industries	Cultural and creative products as inputs and outcomes e.g. health, tourism, events, social services, community development, education, etc.	Service fees, grants, sponsorship, philanthropy, ticketing. Cultural tourism services fees. Health contracts - disability, wellbeing, mental health. Youth inclusion contracts. Events sponsorship, ticketing, philanthropy. Employment - grant subsidy, philanthropic.

Source: Author's analysis

The important point from this illustration is that the cultural and creative industries, including Aboriginal and Torres Strait Islander arts and crafts markets, does not operate in the vacuum of the market. Culture is central to a community's way of life, which is why it is located at the core of our Concentric Circles Model. Culture then permeates into the outer layers and subsequently manifested into goods and services that could generate economic value.

Key Point #4: Legislate to ban imports of inauthentic Aboriginal and Torres Strait Islander arts and crafts and abolish the terms "Aboriginal Style" and "Aboriginal Design" that legitimises inauthentic products.

Research has shown that there is a growing market for Indigenous arts (Australia Council for the Arts, 2010), and a strong interest in both domestic (60%) and

international (82-88%) consumers for Aboriginal and Torres Strait Islanders visual arts and crafts (KPMG, 2021). However, not all of them can distinguish authentic from inauthentic products. There have been cases in the retail sector, where there are products with "Aboriginal Style" or "Aboriginal Design" labels that are inauthentic. These products are not made by Aboriginal or Torres Strait Islanders artists but outsourced from cheap workers overseas, such as from Indonesia, India, or China.

One significant action in the retail area was the case of Birubi Art (ACCC, 2019), which was ordered to pay $2.3 million as a penalty for falsely claiming their products were made in Australia and hand-painted by Aboriginal artists, when in fact that is not true. These products include boomerangs, bullroarers, didgeridoos and message stones featuring words such as "Authentic Aboriginal Art" or "Australia," but were all made in Indonesia. Not only is this type of conduct misleading to customers, but it is also offensive and distressing to Aboriginal people.

Case Study of Proactive Solutions: Memento Australia

Among our broad project portfolio, Memento Australia is particularly relevant to the scope of this study on Aboriginal and Torres Strait Islanders arts and crafts markets.

There is a demand for authentic local gifts and souvenirs among international tourists and domestic visitors, and yet, major tourist destinations in Australia are littered with inauthentic "Aboriginal Style" and "Aboriginal Design" products. Creative Economy identified this gap as an opportunity for Aboriginal visual artists and designers and founded Memento Australia to set new standards in the quality and innovation of gifts and to promote local authentic mementos.

Memento Australia began as an Awards campaign with distinct criteria based on Australian designed and made. Later, this criteria became somewhat of a "formula" for a successful authentic memento. Through strategic partnerships, Memento Australia grew to include:

- Awards Program: Annual awards program with regional and national award categories.
- Promotion: Generating $4.5 million of media value.
- Touring Exhibition: Regional touring exhibition to regional galleries and tourism destinations across Australia.
- Artist and Retailer Workshops: Marketing and product development workshops for artists, craftspeople, and designers to improve their success in the marketplace, and for retailers to source authentic and high-quality local products.
- Distribution: Distribution service supplying over 300 outlets throughout Australia and overseas, allowing retailers to source authentic product from one central point.

In a span of ten years, the Memento Awards launched over 1500 new tourism mementos from 1999 to its culmination at the G'day USA campaign in New York in 2009.

Programs such as Memento Australia could help address the problem of inauthentic products in the Aboriginal and Torres Strait Islanders arts and crafts markets.

Insights and Contributions

The following is a list of relevant submissions, reports, and projects we have made in the past. Most are attached, however, some are commercial-in-confidence and could be made available on request.

- Creative Economy Capability Statement
- Submission to Consultation Paper on Growing the Indigenous Visual Arts Industry (2020)
- Submission to Australia's Creative and Cultural Industries and Institutions (2020)
- Transcript from appearance as witness – Standing Committee on Communications and the Arts: Australia's creative and cultural industries and institutions (2021)
- Submission Competition and Consumer Amendment Bill (2019)
- Submission to Proliferation of Inauthentic Aboriginal 'Style' Art (2017)
- Transcript from appearance as witness – Standing Committee of Indigenous Affairs: Growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia (2018)
- Submission to Inquiry into Australia's Indigenous Visual Arts and Craft Sector (2006)
- Culture, Front and Center: Creative Economy Framework for a Robust, Inclusive, and Sustainable Post-COVID Recovery (2021)
- The Transformative Force of Culture in Sustainable Development: Innovative Approaches in Practice (2018)
- Desert Mob Review Final Report (2021)
- Cultural Futures Next Generation Leadership Project: Business Mentoring Framework for the Aboriginal Art Centre Hub of Western Australia (2019)
- Memento Procurement Guide For Visitor Information Centres (2017)
- Indigenous Creative Business Development Program Final Report 2005/06

References

Australia Council for the Arts. 2010. *More than bums on seats: Australian participation in the arts*. Sydney: Australia Council for the Arts.

Australian Competition & Consumer Commission (ACCC). 2021. $2.3M penalty for fake Indigenous Australian art. *ACCC*. 26 June. https://www.accc.gov.au/media-release/23m-penalty-for-fake-indigenous-australian-art (viewed 10 December 2021).

George, H. 2018. *New Humanism and Global Governance Chapter 6: The transformative force of culture in sustainable development: innovative approaches in practice.* Singapore: World Scientific and Institute of Public Policy.

George, H. & Widisto, A. 2021. *Culture, Front and Center: Creative Economy Framework for a Robust, Inclusive, and Sustainable Post-COVID Recovery*. Tokyo: Asian Development Bank Institute.

KPMG. 2021. *Real or Fake?: Insights into consumer and retailer attitudes towards the authenticity and certification of the Indigenous art and craft market*. Perth: Aboriginal Art Centre Hub Western Australia (AACHWA).

CREATIVE ECONOMY

18th December 2020

Visual Arts and Design Section
Office of the Arts
GPO Box 2154
Canberra ACT 2601
IVA@arts.gov.au

SUBMISSION: Consultation Paper on Growing the Indigenous Visual Arts Industry

Creative Economy welcomes this consultation into Australia's Indigenous Visual Arts Industry.

Our submission gives an informed perspective, having worked across the Indigenous visual arts industry throughout Australia and internationally for the past three decades.

We are contributing to share our experience and insights so as to achieve cultural and economic outcomes and contribute to informing the development of the National Indigenous Visual Arts Action Plan.

Cultural diversity is as vital to humanity as biodiversity is to the planet. The Indigenous visual arts industry as a key part of our cultural diversity is equally vital to our economy. I hope this submission provides a small glimpse of the benefits and opportunities that the Indigenous visual arts industry brings to Australia.

Thank you for your consideration.

Kind regards

Helene George FAIM, GAICD, Grad Dip. Management (Arts Management), BA (Performing Arts)
Strategic Advisor and CEO Creative Economy
UNESCO Expert, 2005 Convention for the Protection and Promotion of Diversity of Cultural Expressions

EXPERTISE

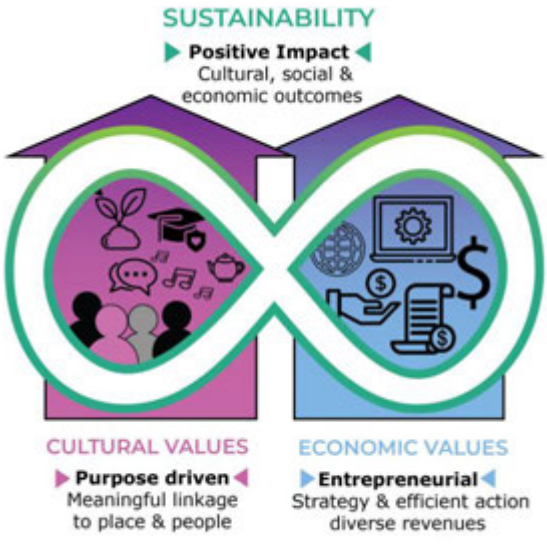
Founded in 1992, Creative Economy is a strategic advisory practice specialising in sustainable economic development and the strategic development of cultural and creative industries. Our focus is leveraging culture to creative sustainable economic value. Our expertise is working with businesses, organisations and governments to create development strategies and innovative business models that put culture first and produce sustainable economic development.

Creative Economy has been engaged as an advisor to governments including the Peoples Republic of China, New Zealand government, Fiji government, European Union and the Secretariat of the Pacific. Our founder and principal advisor, Helene George is an appointed UNESCO Expert and was a member of the Australian Prime Minister's Science, Engineering and Innovation Council's Working Party on *Creativity in the Innovation Economy.* She recently published in *New Humanism and Global Governance* by World Scientific and the China Institute of Public Policy. Most recently, she was a panel chair UNESCO Asia Pacific Creative Cities Conference and was a keynote speaker at the *Global Cultural Management Forum* in Shanghai. Please see Appendix A and our attached company capability statement for details demonstrating the extent of our work within the Indigenous visual arts industry.

Our business strategies have produced sustainable business models that have created successes for many cultural enterprises including Tjanpi Desert Weavers, Mangkaja Arts Resource Agency, Ikuntji Artists, Waringarri Aboriginal Arts, Erub Erwer Meta and UMI Arts, to name a few.

Creative Economy's philosophy is that culture is essential and primary to sustainability. Working extensively within Aboriginal communities we have built an understanding that sustainability is holistic, and that culture is fundamental. We have developed a proven strategic framework that is a model that links cultural, social and economic outcomes resulting in greater sustainability.

Art centres that work within the Creative Economy framework and strategic business plans have continued with positive impacts. For example, Waringarri Arts achieved its highest turnover in history while have resources and capacity to prioritise artists health and social wellbeing in supporting families to return to country during Covid.



THE CREATIVE ECONOMY FRAMEWORK

Email: contact@creativeeconomy.com.au www.creativeeconomy.com.au

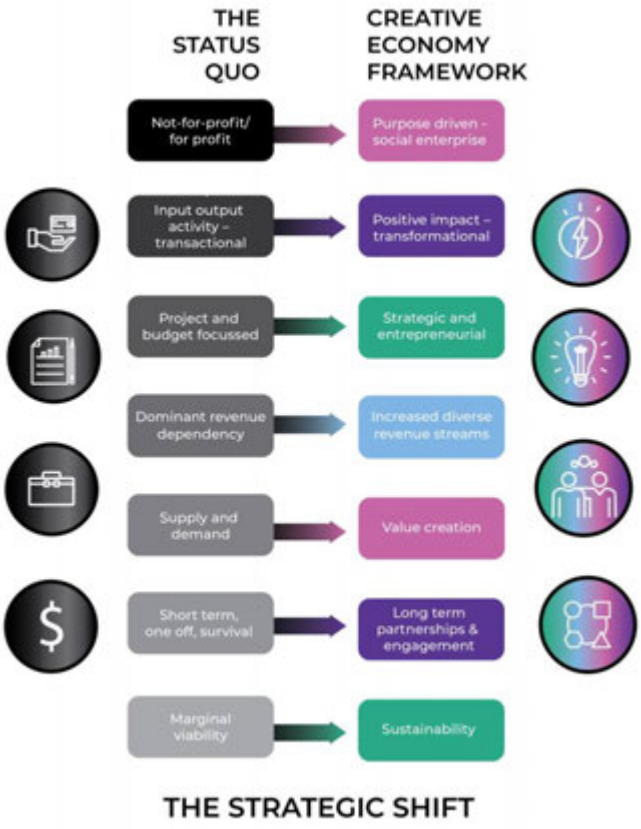
Theme 1: Sustainable Growth

Sustainable growth for the Indigenous visual arts sector is dependent on sustainable cultural enterprises. Cultural enterprises, such as arts centres are sustainable when they operate in holistic business models addressing cultural, social and economic dimensions.

Business models that are purely market driven that fail to address cultural values, tend to have patterns of boom and bust that lead to marginally viability and failed cultural enterprises. This was the case at the time of the Global Financial Crisis, when the market for Indigenous art collapsed to less than half its value.

Tjanpi Desert Weavers is a case in point. In 2010, Tjanpi's viability as an enterprise was marginal. It was struggling to compete in a falling and highly competitive market. At the time woven baskets were their main product line. However Tjanpi could not compete with prices or distribution of cheaper high quality imported baskets from Africa and Asia. Equally, their sculptural artworks were limited in their ceiling price as the arts market deemed fibre art less valuable than paintings. In addition, the cost of production and freight of Tjanpi artworks produced in the vast remote communities of the central and western deserts made the cost of production higher than that of paintings and imported products.

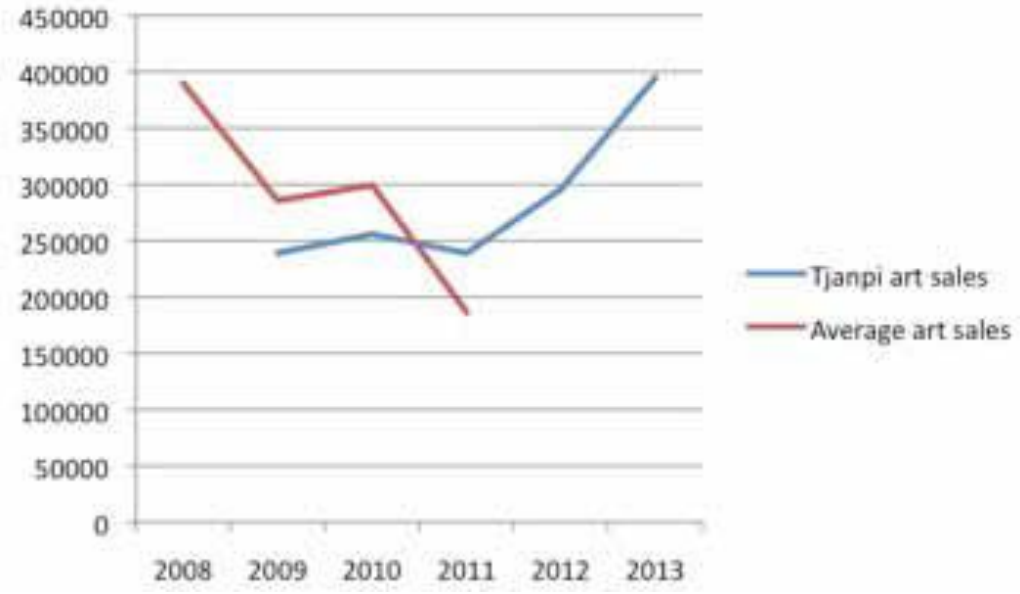
Creative Economy used its strategic sustainability framework that recognised both the cultural and economic value of Tjanpi. It began with sitting down with the NPY women to understand the original and true purpose of Tjanpi. This was not merely to produce artworks of excellence or art for market as required by arts funding agencies, especially the Australia Council for which it had lost its funding. When the NPY women started, the purpose of Tjanpi was to improve the lives of NPY women and their families by practicing culture on country and earning their own income through the creation of fibre art. This holistic purpose that accounts for cultural, social and economic reasons provided the basis for a new business model. Creative Economy designed a business strategy with a business model that creates a strategic shift, as demonstrated below.



The business model shifted from a transactional, sales of product in a market model to being a holistic purpose-driven model. For Tjanpi, this shift produced significant outcomes. Firstly, Tjanpi secured the largest investment in Westpac Foundation's history based on the strength of the business strategy and their interest in supporting the capacity of women in the remote desert regions to be employed to earn their own income. Westpac did not invest in the art or culture product but rather the employment role of Tjanpi's purpose.

The following diagram shows the success of this model in comparison to the trend of the Indigenous art sector at the time.

Tjanpi Art Sales vs Average Aboriginal Art Sales



Average art sales Source: *At The Heart Of Art* - A Snapshot of Aboriginal and Torres Strait Islander Corporations in the Visual Art Sector, produced by the Office of theRegistrar of Indigenous Corporations June 2012 (ORIC).

Creative Economy continued to utilise this model in Tjanpi's three subsequent business strategies. The success of Creative Economy's Framework has been proven time and time again with art centres achieving economic sustainability and cultural success.

What is required for this sector to be strong is:

- A shift from purely market, narrow economic driven business models to holistic models that include social, cultural and economic value. E.g. Creative Economy Framework.

- If Indigenous visual arts organisations are recognise their cultural value and leverage this for economic value they are able to achieve sustainability. E.g. Creative Economy Framework

- Multiyear operational funding for a greater number of art centres. The volume of art centres funded and the funding level of IVAIS has remained relatively static with a decline in real monetary terms. The growth of art centres has proliferated in the last 10 years and it is estimated up to a further 50% of art centres remain unfunded.

- Current IVAIS multi-year funding is based on historical funding rather than merit selection which results in inequity of access to funding all art centres.

- For example, in the current IVAIS funding round a total of $400,000 is available for art centres that are not historical multi-year funding recipients. This is both inadequate and inequitable.

Theme 2: Capacity Building

Capacity building programs in the sector are limited and inconsistent. The programs for arts workers run by the peak bodies Desart, ANKA and AACHWA as well as Wesfarmers, Melbourne University are good at providing opportunities and broadening horizons and contribute to retaining exisiting Indigenous artworkers. These programs have proved to be limited in building employment pathways and careers to fully operate art centres.

Creative Economy has developed a range of capacity building programs including:

Strategic Business Plans

Indigenous organisations directly engage Creative Economy to develop effective strategic business plans We generally find that most organisations have ineffective business plans. In our experience what makes a good strategic business plan

- The plan have clear purpose and clear measurable outcomes?
- Are the strategic goals linked with prioritised outcomes and target and integrated with financials?
- Does the strategic plan generate revenue and attract investment?
- Is the plan taken seriously by key partners and stakeholders?
- Is the strategic plan used?
- Does the Board use the strategic plan to monitor performance of the organisation?
- Does Management use the strategic plan to prioritise, lead and be proactive in operations?

All Creative Economy plans are developed directly with the Board to build capacity to monitor strategic targets and maintain the strategic direction. The plans are also effective for management to work strategically to improve sustainability instead of working reactively in operations.

Indigenous Creative Business Development (ICBD)

Cultural knowledge and the creative skills of Indigenous people provide an advantageous base for income opportunities. In some community's sales from art are the only externally generated source of income. Creative Economy has worked to build capacity of Indigenous cultural businesses and in 2004 launched a dedicated program, *Indigenous Creative Business Development* (ICBD) to meet the demand for improved business management.

Over 500 Aboriginal and Torres Strait Islander artists, art centres and enterprises participated in our ICBD program to build their capacity to run enterprises and produce, distribute and retail authentic art and craft products and merchandise. This highly effective program increases management capabilities, business skills and participation of Aboriginal and Torres Strait Islander people in sustainable enterprises.

ICBD is the only program of its kind in Australia focused on the creative sector and provided practical business to business mentoring and skills development. The ICBD program was a key strategy to improve practice, increase capacity and minimise unethical trade to contribute to the sustainability of the sector.

Creative Economy functioned as a specialist business hub whose team members have expertise and real world experience in marketing, design, visual art, business management, accounting, media and intellectual property law. First ATSIS then three years funding from IBA supported Indigenous clients to access ICBD to receive

tailored, practical and culturally sensitive business assistance to support their capacity building and economic self-sufficiency aspirations.

ICBD Key Facts:

- 220 formal applications for assistance
- Funding was provided to support 72 applications
- 3018 Indigenous people benefited from business assistance as direct participants and/or members of enterprises
- 67% of demand unmet
- 72 enterprises mentored in regional and remote areas of NT, QLD, WA, SA, NSW and VIC
- 420 Indigenous people participated in arts business development workshops
- 20 new Indigenous enterprises established during mentoring relationships

All participants in the ICBD program increased their business capacity and individual achievements include:

- Income increased by 500% during mentor relationship
- Distribution of outlets increased by 300%
- Facilitated access to markets in fine art, tourism, conventions, publications, retail, education, museums and galleries
- Acquisitions by major collections by linkage to curators and directors
- Establishment of commissions and licensing
- Improved contractual relationships by developing commercial agreements
- Increased revenue streams through product and market development

ICBD achieves this by:

- Addressing the need for business skills relevant to participants' own primary income activity
- Providing practical business assistance tailored to the specific needs of the applicants
- Providing business mentoring at the participants' location
- Sharing knowledge in a culturally appropriate way
- Supporting individuals to develop the capacity to conduct successful enterprises

Creative Economy works within Aboriginal Terms of Reference and undertakes continuous consultation with clients, other agencies and industry to ensure the relevance and performance of service.

The ICBD program was a highly effective not only in its delivery and results but also in its administration. ICBD has demonstrated that as a program it is more cost effective and responsive to the needs of Indigenous people than government administered programs.

In the past we also provided capacity building through Preferred Service Provider Panels. Creative Economy has served on preferred service provider panels for the following agencies:

- DEEWR Panel for Employment Panel and Economic Development and Business Support Panel
- FACSIA expert panel Contractors with Demonstrated Expertise in Fields Relevant to Australian Indigenous Affair Arrangement
- Preferred Service Provider to Indigenous Business Australia

There are currently no Commonwealth agencies that support economic development programs to Indigenous cultural or creative business. IBA has shifted to supporting purely commercial enterprises that show economic ROI. Our experience in recent years in referring clients to IBA is that their processes are highly inefficient and ineffective with cumbersome processes, inexperienced staff and long timeframes.

What is required for this sector to be strong is:

- Divert funds from less effective programs such as CDP to double funds to ILA and IVAIS to expand multi-year operational funding

- Maintain and extend the job funding for art centres.

- Preference Indigenous organisations before non-Indigenous organisations. Both IVAIS and ILA provide funding to non-Indigenous organisations who claim to service Indigenous organisations. The impact is that these non-Indigenous employ and create far less Indigenous employment and restrict the Indigenous organisations from receiving direct access to funds which achieves much higher employment.

- Ensure access to capability programs. Currently only IVAIS funded organisation have access to job funding and only members of IVAIS funding peak bodies have access to capability programs.

- On the job mentoring is the most effective to building capacity. Resources and time allocation is needed to provide on job mentoring for both external and senior staff as mentors as well as staff being mentored.

- Art Centre Managers also require mentoring. Most managers get totally drowned in day to day operations and have little time to think and work strategically to ensure sustainability.

- Effective Business Plans and Strategy that are linked to financial plans ensure art centres are sustainable.

- Funds the development effective strategic plans

Theme 3: Access to Market

It is crucial to recognise that artwork and art sales is not the only market in which Indigenous visual arts and art centres operate. Sustainability is understanding the cultural value of art centres and cultural organisations and being able to translate and leverage this to create economic value.

The Creative Economy framework enables organisations to understand both their cultural and economic value. In this paradigm art centres are able to recognise their value in a wider markets, inclusion programs in health, disability, aged care, community development, public art in urban development and place-making, textiles in fashion, homewares and interior design, curating and public programs in cultural institutions, etc.

Creative Economy examples of specific market development programs.

Cultural Futures Next Generation Leadership Project for the Aboriginal Art Centre Hub of Western Australia
Creative Economy designed and delivered a Business Mentoring Framework for the Aboriginal Art Centre Hub of Western Australia (AACHWA) and its participating art centres to strengthen business and marketing capability through a situational analysis, business capacity assessment and customised business mentoring action plan. The participant art centres in WA have had great success.

For example, Creative Economy provided mentoring to the Manager of Mangkaja for the Mangkaja x Gorman fashion collaboration. While the Copyright Council developed the legal agreement, Creative Economy provided

the mentoring to determine the deal – to address commercial and cultural requirements. This required understanding the dynamics of a new market and translating the cultural value of Mangkaja into economic value in a commercial dealt. The result is a benchmark agreement.

Memento Awards

The *Memento Australia Awards* were conceived to promote the very best, high quality and innovative Australian gifts for the tourism sector. The awards rewarded and showcased the best Australian mementos in a marketplace filled with imported, clichéd and non-authentic products, thereby operating as a highly effective mechanism to promote authentic Indigenous product in the tourism and retail sectors.

The Memento Awards launched over 1500 new tourism mementos from 1999 to its culmination at the G'day USA campaign in New York in 2009. Market research informed the selection criteria for the Memento Awards and this criteria has proved to be the "formula" for a successful memento.

The key objectives of Memento were to:

- Set new standards in innovation and quality of mementos for travelers.
- Promote authentic Australian mementos.
- To place Australian made product in a market dominated by imported and clichéd product.
- Develop tourism markets and revenue for Australian craftspeople, designers, innovators and manufacturers.

Memento grew to encompass:

- Awards Program - Annual awards program with regional and national award categories.
- Promotion - Generating $4.5 million media value.
- Touring Exhibition - Regional touring exhibition to regional galleries and tourism destinations across Australia.
- Artist and Retailer Workshops - Marketing and product development workshops – for artists, craftspeople and designers to improve their success in the marketplace, for retailers to source authentic and high quality local products.
- Distribution - Distribution service supplying over 300 outlets throughout Australia and overseas, allowing retailers to source authentic product from one central point.

The program was supported by Creative Economy and sponsorships from Brisbane City Council, IBA, Tourism Qld, Australian Made campaign, WA Dept Culture, Arts Queensland, Griffith University, to name a few.

Technology platforms over last decades would see this initiative be even more impactful and effective.

Northern Territory Tourism Strategy

As part of a consortium, Creative Economy was engaged to develop the new Northern Territory Tourism Strategy with the specific role to undertake the Indigenous consultations and provide strategy input. This led to the Tourism 2020 vision that recognised Indigenous culture as a key attribute to tourism marketing. Importantly, beyond marketing value Indigenous art and cultural centres are highly effective in destination attraction. The NT arts trail was subsequently announced to improve infrastructure of arts and cultural centres in the NT.

Visitor Information Centres
Creative Economy established the first accreditation program for Visitor Information Centres in Australia for Tourism Qld. This has included sourcing local and authentic product and experiences. Over the years, Creative Economy has provided workshops for Visitor Information Centres to identify and source local authentic product especially indigenous visual art.

Creative Economy Marketing Plans
Creative Economy develops marketing plans utilising its sustainability framework. Creative Economy market plans expand markets beyond Indigenous artwork sales. Recent successful examples of this are Tjanpi Desert Weavers that shifted from basket sales to commission works of installation works. Also Ikuntji Artists that have expanded their artwork into design licensing for fashion and homewares as well as content creation in film and cultural works for institutions such as the SA Museum.

What is required for this sector to be strong is:

- Indigenous art and cultural centres to recognise the value and markets for lies beyond artworks and art products, to cultural knowledge, processes and experiences.
- Advocate for market initiatives that stimulate demand such as:
- Percentage for public art requirements in capital expenditure
- Increase purchasing of Indigenous works by Art Bank
- Increase purchasing of Indigenous art and content by public institutions
- Increase infrastructure programs of Indigenous arts and cultural centres

Theme 4: Legal Protections

Creative Economy has advocated, contributed submissions and attended hearings at every Inquiry Including the 2006 Inquiry into Australia's Indigenous visual arts and craft sector and the 2017 Inquiry.

The key change we have advocated for is the abolition of the term Aboriginal "style" in consumer law to minimise the deception in promotion and sale Aboriginal art and products. The term Aboriginal style enables deceptive conduct by inauthentic and unethical companies. It also directly contributes to confusion in the marketplace by consumers. In recent years there has been better promotion of buying ethically product Indigenous art. But the confusion for consumers can act as a deterrent to buy at all.

What is required for this sector to be strong is:

- Abolish the term "Aboriginal Style" in consumer law
- Continue campaigns to educate and promote ethical art buying.
- All government procurement direct and by contractors and funded organisations to buy authentic Indigenous art and product.
- All government procurement direct and by contractors and funded organisations buy art and craft direct from Indigenous organisations.

creative economy

20th October 2017

Committee Secretary
House of Representatives Standing Committee on Indigenous Affairs
PO Box 6021
Parliament House
Canberra ACT 2600

Dear

SUBMISSION: PROLIFERATION OF INAUTHENTIC ABORIGINAL 'STYLE' ART

Thank you for your invitation to make a submission for this inquiry.

Established in 1992 in Australia, Creative Economy is a niche consulting practice specialising in the sustainability of culture, and a leader in the strategic development and sustainable development of cultural and creative industries.

Over the last 25 years, Creative Economy has instigated a range of initiatives and delivered programs directly addressing the capacity of Indigenous people to economically benefit from their culture and art. We have taken an active role in supporting Aboriginal and Torres Strait Islander artists and enterprise and promoting authentic product. We would encourage the committee to review our past submissions and proposals to Government agencies, including the ACCC and to the *2006 Inquiry into Australia's Indigenous visual arts and craft sector.*

Our full submission is attached, with key recommendations summarised below for quick reference.

> **Recommendation 1:** Abolish the terms *Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise* and *Aboriginal and Torres Strait Islander 'design' art and craft products and merchandise.*
>
> **Recommendation 2:** Legislate to prevent the promotion and sale of inauthentic Aboriginal and Torres Strait Islander art and craft products and merchandise (anything not considered authentic).
>
> **Recommendation 3:** Ban imports of inauthentic Aboriginal and Torres Strait Islander art and craft products and merchandise.

Thank you for your consideration.

Kind regards

Helene George
Managing Director, Creative Economy
Email:
Tel: 1300 340 980

creative economy

SUBMISSION: PROLIFERATION OF INAUTHENTIC ABORIGINAL 'STYLE' ART

Comments addressing specific terms of reference are provided below.

The definition of authentic art and craft products and merchandise.

We consider the following criteria a definition of authentic Aboriginal and Torres Strait Islander art and craft products and merchandise.

- Designed and made by an Aboriginal or Torres Strait Islander person/s.
- Designed and manufactured by an Aboriginal or Torres Strait Islander artist.
- Designed by an Aboriginal or Torres Strait Islander artist and manufactured under a legal licence agreement with ethical and fair terms (including provision of independent audits) made direct with the artist or art centre.

All require labelling certification of artist name, country/language group and preferably artist photo.

Options to restrict the prevalence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise in the market.

> **Recommendation 1:** Abolish the terms *Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise* and *Aboriginal and Torres Strait Islander 'design' art and craft products and merchandise.*

Creative Economy has been a staunch advocate for abolishing of these terms. The terms legitimise inauthentic Aboriginal and Torres Strait Islander art and craft products and merchandise.

How does something in the "style" or "design" make it Aboriginal and Torres Strait Islander? This is a case of misappropriating "Aboriginal and Torres Strait Islander" to legitimise inauthentic product.

It seems incongruous that legislation exists to legitimise misappropriation that infringes the cultural rights of Aboriginal and Torres Strait Islander people and negatively impacts their livelihoods and economic returns. The legitimisation of these terms forces Aboriginal and Torres Strait Islander people to compete with inauthentic Aboriginal and Torres Strait Islander art and craft products and merchandise.

The terms are also confusing for consumers and tend to be misleading especially in the absence of broad, continual public awareness campaigns.

> **Recommendation 2:** Legislate to prevent the promotion and sale of inauthentic Aboriginal and Torres Strait Islander art and craft products and merchandise (anything not considered authentic).

The legalisation of *Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise* facilitates deception of consumers.

This is supported by research of art and craft purchases by international visitors conducted by the Bureau of Tourism Research, "In terms of expenditure, aboriginal art and craft purchases accounted for a very significant $34 of the $66 spent on all craft and purchases averaged for each visitor."[1] That is over 50% of all expenditure on art and craft by international visitors is spent on Aboriginal art and craft. That is, the visitor intended to

[1] *Cultural Tourism in Australia: Visual Art & Craft Shopping by International Visitors*, Bureau of Tourism Research, 1996, Page 7.

Email: contact@creativeeconomy.com.au www.creativeeconomy.com.au

spend on authentic Aboriginal art and craft not inauthentic art and craft. The reality of this intention was probably not met.

What is clear is that there is a demand for Aboriginal art and crafts. Visitors and consumers have a reasonable expectation that this demand is met by authentic Aboriginal product. It is unlikely that the research would produce the same results for demand of inauthentic Aboriginal art and craft. There appears to be no public value or benefit in promoting inauthentic Aboriginal and Torres Strait Islander art and craft products and merchandise.

> **Recommendation 3:** Ban imports of inauthentic Aboriginal and Torres Strait Islander art and craft products and merchandise.

If an import ban existed the market would not be flooded with inauthentic product like bamboo digeridoos from Indonesia. This is something New Zealand customs has done for over forty years.

An examination of the prevalence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise in the market.

From 25 years of experience in the industry, we see that the art market has a higher volume of authentic Aboriginal art than inauthentic art. In the retail market there is a higher prevalence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise in the market. Inauthentic product tends to be found at large markets, e.g. Paddy's Market, general souvenir stores especially in high volume tourism locations. The retail market, especially prominent chains traditionally buy from distributors and large suppliers. There are small retail operators that do retail authentic product but generally they have less of a profile in the marketplace. Examples of key players in the retail space can be provided if required.

Options to promote the authentic products for the benefit of artists and consumers.

Adopting the proposed recommendations above introducing legislation and resourcing enforcement to prevent promotion and sale of inauthentic Aboriginal and Torres Strait Islander art and craft products and abolition of the terms Aboriginal and Torres Strait Islander 'style' or 'design' art and craft products and merchandise would provide space for promotion of authentic products for the benefit of artists and consumers.

There are a number of initiatives that Creative Economy has undertaken to promote authentic products for the benefit of artists and consumers. These include:

Memento Awards *– addresses promoting authentic product for artists, retailers and consumers.*

The *Memento Australia Awards* were conceived to promote the very best, high quality and innovative Australian gifts for the tourism sector. The awards rewarded and showcased the best Australian mementos in a marketplace filled with imported, clichéd and non-authentic products, thereby operating as a highly effective mechanism to promote authentic Indigenous product in the tourism and retail sectors.

The Memento Awards launched over 1500 new tourism mementos from 1999 to its culmination at the G'day USA campaign in New York in 2009. Market research informed the selection criteria for the Memento Awards and this criteria has proved to be the "formula" for a successful memento.

The key objectives of Memento were to:

- Set new standards in innovation and quality of mementos for travelers.
- Promote authentic Australian mementos.
- To place Australian made product in a market dominated by imported and clichéd product.
- Develop tourism markets and revenue for Australian craftspeople, designers, innovators and manufacturers.

Memento grew to encompass:

- Awards Program - Annual awards program with regional and national award categories.
- Promotion - Generating $4.5 million media value.
- Touring Exhibition - Regional touring exhibition to regional galleries and tourism destinations across Australia.
- Artist and Retailer Workshops - Marketing and product development workshops – for artists, craftspeople and designers to improve their success in the marketplace; for retailers to source authentic and high quality local products.
- Distribution - Distribution service supplying over 300 outlets throughout Australia and overseas, allowing retailers to source authentic product from one central point.

Memento Guide for Queensland Visitor Information Centres *- addresses authenticity education for retailers and sourcing authentic product.*

In 2017 Creative Economy was engaged by Tourism and Events Queensland to develop a Memento Procurement Guide as a tool for its network of Visitor Information Centres.

The aim of the guide is to assist Information Centres with advice to increase unique local product for sale to visitors by sourcing authentic Australian mementos. It includes tips to identify authentic Aboriginal product and warnings of inauthentic Aboriginal product. The Guide is also accompanied by a Memento Preferred Supplier List to access suppliers to source Queensland and Australian made mementos, including Indigenous artists and businesses. The Guide was launched at the annual Queensland Information Centres Association Conference, where Creative Economy presented a sourcing and authenticity workshop.

Indigenous Creative Business Development **(ICBD) –** *addresses supply of authentic products, distribution and retailing.*

Cultural knowledge and the creative skills of Indigenous people provide an advantageous base for income opportunities. In some communities sales from art are the only externally generated source of income. Creative Economy has worked to build capacity of Indigenous cultural businesses and in 2004 launched a dedicated program, *Indigenous Creative Business Development* (ICBD) to meet the demand for improved business management.

Over 500 Aboriginal and Torres Strait Islander artists, art centres and enterprises participated in our ICBD program to build their capacity to run enterprises and produce, distribute and retail authentic art and craft products and merchandise. This highly effective program increases management capabilities, business skills and participation of Aboriginal and Torres Strait Islander people in sustainable enterprises.

creative economy

ICBD is the only program of its kind in Australia focused on the creative sector and provided practical business to business mentoring and skills development. The ICBD program was a key strategy to improve practice, increase capacity and minimise unethical trade to contribute to the sustainability of the sector.

Creative Economy functioned as a specialist business hub whose team members have expertise and real world experience in marketing, design, visual art, business management, accounting, media and intellectual property law. First ATSIS then three years funding from IBA supported Indigenous clients to access ICBD to receive tailored, practical and culturally sensitive business assistance to support their capacity building and economic self-sufficiency aspirations.

ICBD Key Facts:

- 220 formal applications for assistance
- Funding was provided to support 72 applications
- 3018 Indigenous people benefited from business assistance as direct participants and/or members of enterprises
- 67% of demand unmet
- 72 enterprises mentored in regional and remote areas of NT, QLD, WA, SA, NSW and VIC
- 420 Indigenous people participated in arts business development workshops
- 20 new Indigenous enterprises established during mentoring relationships

All participants in the ICBD program increased their business capacity and individual achievements include:

- Income increased by 500% during mentor relationship
- Distribution of outlets increased by 300%
- Facilitated access to markets in fine art, tourism, conventions, publications, retail, education, museums and galleries
- Acquisitions by major collections by linkage to curator
- Establishment of commissions and licensing
- Improved contractual relationships by developing agreements
- Increased revenue streams through product and market development

ICBD achieves this by:

- Addressing the need for business skills relevant to participants' own primary income activity
- Providing practical business assistance tailored to the specific needs of the applicants
- Providing business mentoring at the participants' location
- Sharing knowledge in a culturally appropriate way
- Supporting individuals to develop the capacity to conduct successful commercial enterprises

Creative Economy works within Aboriginal Terms of Reference and undertakes continuous consultation with clients, other agencies and industry to ensure the relevance and performance of service.

The ICBD program is highly effective not only in its delivery and results but also in its administration. ICBD has demonstrated that as a program it is more cost effective and responsive to the needs of Indigenous people than government administered programs. There are currently no agencies that support economic development programs of this kind.

Email: contact@creativeeconomy.com.au www.creativeeconomy.com.au

creative economy

The Transformative Force of Culture in Sustainable Development: Innovative Approaches in Practice

Authored by Helene George, Founder and Director, Creative Economy
UNESCO Expert to International Fund for Cultural Diversity

Helene George
Founder/Managing Director
Creative Economy Pty Ltd

www.creativeeconomy.com.au

© CREATIVE ECONOMY PTY LTD 2015

1. Introduction

Within the current discussions as we shift from Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs), it is timely to consider what approaches facilitate sustainable development. This is a practitioner paper that discusses professional engagement in the field of culture and sustainable development. It canvasses the challenges encountered in current development models and the innovations introduced in our approach to sustainable development. The paper uses a case study to demonstrate that culture is essential for sustainable development and has a transformative role as both an enabler and driver in the economy. A sustainable economy is diverse, has low inequality and provides a society with economic, social and cultural prosperity.

Our practice aligns with one of the most common definitions of sustainable development from the Brundtland Report[1] that is: *"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."* This is complemented with the understanding of sustainability as continuity from the perspective of Aboriginal knowledge of the First Nations Peoples of Australia, who have the world's oldest continuous living culture. Sustainability is commonly discussed as environmental, economic and social sustainability. The fundamental proposition in this paper is that culture is core to sustainability and that sustainable development is the linkage of culture, social and economic development.

The case study illustrates that the achievement of sustainable development requires a more holistic framework that includes culture. Sustainability can only be achieved with a balance of both cultural values and economic values. This requires an understanding of cultural contexts and cultural diversity with an ability to engage cross-culturally. It follows that for the new SDGs to be achieved, development approaches must consider:

1. Sustainable development requires a combination of both economic and cultural values
2. Culture is both an enabler and driver in the economy
3. Development policies need to include culture as an agent for development
4. Strong, diverse, and visible cultural sectors create a more robust, inclusive and sustainable economy
5. Diversity of cultures is an appropriate humanistic approach to sustainable development

Creative Economy is a specialist consultancy practice founded in Australia in 1992. It is founded on the philosophy of balancing and linking social, cultural and economic outcomes and this is the framework on which our methodology is based. This philosophy evolved by exploring and implementing alternative ways to improve sustainability in the arts and cultural sector. Very early it was evident that economic factors are not the key drivers or values in the cultural sector.

Through the company's participation in national and international policy forums, it is clear that for too long culture has been missing in the discourse of development and there is limited awareness of the value of culture, and its role in the economy. The value of culture is less about the economics of arts and culture such as accounting and measuring of cultural activity and more about its role as a transformative force to create a more inclusive, diverse and innovative economy. Sustainable development goes beyond the simple commercialisation of creativity, often referred to as creative industries.

Beyond the cultural industries, Creative Economy has also tested its approach as a model for development in an area where public policy and government programs have significantly failed, in Aboriginal communities. The Creative Economy approach has worked more successfully than traditional approaches to development. This is in part, because the approach reflects the humanistic concept of development that is evident in Aboriginal culture. In particular, the Aboriginal logic of relationality that is Aboriginal people's connection to land and each other is the guiding principle and results in the primary obligation and responsibility to land and to each other. This is a holistic approach and an example of humanistic development that ensures sustainable development.

[1] World Commission on Environment and Development (WCED). *Our common future.* Oxford: Oxford University Press, 1987 p. 43.

© CREATIVE ECONOMY PTY LTD 2015

2. Constraints of Current Development Models

With over twenty years of specialised consulting, the practice has found that enacting strategies which are driven by economic goals alone are more likely to produce only transient outcomes rather than meaningful sustainable outcomes. This is because cultural values that embody deep connections to people and place need to be included to achieve sustainable outcomes. Current models of development used by international organisations remain predominantly one dimensional, narrowly economically focused. Over the last two decades in industrially advanced countries and increasingly in developing countries, even culture and cultural industries have been reduced to an economic sector[2] referred to as creative industries in national development policies.

2.1 Narrow Economic Focus

While the prime purpose of the United Nations (UN) is to ensure peace and security, a large majority of its resources and efforts are for economic and social development. The reasoning being that lasting international peace and security is possible only if all citizens are assured of economic and social prosperity. The UN system allocates resources based on classification systems designating countries as developed, developing and least developed countries based predominantly on Gross Domestic Product (GDP). This provides only a narrow economic view of a nation's wealth and prosperity.

In the case of Vanuatu, a micro-nation in the South Pacific, its people have a very different perspective on wealth and prosperity. Nominated as 'the World's Happiest Nation' in the first International Happiness Index Survey Report[3] by the New Economics Foundation, Vanuatu is currently classified by the UN as one of the world's most impoverished, ranked at 141 according to world development indicators.[4] The assumption using current development models, being that lower GDP means lower quality of life.

Dissatisfied with being labelled impoverished, Vanuatu decided that it wanted to identify what is important to their quality of life. What are the things that make their lives full and rich? The Malvatumauri National Council of Chiefs and the Vanuatu National Statistics Office began a process to identify indicators and benchmark wellbeing in their national economy. This became the first study part of the *Alternative Indicators of Well-being for Melanesia* Project[5]. The study provided an open dialogue on well-being at a national level to inform the indicators and formalise them into national and local-level governance procedures. The study developed new indicators of well-being around three unique domains. Three domains of well-being emerged as most relevant to Vanuatu development: a) resource access, b) cultural practice, and c) community vitality.[6]

a) **Resource access** meaning access to land and natural resources for food, cooking, housing, medicine, transport, etc. With 92% of Vanuatu living in rural areas with 95% accessing customary lands for housing and food to meet their family needs.
b) **Cultural practice** includes indigenous languages (100 different languages are spoken by 94% of the population), cultural knowledge such as family history, planting seasons, local flora and fauna and traditional skills to transform natural resources into supplies such as constructing houses, canoes, baskets, etc. Also ceremony and cultural exchange in which 92% of the population regularly participate.
c) **Community vitality** meaning people work together in communities which are safe and peaceful, where there is equitable and effective management of community resources. There is high participation in local governance with 78% of communities holding community meetings and 91% attendance, although varied frequency as well as high volunteering indicating community cooperation.

An important question arising from the Vanuatu case is; who determines wealth and prosperity? And how do they have a say in the development process? When one views current development models around the

[2] Reports including *UK Creative Industries Mapping Document*, Department of Culture, Media and Sports, 1998.
[3] *The Happy Planet Index, An Index of human well-being and environmental impact*, The New Economics Foundation, 2006.
[4] *Human Development Index* in the *Human Development Report 2014*, United Nations Development Programme, 2014.
[5] This pilot study on well-being measures happiness and considers variables that reflect Melanesian values.
[6] *Alternative Indicators of Well-being for Melanesia, Vanuatu Pilot Study Report 2012, Published by the Malvatumauri National Council of Chiefs and Produced by the Vanuatu National Statistics Office*

© CREATIVE ECONOMY PTY LTD 2015

world, one is struck by the lack of balance between the needs of poorer populations and their presence in the planning and solution processes and their own narrative about these processes.

The narrow economic focus in development is inefficient for both developed and developing nations alike. In Australia, the dominant industrial development approach to Indigenous development is highly inefficient. For an Indigenous population of approximately 670,000 people, annual government expenditure is over AUD$25 billion, which is dispensed in great majority to non-Indigenous organisations, for little to no progress and often regression. Infant mortality is more than twice that of the general population, juvenile detention rates 24 times higher than the general population and there is a 10 year life expectancy gap. The lack of presence of Aboriginal people in the planning and solutions processes of policy and delivery is a key factor. The one dimensional economic approach is another factor of failure.

2.2 Deficit vs Positive Impact Approach

Because current development models only adopt an industrial economic approach, they construe anything that is not productive in economic terms as a problem. That is, issues outside the industrial economic model such as externalities are considered as problems. Minimising or rectifying an adverse environmental or social impact is a deficit approach. A deficit approach, is one that plans and enacts a negative impact and then seeks to compensate it in some way through minimisation or rectifying the negative impact. By using industrial development models, governments similarly adopt deficit approaches in policy and programs. Yet the deficit to development is really in the approach. Policy and actions need to be designed and implemented for transformative positive impact with the populations that they seek to advance.

It seems obvious to state that a positive impact approach is needed to achieve a positive impact. However it not the predominant approach. It requires all actors to take this approach, both private and public. The UN Global Compact is an initiative formed in 2000 to promote sustainability and provide guiding principles "for business to take a shared responsibility for achieving a better world".[7] After 15 years the UN Global Compact has 12,000 participants globally, about 65% are business. Corporate social responsibility needs to be core to business just as profits are core to business. Good intentions are not enough. To produce a positive impact, a positive impact approach is needed. A positive impact approach requires a more holistic set of strategies to achieve positive social, cultural and economic outcomes. A positive impact approach recognises the cultural context and actualities of circumstances as strengths to enable development rather than deficits that appear outside an industrial economic perspective.

2.3 Understanding the Role of Culture in the Economy

The role of culture is not widely understood in development nor in the economy in general. What Creative Economy has learned from its consultancy experience is that universal approaches to development are not universally relevant nor effective on the ground. Universal approaches fail to take into account cultural diversity in local contexts. Understanding the dynamics in cultural contexts underpins sustainable development. Through our work it has become clearly evident that sustainability is only achieved through a combination of cultural values and economic values.

Cultural values include understanding the local cultural context, the meaning of place and relationships from a local perspective. Cultural values are the standards and behaviours that are acceptable, unacceptable, of importance and are systems of working in a specific community. How people value what is important is different in different places as people make meaning in different ways. This requires an understanding of cultural diversity and an ability to engage cross-culturally understanding the holistic dynamics of a local community and place.

Universal approaches to development and especially narrow economic approaches are based on singular Anglo knowledge and systems that tend to exclude or devalue other cultural knowledge and systems. The value of culture in the economy is more about its role as an enabler through process and transformative forces that generate inclusion, engagement, diversity, innovation and value creation. Cultural prosperity is often overlooked yet it is vital in sustainable development. As illustrated in the example of Vanuatu, cultural prosperity is the basis for all prosperity. In developed countries, the absence of cultural prosperity is giving rise to a range of negative impacts such as community isolation, rising mental health issues, and so on.

[7] https://www.unglobalcompact.org/what-is-gc/mission

© CREATIVE ECONOMY PTY LTD 2015

2.4 The Gap in Development Policy

While current economic models do not consider culture as an agent for development, current cultural models do not consider economic development. Further, there is a lack of a strategic approach to sustainable development of the culture and cultural industries. Creative industries policies such as *Creative Britannia* re-cast creativity as an economic input into the economy, hence software and media are the dominant sectors and largely omit culture. The practice of Creative Economy has filled the gap bringing culture and economy together with social outcomes. Yet the consultancy has mostly operated in the absence of a relevant policy framework at a local, national or international level. In Australia, culture is predominantly considered the mandate of arts agencies. Arts agencies, like the Australia Council, are key funding agencies for art-form development and accordingly do not consider economic development as part of their mandate. For this reason, our work and company has generally engaged with economic development agencies, development agencies for cultural infrastructure, and the private sector in terms of corporate social responsibility. Even within economic development agencies culture is not recognised in policy. Our ability to engage these agencies has been based purely on a long track record of demonstrating effective outcomes.

The exception to this was in 1995, when Australian Prime Minister, Paul Keating introduced *Creative Nation* as both an economic and cultural policy. *Creative Nation* is often cited as the source of creative industries policy because for the first time a single policy included arts, heritage, Indigenous cultures, film, TV, radio, multimedia and technology, cultural tourism, etc. Unfortunately the policy was short lived with a change of government in 1996.

At the international level, the *UNESCO 2005 Convention for the Protection and Promotion of Diversity of Cultural Expressions* provides an international framework that contributes to encouraging relevant policy. However, for a powerful and crucial cultural agency, it remains a policy instrument that is limited in reach in terms of realising the full potential of the role of culture in the economy. This requires whole systematic change and an approach that recognises the important roles of culture in development to ensure sustainable development.

Table 1 illustrates the constraints to development and a strategic approach to the development of cultural industries. The table contrasts three approaches to development with Creative Economy's Framework. The biggest resources required for arts and culture to be included in development are time and space for talent and creativity. Time tends to be dependent on funds and space is usually dependent on infrastructure. Coordination of these resources requires policy and strategy. These are the dominant features of the arts. Creative Economy's perspective comes directly from practicing in the field with multi-stakeholders and multi-platforms including across art-forms, across industries, across levels of government and in culturally diverse communities as well as at a policy level in all three of these approaches in Australia and internationally.

© CREATIVE ECONOMY PTY LTD 2015

Table 1: Contrasting Approaches to Development

The following shows the generalised key characteristics that are dominant but not exclusive in each approach.

Approach	Arts	Creative Industries	Development	Creative Economy
Driver and focus	Arts excellence and innovation focus	Economic growth focus	Human development focussed	Positive Impact Balance and linkage of culture, social and economic outcomes
Intervention	Public infrastructure and Grant funding	Business development programs	Infrastructure Capacity building programs	Strategic Action Planning, Capacity building, Evaluation
Partnerships	Public private partnerships – philanthropy and sponsorship	Entrepreneurs Investors Supply chain	International Agencies Economic Development Agencies	Public Private Cross sector Community and Business Internationally
Constituents	Government institutions and non-profit organisations	Small enterprises Multi-nationals	NGOs Community service organisations	Social enterprises Enterprise
Content	Artistic skill, talent and production e.g. art forms -visual arts, performing arts, etc.	Creative inputs and outputs e.g. Intellectual property, production, distribution, etc.	Culture and cultural expressions Participation Inclusion	Cultural knowledge, cultural practice, talent, artistic skill, community development
Dominant sector	Performing arts	Software	Craft Cultural knowledge tourism, education	Culture Transformation
Financial	Project and budget focussed	Profit Return on Investment	Poverty reduction	Diverse revenue streams Sustainability
Economic	Supply led - creation	Demand led - consumption	Development aid and welfare	Value Creation Holistic economy
Geographic	City focussed	City focussed	Developing countries	Borderless

© CREATIVE ECONOMY PTY LTD 2015

3. An Innovative Approach to Sustainable Development

Creative Economy works with a diverse client base in strategic development to improve sustainability. It does this by combining cultural values with economic value to make positive impact. Founder, Helene George, had been working in turnaround management of arts companies. George built Creative Economy on her experience developing new national and international touring initiatives and development of new models for cultural infrastructure, including self-sustaining facilities for artist studios. The practice has had a focus on exploring and implementing alternative ways to improve sustainability in the arts and cultural sector. Over the last decade the firm took the challenge to test its approach in Aboriginal communities, which are often considered as developing nations within Australia. The approach has worked more successfully than traditional approaches to development.

The practice is founded on the philosophy of balancing and linking social, cultural and economic outcomes and this is the basis of the methodology. This approach evolved very early when the practice recognised that economic factors are not the key drivers or values in the cultural sector. Therefore, achieving sustainability must take a holistic approach that includes cultural as well as economic values. This is an alternative to the arts approach of only recognising the cultural value and the creative industry approach of recognising only the economic value of arts and culture. The approach goes beyond the development approach because it is as relevant to developed economies as it is to developing economies. It provides adaptability and positive impact in an environment of increasingly rapid change while achieving sustainability.

Through its extensive breadth of practice, the company has developed a framework as a tool to implement sustainable development. The Creative Economy Framework is a strategic framework for sustainable development and utilises a holistic approach. The Framework is described below in terms of the concept, the approach and application and can be applied at all levels of enterprise, program and policy. Figure 1 illustrates the concept of the Creative Economy Framework.

Figure 1: Creative Economy Framework: Sustainability Concept

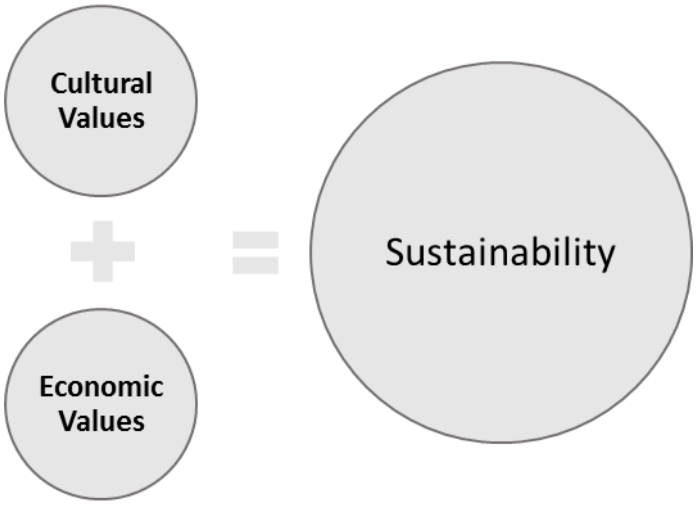
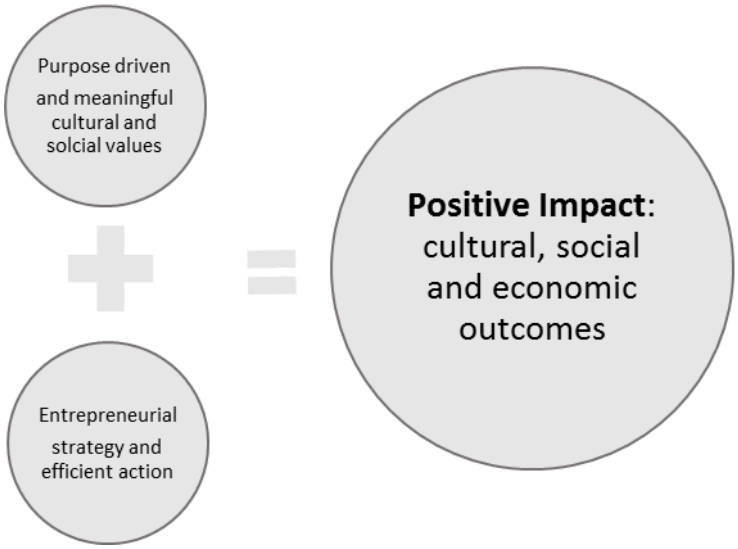


Figure 2 illustrates the approach in the Framework. In the Creative Economy Framework the focus is on sustainability with cultural values that are purpose driven (not narrowly profit driven or singularly socially or purely creatively driven) and by nature have a unique set of articulated cultural values (important meanings to how they operate). The Creative Economy Framework clarifies and simplifies purpose and values and uses entrepreneurial thinking to coordinate strategy that guides and monitors action to achieving the intended positive impacts that are a combination of cultural, social and economic outcomes.

© CREATIVE ECONOMY PTY LTD 2015

Figure 2: Creative Economy Framework: Sustainability Approach



Sustainability is achieved through an approach of planning for positive impact that balances and links economic, social and cultural outcomes with purposeful drive, meaningful values, entrepreneurial strategy and effective action. The action that results from this concept and approach to sustainability is what we call the strategic shift.

The Strategic Shift

The Creative Economy Framework enables a strategic shift from a transactional economic model to a sustainable development model. Table 2 illustrates the key elements of the strategic shift. The strategic shift is what occurs from applying the philosophy and methodology of balancing and linking social, cultural and economic outcomes. The strategic shift is a continuum and works over time. It is not a polar shift from one fixed state of operating to another but rather a fluid and dynamic shift.

Table 2: Creative Economy Framework: Strategic Shift

Status Quo		Creative Economy Framework
Input output activity – transactional	»	Positive impact – transformational
Not-for-profit/for profit	»	Social enterprise
Project and budget focussed	»	Strategic and entrepreneurial
Dominant revenue dependency (high funding)	»	Increased diverse revenue streams
Supply and demand	»	Value creation
Short term, one off, self-survival	»	Long term engagement with community, Industry, business to business
Marginal viability	»	Sustainability

© CREATIVE ECONOMY PTY LTD 2015

The key elements of the strategic shift are:

Positive Impact

The framework makes a deliberate shift from a deficit, problem logic approach to a positive impact approach. A positive impact approach works to deliberately achieve positive outcomes that are cultural, social and economic and build on strengths rather than address deficits to minimise or rectify adverse impacts. This is a shift from what happens in terms of input and output of activities to the transformational positive change. An example that occurs from this shift are programs changing from crisis management to preventive programs.

Social Enterprise

The social enterprise model is for purpose driven enterprises that seek efficiency and effectiveness. Social enterprises are purpose driven and are concerned with the holistic achievement of social, cultural and economic outcomes.

Strategic and Entrepreneurial

Development initiatives are often project focussed and budget neutral focused. Thinking and acting strategically and entrepreneurially requires operating with a mid-long term view and lifecycle of opportunity and continuity. In contrast, operating purely tactically, project and budget focussed, results in a series of short term lifecycles which require large resources to start up each time.

Diverse Revenue Streams

Many development initiatives by necessity require development funding however diversified revenue streams are an important risk mitigation strategy. Diversifying revenue streams is essential for long term sustainability. This means diversification in terms of for whom, where, what and how revenue is acquired.

Transformational Value Creation

The economic approach of supply and demand is transactional and short term. The strategic shift is from transactional to transformation. There is greater value in transformation than a mere transaction. Value creation occurs through the linkage of economic, social and cultural outcomes demonstrating that the sum of the whole is greater than its parts. In addition, holistic value creation is longer term as it lasts and builds over time in multi-dimensions.

Long Term Engagement with Community, Business to Business and Industry

Transformational economic, social and cultural outcomes can only occur in a connected engaged environment. Engaged partnerships and active relationships are a source to developing diverse revenue streams and greater value creation across economic, social and cultural outcomes. Deeper, longer term relationships yield greater benefits. Engagement with community fosters stronger relationships with partners and clients. In this framework, transformative benefits flow to both intended and unintended clients and beneficiaries. Alternatively, short term and one off activities are highly resource intensive yet fail to sustain ongoing beneficial relationships for future outcomes and benefits.

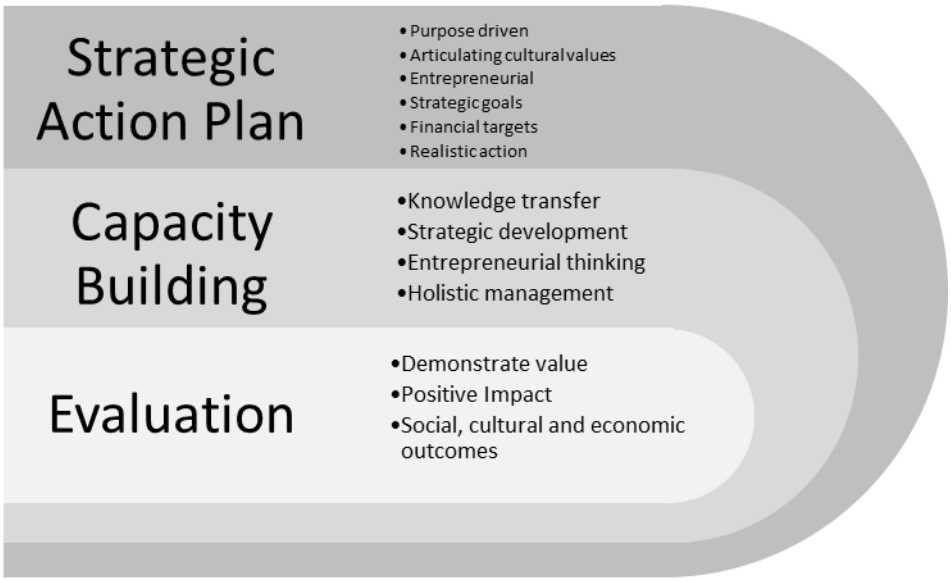
Sustainability

The ultimate aim of the Creative Economy Framework is to shift to sustainability, that is continuity, and avoid marginal viability based solely on growth or boom and bust. Sustainability is holistic with a balance and linkage of cultural, social and economic outcomes for a broad range of stakeholders. Sustainability in this way brings about greater inclusiveness with meaningful participation and is key to addressing inequality. Sustainability is more than one dimensional economic viability for limited stakeholders.

Table 3 illustrates the process of implementing the Framework. Creative Economy generally establishes relationships with clients working over a medium term through three stages to implement sustainable development. Stage one incorporates the process of strategic planning within the Creative Economy Framework. This results in the development of a Strategic Action Plan. It includes a strategic component with a high level summary of goals and targets that can be used externally and for governance. In addition it includes a more detailed action plan to enable organisations to implement the plan and coordinate the shift to sustainability. Stage two involves a phase of mentoring to build the capacity to implement the Strategic Action Plan. This predominantly involves transferring knowledge to increase strategic thinking, holistic management and developing entrepreneurial capacity. Stage three involves evaluation in terms of demonstrating positive impact in terms of cultural, social and economic outcomes.

© CREATIVE ECONOMY PTY LTD 2015

Table 3: Creative Economy Framework: Implementing Sustainable Development



© CREATIVE ECONOMY PTY LTD 2015

4. Case Study: Tjanpi Desert Weavers

Creative Economy has worked with an extensive range of clients in a diverse range of cultural contexts, each a unique assignment. The case study below illustrates the Creative Economy Framework as an alternative to current development models. It also explains its effectiveness in bridging developed and developing economies in a highly complex environment. At the same time it provides an example of the development of cultural industries.

The Tjanpi Desert Weavers (Tjanpi), is an Aboriginal social enterprise of the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPY Women's Council). Formed in 1995 by the members of NPY Women's Council, Tjanpi Desert Weavers, (Tjanpi means grass in a local Aboriginal language), enables women living in remote central desert communities to earn regular income from basket weaving and fibre art. Tjanpi operates across the tri-state borders of a vast desert region of 350,000 square kilometres, just greater than the size of Germany, yet most of the region is only accessible via four wheel drive off-road. Its enterprise includes more than 400 women in a total population of 6000 in 26 small remote communities.

These Aboriginal communities are often referred to as developing nations within Australia. The lack of access to basic services that are provided to the general population correlates with extremely low social and economic conditions and significantly poorer health outcomes. Tjanpi provides one of the only employment and income opportunities for women in the NPY region. Primarily women produce baskets and sculptures in community. Tjanpi field officers regularly travel across the communities to coordinate the supply of materials and they purchase finished fibre art so that women have a regular source of income in remote communities. Tjanpi then markets and distributes fibre art online, at events and through a network of retail outlets and galleries from its own retail store at its headquarters in Alice Springs. Women expand their fibre art practice and knowledge of techniques at bush workshops. Aboriginal women come together on traditional lands, to collect grass, sculpt and weave major artworks, at the same time transferring cultural knowledge and practice to younger generations through song and dance. During this process on traditional lands is when large scale art commissions and installations are usually created. This is an essential process that contributes to meaningful cultural, social and economic wellbeing.

Tjanpi approached Creative Economy to provide an independent external review of the enterprise and to develop a strategy for sustainability. It was a pivotal time for the enterprise, having lost a major source of operational funding from an arts agency, leaving the enterprise financially exposed with viability under threat. A key finding of the initial review was that the enterprise had positioned itself to align to this major funding in terms of arts excellence. This positioning and communication did not fully reflect the purpose or the member's participation in Tjanpi. This position did not reflect the full role of Tjanpi including maintaining cultural practice and cultural knowledge transfer to younger generations; economically providing employment and income; and socially increasing wellbeing in terms of happiness and pride in earning income from their fibre art creations. The result of this alignment and high dependency on government funding was marginal viability with budget deficits and reduced income to artists. This focus on loss making art projects resulted in a mismatch of resources.

Step 1: Strategic Action Plan

In applying the Creative Economy Framework the first stage was to clarify the purpose and values. This was done through speaking with the women members to understand the impetus to start and keep going with Tjanpi and to determine what was important to them about Tjanpi. The statement of purpose was brought back to the original intent of Tjanpi and in line with the purpose of NPY Women's Council. This also assisted to frame Tjanpi as a social enterprise that is purpose driven. The mission statement was revised to clearly articulate the purpose of the enterprise in holistic terms of cultural, social and economic. It is stated as;

> *"Tjanpi Desert Weavers' contributes to improving the lives of NPY women and their families by supporting cultural activity and meaningful employment through the creation of fibre art."*

Business goals were then developed focussed on the essential areas for sustainable development related to the mission statement in terms of holistic management of the enterprise; cultural practice; social engagement; meaningful employment and diversifying revenue. Entrepreneurial strategies and actions were then applied to shift Tjanpi from a mode of transactional art production supply to a social enterprise that

© CREATIVE ECONOMY PTY LTD 2015

linked the cultural, social and economic processes to create improved outcomes. The Strategic Action Plan fully integrated and correlated the cultural values of meaning and purpose with the business goals and a financial plan of entrepreneurial strategies and action.

The following is an example of one entrepreneurial strategy designed to increase sustainability. Before working in the Creative Economy Framework, Tjanpi focussed art production in more of a traditional art supply mode by applying for grants to fund the creation of major fibre art works. The costs of doing this were often greater than estimated due to the many variables of working in remote desert communities. Tjanpi would then incur the cost of creating promotional materials. It would seek out a commercial gallery to exhibit the artworks and sell artworks on consignment providing Tjanpi with about 55% of the retail price and returning any unsold artworks. In this scenario Tjanpi undertook most of the risk and only received revenue as a margin on artworks sold. In the Strategic Action Plan strategies were developed to promote, for a commission fee, that the desert weavers working on traditional lands could be engaged to create major artworks for significant festivals and institutions. The fee was charged to cover both artwork creation and relevant enterprise overheads. The exhibiting venue or gallery also paid a fee to exhibit the artworks as well as paying licensing fees for use of images in promotional materials that the gallery produced. Then a public gallery or major collection acquired the artwork with the full retail price returned to Tjanpi. This process is value creation as it creates increases in economic, social and cultural value. Economically Tjanpi received greater revenue in each stage of the process not just the end product. Socially more people engaged with Tjanpi through major events. Culturally, the meaning and importance of the artworks and Tjanpi was more widely understood and the value of the artworks are increased through their inclusion in major exhibitions and acquisitions in major collections. This strategy shifted the understanding of Tjanpi activity as transactional art production to understanding the transformative social and cultural processes that combine with economic action for positive impact.

The strategic planning process resulted in a Strategic Action Plan that reflected the holistic operations of Tjanpi as a social enterprise that provides important social, cultural and economic benefits to NPY women. The challenge however remained for Tjanpi Desert Weavers to implement the plan and transition their business model from arts production to social enterprise and ensure greater sustainability for the future.

Step 2: Capacity Building

Creative Economy usually works with clients in a mentoring phase to guide implementation of the Strategic Action Plan. This mentoring assists managers and staff to develop strategic and entrepreneurial thinking. Mentoring also supports working holistically in strategic development rather than operational tactical activity. An example of this is our role in supporting negotiation with a large philanthropic partner. Clearly communicating the refocused purpose of Tjanpi immediately opened up opportunities for new partners and revenue streams. Westpac Bank Foundation, Australia's oldest bank became interested in Tjanpi as a social enterprise based on the strength of the Strategic Action Plan and after a long negotiation process. The key challenges in the process involved increasing the city bankers understanding of the remote context of the operations of Tjanpi and that the request was not for direct charity for the women but a social investment so Tjanpi could meet the extremely high costs of providing the capacity for women to earn their own income in the vast desert communities. The result was that Tjanpi was awarded Westpac Foundation's largest philanthropic grant in its history. The initial investment has been over three years.

Table 4 illustrates the shifts that have resulted from implementation of the Strategic Action Plan. It shows the improvement in sustainability through strategic action to shift from a transactional to a positive impact business model, a shift from art production to social enterprise.

© CREATIVE ECONOMY PTY LTD 2015

Table 4: Effects of the Strategic Action Plan

Strategic Action	Before	After
Re-focus to Core Purpose	Art Excellence	Social impact Providing desert women the capacity to earn income from fibre art
Shift Business Model	Art Production	Social Enterprise
Strategic Planning	Business plan template for projects to comply to Government funding agencies	Strategic Action Plan – strategic development and entrepreneurial for sustainability
Revenue Diversification	Project to project, year to year Earned revenue 36%* Government Grants 64%*	Increased Revenue by 60% Earned revenue 80%* Government Grants 20%* Triennial funding partners
Transform service offering	Art supply driven High cost and consignment risk and lower margins through commercial gallery exhibitions	Value creation – art commissions, exhibitions fees, licensing, speaker fees, retail sales, wholesales, social investment, donations
Long term partnerships engagement	One off projects, full supply chain delivery	Longer term partnerships for social impact
Improve Sustainability	Marginal viability	Forward planning Multi-year revenues Exceeded reserves target by 200%

Step 3: Evaluation

Evaluation is an important phase of the Creative Economy Framework. Evaluation seeks to demonstrate impact, that is the changes that have occurred in relation to the purpose and desired impact. Impact evaluation involves establishing direct beneficiaries and indirect beneficiaries from the outset and working in a participatory process to identify what is important to evaluate. In Creative Economy's process this is often done in parallel to the initial process of identifying cultural values in clarifying purpose and what is important to beneficiaries. In the case of Tjanpi, this involves travelling out to communities and engaging interpreters as there are many different languages spoken in the central and western deserts. English is often a third or fourth language. Narrative story telling in small groups is used as the form of capturing information. Evaluation techniques such as surveys are ineffective in these contexts. The evaluation identifies social and cultural outcomes as well as economic outcomes.

Economic Outcomes

In three years, Tjanpi has seen significant improvements in sustainability. Economically revenues have diversified with dependency on government grants reduced from 64% in 2009 to 21% in 2013. As shown in Figure 3 total revenue increased by 60% over the three years to 2013. This is attributed to an increase in earned revenue to 79% in 2013. This included increased revenue diversification, including 31% from philanthropy across a range of sources. There was also a 60% increase in direct retail sales over the three years to 2013. Figure 4 shows the increase in art sales and Figure 5 shows the increase in art sales compared with the industry average. The increase in Tjanpi art sales during this period is particularly spectacular given it significantly opposes the industry trend.

© CREATIVE ECONOMY PTY LTD 2015

Figure 3: Tjanpi Total Revenue 2010 – 2013

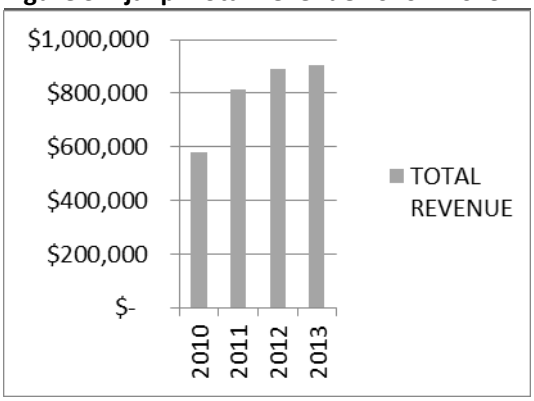


Figure 4: Total Fibre Art Sales 2009 - 2013

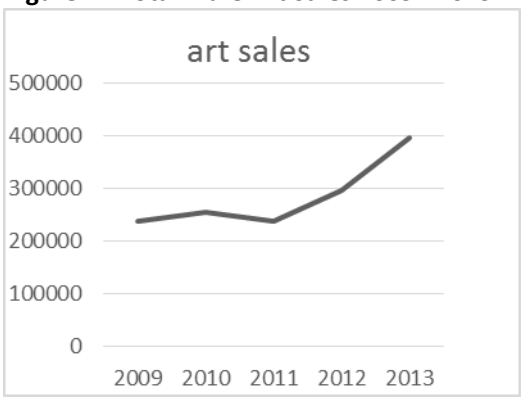
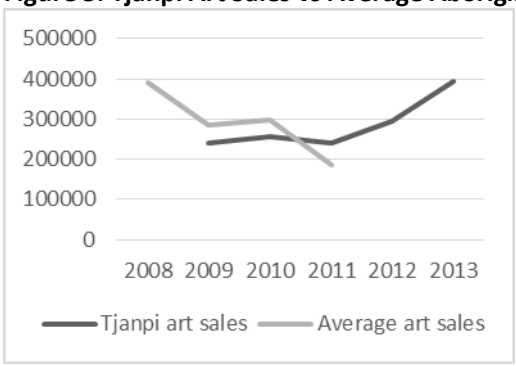


Figure 5: Tjanpi Art Sales vs Average Aboriginal Art Sales [8]



Most importantly the implementation of the Strategic Action Plan resulted in a 50% increase in payments to artists over the three years to 2013 with 414 women employed. The success of these outcomes in turn secured the first triennial funding from government. While not at an increased level it did contribute to sustainability in terms of consistency of funds over a longer period.

Cultural Outcomes

Cultural outcomes include the ability to go to bush camps and to create work. Culturally the women use the processes in creating fibre art to both maintain their culture and reinterpret and explore new ways of meeting cultural responsibilities and expressing culture. This is perhaps best expressed by one of the direct beneficiaries and artists of Tjanpi, Mary Katatjuku Pan *"… now I say, 'Ok, I am going to forage in the country now. I am going to forage for our food. But it is going to be produced in a different way. So I am going to forage and then I am going to make things with what I gather and that will be sold and then I'll make money'. So our land is still feeding us."*[9]

Additionally, in 2012 Tjanpi was recognised as the winner of a national award, the *Deadly Award for Outstanding Achievement in Cultural Advancement.* During this timeframe Tjanpi also attracted, for the first time, commissions and acquisitions from major collections such as the Australian Museum of Contemporary Art, Art Gallery of South Australia, Australian Parliament House Collection, Queensland Art Gallery, Western Australia Museum and National Gallery of Australia. In 2015, Tjanpi Desert Weavers are part of an exhibition representing Australia at the 56th International Biennale Art Exhibition in Venice.

Social Outcomes

Social outcomes included providing skills development for some 17% of the population of women on Ngaanyatjarra Pitjantjatjara Yankunytjatjara lands. Tjanpi's ability to make positive social impact was given a 100% high rating by stakeholders that were interviewed as part of the evaluation. However, the impact that Tjanpi makes is far reaching and deeper than the mere quantifiable outcomes. The social outcomes are best described in the words of the beneficiaries and stakeholders. The comments below include just a few

[8] *At The Heart Of Art* - A Snapshot of Aboriginal and Torres Strait Islander Corporations in the Visual Art Sector. Produced by the Office of the Registrar of Indigenous Corporations June 2012

[9] Interview with Mary Katatjuku Pan, Amata Community South Australia, translation Linda Rive

© CREATIVE ECONOMY PTY LTD 2015

example statements gathered during evaluation. The outcomes in the words of the artists also gives some insight into the Aboriginal logic of relationality and its role in humanistic sustainable development.

Our grasses have great tjukurpa, (tjukurpa is a Pitjantjatjara language word used to describe the force which unites Aboriginal people with each other and with the landscape) *… it is really important to know that the grasses with which these items are made are of historical value and have sustained Aboriginal life in the desert since the beginning, and that these grasses themselves are of inestimable value.*
Nyurpaya Kaika-Burton, Tjanpi artist

Tjanpi has brought happiness to women. It gets women together. Brings pride and joy to women. No jealousy. Everyone is happy and proud of each other.
Margaret Smith, NPYWC Director, Tjanpi artist

Tjanpi illustrates and unpacks that notion of living culture evolving. The women are so generous how they share that knowledge and their ever evolving practice with the wider Australian community. They suggest to the community how to be in the world, how to relate to one another, earth, planet and the real understanding of connection to country in real practices. Their work and processes express that.
Fulvia Mantelli, Co-curator, Adelaide Festival Exhibition, Deadly: In-between Heaven and Hell

Tjanpi desert weaving is a cultural activity that gives enormous opportunity for cultural maintenance. For example, the artwork commissions are a representation of culture based on traditional stories, collecting grass, visiting cultural sites with family on country learning and teaching together. It reinforces relationships in family and allows family groups from different regions to meet up and come together on country.
Philip Watkins, Chief Executive Officer, Desart

Women as artists are empowered to make amazing work that is placed in institutions and stores. The women are so happy. Their talks were like rock concerts – people were in sheer adoration. Glenn Barkly, Senior Curator at Museum of Contemporary Art, Sydney.

© CREATIVE ECONOMY PTY LTD 2015

5. Conclusion

The case study illustrates a sustainable development approach achieves social, cultural and economic outcomes. It demonstrates that holistic frameworks are required to enable sustainable development. The implications for development models are that for SDGs to be achieved, development approaches must consider:

1. Sustainable development requires a combination of both economic and cultural values
2. Culture is both an enabler and driver in the economy
3. Development policies need to include culture as an agent for development
4. Strong, diverse, and visible cultural sectors create a more robust, inclusive and sustainable economy
5. Diversity of cultures is an appropriate humanistic approach to sustainable development

This paper is a contribution to informing the new Sustainable Development Goals agenda. The paper discusses work of specialised consultancy practice, Creative Economy. A company founded on the philosophy of balancing and linking social, cultural and economic outcomes. It has developed a framework for sustainable development that incorporates a holistic approach that includes cultural as well as economic values. This innovative framework has been effective for strategic development in cultural industries and over the last ten years in sustainable development in Aboriginal communities, that are often considered developing nations.

It considers what approaches facilitate sustainable development. It discusses the effectiveness of holistic approaches to development and references Aboriginal logic as an approach to humanistic sustainable development. The perspective of a practitioner sheds light on the constraints of existing development models that narrowly define wellbeing and that give rise to negative impacts such as inequality.

Currently the role of culture is not widely understood in development nor in the economy in general. The paper discusses the role culture as both an enabler and a driver in the economy. Culture creates a more inclusive, diverse and innovative economy and is a transformative force in sustainable development. Importantly, it looks beyond the well documented discourse of commercialisation of creativity, sometimes referred to as creative industries. The paper addresses the role of culture in the economy more broadly and highlights the need for whole systematic change and an approach that recognises the important role of culture in development to ensure sustainable development in both developing and developed economies.

This paper was developed for the IPP 2015 International Conference: New Humanism, Governance and Sustainable Development held in August 2015 at the Institute of Public Policy (IPP) at South China University of Technology.

© CREATIVE ECONOMY PTY LTD 2015

creative economy

13th August 2019

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

SUBMISSION: Competition and Consumer Amendment (Prevention of Exploitation of Indigenous Cultural Expressions) Bill 2019

Thank you for your invitation to make a submission for this proposed Bill.

We appreciate this as a well intention response to the Inquiry and a practical intervention to improve the situation in regards to the protection and promotion of Indigenous Cultural Expressions.

This Bill are important measures to address the exploitation of Indigenous Cultural Expressions. I take this matter seriously both as a UNESCO Expert, *2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions*, to which Australia is a signatory, and as the Founder and Managing Director of Creative Economy.

Established in 1992 in Australia, is a niche consulting practice specialising in the strategic development and sustainable development of cultural and creative industries, especially indigenous cultural organisations.

Over the last 25 years, Creative Economy has instigated a range of initiatives and delivered programs directly addressing the capacity of Indigenous people to economically benefit from their culture and art. We have taken an active role in supporting and building the capacity of Aboriginal and Torres Strait Islander artists, communities and enterprises to promote authenticity and achieve economic returns.

Creative Economy has been an active advocate and contributor to this matter. We would encourage the committee to review our past submissions and proposals to Government agencies, including the ACCC, to the *2006 Inquiry into Australia's Indigenous visual arts and craft sector* and to the *2017 Inquiry into the proliferation of inauthentic Aboriginal 'style' art.*

Our submission in relation to the "Competition and Consumer Amendment (Prevention of Exploitation of Indigenous Cultural Expressions) Bill 2019" is attached.

Thank you for your consideration.

Kind regards

Helene George
Managing Director
Creative Economy
PO Box 552
North Melbourne VIC 3051

Tel: 1300 340 980

creative economy

SUBMISSION: COMPETITION AND CONSUMER AMENDMENT (PREVENTION OF EXPLOITATION OF INDIGENOUS CULTURAL EXPRESSIONS) BILL 2019

Our response is formed from our experience working with Aboriginal and Torres Strait Islander peoples and their communities and in the trade and commerce of Indigenous cultural expressions and cultural artefacts.

In general we support the Amendments Bill as outcome of the Inquiry to improve the Prevention of Exploitation of Indigenous Cultural Expressions.

We highlight six points for further consideration.

Generally,

1. Ensuring ability for Aboriginal and Torres Strait Islander peoples and their communities can maximise economic returns from Indigenous Cultural Expressions.

   We encourage the Committee to ensure that the Bill allows for Aboriginal and Torres Strait Islander peoples and their communities to benefit through trade and commerce of their cultural expressions and appropriate cultural artefacts. Importantly, that the Bill has no unintended consequences of restricting or reducing economic returns to Aboriginal and Torres Strait Islander Cultural Expressions from trade and commerce, including with third parties.

Specifically,

2. **1 Subsection 2(1) of Schedule 2 Definition of *Indigenous cultural artefact***
   We suggest rephrasing the end of the statement to "…includes, and is not limited to, the following:"
   It is difficult to determine a finite list of cultural artefacts. Adding the phrase "is not limited to" would ensure the inclusion of cultural artefacts, such as head-dresses, jewellery, etc. The items in the current list are more reflected of items for Northern Territory and not fully reflected of cultural artefacts throughout Australia.

3. **50A Misuse of Indigenous cultural expression**
   "(2) A person must not, in trade or commerce, supply or offer to supply to a person an Indigenous ceremonial or sacred artefact."

   Does this clause restrict Aboriginal and Torres Strait Islander peoples and communities in gaining economic returns from trade and commerce?

   Currently there are ceremonies and items used for ceremony, for example, dance headdresses, dance boards, etc. and photographs and films of ceremony that Aboriginal and Torres Strait Islander peoples and communities offer for trade and commerce with institutions, event producers, collectors, etc.

   This is because not all ceremony and Indigenous cultural expressions related to ceremonial purposes are sacred. It is appropriate that the use, trade or commerce, supply is vested in the cultural authority of the relevant Aboriginal and Torres Strait Islander peoples and communities.

   Does this clause of the proposed Bill impact on the cultural authority of Aboriginal and Torres Strait Islander peoples and communities and their ability to seek economic returns, should they chose?

Email: contact@creativeeconomy.com.au www.creativeeconomy.com.au

4. **50AB Offences 31**

"(1) A person commits an offence if the person, in trade or commerce: supplies or offers to supply a good to a person that includes an Indigenous cultural expression;"

Does this clause restrict Aboriginal and Torres Strait Islander peoples and communities in gaining economic returns from trade and commerce?

5. **Prevent inauthentic cultural expressions and the terms of "Aboriginal Style" "Aboriginal Design" "Indigenous Style" "Indigenous Design"**

We strongly encourage the Committee to address inauthentic cultural expressions that passes off as Aboriginal or Torres Strait Islander cultural expressions. We encourage the Committee to include in this Amendment Bill the abolition of the use of the terms "Aboriginal Style", "Aboriginal Design" **"**Indigenous Style" "Indigenous Design**"** to describe inauthentic Aboriginal Torres Strait Islander cultural expressions. These terms are misleading and deceptive for consumers and are detrimental to Aboriginal or Torres Strait Islander peoples and communities in trade, commerce and supply of authentic cultural expressions.

6. ***2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions***

Perhaps this is an appropriate time to address and reference the *2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions as part the amendment of this Bill.*

Email: contact@creativeeconomy.com.au www.creativeeconomy.com.au

CREATIVE ECONOMY

22nd October 2020

Committee Secretariat
Standing Committee on Communications and the Arts
PO Box 6021
Parliament House
Canberra
ACT 2600

SUBMISSION: Australia's Creative and Cultural Industries and Institutions

We welcome this inquiry into Australia's creative and cultural industries and institutions.

Our submission gives an informed perspective, having worked across the cultural and creative industries (CCI) sector throughout Australia and internationally for the past three decades.

EXPERTISE
Founded in 1992, Creative Economy is a strategic advisory practice specialising in sustainable economic development and the strategic development of cultural and creative industries. Our focus is leveraging culture to creative sustainable economic value. Our expertise is working with businesses, organisations and governments to create development strategies and innovative business models that put culture first and produce sustainable economic development.

We have been engaged as an advisor to governments including the Peoples Republic of China, New Zealand government, Fiji government, European Union and the Secretariat of the Pacific. Our founder and principal advisor, Helene George is an appointed UNESCO Expert and was a member of the Australian Prime Minister's Science, Engineering and Innovation Council's Working Party on *Creativity in the Innovation Economy.* She recently published in *New Humanism and Global Governance* by World Scientific and the China Institute of Public Policy. Most recently, she was a panel chair UNESCO Asia Pacific Creative Cities Conference and was a keynote speaker at the *Global Cultural Management Forum* in Shanghai.

CCI and COVID-19
This inquiry provides an opportunity for government and parliament to hear from a broader and more diverse range of actors in the CCI. This is especially important as the Australian Government's Office for the Arts and its arts funding and advisory body, the Australia Council for the Arts are the most frequent voice and intermediatory to government. These agencies' interface is overwhelmingly with their own grant recipients. This tends to set up an industry and public discourse predominately about funding. While funding is necessary, the CCI sector is far more than grant funding. In the devastation that COVID-19 has inflicted on the CCI, it has never been more important to have a broad understanding of the importance of the sector to Australia.

The Australia Council for the Arts was established in 1968, largely due to the efforts of its main protagonist and first Chairman, Dr. H.C. 'Nugget' Coombs, a distinguished economist, public servant and former Chairman of the Reserve Bank. While forward thinking at the time, this and many of the current government's programs and measures for creative and cultural industries are historical and were established in a vastly different era and context to what we face now.

The COVID-19 pandemic has served to highlight that culture and arts are essential to all Australian's lives. What parent of a toddler would have survived without *Bluey*? While we have all survived the lockdowns and isolation with books, art, crafting, facebook live music gigs and content on our digital devices, the pandemic has also shone a spotlight on the structural flaws and weaknesses of the CCI in Australia. Unfortunately, policy

interventions to counter the effects of the pandemic have in some cases tended to compound the adverse effects in CCI.

STRATEGIC SHIFT
This inquiry provides an opportunity to consider creative and cultural industries in its current and future landscape. Our submission takes a future view of a necessary strategic shift with example strategies that provide economic benefits to Australia from the cultural and creative industries.

National Cultural Policy: Australia's Creative and Cultural Industries Strategy
Strategy: Develop a strategic approach to cultural and creative industries for the 21st Century that addresses the cultural and economic development of the sector and its contribution to nation building, with a whole-of-government implementation that contributes to make Australia more innovative, prosperous, successful and stronger.
Policy Driver: No national policy currently exists. A national policy and strategy provides the best mechanism to ensure cooperation and delivery of policy between layers of government. A national policy address the can address improvement of the sustainability of the whole of ecosystem of CCI.
Economic Benefit: Shifts from a funding dependency model to a proactive plan for positive social and cultural impact model. Delivering economic benefits in positive ROI in leveraging investment from private sectors, business and consumer expenditure.
Government Budget Impact: Provides a coordinated approach.

Local Content
Strategy: An Australian local content quota across all digital platforms.
Policy Driver: Australian voice, identity and cultural expression is visible in a local, regional and international landscape. Economic returns for employment, investment attraction and expenditure. Without policy intervention Australia will be largely absent in one of the fastest growing global industries.
Economic Benefit: Increased expenditure on CCI in Australia. Increased government revenues through GST, potential export revenue through licensing, local employment, taxes through payroll, income tax and resultant consumer spending.
Government Budget Impact: A regulatory measure with positive economic return to government generated with predominantly private investment and expenditure.

Indigenous Culture Program
Strategy: Broaden and consolidate programs of *Indigenous Languages and Arts* and the *Indigenous Visual Arts Industry Support* within a framework relevant to Indigenous people to directly invest in Indigenous organisations for culture programs and enterprise.
Policy Driver: Economic inclusion, increased Indigenous employment especially in regional and remote regions, improved health and wellbeing outcomes for Indigenous Australians. Achievement of *Closing of the Gap* indicators. Australian cultural heritage, identity and diversity of cultural expressions are distinctively visible in a local, regional and international landscape. Drivers of international and domestic tourism.
Economic Benefit: Economic growth from increased economic inclusion and participation. Increased Indigenous employment and income generation. Up to 300% ROI on funding investment to arts/culture centres that leverage government funding to increase revenue. Increase government revenues through GST, export revenue, local employment, taxes through payroll, income tax and resultant consumer spending.
Government Budget Impact: Neutral budget impact. Consolidate existing programs and double budget allocation with transfer of funds from the ineffective Community Development Program.

Indigenous Cultural Heritage Repatriation
Strategy: Broaden and consolidate funding for the Return of Cultural Heritage Project, Indigenous Repatriation and Australia's Trove portal in a framework that goes beyond institutional funding to include Indigenous cultural organisations and communities.
Policy Driver: An equal respectful reverence for all our Australian citizens, from war veterans to the Indigenous people stolen from their graves with their cultural objects.
Economic Benefit: Increased employment of Indigenous people. Savings in health spending from the improved health and wellbeing of Indigenous people. Increased value of Australian heritage collections.
Government Budget Impact: Potentially budget neutral. A multi-donor fund with equal contributions from other nations, Britain and the EU along with diversions of ineffective Community Development Program funds.

Australia Connect
Strategy: A strategic ongoing international cultural diplomacy program akin to the British Council or Goethe Institute building international connections, understanding and trust through culture and the arts.
Policy Driver: International cooperation, builds relationships and mutual understanding, market development, diplomacy. Australia's artists, entertainers and culture are some of our most recognised identities globally. Australia's CCI are amongst the most professionalised in the world in training, education, industry and innovation on stage and offstage. This professionalisation is a totally underutilised asset for export and exchange especially in the Asia Pacific region.
Economic Benefit: Investment attraction, offshore expenditure on Australian products and services, drives inbound tourism and visitation. Attracts quality migration and economic growth.
Government Budget Impact: Budget negative to neutral if funds are diverted from other programs.

Arts on Prescription
Strategy: Arts on Prescription - a referral program to resourced creative activities for people experiencing mental health problems and social isolation as adjunct therapeutic and recovery facilitated by artists rather than medical therapists.
Policy Driver: Increased levels of psychosocial distress in society are significant, as evidenced by the increase in prescribed antidepressants and the numbers of working days lost as a result of stress and anxiety. There is a growing body of evidence that active involvement in creative activities provides a wide range of benefits, including the promotion of well-being, quality of life, health and social capital.
Economic Benefit: Increases economic inclusion and participation for both artists, mental health patients and people that are socially isolated.
Government Budget Impact: Health is the fastest growing item of government expenditure including prescriptions. Work productivity and economic exclusion due to health issues is a significant burden on the economy. This program is highly likely to have a neutral to negative cost benefit on the government budget. Provides greater ROI than pharmaceutical prescriptions and reduces visits to GPs (20% of visits are said to be non-medical social connection visits).

Strategy - Artworkers JobKeeper
The impact of the pandemic has been felt the greatest by the CCI who were the first to shut down and will be the last industry to resume in full capacity. The structural nature of the sector has meant the great majority of artists and art workers have been left without the government supports such as JobKeeper. An Artworkers JobKeeper is required, to address the specific structural deficiencies of CCI.

The biggest investors in CCI, always have and always will be artists and artworkers, who have invested decades training and maintaining their professional practice. When they do have paid work, they tend to work at base awards for sub-par remuneration compared to their skill and experience. For example, the highest level of a professional dancer's award pay is about $60,000 per annum. That is for the lucky minority who have an annual salary, which are available in only 6 companies across Australia. The vast majority of artists and

CREATIVE ECONOMY

artworkers, including a higher proportion of women, work project to project (with gaps) as freelancers and contractors for small to medium enterprise and not-for-profits that constitute the great majority of the sector.

The experience and value and the loss of economic capacity of artworkers without employment and income impacts the economy as a whole, through loss of household spending and economic capacity. The true cost is loss of the cultural capital to our nation. The UNESCO Status of the Artist (1980) has long called for the protection of the social and economic rights of artists and for an integrated approach to legislation on the status of the artist. It timely to address this for CCI.

The strategies above are just a few examples of how CCI contribute to increase the economic prosperity of Australia. Further international examples of policy interventions to counter the COVID-19 pandemic can be found here:
https://en.unesco.org/creativity/publications/culture-crisis-policy-guide-resilient-creative

CCI Development
At present, about 60% of Australia Council funding goes to just 29 major companies overwhelmingly engaged in the art of the 18th century, opera, classical orchestral and chamber music, ballet and drama with operating modes also not reflective of contemporary Australia. For example, only 4 out of 29 of the companies have female artistic directors.

The time is now, to extend the development of CCI beyond the 18th century to the 21st century.

CCI are an industry sector of the now and the future. While technology enhances efficiencies and broadens distribution, CCI with talent, imagination and innovation core to its DNA, will never be a depleted resource or superseded by AI. For this reason, Australia's cultural and creative industries makes a significant contribution to Australia's sustainability.

Strong economies are diverse economies that find growth through inclusion, equity, diversity and distinction in a global market. CCI are one of Australia's most recognisable industries in a global market and unlike any other sector, CCI are a critical vector for economic, social and cultural sustainability.

Cultural diversity is as vital to humanity as biodiversity is to the planet. Cultural and creative industries are equally vital to our economy.

I hope this submission provides a small glimpse of the benefits and opportunities that CCI bring to Australia.

Thank you for your consideration.

Kind regards

[redacted]

Helene George FAIM, GAICD, Grad Dip. Management (Arts Management), BA (Performing Arts)
Strategic Advisor and CEO Creative Economy
UNESCO Expert, 2005 Convention for the Protection and Promotion of Diversity of Cultural Expressions

creative economy

ABN 40 079 880 121

Inquiry into Australia's Indigenous visual arts and craft sector

a. The current size and scale of Australia's Indigenous visual arts and craft sector;

It is important to look beyond the current assumption that Australia's Indigenous visual arts and craft sector is predominantly contemporary fine artists who are of Indigenous descent.

In determining the current size and scale of Australia's Indigenous visual arts and craft sector it is important that the Committee understand the breadth of activity of artists as well as the breadth of market demand in the sector.

Markets for Australia's Indigenous visual arts and craft also include public art, education, publishing and publications, museum and galleries, tourism and festival and events. Our experience in art and tourism markets is that the expenditure for indigenous visual arts and craft is far greater in tourism. This is significant because indigenous artists are generally not supported in this area

b. The economic, social and cultural benefits of the sector;

In July 2005 the Steering Committee for the Review of Government Service Provision (SCRGSP) released its second instalment report *Overcoming Indigenous Disadvantage* to address the key causes of disadvantage so that, in the Prime Minister's words, "*we can have an Australia where Aboriginal and Torres Strait Islander Peoples …whether born in a remote community or in one of our cities or regional centres – can grow up and reach their full potential in life."*

Consultation undertaken as part of the above report revealed that income and employment are important to the individual in terms of living standards and self esteem and overall well being. Indigenous people in Australia seek to share the same living standards and wellbeing as other Australians.

Economic well being, income and wealth are also linked to overall wellbeing. Higher income can enable the purchase of better food, housing, health care, etc. Economic wellbeing can also result in psychological benefits of self control and self esteem important for personal development.

The extent to which people participate in the economy is closely related to their living standards and broader wellbeing. It also influences how they interact at the family and community levels.

Indigenous Australians are clearly disadvantaged and this is particularly so for remote Indigenous communities. There is a high rate of unemployment and dependency on welfare which then impacts on these communities resulting in poverty, poor health, substance abuse and violence. There is a great need to take a holistic approach to address the social, cultural and economic issues which affect all Aboriginal and Torres Strait Islander communities.

The interest and demand for Indigenous arts and craft has reached an all time high and for many Aboriginal and Torres Strait Islanders it offers the opportunity to both practise their culture and gain financial independence.

The thousands of Indigenous artists that we have worked with throughout Australia over the past decade attest to this. It is the activity of their art expressing culture, coupled with the ability to earn an income that brings social, economic and cultural benefits.

phone +61 7 3891 6640 fax +61 7 3891 6885 email info@creativeeconomy.com.au www.creativeeconomy.com.au
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 post GPO BOX 1927 BRISBANE Q 4001

Government's current approach through DCITA and the Australia Council is predominantly through an artistic and cultural framework and while this provides strong cultural benefits, important social benefits the greatest economic benefits tend to flow to other operators, such as dealers who facilitate transactions.

Our experience demonstrates that the greatest social, economic and cultural benefits are achieved by Indigenous people from a holistic economic framework that respects culture and sees Indigenous people receive greater proportion of income from their art that enables the to make life choices about wellbeing.

Creative Economy would be happy to provide case studies in support of this submission.

c. The overall financial, cultural and artistic sustainability of the sector;

Australia's Indigenous art and craft is widely recognised as unique and of world class, yet at this point in time the sector is not seen to be sustainable culturally, artistically or financially.

If it were to be sustainable the sector would have:

- Infrastructure such as workshop facilities, equipment, studios, archival storage and keeping places updated and maintained on an ongoing basis to facilitate cultural and artistic endeavours.
- Indigenous people across all generations participating culturally and artistically to ensure the passing on of culture, knowledge and art techniques.
- Knowledge transfer and skills development continually supported to increase the capacity of Indigenous people to participate in the sector on an equal basis.
- The sector, including Indigenous people, accessing expertise with relevant knowledge to develop their skills and capacity to improve professional standards and integrity.
- Indigenous people skilled and actively participating in all elements of the sector from creation of artworks, production, managing, marketing, distribution, retailing, conservation, curating, advocacy and critical writing.
- Market confidence in the sector through the integrity of Indigenous art and Indigenous art products. That is integrity in bone fide work by an Indigenous person, processes of the sector and the fair and equitable terms on which Indigenous artists participate in the sector.
- Only authentic Australian Indigenous art and craft offered for sale or exhibition.
- Educated public and consumers (in Australia and internationally) aware that there are many different Indigenous cultures and can recognise authentic Australian Indigenous art and craft.
- Abolition of the term Aboriginal "style" to minimise the deception of Aboriginal art and products.

- No imported Aboriginal “style” art and products so that integrity of authentic Australian Indigenous art and product is maintained.

- Increased market opportunities for Indigenous people through improved market confidence due to integrity of supply.

- Increased employment and income generation for Indigenous people, and the sector as a whole, due to appropriate skills development, greater Indigenous participation, increased integrity, greater understanding of culture and the market as well as increased sales.

- Improved economic independence of the sector, community, enterprises and individuals through sustainability.

In conducting extensive work across the Indigenous art and craft sector we have been alarmed by certain practices that threaten the financial, artistic and cultural sustainability of the sector. In brief these have included:

Indigenous people

- Low level of Indigenous people employed in the sector
- Indigenous people, particularly in remote areas, sometimes have poor literacy and numeracy skills
- Indigenous artists receiving low percentage of returns for their artwork
- Indigenous artists have limited ability to access specialised expertise for specific issues such as legal, intellectual property advice, tax advice, marketing, career development, business development, etc.
- Extremely limited business and market knowledge of artists
- Indigenous artists accepting small amounts of cash upfront for works that are later sold and resold for 1000’s times the initial price
- Lack of training and mentoring opportunities in operations other than art techniques
- No mentoring or ongoing advice to meet governance responsibilities

Art Centres

- Art coordinators adopting a paternalistic approach to representation of Indigenous artists that creates dependency
- Art centre model per se is not sustainable i.e. essential funding an art coordinator and sometimes an assistant and contributing to vehicle costs.
- Impossible for art centre coordinators to be adept and knowledgeable across all functions of the art centre
- Many social needs and activities of Indigenous people tend to be borne by art centres.
- Some art centres find themselves dealing with impacts of social demands more than the operations of an art centre
- High percentage of centre do not have fully transparent accounting systems
- High occurrence of inaccurate financial reports
- Little evidence that financial reports are used to improve operations
- Prominent art centre allowing profile commercial galleries to maintain substantial outstanding debts whilst Indigenous artists wait for payment
- An overwhelming number of art centre managers have little to no business qualifications or commercial acumen
- Lack of awareness of all market opportunities for sector and how to engage
- Poor working environments for arts workers due to inadequate infrastructure and support

- Industry associations also tend to lack market and business expertise (see peak body recruitment criteria)
- Industry associations sometimes advocate for special provisions that are not necessary, and complicate operations, as they do not fully understand business e.g. tax, resale royalty, etc.
- One size fits all not for profit art centre model is not appropriate for everyone

Government agencies

- Short term perspective of funding programs does not allow for sustainability or strategic planning.
- Lack of leadership in policy to address industry issues.
- Inadequate and inflexible funding support
- Funding criteria skewed to support financial need rather than growth to increase sustainability i.e. funds directed at survival of organisations rather than growth
- High turnover of staff and loss of corporate knowledge in government agencies
- Inaction of agencies such as the ACCC to proactively address industry issues.
- Long processing times of funding applications disrupting service delivery
- Government programs not meeting areas of need.
- Government agency commissioning design by Indigenous artists at significantly below market value.
- Production of numerous reports such as ATSIS report, strategies that are not funded for implementation
- Failure of government to act to address industry issues and to support growth

Marketplace

- Dealers who are regarded as reputable but engage in “carpet bagging” and business practices to the detriment of artists
- Unscrupulous dealers join and hide behind industry Associations such as Australian Commercial Gallery Association and the Indigenous Art Traders Association
- Industry Associations do not monitor the conduct of members
- Limited editions prints re-published without market disclosure
- Lack of business skills and commercial acumen of Indigenous and non-indigenous people in the sector
- No written agreements and contracts for commercial transactions
- Very low Indigenous employment levels across visual art and craft sector
- Indigenous people disrespecting cultural heritage of other Indigenous people
- Imported fake product and Aboriginal “style” product has flooded the market

e. Opportunities for strategies and mechanisms that the sector could adopt to improve its practices, capacity and sustainability, including to deal with unscrupulous or unethical conduct;

The Indigenous art and craft sector operates in a market economy. In this economy, commercially focused operators, sometimes with little regard for cultural concerns and ethical behaviour, are achieving the greatest financial rewards and often the greatest profile.

Unethical trade, exploitation and poor returns to artists tend to occur when artists enter into unfavourable terms of sale directly with a buyer or a dealer. Even art centre coordinators, who are often the artist's agent, express difficulty in achieving more favourable prices and terms for artists due to their limited access to market knowledge, limited resources and isolation. This significantly impacts on the capacity and sustainability of the sector.

The most recent report of the Prime Minister's Science, Engineering and Innovation Council *"The Role of Creativity in the Innovation Economy"* highlights that "*lack of business skills and commercial acumen"* are key barriers to sustainability in the Creative Industries. This is clearly evident in the Indigenous arts and craft sector. For the sector to be sustainable it must recognise that it is in a market economy and needs to utilise appropriate knowledge and strategies to transact in this environment.

In a recent submission to the *Inquiry into Indigenous Employment*, Indigenous Business Australia (IBA) stated*, "Essentially regional circumstances dictate business opportunities. Also, some industries are better suited to Indigenous employment because of Indigenous skill sets and current interests."*

Cultural and creative industries are a case in point. Cultural knowledge and the creative skills of Indigenous people provide an advantageous base for income opportunities. In some communities sales from art are the only externally generated source of income. Creative Economy has worked over the last decade to assist to make this a reality and in 2004 launched a dedicated program, *Indigenous Creative Business Development* (ICBD) to meet the demand for improved business management.

This highly effective program increases management capabilities, business skills and participation of Aboriginal and Torres Strait Islander people in sustainable enterprises. ICBD is the only program of its kind in Australia focused on the creative sector and provides practical business to business mentoring and skills development. The ICBD program is a key strategy to improve practice, increase capacity and minimise unethical trade to contribute to the sustainability of the sector.

Creative Economy functions as a specialist business hub whose team members have expertise and real world experience in marketing, design, visual art, business management, accounting, media and intellectual property law. For the past three years IBA has supported Indigenous clients to access ICBD to receive tailored, practical and culturally sensitive business assistance to support their capacity building and economic self-sufficiency aspirations.

While the ICBD program was supported by IBA over three financial years to June 2006 delivery occurred for 18 months, taking into account processing funding submissions.

creative economy

ABN 40 079 880 121

ICBD key facts:

- 220 formal applications for assistance
- Funding was provided to support 72 applications
- 3018 Indigenous people benefited from business assistance as direct participants and/or members of enterprises
- 67% of demand unmet
- 72 enterprises mentored in regional and remote areas of NT, QLD, WA. SA, NSW and VIC
- 420 Indigenous people participated in arts business development workshops
- 20 new Indigenous enterprises established during mentoring relationships

All participants in the ICBD program increased their business capacity and some individual achievements include:

- Income increased by 500% during mentor relationship
- Distribution of outlets increased by 300%
- Facilitated access to markets in fine art, tourism, conventions, publications, retail, education, museums and galleries
- Acquisitions by major collections by linkage to curator
- Establishment of commissions and licensing
- Improved contractual relationships by developing agreements
- Increased revenue streams through product and market development

ICBD achieves this by:

- Addressing the need for business skills relevant to participants' own primary income activity
- Providing practical business assistance tailored to the specific needs of the applicants
- Providing business mentoring at the participants' location
- Sharing knowledge in a culturally appropriate way
- Supporting individuals to develop the capacity to conduct successful commercial enterprises

Creative Economy works within the Aboriginal Terms of Reference and undertakes continuous consultation with clients, other agencies and industry to ensure the relevance and performance of service.

The ICBD program is highly effective not only in its delivery and results but also in it's administration. ICBD has demonstrated that as a program it is more cost effective and responsive to the needs Indigenous people than government administered programs.

The Indigenous Creative Business Program is currently not able to meet demand as IBA has withdrawn Economic Development Initiative funding. IBA only supports Indigenous people to access the ICBD program who meet its Business Support guidelines. This means the majority of clients are not able to access ICBD. Both IBA and DEWR cite that it is the role of DCITA to support business management in the arts. Yet the NAICISS program is significantly over subscribed and to apply under this program would deny Indigenous organisations basic operational support.

Included at Appendix 1 are feedback comments from Indigenous participants that perhaps best illustrates the impact of the ICBD program.

phone +61 7 3891 6640 fax +61 7 3891 6885 email info@creativeeconomy.com.au www.creativeeconomy.com.au
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 post GPO BOX 1927 BRISBANE Q 4001

Additionally, the Memento Australia is a highly effective mechanism that promotes authentic Indigenous product in the tourism and retail sectors. The Awards have secured over $3.5million worth of media publicity about authentic Australian mementos.
Additionally, Memento Australia provides product development workshops to artists to increase their success in the marketplace as well as provides a distribution service so that retailers can source authentic product from one source.

Creative Economy has also proposed to the ACCC to use it's expertise to assist the sector by conducting an *Authentic Indigenous Trade – Educational Campaign*.
The ACCC advised that no action would be taken until the outcome of this inquiry and the Australia Council's inquiry. The proposal is available up on request.

f. Opportunities for existing government support programs for Indigenous visual arts and crafts to be more effectively targeted to improve the sector's capacity and future sustainability;

To improve the sector's capacity and future sustainability it is a matter of more effectively targeting a full range of government programs to alleviate barriers to make a real difference for the sector.

Acknowledging that the Indigenous arts and craft sector is in the market economy and that it wishes to achieve economic, social and cultural benefits means that there is an opportunity for the sector to more effectively connect to a broad range of government programs. For instance the Indigenous Economic Development Strategy that is focussed on employment and economic independence, asset and wealth management.

In many remote and regional areas of Australia, culture and creative arts provide the only opportunity for Indigenous people to generate income and economic independence from welfare. The copyright of artworks are often the only owned assets of Indigenous people and these only have value if they are appropriately exploited.

Theoretically achieving independence from welfare requires an individual to earn a greater amount than the welfare threshold. In remote Indigenous communities there are significantly higher costs of living, such as food, transport, freight and medical services. In these locations, most artists are the sole income providers in a household where multi-generations live together. In reality an Indigenous artist in remote Australia needs to achieve income levels at least four times above the welfare threshold to achieve economic independence without suffering economic hardship through loss of access to services.

At present the Government's framework of welfare to work is essentially targeted at the two extremes of dependency and independence. In reality the greatest need for assistance is in the development and growth stage. This is when people move from dependence on welfare and subsidy to economic independence. Sustainability lies in the pathway between dependence and independence and this where government programs would be effectively directed.

The pathway to independence is to strengthen the capacity of the sector to trade. This essentially means supporting practical business skills development, improving the integrity of business practices and initiatives that provide linkages to the full range of markets, not just the museums and gallery market.

creative economy

ABN 40 079 880 121

Other agencies such as the ACCC and Customs could use their powers to contribute to the integrity of the sector. The ACCC and other trade practice agencies should be engaged to proactively monitor trade and activities in the sector. These agencies should partner with knowledgeable operatives to accelerate results. Furthermore the ACCC should act to abolish the term of “Aboriginal Style” as a term to describe fake Indigenous product. Similarly, we ask Government to ban the import of Aboriginal “style” products such as fake didgeridoos.

Creative Economy has held numerous workshops and forums to discuss issues faced by the sector and this has resulted in the development of two petitions that demonstrate to government widespread support to:

1. Achieve integrity in the sector
2. Abolish fake products and fake imports

Over 1150 people have signed these petitions. To view these online petitions visit links below

The ACCC has accepted the term "Aboriginal Style" to describe non-authentic aboriginal product. It is estimated that about 90% of product sold in retail as Aboriginal product or "Aboriginal Style" is non-authentic product. Quite often this product is imported into Australia.

This confusion in the marketplace undermines the integrity of authentic Aboriginal and Torres Strait Islander products, threatens the viability of genuine retailers and greatly impinges on the incomes of Aboriginal and Torres Strait Islander people.

The ban of imports of Aboriginal product and the abolition of the term "Aboriginal Style" will decrease the amount of non-authentic Aboriginal product and greatly increase the opportunities for authentic Aboriginal product to enter the marketplace. In turn, economic returns from Aboriginal products should flow to Aboriginal and Torres Strait people. It will increase consumer confidence and restore integrity in authentic Aboriginal product.

Petition:
We, the undersigned, support an import ban into Australia of products purporting to be Australian Indigenous or Indigenous style, artefacts, artworks and souvenirs.

http://www.gopetition.com/online/9752.html

The ACCC has accepted the term "Aboriginal Style" to describe non-authentic aboriginal product. It is estimated that about 90% of product sold in retail as Aboriginal product or "Aboriginal Style" is non-authentic product. Quite often this product is imported into Australia.

This confusion in the marketplace undermines the integrity of authentic Aboriginal and Torres Strait Islander products, threatens the viability of genuine retailers and greatly impinges on the incomes of Aboriginal and Torres Strait Islander people.

The ban of imports of Aboriginal product and the abolition of the term "Aboriginal Style" will decrease the amount of non-authentic Aboriginal product and greatly increase the opportunities for authentic Aboriginal product to enter the marketplace. In turn, economic returns from Aboriginal products should flow to Aboriginal and Torres Strait people. It will increase consumer confidence and restore integrity in authentic Aboriginal product

phone +61 7 3891 6640 fax +61 7 3891 6885 email info@creativeeconomy.com.au www.creativeeconomy.com.au
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 post GPO BOX 1927 BRISBANE Q 4001

creative economy
ABN 40 079 880 121

Petition:
We the undersigned believe the use of the term "Aboriginal Style" as a means to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs is misleading and deceptive.

We the undersigned support the abolition of the term "Aboriginal Style".

http://www.gopetition.com/online/9753.html

Hardcopy collated responses from workshops are also attached at Appendix 2.

phone +61 7 3891 6640 fax +61 7 3891 6885 email info@creativeeconomy.com.au www.creativeeconomy.com.au
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 post GPO BOX 1927 BRISBANE Q 4001

creative economy
ABN 40 079 880 121

Appendix 1

ICBD Participant Feedback

"I have learnt to invest money into the purchasing of bulk materials so that I can supply the demand for my product…. I can now inventory my stock and buyers and now learnt to raise my profile locally and nationally. …I found the support fantastic especially my mentor's strong knowledge and understanding of the Australian Arts Industry". Qld

Great suggestions on how to improve my products and presentation also working out my market and potential clients… Being given professional advice instead of having to stumble my way through. I found this workshop enlightening and encouraging – to have positive comments on my work – gives me more confidence in my ability. Qld

Role play, quality control exercise and planning have been very useful. We can now display, sell and have the job skills to do it ourselves. NT

Most useful to learn how retail works. How simply executed it can be. It was a fresh viewpoint that responded to our actual situation and offered smart advice and solutions. NT

It was great to come in and provide hands on training. This has resulted in improvements to stock purchasing, display and signage and motivation to make more products. NT

Different types of packaging, labelling and authenticating. Very useful new ideas on how to market and sell our artwork. NT

Extremely valuable. Motivated, engaged and encouraged artists to be more involved in decision making process and develop business strategies for their art. WA

This is exactly the kind of motivation and assistance these guys need to realise the goal of supporting themselves from their art. Qld

Very helpful advice finding the right path to successful business. SA

phone +61 7 3891 6640 fax +61 7 3891 6885 email info@creativeeconomy.com.au www.creativeeconomy.com.au
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 post GPO BOX 1927 BRISBANE Q 4001

creative economy

ABN 40 079 880 121

Appendix 2
Petitions

Petition – Ban "Aboriginal Style"

"We the undersigned believe the use of the term Aboriginal Style as a means to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs is misleading and deceptive. We the undersigned support the abolition of the term Aboriginal Style."

Petition: ABOLITION OF TERM "ABORIGINAL STYLE" October 2006 Prepared by Creative Economy Pty Ltd

Petition – Import Ban of Aboriginal Products

"We the undersigned support an import ban into Australia of products purporting to be Australian Indigenous or Indigenous style, artefacts, artworks and souvenirs."

Petition: IMPORT BAN OF ABORIGINAL PRODUCTS October 2006 prepared by Creative Economy Pty Ltd

phone +61 7 3891 6640 **fax** +61 7 3891 6885 **email** info@creativeeconomy.com.au **www.creativeeconomy.com.au**
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 **post** GPO BOX 1927 BRISBANE Q 4001

Petition – Ban "Aboriginal Style"

"We the undersigned believe the use of the term <u>Aboriginal Style</u> as a means to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs is misleading and deceptive.
We the undersigned support the abolition of the term <u>Aboriginal Style.</u>"

3891 6633

Petition – Ban "Aboriginal Style"

"We the undersigned believe the use of the term Aboriginal Style as a means to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs is misleading and deceptive.
We the undersigned support the abolition of the term Aboriginal Style."

Petition: ABOLITION OF TERM "ABORIGINAL STYLE" October 2006 Prepared by Creative Economy Pty Ltd

creative economy
ABN 48 078 880 121
phone +61 7 3891 6640 fax +61 7 3891 6885 email info@creativeeconomy.com.au www.creativeeconomy.com.au
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 post GPO BOX 1927 BRISBANE Q 4001

Petition – Ban "Aboriginal Style"

"We the undersigned believe the use of the term <u>Aboriginal Style</u> as a means to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs is misleading and deceptive.
We the undersigned support the abolition of the term <u>Aboriginal Style.</u>"

Petition – Ban "Aboriginal Style"

"We the undersigned believe the use of the term <u>Aboriginal Style</u> as a means to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs is misleading and deceptive.
We the undersigned support the abolition of the term <u>Aboriginal Style.</u>"

Petition: ABOLITION OF TERM "ABORIGINAL STYLE" October 2006 Prepared by Creative Economy Pty Ltd

creative economy
ABN 48 079 880 121

phone +61 7 3891 6640 **fax** +61 7 3891 6885 **email** info@creativeeconomy.com.au **www.creativeeconomy.com.au**
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 **post** GPO BOX 1927 BRISBANE Q 4001

Petition – Import Ban of Aboriginal Products

"We the undersigned support an import ban into Australia of products purporting to be Australian Indigenous or Indigenous style, artefacts, artworks and souvenirs."

Petition – Import Ban of Aboriginal Products

"We the undersigned support an import ban into Australia of products purporting to be Australian Indigenous or Indigenous style, artefacts, artworks and souvenirs."

Petition: IMPORT BAN OF ABORIGINAL PRODUCTS October 2006 prepared by Creative Economy Pty Ltd

creative economy
ABN 40 079 880 121

phone +61 7 3891 6640 **fax** +61 7 3891 6885 **email** info@creativeeconomy.com.au **www.creativeeconomy.com.au**
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 **post** GPO BOX 1927 BRISBANE Q 4001

creative economy

ABN 48 078 868 121

Petition – Import Ban

"We the undersigned support a ban on the import into Australia of products purporting to be Australian Indigenous or Indigenous styled artefacts, artworks or souvenirs".

"We the undersigned support a ban on the import into Australia of products purporting to be Australian Indigenous or Indigenous styled artefacts, artworks or souvenirs".

Memento Australia Awards 12 September 2006 prepared by Creative Economy

phone +61 7 3891 6640 **fax** +61 7 3891 6885 **email** info@creativeeconomy.com.au **www.creativeeconomy.com.au**
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 **post** GPO BOX 1927 BRISBANE Q 4001

creative economy

ABN 48 078 868 121

Petition – Ban "Aboriginal Style"

"We the undersigned believe the use of term Aboriginal Style as a means to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs is misleading and deceptive, and support the abolition of the term as away to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs".

"We the undersigned believe the use of term Aboriginal Style as a means to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs is misleading and deceptive, and support the abolition of the term as away to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs".

Memento Australia Awards 12 September 2006 prepared by Creative Economy

phone +61 7 3891 6640 **fax** +61 7 3891 6885 **email** info@creativeeconomy.com.au **www.creativeeconomy.com.au**
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 **post** GPO BOX 1927 BRISBANE Q 4001

creative economy

ABN 40 079 880 121

"We the undersigned believe the use of term Aboriginal Style as a means to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs is misleading and deceptive, and support the abolition of the term as away to describe non-authentic or imported Indigenous artefacts, artworks or souvenirs".

Memento Australia Awards 12 September 2008 prepared by Creative Economy

phone +61 7 3891 6640 **fax** +61 7 3891 6885 **email** info@creativeeconomy.com.au **www.creativeeconomy.com.au**
address 892 STANLEY STREET EAST, EAST BRISBANE Q 4169 **post** GPO BOX 1927 BRISBANE Q 4001

COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON COMMUNICATIONS AND THE ARTS

Australia's creative and cultural industries and institutions

FRIDAY, 19 FEBRUARY 2021

CANBERRA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

INTERNET

Hansard transcripts of public hearings are made available on the internet when authorised by the committee.

To search the parliamentary database, go to:

http://parlinfo.aph.gov.au

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON COMMUNICATIONS AND THE ARTS

Friday, 19 February 2021

Members in attendance: Dr Allen, Ms Bell, Mr Burns, Dr Gillespie, Mr Gorman, Ms McBride, Mr Zimmerman.

Terms of Reference for the Inquiry:

To inquire into and report on:

The Committee will inquire into Australia's creative and cultural industries and institutions including, but not limited to, Indigenous, regional, rural and community based organisations.

The Committee will consider:

- The direct and indirect economic benefits and employment opportunities of creative and cultural industries and how to recognise, measure and grow them
- The non-economic benefits that enhance community, social wellbeing and promoting Australia's national identity, and how to recognise, measure and grow them
- The best mechanism for ensuring cooperation and delivery of policy between layers of government
- The impact of COVID-19 on the creative and cultural industries; and
- Avenues for increasing access and opportunities for Australia's creative and cultural industries through innovation and the digital environment.

WITNESSES

EARLS, Dr Nick, Private capacity [via video link]

HEPWORTH, Ms Patricia, Director of Policy and Education, Australian Library and Information Association

LANCHESTER, Ms Olivia, Chief Executive Officer, Australian Society of Authors [via video link]

McKERRACHER, Ms Sue, Chief Executive Officer, Australian Library and Information Association

RICE, Mr Ben, Executive Officer, Australian Digital Alliance; Policy Adviser, Copyright Law, Australian Libraries Copyright Committee

Committee met at 09:06

CHAIR (Dr Gillespie): I declare open the public hearing of the Standing Committee on Communications and the Arts for the inquiry into Australia's creative and cultural industries and institutions. I acknowledge the traditional custodians of the land on which we meet, and pay my respect to elders past and present of all Australia's Indigenous peoples. I also acknowledge the cultures of any Aboriginal and Torres Strait Islander people who are present with us today.

In accordance with the committee's resolution of 24 July 2019 this hearing will be broadcast on the parliament's website, and the proof and official transcripts of the proceedings will be published on the parliament's website. Those present here today are advised that filming and recording are permitted during the hearing. I remind members of the media who may be present or listening on the web of the need to fairly and accurately report the proceedings of the committee. I would now like to welcome representatives of the Australian Digital Alliance, the Australian Libraries Copyright Committee and the Australian Society of Authors. They are all here to give evidence today—some in person, some online. I now invite you to make an opening statement. Is there an opening statement to be made?

Mr Rice: Yes, thank you, Chair. Good morning and thank you for this opportunity to speak with you today. We'd like to begin—

CHAIR: I might just add, as a rider, that while we don't require you to give evidence under oath, Ben, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter, and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now ask you to continue with your opening statement.

Mr Rice: Thank you, Chair. I'd like to begin by acknowledging the Ngunawal people, the traditional owners of the land on which we are joining you today, and we pay our respects to their elders past, present and emerging.

The Australian Digital Alliance and the Australian Libraries Copyright Committee were established to provide a voice for the public interest in copyright reform debates. Our members include galleries, libraries, archives and museums, as well as schools, universities and technology companies. We represent the interests of the users of these services.

In our submission to the committee, we've outlined some of the ways in which changes to copyright law could help to unlock Australia's cultural heritage and enrich the community. The recent copyright reforms announced by Minister Fletcher, which are designed to achieve some of these changes, were welcomed by our member institutions. Last year, as COVID-19 forced the closure of museums, galleries and libraries, the community became reliant on digital access to these services. While the sector worked overtime to figure out how to replicate these services digitally, Australia's inflexible copyright laws added cost and complexity, and in some cases completely halted access. For example, national collecting institutions hold a large number of works that are orphaned—that is, where the copyright owner cannot be found and attributed and therefore permission for use cannot be secured. While these bodies are free to allow members of the public to access these works in person, copyright law currently prevents institutions from making digital copies of works in order to make these accessible to remote users. The result is that a significant amount of Australia's cultural history cannot be accessed by the majority of Australians.

The situation is only slightly better for digitising works where the copyright owner can be identified. In this case, cultural institutions are permitted to make digital copies of entire works in limited circumstances, but are only able to provide access to that material to users who are on site. If a user cannot come to the library because

the library is closed due to COVID or because they live regionally, they are effectively denied access to this content.

In short, our copyright laws are no longer fit for purpose in the digital age. For this reason, the ADA and the ALCC have expressed support for the copyright access reforms announced by Minister Fletcher. The proposed reforms will address many of the known issues preventing online access to cultural collections and library materials, and would enable greater access to information and knowledge in cultural collections, particularly by rural and remote communities that are so often prevented from accessing parts of Australia's cultural heritage.

Our member organisations are custodians of this heritage who care for their collections. They are early adopters of technology, and they have the systems in place to securely deliver digital access to the community. Both the ADA and the ALCC would urge the committee to support the copyright access reforms announced by the government, and we look forward to answering any questions that you might have.

CHAIR: Is there another opening statement? Ms McKerracher?

Ms McKerracher: Thank you, Chair. We, too, would like to acknowledge that we're meeting on the land of the Ngunawal and Ngambri people, and pay our respects to their elders past, present and emerging.

We have a short opening statement. The Australian Library and Information Association are the peak body for libraries. We're a founder member of the Australian Libraries Copyright Committee. We're also a member of Books Create Australia, with the Australian Society of Authors, and we represent Australia's 1,500 public libraries and their nine million registered public library users.

Libraries are creative and cultural institutions. Libraries protect Australia's cultural heritage, and work every day to connect Australians with their rich collections, as Ben has alluded to. Libraries support Australian creators by buying millions of dollars' worth of books each year; paying for author talks and workshops; raising awareness of local talent through Australia Reads, story times and other events, encouraging people to go on to borrow and buy these books; and providing access to many historical and cultural pieces that form the basis of future creative endeavours.

Through early literacy programs, libraries help to grow the next generation of readers. We expect a million kids across Australia and New Zealand to participate in ALIA's National Simultaneous Storytime on 19 May, which this year will be a book by Australian author Philip Bunting read from the International Space Station.

Public libraries provide an excellent example of a sector responding to the challenges arising from COVID-19. Adding more ebooks, moving programs and events online, phoning their most vulnerable users, introducing click-and-collect book borrowing: libraries have proved their ingenuity, concern and adaptability.

Ms Hepworth: It is now that we need policies, funding and a legislative environment that support both in-person use and digital library use, and which recognise that the world has changed and will enable libraries to provide those services that we know support the mental wellbeing and education of our users. It's for these reasons that we echo the calls to strongly support the copyright reforms announced by the government.

Similarly, our great public and education lending rights schemes, which are strongly supported by authors and by libraries, need to be updated for the digital environment. This is an initiative that has been on the table for some time, but has not yet progressed. We would like to see this inquiry recommend that the Australian government modernise the lending rights schemes with a funded extension to cover ebooks and audiobooks, and make this a priority action for 2021-22. Thank you.

CHAIR: Thank you very much. This is a really interesting and topical issue, a very current issue—e-lending rights. The impression I got from some of those statements is that libraries have a legal barrier to lending digital copies of books, or there's a financial impediment to that because you've got to almost seek permission to lend digital copies. Is that right? In my local library, you've got a one-use copy that evaporates digitally after a certain time. Is my library in breach of what you are complaining about?

Ms McKerracher: It's quite a complex area, ebooks. One of the issues that we have is that people have tried to apply the print environment to the ebook environment and it kind of doesn't work. As libraries, we could be lending the same book multiple times to multiple users at the same time because the digital world allows us to do that, and we'd happily pay for that. But, because of the model that publishers have traditionally had, that isn't in operation. There are lots of ways that we could really improve things in the ebook world to the benefit of authors and publishers as well as libraries by just looking at what the digital environment allows us to do. What we would like to come back to is the fact that, actually, a digital lending right is really an easy, cheap, meaningful way of putting money back to Australian authors at this difficult time. Ebooks are going gangbusters in libraries.

CHAIR: Can you explain the current money trail? There's lending inside the library with no payment, but outside it's blocked? Or is it, like it is in my local library, that you take it out digitally, you get a link and it stays there for a limited time and then it doesn't work?

Ms McKerracher: The way that libraries buy ebooks is we have to buy them through a platform provider, and those platforms are things like OverDrive, Bolinda, Wheelers. We're buying from them, not direct from the publishers. People can borrow through those platforms, and it's a three-week lending period, or however long is decided, so it's very similar in that respect to print book borrowing. There's no legal difficulty in it.

CHAIR: Yes, but is there any money exchanging hands for that at the moment?

Ms McKerracher: Absolutely. The library buys the platform, pays for the books that are provided by that platform and the platform pays the publisher, who then pays the author. The problem may be sometimes that contracts that authors have with publishers and that publishers have with platforms may not be as transparent as they could be.

Ms Hepworth: So the lending rights scheme that we have at the moment—we have educational public lending rights. What that does is it looks at Australian authors, and only Australian creators, books in libraries, and then it gives a direct payment to those authors and those Australian publishers based on the fact that their books are held in libraries. That's in recognition of the value that those books are providing to that Australian literature ecosystem. That's a separate payment from the library actually buying the physical book, or actually buying the digital book. It's a lending right thing that's in recognition. At the moment, that lending right does not extend to ebooks or audiobooks. Obviously, we saw a great uptick in people borrowing e-books and audio books over the previous part of the pandemic. When people were borrowing those e-books the library was still paying for the access to them but the payment that goes directly to the Australian creator or the Australian publisher from the lending right scheme did not happen.

CHAIR: Right.

Mr Rice: There's also a copyright element to this as well. It's very difficult for libraries to provide digital access to material that isn't available in an e-book format, for example, with older books that haven't been digitised by the publishers. It's very difficult for libraries to make digital copies of those books and provide them to their users. It's also really difficult, in cases where the copyright owner can't be found. That doesn't apply so much with literature, with books, but it does apply with the national collecting institutions that have these physical materials. It's really difficult for them to digitise those to make digital copies and then to make those publicly available to users.

CHAIR: Would that be rather like Trove?

Ms Hepworth: Yes.

Mr Rice: Yes. Trove is a fantastic example of the way that that system would operate. The National Library has done a lot of work in this space. They're definitely the leaders on that front, but they would be the first to admit that it's a difficult process that involves a risk analysis. In terms of risk, bigger institutions, like the National Library, have the resources and the ability to take on some of that risk and to do thorough searches and to conduct risk analysis. Smaller institutions certainly don't have that same capability.

Ms McKerracher: Could I just clarify that we're talking about two different things here. Trish and I are talking about popular books that are commercially available, that are bought by libraries and that are borrowed by people and there is a lending right. What Ben is talking about is rich, vintage material, things like World War I diaries and manuscripts. We're not talking about digitising book that are commercially available.

CHAIR: With regard to the comment about Trove, a lot of historians use that for all of the old papers. Is there a way you can have smaller libraries access that from, say, the National Library? Is the National Library a platform that you can go straight to, rather than going to your local library?

Ms Hepworth: The collections for Trove are not just the National Library's collection. Trove is the portal and all of the material comes from libraries from across the country. The other state libraries and local historical collections will often have the support of the National Library and the state libraries to digitise their collection, but it's their collection that then feeds into Trove. Trove is one easy public use portal, but the collections come from all over the place. I think what Ben was alluding to was, especially with issues of copyright law, it's often those smaller institutions—so your local library that carries the local history collection, for example—that really struggle with the copyright barriers and being able to digitise the stock records or the local records for the public school and make those available.

CHAIR: Sure.

Ms Lanchester: Chair, I'm mindful of the time and wonder if I may make a very brief opening statement?

CHAIR: Sure. We will give you the floor, and then we will go to Emma McBride, who is dying to ask you some questions.

Ms Lanchester: Thank you very much. I acknowledge the Gadigal people of the Eora Nation, whose land I am speaking from today, and pay my respects. I am honoured to be here on behalf of the Australian Society of Authors. I am appearing with ASA director, Melissa Lucaschenko and ASA member Nick Earls, both esteemed authors.

Authors bring a cultural richness and wellbeing to our country, something that became obvious, living through COVID, when their stories sustained and comforted us. What is often overlooked is that writers also sit at the heart of the broader arts, fuelling the creative economy with stories that start as books and then go on to be plays, films or television series. They are the engine room of Australian storytelling, and yet you will know the appalling statistics: the average income of an author is $12,900. This is backed up by an ASA survey just last year, in which 80 per cent reported earnings of less than $15,000. You will also have heard that literature receives just 2.7 per cent of overall Australia Council funding. While we have a successful, popular and globally recognised literary industry, the sustainability and diversity of Australian writing is under threat. The talent pipeline is narrow and slippery, and with no Australian government policy and scant investments the future is bleak for writers.

So what is needed? Among other recommendations, we call for government directed funding to bring literature out from under the radar. We also ask for the Australian government to modernise the lending right schemes to include digital formats—ebooks and audiobooks—and to boost the PLR/ELR budget as a priority in 2021-22. This would represent direct government support for writers and illustrators within an existing successful infrastructure.

I'm happy to explain the current PLR/ELR scheme from an author's point of view. Thank you for the opportunity to appear today. We will welcome your questions

CHAIR: Thanks very much, Olivia. Emma, I'll let you ask the next question.

Ms McBRIDE: Thank you. Olivia, I was really keen to hear from you, Nick and Melissa. Would you please expand on your opening statement and just provide the committee with more of your recommendations around ebooks, audiobooks and the PLR and ELR schemes? That would be really helpful.

Ms Lanchester: Certainly. Maybe I'll say something quickly then leave space for colleagues as well. Just so it's understood: as has already been outlined by others today, library administrators purchase ebooks and audiobooks from publishers to make available for borrowing. That purchase does generate a royalty for an author, exactly like the print world. When a library acquires a book it purchases it from the publisher and there's a return to the author as well.

However, in the print world, for many decades now, we've had PLR/ELR schemes, which are a government payment to authors, illustrators and publishers in compensation for lost royalties when books are borrowed multiple times from libraries for free. That scheme doesn't apply to the digital environment. Particularly with COVID, we've seen a huge increase in ebook borrowing but there is no lending right payment for ebook or audiobook borrowing back to the author. Nick might be able to speak about the relevance of PLR/ELR payments in his overall author income.

CHAIR: Who is going to speak to that—Dr Earls?

Dr Earls: Thank you. I have been a recipient of PLR and ELR since the 1990s. It arrives each year in June and I think it's valuable and appropriate compensation for a lot of borrowing of books that goes on. I'm a big fan of libraries—a big supporter of libraries—and libraries are big supporters of authors. I know that a lot of the people who have read my books have borrowed them from libraries; they haven't bought them, so I didn't receive a royalty when they purchased the book. But they've read those books in libraries and they have great access to the books in libraries.

For a mid-career author who has had a number of books published, in an uncertain environment it is invaluable to have ELR and PLR—and soon, I hope, a digital lending right—as a kind of bedrock part of our income over the course of a year. If thousands of your books are held in libraries, you will be compensated for that each year. I can tell you that was particularly valuable for me last year, when the pandemic really kicked in. There was a time in late March when all of my bookings for the next few months were cancelled.

I do a lot of work in schools and I do writers' festivals and public events—those are a big part of author income. I lost that for five months and I lost tens of thousands of dollars in that time. People were reading my books in great numbers at home, but they were taking them from the bookshelves and they weren't buying my

books. I was really glad to be read. Also the libraries were lending my books. I got my ELR and PLR payment in June, and that was particularly valuable last year. It can be a valuable part of an author's ongoing income and it can help to underwrite future writing. So it is a really important scheme. Any boost to that scheme is going to buy authors writing time, keep more mid-career authors in the game, allow more emerging authors to develop into professional authors—using a system that is already there and already highly effective so nothing needs to be reinvented. We just need to add the digital lending rights for the audio and ebooks and fund the system more effectively so that more authors will be able to spend more of their time writing, rather than scrambling around for other ways of earning income.

CHAIR: Thanks for that, Dr Earls. From what Sue McKerracher mentioned about the platform that you lend things out on, it then pays the publisher who pays the author. Nick, that seems in contradistinction to how you describe it, that you don't get a payment or if it's an ebook that is bought by the library?

Dr Earls: If a library buys a book, whether it's a physical book or an ebook or an audio book, a payment will make its way to the publisher and the author will receive a percentage of that. It might be 10 per cent. For an ebook it might be 25 per cent. But an author will receive a percentage of that. So an author benefits from the purchase of that, but then what happens is—whether it's a paper book, an ebook or an audio book—it is then read by many, many people after that and is available to be read on an ongoing basis from that library. Therefore, those people who are reading the library copy of that book will never buy a copy of that book, and so the author won't receive ongoing royalties for that. Authors forgo sale when books are in libraries. Lending rights are an excellent compensation for those foregone sales. That one copy in the library may be read by dozens, perhaps even hundreds, of people and it seems reasonable to me the author makes a few dollars for that.

CHAIR: You had one last comment, Chief Executive Officer, Sue McKerracher?

Ms McKerracher: Thank you. Australia has had a world-class public and educational lending rights scheme. Internationally people look at Australia and say, 'That is a good fair scheme.' However, in the last three or four years we've seen digital lending rights being brought in in other countries in the Northern Hemisphere and we're actually in danger of falling behind. If I can repeat: it's an easy, cheap, really meaningful way of supporting Australian authors.

CHAIR: Thanks very much. Thank you for your attendance here today. If you have been asked to provide any additional information would you please forward it to the secretariat by 5 March 2021. You will be sent a copy of the transcript of your evidence and will have an opportunity to request corrections to transcription errors. Thank you very much.

BRIMBLE, Ms Holly, Director of Policy, Screen Producers Australia [by video link]

DEANER, Mr Matthew, Chief Executive Officer, Screen Producers Australia [by video link]

DELL, Mr Kieren, Vice President, Independent Cinemas Australia [by video link]

PEARLMAN, Mr Joel, Chief Executive Officer, Roadshow Films [by video link]

PECOTIC, Ms Adrianne, Chief Executive Officer, Independent Cinemas Australia [by video link]

SEDDON, Mr Scott, President, Independent Cinemas Australia [by video link]

[09:33]

CHAIR: I now welcome representatives from Independent Cinemas Australia and Screen Producers Australia to give evidence today. Do you have any comments to make on the capacity in which you appear?

Mr Pearlman: I'm here additionally in my capacity as a member of the screen producers association.

CHAIR: Although the committee does not require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite Adrianne, and anyone else who wants to, to give us a brief opening statement, and then we'll throw to discussion and questions.

Ms Pecotic: Thank you very much for the opportunity to speak with you today. I'm the CEO of Independent Cinemas Australia. With me is our president, Scott Seddon, the owner of Scotty's Cinemas in Raymond Terrace and Heddon Greta Drive-in. Also with me is our vice president, Kieren Dell, CEO of Majestic Cinemas, with eight sites in regional New South Wales and Queensland.

ICA members comprise 172 independent cinemas across Australia, 75 per cent in regional areas, and many iconic metropolitan sites. These independent cinemas are mainly small and family businesses, often multigenerational, who form a critical part of the ecosystem for the Australian film industry and local jobs. In addition to our permanent staff, we have 80 per cent casual employment supporting thousands of Australians, including through school and university, each year. Independent cinemas contribute $250 million to our economy every year, with $110 million in the regions, and up to 90 per cent of the box office for Australian feature films.

In our submission to this committee we outlined the impact of COVID-19 on our independent cinema businesses and what was needed to ensure that valued and critical infrastructure, often the only source of cultural entertainment available in rural and regional areas, would survive the pandemic; specifically:

- Recognition that independent cinema is an important part of the Australian screen ecosystem;
- An initiative to encourage audiences to go to independent cinemas to see Australian films;
- A direct grants scheme to:
  - Offset the high cost of introducing COVID-19 safety measures;
  - Offset the extensive loss of revenue from mandated closure and reduced capacity;
  - Protect Australian jobs; and
  - Safeguard the unique and valued social and cultural infrastructure.
- Oversight by the ACCC of supply-side arrangements for independent cinemas.

Despite being proven to be one of the safest forms of out-of-home entertainment, with no COVID transmission recorded from a cinema globally, to our knowledge, to date, cinemas are still at the back of the queue and suffering significant capacity restrictions that undermine public confidence when governments reopen businesses following COVID lockdowns.

When we wrote our submission on 29 October 2020 we did not expect to be facing the end of JobKeeper in March still suffering a 70 per cent downturn in ticket sales. Independent cinemas had already fallen through the cracks in government support measures targeted at other hard-hit sectors like tourism, hospitality and the arts. On top of that, the government had announced reductions in the 40 per cent producer offset designed to support production of Australian feature films, the very same Australian films and feature documentaries that were, along with the JobKeeper measures, one of the main things helping independent cinemas to stay afloat. Meanwhile, US studios, who are benefiting from around $400 million in offshore production incentives, are still operating a COVID-impacted release schedule, with many major blockbusters delayed until later in 2021 and with our expectation that most major releases will not come out prior to July.

It is really great to see Australians benefitting from more overseas features that are now shooting in our country, and that's because of the government's excellent work in attracting those studios and keeping COVID at bay. But we respectfully suggest that it would be short-sighted of the government not to support cinemas that need to survive COVID long enough to screen those films in our communities. More Australians go to the cinema than any other entertainment, and, once COVID is over, we are really expecting a huge influx of films and customers coming back to enjoy the social and immersive experience of sharing our stories in the cinema. Cinema will not be killed by streaming, but our concern is what will happen in those country towns where, in the absence of adequate government support, the local cinema does not survive COVID. In the absence of targeted government support, who will provide the screen space for Australian filmmakers and diverse community content if key iconic metro independents are lost due to the COVID constraints to capacity, public confidence and supply.

ICA asks that JobKeeper or a similar program be extended for sectors like ours that are yet to recover. We have also provided the Treasurer with details of a relief package for independent cinemas. We finally call for the reinstatement of the 40 per cent offset, or a comparable measure, to support the production of Australian feature films and documentaries that tell our stories and can be shared by Australians of all ages at their local cinema.

Finally, I really want to take this opportunity to express sincere thanks to the chair and members of this committee and other MPs around Australia who have taken the time to visit their local independent cinema, listen to their situation, understand and call for the support required to help them make it through COVID. Thank you very much.

CHAIR: Thank you. Do we have an opening statement from Screen Producers Australia?

Mr Deaner: We thank the committee for the opportunity to appear today. Appearing with me are Holly Brimble and Joel Pearlman, who is, as he said, a member of Screen Producers Australia. We are the peak body for the industry and trade elements of this industry. To date, with regard to our sector, the committee has heard from government agencies or bodies that are mostly funded by government and therefore are a quasi-extension of government. We represent the private sector: over 500 businesses, mostly SMEs, who make up or service in different ways the screen content that Australians love and value. Employing over 30,000 people and driving more than $1.2 billion in economic activity, our sector stimulates other industries and delivers massive benefits to tourism and soft diplomacy. The creative dividend to Australians is uncontested. We represent and present the past and define our present and future. We also contribute to the presentation of Australia to the world, through unique and recognisable cultural content.

We would like to take the opportunity to lay out some of the challenges and opportunities for our sector arising from COVID-19 and the government's response to it. Like many in the economy, the industry was abruptly disrupted by the pandemic, but innovated and adapted to enable recovery and the resumption of economic activity and employment. *Neighbours*, produced by our member Fremantle, captured international headlines by being among the first screen productions globally to get back up and running. Australians are renowned globally for this capacity to innovate in our sector.

Our management of COVID-19 has enabled the industry to resume production activity more quickly and more expansively than just about any other territory. There were, however, several key decisions made by government which, both positively and negatively, set the course for the industry throughout 2020. The sector was significantly disrupted by the decision in April last year to suspend quotas for commercial free-to-air and subscription television at the height of pandemic disruption. It did have an immediate impact on commissioning activity, freezing well developed projects and everything in between. The uncertainty injected into the market was very damaging for the sector, just as it was looking to aid economic recovery and keep people working. It was not a path any other territory took. The decision was made without any dialogue with us or any affected production business. For our children's content producers, this had been the culmination of months of frozen activity by commercial broadcasters, as they played a game of brinkmanship with the government in their refusal to commission children's content and any new drama content prior to the pandemic hitting Australia, which cost our sector millions of dollars and hundreds of jobs in the process. However, industry was greatly assisted by the government's willingness to assist with visa entry assistance for critical personnel needed to resume or commence screen projects. And, while there was no proper taskforce or fulsome collaborative structure to collect data or coordinate deep engagement strategies for the sector, there was a successful project built by industry and government together in the creation of industry protocols. States and territories also stepped in to fill the gaps very successfully.

The key positive intervention was the establishment by the government of a fund to cover gaps in insurance arising from the pandemic—a consequence of working closely with the sector. This intervention has been a success, without significant financial impact at all to government, and we are very supportive of this initiative

being extended beyond its notional 30 June 2021 expiry date. We've welcomed the release in November last year of the media reform green paper, which includes proposals which would apply minimum Australian content requirements on the hugely popular online streaming platforms such as Netflix, Amazon, Disney-plus, Apple and others. This is a critical moment in policy for the sector and will determine the extent to which Australians can access their own stories on the platforms that they are increasingly reliant on.

However, the most important challenge facing the industry will be the implementation of the major reforms announced by the government in September last year. While the reforms include a welcomed increase in regard to the amount of tax incentive available to television productions, we hold significant concerns regarding the overall impact of reduced broadcast regulation and cuts to the tax incentives available to Australian feature film and documentary. The impact of changes to broadcast regulation will be most keenly felt by the Australian child audience and the makers of content for that audience, with the removal of minimum requirements for children's content. In this sense, the shape of regulation on streaming services will be vital.

The impact of changes to the tax offset available to Australian features will be largest on audiences for Australian films and feature documentaries, the producers who make them, and the range of other creatives and businesses that make up the ecosystem of which cinemas are a key part obviously. The challenges will be most deeply felt in our sector by smaller businesses, often those in the early stages of establishing themselves, those with more diverse participants and those that are located outside the larger population centres of Sydney and Melbourne. In particular, the reduction in the rate of offset from 40 per cent to 30 per cent, combined with more exclusions, tightening eligibility of access to support, and a challenging market for film finance could see gaps in budgets up to 30 per cent, which would prevent films being financed, including, I am told, the three films that currently hold the top three positions in the country's box office for the first time ever—Joel Pearlman is very responsible for some of these—*The Dry*, *Penguin Bloom* and *High Ground.* While the government has announced two years of additional funding for Screen Australia, this funding is limited in scope and time. It's not being earmarked necessarily as production finance assistance for these films, and the change in rate will make many Australian projects simply unviable.

In this decision we also see the comparative decision also last year to provide $400 million over the next seven years for international productions, it is becoming an increasingly unequal playing field, being felt by many Australian producers and creatives seeking the opportunity to tell Australian stories and hold intellectual property in the work that they create. The results are a diminishing capacity and capability and depleted training grounds for our domestic sector, which will create significant problems for us in the future.

If the pandemic has taught us anything as an industry, it's taught us the value of having our own house in order in order for us to have success independent of what happens in other markets and countries. We therefore need the government's focus to be on strengthening the local sector and ensuring it is robust in its own right. I would like to briefly hand over to SPA member Joel Pearlman, who can speak to the impact on feature film and the ramifications for the wider sector.

Mr Pearlman: I wanted to have a brief moment just to underscore and share the concern that Matthew has articulated regarding the proposed reduction of the offset from 40 per cent to 30 per cent. We are, ironically, in this period at the moment where Australian films are performing exceptionally at the Australian box office and have had a major impact on assisting the exhibition community to remain viable during this corridor while they await the return of Hollywood blockbusters to the screens. But rest assured these Australian films would have performed successfully whenever they were released. What they have demonstrated is the great appetite that Australians have to be able to see their own stories, stories that are framed from a local perspective, rather than perhaps a Hollywood one or one from other jurisdictions.

Our concern is that, with the rebate reducing to 30 per cent, it will make projects such as these unviable and exceptionally difficult to finance. This will mean, at its simplest, that, at a time when Australians were demonstrating a real appetite for these stories and when we believe there will be greater opportunity on screen for Australian stories, it will simply become increasingly difficult to create films such as these that Australians want to see. That also includes other changes that are proposed which will also make the calibre of these films far more difficult to bring to the screen.

As well, I want to underscore the importance that we see, for us as an Australian company, of participating in Australian screen culture and bringing Australian stories to the screen. It's something we want to continue to do, but with the proposed reduction of that rebate it's going to become increasingly difficult, and we think it is of grave concern. Thank you.

CHAIR: Thanks very much. I might just ask a question and then I'll throw to Josh Burns. On the change from 40 per cent to 30 per cent, why is that a critical tipping point? It is still a significant offset at 30 per cent. Looking

at TV shows or streaming shows now, I think the level of production seems equally complex and rich when making something destined primarily for the screen and when following up on a streaming service. What's the extra barrier? Is it just a change in the status quo? Is it that getting money is always hard? Can you elaborate on that?

Mr Pearlman: Matt, you may be able to make some comments there, but I would articulate that it is exceptionally hard to fund any Australian film. The incredible support that filmmakers receive from government is absolutely critical in order to bring these films to screen as well as to attract as much market support as they can, but any Australian film being brought to the screen is in many respects a minor miracle. It's incredibly difficult to raise the funding in order to create films that can compete successfully in the marketplace. As such, that reduction is just going to make it exceptionally difficult for producers to be able to raise the requisite funding to be able to complete their film.

CHAIR: Sure. If an overseas movie producer wants to make a film in Australia, do they get a 30 per cent offset for location by bringing it here? Have I read all my Screen Australia information correctly?

Mr Deaner: That is correct. They get 16½ per cent from the location offset and then a top-up of an additional 13½ per cent in most cases. I should point out that, if Australians wanted to make a film in Los Angeles, we wouldn't get 30 per cent from the American government. As Joel says, we're a training ground, and so what we're trying to do is make films that are able to compete essentially with projects of that scale, which is, of course, very difficult. Globally, we are doing incredibly well. Not every film is a success, but that would be the same in every other territory. We only see the best of what comes from other territories into Australia. I think we probably have the best track record of many territories in terms of what works overseas from this territory in our Australian film market. It is also a little bit of an anathema to Australian producers that they are potentially getting the same percentage now with this tax offset, which has been so critical, as an American producer coming to Australia would receive. So that's part of the challenge. It's never been an even playing field, but it's now going to be incredibly much more difficult.

CHAIR: Is most of the funding for Australian films raised in Australia?

Mr Deaner: Joel, would you like to take that?

Mr Pearlman: I think every film is different. Certainly in our experience, with what I would refer to as lower-budget Australian films, yes, the bulk of the funding comes from Australia, via a combination of support from Screen Australia, the offset, support from the state funding bodies, and market attachments such as a local distributor. Regularly there is private investment as well. I imagine some of that could come from overseas, but a lot of the time it comes from Australian investment. The piece that does regularly come from overseas is from sales agents, who sell the film to the rest of the world. If sales agent chooses to acquire the rights to an Australian film, and if they are required to provide funding, that will be the piece that comes from overseas.

Mr BURNS: Good morning, everyone, and thanks very much for appearing before the committee. I met with my local independent cinemas last week, and there was a great sense of pride that the independent members were a key part of the Australian film economy, the Australian film ecosystem. Obviously, as Ms Pecotic was describing, they are at the beck and call of the release of international films, as well as the coronavirus restrictions and now JobKeeper. I'm interested in the perspectives of both Independent Cinemas Australia and Screen Producers Australia on the role that independent cinemas play in the Australian-films economy. If in the next few months the independent cinemas do go through extreme financial hardship and some of them close down, what flow-on impact will that have on the Australian film industry and on jobs in the Australian film sector?

Mr Dell: As Adrianne said, up to 90 per cent of the box office for Australian films comes through independent cinemas, and Adrianne will have these statistics herself. For at least half of the top 10 last year, 50 per cent of the box office came from independent cinemas, and for a few of them it was as high as 90 per cent, or even higher. The other point I would make is about access, particularly in regional towns. We operate in eight regional centres. In those places, whether we're talking about teenagers, adults or families, sometimes the only access that people have to Australian voices and content, aside from watching the news and what's produced for free-to-air TV—they don't always have streaming services—is at the cinema. So it's open access to all of our regional customers.

Mr Seddon: A very loose parallel is the supermarket model, where we have Coles and Woolworths and we have IGA. When you go to a Coles or a Woolworths anywhere in the country, the fruit and veg are always in the same place and the floors are the same colour, whereas an IGA very much responds to the needs of its market. Most of them are individually owned. That's the situation we have here at the moment. If something doesn't happen for us, we're likely to end up in a situation where there are only Coles and Woolworths, no IGA. We will lose the ability of cinema exhibition to respond, both to the supply side and to the demand side. As a smaller,

independent exhibitor, we can very much cultivate our playlists—the movies that we're running—and match them to our audience. I think that's why Australian films do so much more of their business in independent cinemas. It's not a criticism of the majors; it's just that what they do is different. I think the Australian film industry will lose a lot if we lose those independent cinemas, because that's where we come to screen. When we go to conferences and trade days, as exhibitors, we are always very engaged in the presentations on Australian films. If something comes through with Joel Pearlman as the executive producer, we run it. That really goes to the ability that we have in the three film stages, one of which isn't really represented here, those being production, distribution and exhibition. It's really one pathway, and all of those parts have to be right.

Later this year I think we will see business starting to move again. There's light at the end of the tunnel for us, especially as we see the things that are happening overseas, but we have to get through that tunnel. The end of JobKeeper, for us, with nothing happening and no other support—many industries in Australia have been able to recover, but, like international hotels and airlines and so on, independent cinemas are one of those industries that are still affected by COVID and haven't been able to take advantage of the recovery as many other industries in Australia have.

Mr ZIMMERMAN: Thank you for your evidence this morning. I have two questions. My first question is about the independent cinema sector. There has been a lot of discussion about the enduring legacy of the pandemic, and a lot of that is focused on whether people will return to the office as much as they used to. Have you seen any research or evidence that there might be an enduring legacy on people's interest, willingness or desire to go to cinemas, having spent the last 12 months sitting in front of TVs?

Mr Dell: I actually see the opposite. Normally, when we hit Boxing Day we have five major films, and then on 1 January we have another two. This year, we had two major films come out on Boxing Day and one, *The Dry*, come out on New Year's Day. With less than half of the usual number, in the three-week period from Boxing Day to 7 January, the Australian box office was around 47 or 48 per cent of what it had been on the previous year, just in those couple of weeks, and then it tumbled back to 30 per cent. But what that shows is that, if we have something worth showing, people absolutely want to get out of their lounge rooms. An economy where no-one ever leaves their house wouldn't work all that well. Sure, we did see a huge increase in streaming when 80 per cent of the world were locked up in their houses and legally not allowed to leave. Clearly that's where the product had to go, because the model worked. But, at the end of the day, as I said, if we look at the figures on those three films—*The Dry*, *The Croods* and the other one from Warner Bros—we see that, if the product is there, people do want to get out. The analogy we give is: all houses have kitchens, but we still have restaurants. I really think that little microcosm of those three films shows that there is light at the end of the tunnel. We've just got to make sure that the tunnel doesn't collapse on us.

Mr ZIMMERMAN: I like the kitchen analogy.

Mr Pearlman: Just before we wrap up, I did want to make this point. Adrianne, Kieren and Scott have spoken to the fact that, at a certain point, the Hollywood films will start to return to cinemas. The reason for that, of course, is that the best way for those studios to monetise their films is through the cinema, hence why they're waiting until the end of COVID to do that, rather than putting all those films on streaming platforms. Cinema remains an incredibly viable option.

At this critical time of looking at these impending changes, the real challenge is to ask: do we want to have Australian films on screen? A film like *The Dry* would simply not have been made at a 30 per cent rebate. We wouldn't have it and we wouldn't have that as part of our ecosystem of storytelling that will live on long past this summer and be remembered just as we remember Australian films from 20 years ago. That is where our real concern is. Producers are really small businesses. To provide that level of support to producers and that level of confidence to be able to go and make those films, 30 per cent won't cut it. We will then be facing a much bigger question: where have all these Australian stories gone, and why—because the big screen will remain very viable into the future once we get through COVID—are our kids not getting to see Australian stories on the big screen? I just wanted to add that.

CHAIR: We could talk longer, but we've run out of time. I thank you all for your attendance here today. If you've been asked to provide any additional information, would you please forward it to the secretary by 5 March 2021. You will be sent a copy of the transcript of your evidence and will have an opportunity to request corrections to transcription errors.

WARDLE, Mr John, Consultant, Live Music Office [via video link]

[10:06]

CHAIR: I now welcome, from the Live Music Office, Mr John Wardle, to give evidence today. Although the committee doesn't require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as the proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make a brief opening statement before we proceed to discussion.

Mr Wardle: Thank you, Chair. I'd like to begin by acknowledging the traditional custodians of the land on which we convene today and pay my respects to their elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today. The Live Music Office was established in 2013 in partnership with the federal government and APRA AMCOS. We're currently funded primarily by APRA AMCOS as well as delivering a project for the Australia Council. We've got two staff—myself and my colleague, Lucy Joseph. The Live Music Office provided a submission to this inquiry in October last year, and we appreciate the opportunity to appear today.

As you would know, as you heard earlier, like many other industries, our industry is facing very, very difficult circumstances as COVID enters a second year. Many regions in Australia were also already in distress from the 2019 and 2020 summer bushfires. We're both an industry and an art form. We have many creative practitioners across all ages and regions, genres and types of music. We've got large festivals. We've got major venues. We've also got grassroots and smaller venues. We've got agents and managers, sound, lighting, production, roadies, designers, songwriters and publicists. There are many different types of jobs and vocations in our sector. Hospitality and tourism are major drivers in the cultural and economic life of the country. They are also industries with which we are very closely associated. To respond to our sector, whole-of-government responses and thinking are needed to ensure that there's coverage and equity across the broad range of participation in our industry so that good people aren't left out of the policy and funding responses.

The research shows that our industry is a multiplier. For dollars invested, we deliver more back to the community and the economy. But, just this week, data provided by APRA AMCOS in an open letter to the federal government, and supported by 3½ thousand signatories, speaks to the live music sector now operating at four per cent, or less, below pre-COVID levels. Our arts and entertainment sector employs close to 200,000 highly skilled Australians. The real concern right now is that JobKeeper must be continued beyond March for those who work directly in the live music and event industry. Thank you.

CHAIR: Do we have any questions from Emma or Josh?

Mr BURNS: Thanks, Mr Wardle, for appearing before the committee and thanks, Chair, for the opportunity to ask a question. Mr Wardle, you mentioned JobKeeper and the need for it to continue. My first question to you is: have there been large sections of the live music industry that have missed out on JobKeeper, though? Has that 12 month cut-off, by the very nature of some of the gigs and project work, left a lot of the people in the industry out?

Mr Wardle: Most definitely. Yes, that has definitely been the case. I think it's the sole traders, the freelance musicians, in particular, who were really left out. Very strong representation was made, and continues to be made, to the federal government to ensure that people don't fall through the cracks.

Mr BURNS: I have a follow-up question. I can't imagine how difficult it must have been at the start of the pandemic when the Prime Minister got up and said, 'No more gatherings over 500 people.' Straightaway you saw six months of work just gone in an instant. A lot of my friends are in the live music industry. Locally in Macnamara we boast some of the best live venues, shows, productions and talent in the country, but there's no doubt it's taken its toll. From your perspective taking into consideration those people who have been left off JobKeeper, the looming nature of JobKeeper being pulled away from those who are lucky enough to have it and the uncertainty that the pandemic brings, what is the sense of the mood from people who are working in the live music sector at the moment?

Mr Wardle: It's quite bleak. I'm getting calls from people running businesses, venues that have made major contributions to the cultural life of this country that are part of the fabric of towns and suburbs, that are closing their doors. I got a note late last night that a particular room had closed in Geelong in Little Malop Street, one of the best entertainment precincts in the country. I haven't checked in on that, but I had a call just a day ago from a major hotelier who presents live music in the City of Sydney. He is deeply, deeply worried and doesn't know what to do. There are lot of people that have faced really, really difficult circumstances, but I think we're quite resilient.

Many people and businesses in our industry are extremely resilient. I think some of the brick-and-mortar businesses are now facing closing their doors.

Mr BURNS: One final question, Chair, and then I will hand over to someone else. On that, from my understanding and from some of my friends in the industry, they are brilliant. They are exceptionally talented musicians, certainly compared to my really clumsy mucking around on the piano. But despite their lifelong dedication to their instruments and to their craft, many of them are forced to have supplementary income from either teaching or something that does not involve live music. In your view, is that the [inaudible] part of your industry that people are forced to supplement their income already? This was before JobKeeper, this was before government support, and this was before the pandemic. It's already really—excuse my French—bloody tough for a musician to get by in Australia and in the Australian live music economy.

Mr Wardle: I agree with that. Many people have ancillary jobs, like working hospitality. There are a lot of artists that work as teachers, which is a great thing. I myself teach. That can vary across participation—what sort of art form they practice and what music they play. It's very, very common. As people move through their career, having diverse streams of income I think is a very wise thing to do. It's a sliding scale depending on the contours of people's careers, but I think teaching is a particularly important ancillary income.

We saw lots of teachers hit quite badly when COVID hit, particularly peripatetic teachers in the public and private school systems. Choirs, group singing and bands had a flow-on effect into teaching. This is bringing more people into the grand situation. Artists that previously were able to survive on teaching and live performance doing different types of shows and maybe doing covers and events and functions as well as original music are now looking at grant programs, and that's creating more challenges and really putting a spotlight on how the arts and contemporary music in particular are funded and how we're supporting not-for-profit organisations, which are often the peak bodies and service organisations. But now, with businesses facing a very tough future, how are our support programs supporting the private sector? We've just heard from the film industry, who get investment and subsidies. I think looking at that and also looking at federal and state responses are really great places to be looking at for our industry.

Mr BURNS: Chair, I'm happy to accede to my fellow committee members, but, if there is time, I've got more later on.

CHAIR: I will go to Emma McBride.

Ms McBRIDE: Hi, John. Thank you so much for being with us today. [inaudible] Central Coast of New South Wales, where there are lots of emerging artists—

Mr Wardle: Sorry, I've just lost you.

Ms McBRIDE: Okay—

CHAIR: You're cutting out a bit, Em.

Mr Wardle: I've got you now.

Ms McBRIDE: It's the NBN on the Central Coast! I live on the Central Coast of New South Wales, and we've got lots of emerging artists, some really talented people. I'm particularly concerned that through COVID people were hit particularly hard, especially young people. Can you give me a sense from your perspective of what you're seeing for people, particularly younger people, through COVID and what it might me for emerging artists in the pipeline that we have?

Mr Wardle: I think that's a great question. I think technology is proving to be a great resource for younger people, who have adapted. We've seen lots of people doing live performances from their own homes. There are people recording and doing home production. I'd like to see more financial support for younger people—access to technology obviously, as we see, and access to the internet. Some of the states have got state funding where people can apply for technology and those sorts of things. Other states don't have that available. Looking at it from a national perspective, you've got the wonderful Live Music Australia grant from the Office of the Arts in Canberra, and then you've got varying levels of investment around the country. Queensland has invested in this. The Australia Council has recording grants. It's about understanding the ecology of the framework and what support is available. I think for regional younger people and people from lower socioeconomic backgrounds, providing resources and investment support for them to find a way to create is something that should be supported.

CHAIR: Thanks very much. Josh Burns, you had another question.

Mr BURNS: Mr Wardle, in your previous answer you alluded to the ways in which live music is funded and new work is generated. Can you expand on that. The Australia Council, in my view, has been underfunded over

the last few years, and that's restricted the sorts of projects that it can invest in. What do you think—and this is right across the creative sector; it isn't exclusive to one particular type of new work—we need to see in Australia from government, ideally at arm's length from government? What sorts of initiatives would you like to see to help stimulate new work and new contemporary Australian music?

Mr Wardle: I agree; the contours in support for the Australia Council over recent years are widely recognised. I would like to also recognise the Live Music Australia program from the Office for the Arts, in Canberra. That $30 million investment from the federal government goes back to 2019. However, it is proving to be an excellent program that has broad support across the country.

CHAIR: Could you elaborate on that program for the benefit of the members of the committee.

Mr Wardle: The Morrison government provided a $30 million investment to the live music industry around March 2019. There's a second round of that funding now happening. I understand it closed yesterday.

CHAIR: What is that fund?

Mr Wardle: It's called Live Music Australia. What I like about it—and I've referenced it recently in the inquiry in New South Wales into grants—is that it responds broadly and it talks about art-form practices broadly. It says hip-hop. It says country. It says jazz and blues. It speaks to all sorts of art-form practices and all sorts of music that people play. I think people will look at that and say: 'Yes, I'll apply for that. That's great, because I can see that it's going to support what we're doing.' But I make the point that, unless we've got places to play, unless we've got venues that are open and production, crew, lighting, roadies, agents and managers to ensure that the artists are supported, that investment is going to be diminished. We've got to have places to play. I'm taking calls from venues who are saying: 'I'm going to have to lay staff off. All the corporate memory in our booking team is going to go. I might be able to get them on a casual or hourly rate.' These people are going to transition into other places. It just reinforces to me the urgency of sustaining businesses until we can get through to a more stable platform.

CHAIR: I hope many of your members put in for that. I do recall being briefed on that program. It is a very competitive grant program, so I'm sure it will be, like a lot of things, oversubscribed, but we are trying to support live music.

Mr Wardle: We'd make the case to regroup on that investment and continue it, because it's making a great contribution to many people through a very difficult time.

CHAIR: Do you have any evidence of people being able to monetise their music by going digital?

Mr Wardle: Yes, absolutely. We saw that quite early, as COVID hit. I know of a venue that had a capacity of less than 50, but it was selling tickets for shows and getting 80, 90 or up to 100 people subscribing. I think that's an interesting case study for some of the small venues, but it's difficult to sustain a wider industry on those types of metrics, and it certainly wouldn't work for the larger venues. We're really resilient and we'll look back to see that people were able to adapt, but the process is very difficult. I speak to the wider industry. It's not just the artists. We've got to recognise that there are lots of other jobs in tourism, hospitality, events and festivals. As we see these contours starting to happen, businesses—people were booking shows. They were booking small tours. Then we got outbreaks in Sydney. There are outbreaks and borders are closing, and it's just setting people right back.

One thing is that we're seeing considerable latitude for sportspeople where they're able to migrate interstate. Looking at that, if we can try to find a way, as things settle, for artists to move between states, so we can book tours and do festivals—putting protocols in place, like for sportspeople and like other essential workers, for our industry as well, is going to keep the doors open and keep the businesses going. There are a lot of questions around capacity and around whether you've got to be seated or standing. Other types of community behaviours are allowed to be standing, but venues at this time are mostly having to be seated. These are the touch points at the moment, as well as JobKeeper, that are going to keep the doors open and keep people in jobs.

CHAIR: I see the Mardi Gras in Sydney has got around the COVID restrictions by putting it into the showground, rather than up and down the streets with everyone standing. There's going to be a seated Mardi Gras inside the sports ground or something like that. It sounds like really clever COVID thinking. Have any industry people tried to move to that approach? I know one of the music festivals in my electorate couldn't be held in the showground because of the COVID restrictions, and they moved into a music studio and streamed it. Admittedly, that was a government funded initiative, so they didn't have to have ticket sales online. But is there a way you could go digital or pay-per-view or move to different venues that can be COVID-safe where everyone can be seated?

Mr Wardle: We've got so many businesses, and they're all individual in their own way—in their shape, size and scale and what they produce. They're all doing the best they can to adapt. One of the interesting things I've worked on recently with the New South Wales government is changes to the Roads Act and footpaths, and looking more to supporting venues putting on shows out in the public domain. I've seen that in the City of Sydney, and it's happening in other places. That's an important option that states and territories should have available, so that, if some event is in a venue and they can't do it inside, let's do it out in the street or outside. Changes to the Roads Act in New South Wales will enable that, for example.

CHAIR: Emma or Josh, do you have any other questions? No. Thank you for your attendance here today, Mr Wardle. If you have been asked to provide any additional information, could you please forward it to the secretariat by 5 March 2021. You will receive a copy of the transcript of your evidence and you will have an opportunity to request corrections to transcription errors. We will now take a short break.

Proceedings suspended from 10:29 to 10:44

TOTMAN, Mr Andrew, Industry Lead, Art and Culture, TAFE NSW [by video link]

CHAIR: Welcome, Mr Totman. Although the committee does not require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make a brief opening statement before we proceed to discussion.

Mr Totman: First, I would like to pay my respects to and acknowledge the traditional custodians of the lands, rivers and seas. I would also like to acknowledge and pay my respects to elders both past and present of all nations.

As the industry lead, I'm pleased to respond to the parliamentary inquiry on the benefits of the arts from COVID-19 today. The economic benefits of the creative economy are measured in a number of ways: what the direct employment avenues are; what the employment and [inaudible] workers generate for themselves; and what employment opportunities are filled by creative workers in other sections. Recognition of creative workers' contribution to the economy in a variety of ways creates training and development opportunities within tertiary education providers such as TAFE NSW. These training opportunities ensure creative workers are equipped to adapt to economic and social events such as bushfires and COVID-19. The nation has been severely imposed with an economy downturn during 2020 and beyond.

TAFE NSW has been swift to respond to the challenge of the 2020 economic landscape and has a number of initiatives to support creative workers. These include but are not limited to: identifying where training is required for skills gaps in industry and existing workers to improve performance in the workplace and help companies grow; creating skill sets for recovery; short courses for accredited or non-accredited outcomes; developing closer industry partnerships to provide possible workplace training opportunities in a broad range of facilities; and expanding difficult skills projects to work with larger art groups such as the Museum of Applied Arts and Sciences. I welcome any comments or questions.

CHAIR: Thank you. I'll start with a question myself. Having visited TAFEs for a couple of years quite regularly, now that I'm in parliament I see things from a different side. We come across a lot of registered training organisations and non-TAFE technical trades colleges. In TAFE, have you been focusing just on the basic digital skills in the creative economy, like digital design? It gets mentioned all over the place but I am more interested in how TAFE can build the business skills of the creative economy, because a lot of creatives aren't that good at business let alone running an e-business or displaying their art digitally or being a digital music performer—pay-per-view, concerts, all that. Have you got a focus on that? You mentioned it in one line, about e-commerce.

Mr Totman: Definitely we do. Going beyond the digital skills, it's teaching them how to survive. One of the areas I would say we've advanced in is some of our higher ed courses, like the Bachelor of Creative Practice. Fifty per cent of its training is entrepreneurial skills—how to advance your career online, face-to-face and in a variety of ways. How to enhance their business acumen would then be approached. Arts administration courses are probably one of the fastest-growing areas because of those basic skills—the ability to connect with galleries online and face-to-face, with councils, with larger organisations, within their own ability to promote their works. It is an avenue that we're looking at in all aspects of the creative sector, so from visual arts to fashion and music—every avenue. I think John sort of mentioned this. It's not being limited to one or two buckets of income coming in but having a multitude of those and not being restricted by those.

CHAIR: Is there a specific module in any of your courses about ecommerce skills?

Mr Totman: Yes, there is. Our design fundamentals course has some basic skills that are going to be dealing with that specifically. Our administration certificate III and certificate IV have that as well. As I said, most of our higher ed courses will have that as a main component or stream within them.

CHAIR: Are you getting more people in the creative industries in the design, marketing and advertising in the music space?

Mr Totman: Yes. Some areas are growing within that. We have some 25,000 enrolments in the creative sector in TAFE New South Wales. It's not the largest but it is growing. Photographic skills and digitisation skills are areas that are growing. I cannot quote the increase in enrolments, but it's probably closely to 30 per cent in our photography skills courses, and that is from basic to fully-fledged courses. They are in high demand. The other avenues that I would say [inaudible] growing [inaudible] our design fundamentals is something that is also being increased [inaudible] skill funding actually [inaudible] course and it is seeing [inaudible] increased student enrolments. We have internships and placements with those as well, so real-world skills [inaudible] back into the economy.

Ms McBRIDE: Mr Totman, firstly, thank you for coming along today. I'm very keen to hear from TAFE New South Wales. I'm particularly interested in your enrolment pattern, particularly through COVID, especially for students from regional and remote areas. Part of that question is: what are [inaudible]—

Mr Totman: I had a difficult time hearing most of that.

CHAIR: I got most of it, Andrew. I think she said she is interested in the enrolment patterns in the creative industries in regional and rural TAFEs.

Mr Totman: Okay. I would say that in the last two years they have been on the rise. I think with COVID there has been not a slowdown but concern that there would be a drop in the numbers. Some areas have exceeded what the predictions were going to be and some of them are probably still building back up to what we hope they will become.

One thing within the role that I deal with is connecting within the regions from all parts of the state to make sure that everyone is getting the full knowledge of everything going on around the states. We're trying to make it as even a playing field as possible. So I'm on the ground day to-day with the delivery areas within the regions, finding out what they're doing, how they're growing and how they're dealing with those enrolments; and, from today, I would say that they are on the rise. There are new developments, new courses and new delivery. I mentioned just briefly before the new bachelor of creative practice. It is actually being delivered in four areas of regional New South Wales [inaudible] campuses within the metropolitan scheme, so the creative area is growing. It's in the short courses and skill sets that there are probably some of the biggest increases, which are limited enrolments or limited sections of a course enrolments. It is rising.

CHAIR: The other section, Andrew, was: are there new course offerings in emerging areas for future jobs?

Mr Totman: I would say the skill sets are things that we're looking at. During COVID and in the midst of COVID, we had the free courses that were listed as skill sets, and those are the emerging areas and, I would say, particularisation areas.

One of the other things I have personally been working on is a collection management course. It is a skill-set area that is set up to deal with the collection and management of items within all the museums and galleries around New South Wales and upskilling the volunteer staff with skill sets to be able to have them be part of the digitisation of those collections. So that is a large program that will see some 6,000 to 8,000 volunteers upskilled to be trained and then able to be additional members of the workforce. It is a 10-year commitment as far as it goes, but it is a long process. So that would be one that is extremely in demand and very much dealing with a regional base where we're looking at pilot programs that are going to be specifically in regional areas around the state when we roll it out—so specific for those regional areas. I'm working with a number of different agencies to make that a reality, to make sure that in the knowledge it is a segment [inaudible].

CHAIR: When you say the digitisation of their exhibitions, is that putting up—

Mr Totman: That is collection management. In New South Wales, there are some six million objects that are in collections around the state in private and public collections, and so there is a mandate that we are going to help with that and train people so that those are documented and stored in a facility management source so that they can be [inaudible] in various parts of the state and various parts of the world to be able to see what's in collections in New South Wales.

CHAIR: It sounds fascinating. Do you have any other questions, Emma? If you're having a few troubles with digital, send me a text and I can ask them.

Ms McBRIDE: Can you hear me, Andrew?

Mr Totman: Yes.

Ms McBRIDE: It's maybe not something you can speak to, but I know that TAFE New South Wales has undergone significant restructure and reorganisation. Where do you see art and culture, fashion and textiles fit? How have you been resourced, or what does your funding look like, for this financial year and into the future?

Mr Totman: I'll ask to do a follow-up on that one, sorry. I heard the question about funding, but what was the other one?

CHAIR: She was asking about your funding going forward?

Mr Totman: Within my capacity, that's not something I'm probably dealing with with any ability, so I'll have to get some information back to you on that one if that is something you are requesting. What we're doing within our area itself is trying to maintain and expand our programs and bring new economies into programs from supported and government and smart-skilled areas as well as commercial areas—so bring in as much nuance as possible—from the full qualification to skill sets to grow our facilities and grow our enrolments. That's from a

cert II all the way up to the degree level. That's including commercial ventures where we have art camps to TVET, which is [inaudible] in VET areas, through all of our courses. I would say that, in what we're doing and what we're achieving, as I said, enrolments are growing, so I don't see any limitations from what we have other than our financial end.

CHAIR: Josh Burns, the member for McNamara, is back with us. Josh, do you have any questions for TAFE NSW?

Mr BURNS: I have a brief one. I apologise, Mr Totman, I was stuck on a call. In Melbourne, one of the realities facing some of the TAFEs is that some organisations and companies are doing well—they know their craft, they know their clientele and they are ticking along well. But there's no doubt that there are some really struggling with the current business model and attracting people into the courses. What's your sense of the long-term—the five- or 10-year—outlook for a lot of your members and a lot of the organisations where the arts and creative training courses are, and what do you want to see to make it more sustainable?

Mr Totman: Personally, I feel that the entrepreneurial side of the training is a needed side of it, so we're able to make these students as self-sufficient as possible, to develop their craft into an outcome that is actually job-related, meaning that what they are creating becomes their job—so they take those skills that they learn as a practical development of their creative initiatives and, then, actually involve that and use it as their business or incorporate that into other business facilities. The flavour of the day, from most of the conversations I've heard so far, is that you have to be well versed and very deep as far as your knowledge of a variety of avenues and ventures; you need to be fairly worldly in what you're dealing with. The days when you only knew one thing and could only do one thing very well—now you need to know to do quite a few things. That's the nature of the beast within survival. That's how I've dealt with my career myself as a creative artist, but I think that gives you a fully-fledged ability to expand.

With the creative sector too, there are a multitude of areas that you can connect with that allow your career to grow and develop. And I think that is something that is within all of it—every business is hiring graphic designers now, every business is hiring someone who can do photography, every business is doing a variety of different things so they have that creative faction to it. Where they used to have a specialist, now they need a variety people to do one thing or a multitude of things. But those things are what are probably going to be the future for lots of delivery options.

CHAIR: Thanks very much. I was just going to go back to the second-last page of your submission. You are talking about augmented and virtual reality growing across many areas. You also mention more people going into gaming. We have had submissions and depositions of the huge potential for the video gaming industry to grow in Australia. Do you have specific courses for that or does that come out of the generic skills base?

Mr Totman: We have specific courses in that, from certificate III all the way up to specific degree, 3D animation. It is a growing area and for job employment is vast both in Australia and well beyond. With the influx of some of the movie houses that are moving into New South Wales specifically, they are a growing area.

CHAIR: Sure. Has there been an impact? The federal government has rolled out money via the states to increase the number of short courses and subsidised courses as a COVID recovery mechanism. Has that hit the ground in your curricular and numbers and funding?

Mr Totman: Those were some of the fee-free courses that we developed in the midst of things and are some of the areas we are expanding into going forward, yes.

CHAIR: That is great. We have exhausted our questions. Thank you so much for your contribution and the very extensive submission. Again, thank you for your attendance. If you have been asked to provide any additional information, would you please forward it to the secretariat by 5 March 2021. You will be sent a copy of the transcript of your evidence and will have an opportunity to request corrections to transcription errors.

RICHARDSON, Ms Evelyn, Chief Executive, Live Performance Australia [by video link]

[11:07]

CHAIR: I would now like to welcome a representative of Live Performance Australia, Ms Evelyn Richardson. Although the committee doesn't require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today attracts parliamentary privilege. I now invite you to make a brief opening statement before we proceed to discussion.

Ms Richardson: Thank you for the opportunity to appear today. I would like to begin by acknowledging the members of the Kulin nation as the traditional custodians of the land I'm on today and I pay my respects to their elders past, present and emerging. LPA is the national peak body for Australia's $36.4 billion arts and entertainment industry. LPA represents commercial [inaudible] music, major performing arts companies, small-to-medium companies, independent producers, major performing arts centres, metro and regional commercial theatres, stadiums and arenas, arts festivals, music festivals and service providers such as ticketing companies.

I will focus my remarks this morning on the impacts of COVID-19 on our industry, particularly since we provided our submission to you in October last year. The pandemic has had a devastating impact on live entertainment, with an estimated $4 billion of lost economic output and $11 billion lost in industry value. We've also seen 79,000 jobs lost, which is around two-thirds of our workforce. Right now we are fighting for our survival. We have been working hard to get our people back to work on stage and touring. No-one has been sitting on their hands over the last 12 months. We are slowly getting shows back but under very heavy restrictions ,and current business activity is not sustainable. With the end of JobKeeper looming, we will see significant job losses and an unprecedented downsizing of the industry. The impact of that on our seasonal and regional touring will be profound.

We face major challenges in reactivating, as outlined in our submission. For our industry to operate profitably, we need our venues operating at full capacity, unrestricted interstate movement and open international borders without extensive quarantine. Due to COVID and various essential health considerations, we see these three necessary conditions now coming into play in the next six to nine months. Our industry of 500-plus companies and tens of thousands of workers are a vital part of our economy strongly aligned with tourism and hospitality. We provide content, colour and jobs for our night-time economies, our cities, our suburbs and our regional areas.

Australia is a global leader in arts and entertainment and we need to protect that. If we are to play our part for Australia's economic, social and cultural recovery, we will need targeted support to save jobs and companies beyond March. In our submission, we put forward nine proposals for consideration. I'm happy to answer any questions you may have on those or any other aspects.

CHAIR: Everyone appreciates the devastating effects COVID has had on many industries, live performance in particular. I have had anecdotal reports of really ingenious change of performance venues to places that are COVID-safe, like going into showgrounds with big stands or going into cinemas, which historically have just shown movies. There is a movie production and release drought and so some cinemas have started having music performances where they have to be seated, unlike a pub or club where people used to be in the mosh pit. Are any of your partners pivoting to this or to digital screening of concerts and pay-per-view models, or is it all too hard?

Ms Richardson: A lot of our members ibn the past 12 months have been pivoting. Where it has been possible to provide content online and create a new digital model, a lot of our performers and music artists have done that. We have had many of our performing arts companies move, whether it is concerts or dance pieces, online to their subscriber base on a pay-per-view kind of model. Initially a lot of it was provided, but now companies are looking at how they monetise that. The reality is it's very difficult to completely reinvent your business, which is live and is based on people having a live experience, into a digital format. Where that is possible, yes, people have moved towards that. At the end of the day, we have to protect our infrastructure and skills base so that we can get through this year and keep going to 2022. There are other challenges to our business model. Digital is not a panacea for the challenges our industry faces.

CHAIR: Are the performance space limitations better in some states than others?

Ms Richardson: Yes, and it is variable. Last year, we set a goal of trying to get all of our theatres open at 100 per cent capacity. We had a two-pronged approach, trying to get all of our theatres open with 100 per cent capacity [inaudible] goalposts in September last year. After Victoria went into a very long lockdown, that [inaudible] so we moved the goalposts to March. At the moment, the only state that is operating at 100 per cent capacity is Queensland and the rest of the states are varying between 65 and 75 per cent. With respect to outdoor

events of scale, like concerts and music festivals, we established a live entertainment industry forum where we work with our sport colleagues to look at how we could bring back events at scale in the same way that sport has done. We prepared COVID-safe plans for indoor and outdoor settings and have tested those. But it is a challenge when, essentially, at the moment, we're working in an environment where we've got eight sovereign nations within one, so everything we try to do—and we're an industry that's largely built on touring—means that we have to work with eight different governments and health frameworks, in terms of fully activating the industry or trying to activate it.

CHAIR: Josh, do you have a question?

Mr BURNS: Yes. Thank you, Chair, and thank you, Ms Richardson. Thank you for coming to present to the committee and for the work that you do in the really important performance sector. In your original statement and in an earlier answer, you alluded to long-term viability and the other structural issues in the performance sector. The most obvious question is about the Australia Council and the funding that's going out to various organisations that maybe don't fall into the 'majors' category but are the next tier down—some of the more local companies. What do you want to see to help make that business model more sustainable and to make sure that there is more confidence—putting aside COVID, which is a very difficult thing to do—that we'll see a more thriving and flourishing performance sector?

Ms Richardson: Clearly, the Australia Council is a very important funding mechanism for many, many companies, artists and so on across the country. So we want to see that protected and more investment provided for that. Then obviously one of the challenges we've got is that all of those performing arts companies, whether they're large, medium or small, have already largely burnt through their reserves over the last 12 months. There has been assistance to stabilise some of that, but if we're to continue to see work created and people stay within the industry, we need to ensure that we continue to invest in that work. I think the other part of it is that the [inaudible] funding that government provided through the Creative Economy package was a very important part of that package. It was provided during the crisis [inaudible] if you like. But, in our industry, we've got a very long tail. We're not coming back fully [inaudible] 2021. We're trying, but we're already looking to 2022 in terms of when we'll really start to see some activity, particularly in our live [inaudible] space. I think what the industry does need right now is very targeted support, and that's why, in our submission, we [inaudible] JobKeeper has been an absolutely vital way of support for a lot of companies, both in the not-for-profit sector and in the commercial sector.

Mr BURNS: Chair, I've got one more, and then I'll cede to my [inaudible] members, if that's alright.

CHAIR: Fire away.

Mr BURNS: On JobKeeper—to put on a production, you obviously need a lot of lead time, you need a lot of planning, and you need to bring together a lot of components. Without JobKeeper—noting that there are many in the performance sector who, because of the project nature of the work, haven't been able to get onto JobKeeper—what do you foresee unfolding come April, when this thing is taken away by the government?

Ms Richardson: I think we're going to see a major restructure, both across—we've already had waves of redundancies. There are already companies laying-off staff across various parts of the industry in advance of March, so we will see significant falling off of a cliff. The ATO itself has recorded that, in the first six months, 25,000 organisations and 122,000 workers were getting support through JobKeeper in arts and recreation. [inaudible] workers in the December quarter. We haven't seen the numbers for January to March, but we know huge sectors of our industry are still getting access to JobKeeper. You're right, there are many people who didn't get access to it, but, for the ones that did, and particularly for the commercial sector, our performing arts companies and those venues that could access it, it's been a critical lifeline. When it goes, and the pipeline of work isn't there to come through over the next six to 12 months, then the impacts will be huge.

CHAIR: Ms Richardson, do you know how many of your stakeholders applied for or have been successful in the RISE program, the $60 million boost to restart performances and creative industries?

Ms Richardson: I think we had a significant number of our members successfully get funding through RISE, in both the commercial sector and the not-for-profit sector, which is very important to us, given that we represent all of those sectors. But I think I would say that we could be pretty confident that RISE was in all likelihood oversubscribed and that there'd be a lot more opportunity, particularly over the next 12 months, to kickstart a lot of other projects that will move us into 2022 and beyond.

CHAIR: Sure. We're all hoping that the vaccination program and maintaining all those other health issues will allow a lot of businesses, including live performance, to go ahead. But there is another thing I was going to ask you. Is there any other evidence that you have from your members that the marketplace has been happy to shift to

pay-per-view concerts and that the digital offerings that some of your members—or are people reluctant about that? Do they still want to have the real deal?

Ms Richardson: It probably went through waves. There was a phase where everything was [inaudible] That's where everyone [inaudible] but I think we're in a different phase now, because, across the country, we are bringing live shows back, but very slowly and with very limited capacity. And you have to remember that, every time there's a snap lockdown, it immediately impacts consumer confidence across the country and it [inaudible] to a halt and creates a whole range of issues in terms of reactivation. So we're very concerned about consumer sentiment. We feel that the lack of a consistent framework across the states and everything—snap lockdowns, border closures and so on—are really putting a dent in people's capacity and confidence, in terms of whether they want to see shows or not. We know that, looking at the tickets, people do want to see live, but I think that's being very undermined every time you see a border shut or a city shut down.

CHAIR: I don't have an answer for that. A lot of that is within the control of the state premiers and, as you know, some of them have got their state health systems and tracing and lockdown in a lot better state than others. Also, I hate to say it, but some, in particular, have an upcoming vote or a state election which influences how strict their practices and restrictions are. But we're all supporting getting being back to as much live performance as we can. I'm sure the first round of the RISE program was oversubscribed, but it is a big fund and I look forward and hope that there are further, subsequent rounds. But time will tell if it was all expended in that first round.

Ms Richardson, I would like to thank you for your attendance here today. If you have been asked to provide any additional information, would you please forward it to the secretary by 5 March 2021. You will be sent a copy of the transcript of your evidence and will have an opportunity to request corrections to transcription errors. As we're ahead of schedule, we will pause for a while.

Proceedings suspended from 11:24 to 11:33

AUCKLAND, Mr Mik, Director, Programming and Presenter Services, Home of the Arts [via video link]

GEHRKE, Mrs Criena, Chief Executive Officer, Home of the Arts [via video link]

CHAIR: Welcome. Although the committee doesn't require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make a brief opening statement before we proceed to discussion.

Mrs Gehrke: We speak to you today from the lands of the Yugambeh language group, and we would like to start by paying our respects to elders past and present and to First Nations people participating in this inquiry. We would also like to give deep thanks to you, the committee, for this opportunity and to recognise the work of the committee and our learned colleagues who have also contributed to the inquiry.

First and foremost, following our submission, it's important to recognise that, while COVID has absolutely decimated a sector that was already highly vulnerable and fragile—and we have had a rough time of it here on the Gold Coast—at HOTA we haven't faced the same kind of impact or the relentless nature of the challenge that colleagues in Melbourne, London or New York might have, for example. We've been able to reopen sooner than other venues. We've seen audiences returning and artists back on our stages. As a controlled entity of local government, we've done this all without the help of JobKeeper.

We have received significant support from our local council, including the construction of a new gallery that's due to open in early May. I'm very happy to speak about the experience of bringing online cultural infrastructure through a pandemic, if that is of interest to the committee. That is not to say the Gold Coast isn't hurting. We are heavily reliant on tourism and hospitality, and they are sectors that have been heavily impacted by COVID. But HOTA has operated successfully now for nine months in a COVID environment. I think that it has provided us with some unique insights and perhaps a small glimpse into a new future for arts and culture.

From July to December, we employ 250 artists and most of them are local. Our capacity may have been a measly 100 people in the beginning, but the audiences came. We ran at a loss for each of the 22 events at around $8,000 each, but we saw it as an investment in our community and a road to recovery through art and connection.

When we reopened our cinemas on 2 June, only two people turned up for our first session. They were loyal patrons. I was so delighted to see them that actually the team asked me to back away from those two women because I was like: 'Hi! Welcome back to HOTA. We are so pleased to see you.' But we did reopen for two people and gave them each a glass of champagne. Cinema has always provided a net profit to HOTA, but, for the first two months, we ran at a loss to the tune of $5,000 per week. But it was an investment in our very core business, bringing people together, and I'm happy to report that cinema is now back to around 75 per cent of normal revenue.

When we opened the outdoor stage, we sat people in circles and we regularly sold all of those 50 circles. Where once we couldn't really sell local product and people were much more interested in the big national and international touring artists, we managed to sell those circles performing with live local bands. Those gigs cost us approximately $14,000 per gig or about $140,000 to date for post-COVID outdoor events. But we did it because we have a responsibility to local audiences and local talent. We believe that that investment will pay for itself.

The last thing is that, when we closed our doors in March, within 72 hours we turned around a funding program for local artists with digital content and to move online. That program was $50,000 that we diverted from our standard programming budget. It was hugely successful. But now that we're back operating live the feedback we're getting from our artists and our audiences is that there is nothing like the live experience, that the digital content, whilst engaging, is nothing like that moment of connection that you get between artist and audience.

So I think we've got some unique insights because we have been quite grateful and fortunate to be able to operate through this time. What we've learned is that digital is fantastic but humans are craving that connection you can only get from the live experience.

We believe there is huge untapped potential and strong future in programming local and regional content. In a five-day period in January, we sold 11,000 tickets to shows and events. Fifty per cent of our visitors were first-timers, and all were from South East Queensland or northern New South Wales. While our revenue forecast is currently $3 million down on previous years, we're engaging with new audiences and our artists and creative teams are back at work. So it's not a loss but a vital investment in our community, our artists and our broader COVID recovery. Thank you again for the opportunity to chat with you today.

CHAIR: I invite Angie Bell, member for Moncrieff, to ask the first questions and start discussions.

Ms BELL: Thank you. Can I acknowledge the great work that HOTA do for our community on the Gold Coast, not just in the electorate of Moncrieff but more widely across our community. The work that you've done during COVID has made such a difference. Congratulations to you, Criena and Mik, for the work that you do at HOTA. I also acknowledge Ned Pankhurst, who is the chair of HOTA and also a member of the City Heart Taskforce. We've been working closely together to make sure we get the best outcomes for our city, and it's a great pleasure to work with you. It's a stunning place you've got there at HOTA, and the new gallery is opening in May, which is very exciting for our local community.

I will ask you perhaps to expand a little bit on your recommendation, but first I have a couple of direct questions. In your submission, you state that there's been a 'flavour of loss, isolation and disengagement' due to COVID. I would like you to explain this point a little bit further and talk about, perhaps, the real impacts on real individuals if you have any stories about that, Criena. We'll start with that one.

Mrs Gehrke: Thanks, Angie. It would be remiss of me not to say what a wonderful champion we have in our local federal member, with the work that you are doing through the task force to bring the Gold Coast back to life. So we're very grateful for your support.

We're constantly hearing from both our artists and our audiences just how difficult this has been, with that sense of disconnection as a community. We're constantly hearing from artists about the financial impact that this has had. We had a situation where we did need to stand down 95 per cent of our workforce for over five months, and that's had serious consequences for our own team, who have lives, families and mortgages and have needed to survive that period of time. I think what's most telling is not the stories that we were hearing during the COVID lockdown but, as I said in our introduction, the community sentiment that's arising now that people can reconnect with arts and culture. We run those surveys, and what we're finding is that we have 95 per cent positive community sentiment about engaging with arts and culture and how it makes them feel about that experience of coming back together.

Mr Auckland: If I may, I have one very small anecdotal story. We started off with a series called Fireside where we opened our normally 500-capacity room to limited seating of 100 people per event. We were doing two or three events every weekend when we were allowed to reopen. We have an outside terrace bar. I was wearing my doorman hat at that stage, asking people COVID-safe questions as they entered. On one of the Friday nights, when I came down to start that task, there were already six people standing on our terrace bar just having a chat, and I said, 'Are you coming to the show?' They said, 'No, we figured this was just the Lawn Bar,' which is another venue that we used to run pre COVID and that we now run again. They said, 'We figured this was where the Lawn Bar has moved to.' I said, 'Well, we haven't reopened that.' They said: 'Well, can you reopen it, because we meet here regularly. Every week, there's a group of three or four families. We're all Russians. We all live in the area with our kids. We get together. The mums and dads can have a drink and the kids can have a play in a really safe environment and can listen to some lovely music, and we're missing it.' So, even though we were ostensibly closed, they were still coming and trying to find that place to congregate and have a community experience. So there was definitely a loss to our immediate community from the closure.

Ms BELL: Thank you. [inaudible] road map—

CHAIR: We got a jumbled hearing there. You were talking about the recovery road map, and then it pixelated.

Ms BELL: How do you propose that three levels of government work together to deliver for the arts sector in terms of a better strategy?

Mrs Gehrke: I think I got that question, about the three tiers of government and the different responsibilities in terms of developing a recovery road map. I think there's a requirement to clearly understand what the roles and responsibilities of each tier of government are. I would suggest, having read some of the transcripts and submissions, that that seems to be an emerging theme through this inquiry process. I can't speak to federal and state government responsibilities as clearly as I [inaudible] impact that we found on the Gold Coast through having a very clear culture strategy that was developed by the City of Gold Coast, having accelerated cultural development plans that sit underneath that, being opportunistic in some of those big things that have happened on the Gold Coast, COVID notwithstanding.

I'm suggesting events like the Commonwealth Games. We managed to create an absolute perfect storm of investment at a very local level that actually put artists front and centre so we could create. We continue to do that through HOTA and the investment in the Cultural Precinct project. We can very quickly and nimbly identify what the individual requirements are for the city for a collective of artists and for our community and recalibrate and invest in those areas that require focus. So, it's a very localised opportunity and strategy.

It also means that you're creating, I think, environments where arts and culture isn't homogenised—and it can't possibly be—across Australia. So, it's very much around what the local flavour and identity is and the requirements of that place, because that's what arts and culture is. There are models of that, of course—the relationship that local government has with Arts Queensland, for example, through the Regional Arts Development Fund, where it's joint funding but it's provided to the local government authority to actually identify those specific requirements and focus areas of that funding and then distribute it locally. So, it's very much a bottom-up, grassroots approach rather than a top-down approach. But it's only as good as the clear strategic direction and laser-like focus of goals for a purpose and what success looks like.

Ms BELL: I have just one final question. [inaudible]

CHAIR: I might get you to text me the question, because you're very pixelated there. The bandwidth of your 4G or wi-fi is not very good. Text me the question, and I'll ask it.

Ms BELL: Okay. Will do.

CHAIR: Whilst you're texting that, I might ask a question about the submission. It's very thorough and I take your point on the last page—page 3—where you were talking about your involvement in Musica Viva. Do I have the right one? Was that you?

Mrs Gehrke: No.

Mr Auckland: No.

CHAIR: Sorry, on my printout it came on the back of the HOTA submission papers and I assumed it was from you. In the information we've been given, you have a massive organisation there which has basically come out of a local government body. I read that you have more than a hundred employees involved in it—120 staff and a $30 million turnover.

Mrs Gehrke: That's correct.

CHAIR: How long has it taken you to develop such an amazing institution?

Mrs Gehrke: That's the million-dollar question! As I said, it's been an incredible investment by the City of Gold Coast in its Cultural Precinct Masterplan. That started 10 years ago at least. Running parallel to that has been a very strong culture strategy and cultural development program for the city.

I've been in this role for four years now. When I first started we were a $7 million-turnover business and we're now at $30 million. That's full credit to the City of Gold Coast and the ambition it has in placing arts and culture as a key strategic pillar of the city. It relates to their Economic Development Strategy and their Cultural Tourism Strategy to bring economic requirements in the city and diversifying away from traditional hospitality and tourism. So it has a complete strategic framework that sits behind it.

CHAIR: That sounds fantastic. I think your success is a great model for other local government areas—cultural tourism and how you can use the arts industry, both creative and performing, to drive a broader regional economy and to increase employment; I gather that the 120 are local government employees. You have a huge turnover and I expect you deliver a significant return, or a break-even, for the local government. Would that be a fair assessment?

Mrs Gehrke: We're a controlled entity of the council. We sit at arm's length from the City of Gold Coast, but we do have a sole shareholder, which is the local government authority. I think it's important to note and fully acknowledge that when the local government embarked on this venture—with due respect to government—that it's something that they don't always get right. It has to go beyond the cultural infrastructure. In my time here we've opened the outdoor stage, which was a $30 million project, on 8 May we will open the HOTA Gallery, a $63 million project, and we've done a pedestrian bridge which links us to Chevron Island and over to Surfers Paradise. So in a four-year period there's been $120 million worth of infrastructure investment. The city has recognised that in order to make that successful it has to be incredibly generous and supportive in the operating subsidy that we currently receive. Our ratio of local government investment is currently at 51 per cent and we have a stretch target to bring that back down to 35 per cent over the next 10 years. But it's full credit to the strategy that the city also understands you can't just build things, you have to build the capacity of the organisation and the local artistic and creative community in order to make it work.

CHAIR: I've got the question that Angie Bell, the member for Moncrieff, was trying to get through the phone lines. What impact do you think a tax benefit incentive would have on donations to your organisation? That goes to the last recommendation.

Mrs Gehrke: I think it would be significant. I don't have the answer. That's for someone much cleverer than what I am in terms of tax benefits and charitable pursuit. We do have charitable status, which we're immensely

grateful for. What's interesting is that we're seeing an increase in interest in donations and benefactors with [inaudible] coming online. We've had huge success over a long period of time but also very specifically, as we open a new gallery, through the cultural gift fund and the donation of artwork. I guess what I'm interested in is: what is the model that then translates to the performing arts, which tend to be a little more enigmatic in trying to receive those donations, particularly in an organisation like ours? So I think it would have a significant impact. It's more vital than it ever has been before. It's always been something that I believe Australia needs to focus on more strongly, but, as an example, whilst our revenue forecasts are most definitely down in this financial year, we have managed through other grants, donations and bequests in the first six months of this financial year to raise $1.6 million, so it's definitely a very important pillar in us diversifying that revenue.

CHAIR: Angie has asked me to thank you and tell you that she is very pleased that you submitted to this inquiry.

Ms McBRIDE: Thank you for presenting to us today. It got me thinking about how I used to sit on the arts committee of my local council. I'm from the Central Coast of New South Wales. We were speaking about how you were able to be kicked off and that master plan and strategy and then looking really at how that was then implemented, including in the economic development strategy. My community has some similarities—some of our drivers are hospitality and tourism—so I was really interested to see how, in a community like yours, there is a strong investment in infrastructure. You've got an operating subsidy. What do you think has been the catalyst? What do you think has been the key to your success? Many organisations have got well put together master plans and they've tried to imbed them into economic development strategies, but they haven't necessarily seen the same success that you've seen. So what do you see as key to that success in other comparable areas trying to do a similar thing?

Mrs Gehrke: I think it's around city leadership. I really do. There are some incredibly bright strategic [inaudible] on the Gold Coast, but we are also a city that is built on ambition, innovation, entrepreneurship, and that is just part of the DNA of the city. When it's poorly translated, it sounds like the white shoe brigade, but when it's actually translated into your love for the city and the success that the city has seen, particularly over the last decade, then it's actually around ambition and vision. I make no secret of the fact that we have an incredibly visionary and ambitious mayor, who is deeply committed to arts and culture not just because of its economic benefit and cultural tourism return but because he truly believes that arts and culture are the manifestation and the very beacon of the spirit and drive of a city. He's been singular and bloody-minded in his commitment to that over now his—he's in his third term. We then also have had both state and—if Angie is still online—federal members who are as equally committed to the role of arts and culture. So it's taken strong, clear political leadership. It has taken fearlessness from those political leaders at all tiers of government as well as cultural leadership to be fearless and unafraid to say, 'We're going to hold tight to investment in arts and culture'—particularly when the core business of local government is still often perceived as roads, rates and rubbish—to bring the community along for that ride, and to say, 'That's why it's important.' But, as I say, the joined-up strategic approach where you understand the correlation between your economic development strategy and your arts and cultural strategy is so vital, because they need to go hand in glove.

Mr Auckland: I think there's another part of it as well which is that we're very lucky on the Gold Coast that we have a number of beacons. We've got a number of organisations, like Placemakers or Bleach Festival, that are beacons for emerging artists and somewhere for them to show their wares. We've got the Film Festival, the Music Awards, the Gold Coast Laughs Festival and, of course, we've got HOTA, which tries to embrace all of those organisations and act as a form of mothership and give them somewhere to express themselves. So it's important that you've got that grounded location for people to come together and for artists to think that they've got a home—hence the name, Home of the Arts, which I always say is 'Home of the Artists' and 'Home of the Audience'. I take a pretty loose translation with our acronym. I think it's important that you've got that mothership but you've also got those other beacon organisations that people can be attracted to.

CHAIR: That's a thank you with a thumbs-up from Emma McBride. Angie Bell says she totally agrees with your comments and supports them. I was asking to ask: in your partner organisations and the events that you have there, do you have any figures on how visitors to your centre for art, music or film festivals value-add to the visitor economy on the Gold Coast?

Mrs Gehrke: We are only just embarking on that journey, so not currently. We have turned our attention to it, because part of the challenge that we have—and I think that it happens a lot in regional centres—is that we are the place of one-night stands, and I mean that not quite how it sounded, actually. We are bound to touring product so, when we are running performing arts centres and large-scale events, they tend to be for one night only. What we're looking forward to with our modelling in terms of the HOTA Gallery is that, for the first time on the Gold

Coast—which is a fantastic event city and a 'one-off event for one night only' place—we will have a culture offer that's open seven days a week every day of the year bar Christmas, with major exhibitions of 12 weeks duration. So what we're anticipating is that we'll be able to see the value-add and the economic benefit in a more meaningful way. So that's a no, but soon.

CHAIR: What film festivals do you have? Are they touring festivals or do you have your unique only on the Gold Coast film festival?

Mr Auckland: We host the Gold Coast Film Festival, which is unique and only on the Gold Coast. Also, as of this years, we are again the home of the Southeast Asian Film Festival. Those are the two festivals. We don't host any others, but we are always open to organisations that might bring specific film genres to us and want to run a mini-festival. We do use the Gold Coast Film Festival organisation to run three or four mini-festivals every year, where they will take over our cinemas for a weekend and find a thematic and show films or documentaries based around that thematic.

Mrs Gehrke: On top of the film festivals, we're also home to a number of other local companies. I think it's been an important part of that whole-of-city approach, which is something that could be replicated, in that we are a large piece of cultural infrastructure machinery, both in our hard infrastructure and also in our soft infrastructure. And it's part of our value proposition but also our investment that we have an obligation to support the development of those local companies and local artists, because what is good for them is good for us. So, if you put the artists at the centre of everything that you do and support them, then we're a large piece of machinery that can actually do that.

CHAIR: If you were starting all over again, would you have made your place bigger?

Mrs Gehrke: We have an appetite for world domination. Make no mistake, we are very ambitious on the Gold Coast. I think that probably not. I think that sometimes you can overstretch what the requirements of the local community and the place in which you are located are. Having said that, we're in the middle of a mid-level review of the cultural infrastructure master plan that has turned its attention to the performing arts centre here. We're looking at what size theatres we might need and what infrastructure in that performing arts space. What's interesting is that, and it's accelerating, we are on the track to a city of a million people very [inaudible]. We are anticipating that once tourism recalibrates we will continue to have, at some point in future, that 11½ to 12 million visitors each year. So we are also future focused in terms of what the requirements are.

Mr Auckland: Further to that, as we and the city have invested in artists and art on the Gold Coast, and that community continues to grow and thrive and artists relocate from all over Australia to take advantage of the growing hub and that community, I think we would relish the opportunity to offer them more spaces to create their art here at HOTA.

CHAIR: I've just been looking at the website of your amazing building. Behind the open air auditorium is there a performance space inside the hill—

Mr Auckland: The hill sits above the auditorium. It's actually a nature garden that runs across the top of the stage. Then behind that is the parklands. There is Evandale Lake, which is not part of our licensed area, but it's certainly part of the local council parklands that we utilise. In fact, in January we ran a circus and ice cream festival out there for four days, attracting about 6,000 people through over the three days that we were operational. The hill itself is just the roof of the outdoor stage.

Mrs Gehrke: The development has had a very clear ambition, as do we, to reimagine what arts and cultural engagement looks like. We are very focused on that collision of lifestyle, art and culture. As Nick said, you can climb over the top of our outdoor stage. When we open the gallery it's our intention that you can come in wearing your shorts and have sandy feet and enjoy that cultural experience, because I think more and more COVID has shown that we're engaging and wanting to participate in a different way.

Mr Auckland: We see that every day. I was down by our lake about three weeks ago. Three mothers and their children turned up and they were all quite dressed but the kids were about to jump in the lake. I said, 'You've just been to our children's show, haven't you? And they had. They'd just literally [inaudible] which is people come to the theatre and then go [inaudible]

CHAIR: The Queensland Regional Arts Development Fund as a model to be mirrored in developing a recovery roadmap—could you expand on that, how it works?

Mr Auckland: You can expand on how it works? You'd have far more experience than me, even though I sit on one of the committees.

Mrs Gehrke: It is a cofunding project between the Queensland state government and local government authorities. It's often 50 per cent, 50 per cent matched funding, but the local government authority sets the agenda and the priorities for that investment and actually administers the fund.

Mr Auckland: Applications to the fund will only come from the postcode area, as you said. As a local government it gives you the opportunity to target artists in your local area for funding. It ranges from very small grants up to significant amounts of money, depending on the cycle.

CHAIR: Right. That's really encouraging. Sometimes my observation in federal parliament is that some people always turn to the federal government to do things, because there is a failure of initiative or funding from other levels of government. The moral of the story is that the federal government can't do it all, so local and state have to stump up as well. I think we might end this session now. It has been fascinating learning about HOTA on the Gold Coast. I'm going to have to put it on my next touring list.

Mrs Gehrke: We look forward to welcoming you. Thank you.

CHAIR: I will finish up with some of the formalities. Thank you for your attendance here today. If you've been asked to provide any additional information, would you please forward it to the secretary by 5 March 2021. You will be sent a copy of the transcript of your evidence and will have an opportunity to request corrections to transcription errors. Thank you very much.

HANSEN, Mr Timothy (Tim), Private capacity [via video link]

[12:10]

CHAIR: Welcome, Tim. Do you hold a position or title—teacher, artist?

Mr Hansen: I am a practising artist and I'm also an arts teacher.

CHAIR: Great. Although the committee doesn't require you to give evidence under oath, I should advise you this hearing is a legal proceeding of the parliament and has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make a brief opening statement before we proceed to discussion.

Mr Hansen: Thanks so much for inviting me to be a part of this—I'm very privileged. My submission I sent into this committee addressed my experience over the past 12 months of just how much the arts contributes to supporting communities in terms of their mental health and general social effectiveness. The COVID pandemic and the lockdowns have, for me, highlighted just how fragile that cohesion is. Without our service to community arts, I have witnessed firsthand the decline of the mental health of people within the community that I live, and also with the students that I teach. I feel that, if there's one thing we have learnt from the pandemic is just how important the arts are in keeping us together as a community, locally and nationally, and how important they are just for individuals' and communities' general mental health and happiness.

CHAIR: Thanks. I'll get the ball rolling and then I might throw to some of my other committee members listening online. I noticed your very extensive formal academic qualifications in theatre, media, music composition and theory, and that you're live in this space—your teaching; you're not just doing university courses. And I note your involvement in Musica Viva, which we've heard from before.

I want to ask you about the economic opportunities of music composition and composing. We've had other artists bring to our attention the very successful industry coming out of Sweden as a result of long-term national education policy to try and get people into music composition. I think they've learned a really valuable lesson from ABBA, but they still have a huge proportion of national income from Swedes who are in the music composition and production industry—this is not classical music but all music composition in the popular space in America, the United Kingdom and Europe. Have you seen any sort of reflection of that initiative in Australia, or was it just up to individuals?

Mr Hansen: That's a really great question. My personal experience is from my job at the high school. I teach music composition, and I've been teaching music composition for about 15 years now. I started at ANU teaching a pre-tertiary program, high school students, and have done it since in different capacities. I've been teaching at the school that I teach at now since 2014.

I would heartily agree with what you said before—I don't know anything about that particular program or initiative that you mentioned in Sweden. I can say that in Australia music composition has been glossed over as being in the too-hard basket for high school teachers to teach. What that ends up doing is that when students move into tertiary-level education—composition is a massive chunk of understanding music. You may not necessarily go on and become a composer, but it is essentially putting music practice and theory together to create a piece of music.

Obviously, I'm a bit biased. I would love it if music composition was put where I believe it belongs, which is on an equal footing with music practice and music theory. From personal experience with the students that I've taught over the past seven years since I've been at the school, the general quality of their understanding of music and their general music practice improve out of sight because they understand what it is they're learning when they learn a piece of music. They get an insight into the piece that they wouldn't otherwise understand. It helps them engage with music in an entirely different way. They might get to do a bit of improvising on their instrument and, generally, they enjoy their music a lot more.

It's clear that at a state and federal level music is understood to be important enough to include it in the curriculum, but I think that music composition gets glossed over a lot. As I said, it's in the too-hard basket. I play piano, but I don't teach piano because, frankly, I'm not that great a piano player. But I like playing it and it helps me be a better composer. So, in the same way that a flute player may go on to become a professional flautist, having composition lessons would make them a better flute player.

Further to that, music composition in theory is taught at all levels, from kindergarten all the way through to Year 12—it's in the curriculum. Whether that happens in practice is a totally different story. If I may speak to my Musica Viva experience where I'm teaching in a primary school, my main job there is actually to teach the

teachers how to teach music. The way it breaks down is: students are expected to play music, listen to music, talk about music but also write music. And that's at kindergarten. When I say write music, I'm not saying they sit down and write a piano sonata or something like that. They're able to understand that there's a pattern and they can play with those patterns and change them around and all those kinds of things. From that, they get a deeper understanding and appreciation of music. They may not go on and study music after it becomes an elective, which is in year 9 in New South Wales—and I presume in other states. At least if that is taught, as thoroughly as anything else is taught, by the time they hit year 8, they understand music and have an appreciation for it. While they may never study it again, for the rest of their lives they have a deep, ingrained understanding of what's going on behind the scenes.

Again, if I might speak from my experience living in Australia, the experience that I have of non-musicians when I talk about what I do, is that I'm some kind wizard who is blessed with this knowledge that is totally unobtainable except for a gifted few. It's just not true. I certainly was lucky because I grew up in a family where music was appreciated and I went to a school where I had good music teachers and all those kinds of things. The only reason why I am a musician today is that I had access to music and music education for as long as I can remember.

Speaking to the more general boundaries of this hearing, a way that we might consider the future of music in Australia is to start with education and that music education is not composition particularly, is not a value-add that you stick into a high school to justify higher fees or something like that. It should be a core part of the curriculum that is taught from kindergarten until the beginning of elective study, which is year 9, as I said, so that we end up with a population that has an appreciation and understanding of music that will help them generally enjoy music a lot more and will give them access to music as adults. If they want to go off and study guitar or something later on, they've got a background in it so it's not starting from scratch. I hope that answers your question.

CHAIR: We've got a musician on the panel, the member for Moncrieff, Angie Bell, who wants to ask a question, and I think the member for North Sydney is keen to ask a question, too. Trent is back with us. Do you want to go first, Trent?

Mr ZIMMERMAN: Thanks, Chair, and thanks for your evidence, Tim. You've obviously had experience with what I would describe as community based music organisations, including one in my electorate, the Lane Cove Youth Orchestra, which is a fine orchestra. My perception is that they do an amazing job on the smell of an oily rag. Have you given any thought as to, firstly, the importance of their role, and, secondly, whether there is the type of supportive infrastructure that they need to inspire young people—people, frankly, of all ages—and whether there's a case for greater support for those community based music organisations?

Mr Hansen: Absolutely. The Lane Cove Youth Orchestra is a community youth orchestra. The members are made up of school students. I believe it starts in year 7 and generally goes through to year 12 and sometimes beyond. The model is essentially that if you want to play in the orchestra you're very welcome to come and play in the orchestra. Those kinds of community orchestras are vital as a base-level, first step for a young person's introduction to the experience of playing in an orchestra—because it's pretty intimidating. I personally have never played in an orchestra because first of all I played piano, but secondly when I was growing up there just wasn't the opportunity for me to do that. Those orchestras are really quite important because they introduce young people to the conventions of working in an orchestra and what it's like to work with other musicians. They get one-on-one tuition with an older tutor and those kinds of things. They get introduced to repertoire, which is pretty standard, and all that kind of stuff. If they decide later on to go on and study music professionally at a tertiary level, they've already got that experience. That is a reason those community orchestras are important.

The other reason those community orchestras are important is that it means that young people can find their tribe. They can meet other young people who are interested in music. Again, speaking from my personal experience growing up, I grew up in a country town in the eighties and nineties, and there really were not that many kids that were into music. Again, I don't think that was necessarily because they didn't like music; I think it was a question of opportunity. So it took me a long time to find my tribe. That's really important for a young person's development, especially going through the teenage years. When everything else is so confusing, just having your people around you makes everything a little bit better.

It goes back to what I was saying before about mental health. Again, with the Lane Cove Youth Orchestra, one of the challenges that we had was that the kids were so despondent about not being able to hang out with each other. We did a project where I wrote them a piece, and the idea was that we were going to play it online. Lyndall McNally, the artistic director of the organisation that is in your electorate who got me on board with this project, was an absolute dynamo behind the scenes, getting this going with the conductor, Mark. The idea was that we

were going to do it all in a big Zoom meeting, so I wrote the piece with that in mind. That kind of kept the community orchestra together. Lots of other community groups, I imagine, have probably since fractured and fallen apart, but having had that project alone to work on not only kept that orchestra together but also kept those kids in touch with each other. Lyndall assures me—and I was pretty flattered by this—that the fact that I wrote the piece specifically for that orchestra was pretty exciting, too. I guess it's not every day that a kid gets a composer to write them a solo line in an orchestra.

Mr ZIMMERMAN: For a world premiere!

Mr Hansen: For a world premiere, yes. But, in terms of the support for those kinds of institutions—that's what you're asking, yes?

Mr ZIMMERMAN: Yes.

Mr Hansen: Again, I'm obviously quite biased, but, no, I don't think that there is nearly enough support at the moment for those kinds of institutions. In fact, my perspective on financial support for the arts in general in Australia is that it's very top heavy—that a lot of it gets focused towards the elite organisations, the flagships, the national theatre companies, the state theatre companies, the state opera or whatever. There's nothing wrong with that. It's great. We need those institutions because they represent the very best of Australian art. But the only way you can get to that point is if you have a really solid arts infrastructure, so you have to invest at the very bottom level. It feels very counterintuitive, I know, because you're like, 'Why are we spending all this money on a whole bunch of kids getting together to play Beethoven badly?'

The whole point is that they then go on and might get better at it. Virtuoso violinists don't just pop into existence at age 19 and go off to the Conservatorium. They get there because they start at age 5. They learn that music is everywhere and is a part of who they are, and they fall in love with it.

Lots of kids don't. Lots of kids get halfway through high school and say: 'I'm sick of this. I don't want to do it again.' That's fine. They haven't lost anything from that time and experience. We end up with a society of people who feel like they have opportunities and then they've gone: 'You know what? I don't want to do that anymore,' as opposed to a bunch of people who say: 'Man, I wish I had learned the violin, but I didn't. Now I'm just a bit sad all the time.'

I feel that it's very important to support those elite flagship organisations—absolutely—but you cannot do that while neglecting the absolute grass level. You need the grassroots level and everything in between because that creates a vibrant arts ecosystem that people can move up and down in and they can engage with as much as they want, or as little as they want, and it just becomes a part of everybody's life. In my submission I talk about community support. I admit that I'm not that much of a community sport kind of a person, but my external observations are that we understand that you start as a five-year-old running around kicking a soccer ball and one day you're playing for Australia. We understand that there are all those levels in between. We don't think that soccer players just wake up one day and say: 'Do you know what? I'm going to be an elite soccer player.' Of course they spend their life training for it.

It's exactly the same thing with music or any art form. The only way we can do that is by making funding available at every single level. It doesn't have to be heaps. It doesn't have to be billions and billions of dollars; it just has to be enough so that they can function and the professionals involved—say, the conductor, the director and the tutors—can make a living doing it. Again, we're not going to be driving around in Mercedes. I'm not asking for that. It's a job; it's not a hobby. It's how people pay the rent and save up for their future, just like with any other job.

Mr ZIMMERMAN: Thank you.

Ms BELL: Thanks, Tim, for being with us. I would agree with many of the points that you just made, particularly that music at a very young age can provide [inaudible] meaning for young people that can open doors to other opportunities. That was certainly my experience as a young person. I learnt the recorder in grade 5 and going on to [inaudible] in high school and university later to the Conservatorium. It [inaudible] in me an opportunity, firstly, that many others don't get. Secondly, it's instilled the ability to use the skills that I used when I was learning music across other areas, other [inaudible] such as language. Music in itself is a language, particularly composition. The skills you achieve when learning music you can transfer to a language. I was on a scholarship in Denmark at age 17 and I could transfer my music skills to learning a language very quickly.

It really does enhance young people, as sport does, to assist with lifelong learning and improvements [inaudible] background areas. It provides a pathway that is achievable for everyone if those opportunities are there for them. So I would agree with all the comments that you made and just reiterate the fact that community

organisations are very important to extend that [inaudible] opportunity for young people. There is [inaudible] there for opportunity.

Mr Hansen: Yes, thank you. I couldn't have said it better myself.

CHAIR: For those who didn't hear it, the gist of that was that music composition is in itself its own language and the ability to learn it assists with language skills and other humanities, like writing and drama, and also communication skills. That is in case you didn't grab all the things that Angie was saying.

Ms McBRIDE: Thank you, Tim, for your evidence today. It's been really instructive for me to hear from you. Unfortunately, my years of piano lessons weren't of good effect! I'm particularly interested in the points you made about the arts being central to our mental health and social cohesion at a local community level and nationally. How would you see, through your experience and background, that better supported? I come from a regional area, and, as you pointed out, [inaudible] has been tough but, particularly for young people, it has been even more difficult through COVID. Have you seen that done well somewhere, or are there good examples we could learn from?

Mr Hansen: Which part of Australia do you live in, sorry?

Ms McBRIDE: On the Central Coast of New South Wales.

Mr Hansen: I know that all over New South Wales—and possibly all over Australia; I don't know, because I actually haven't travelled Australia very much—there are schools of arts. There is one of the village I live in, in Carcoar in New South Wales; it's out past Bathurst, near Orange. They're everywhere. Once upon a time we as a country understood that arts were as intrinsic as football or anything else to how society worked; there would be buildings everywhere. These days they tend to be local curiosities that look nice but no-one really uses. I feel there is a resource waiting there to be used. There are purpose-built buildings that we could send artists out to. We could set up a program and send artists out to regional communities. We could set up a workshop program; we could perhaps put an artist in a residence in the community for a month and they could do intensive workshops where they might work with the young people in town.

I do theatre as well; I don't just do music. I've worked for the Australian Theatre for Young People and a bunch of other youth theatre companies, and it's very easy to send a couple of actors out into a community, get a bunch of interested people together and start making theatre. Whether that ends up getting presented or is strictly for the pleasure of the people involved is a completely different question, but there's already the infrastructure there and there are already artists who exist who are very happy to do it. What don't exist are the programs linking those two things together. Don't get me wrong; those programs certainly exist, and I've been lucky enough to be involved with those, but they're tend to be run by a local council or the local art gallery, or they're self-initiated—so the Australian Theatre for Young People might do something where they send an artist out into a regional community for a term to create a project.

The federal government could take some initiative and say, 'What if we set up a program and make sure that these buildings that are around are being used?' Otherwise, what are we maintaining them for? The one in my town is beautifully maintained and is a lovely building but is very rarely used for its purpose, which is art. It's usually used for a community meeting or a wedding or something like that. There's nothing wrong with that, but it would be nice to see those buildings used for art. The local community can certainly do it but they don't have the funds to hire professional artists to come out and do that. That is just a way that that could happen: get a program set up to put artists in regional communities. It'd be a cakewalk, honestly.

Ms McBRIDE: Thank you.

CHAIR: Thanks so much, Tim. It's been fascinating. Your deposition was very thorough, too. I might just reassure you that, even though there are these super-ministries where a lot of ministries get bundled, there is a minister for the arts: Paul Fletcher is the minister for communications, cyber safety and the arts.

Mr Hansen: Yes. It's a lot of responsibility for one man.

CHAIR: I know. You should share it with the coalition party! Thank you for your attendance here today. If you have been asked to provide any additional information, please forward it to the secretary by 5 March 2021. You will be sent a copy of the transcript of your evidence and have an opportunity to request corrections to any transcription errors.

Proceedings suspended from 12:34 to 13:34

GEORGE, Ms Helene, Chief Executive Officer, and Strategic Adviser, Creative Economy [via video link]

CHAIR: Welcome. Although the committee doesn't require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make a brief opening statement before we proceed to discussion.

Ms George: First I'd like to acknowledge that I'm here on the country of the Wurundjeri people of the Kulin nations. And as a way of date stamping, today is my second day out of the Victorian lockdown. I'd also like to thank you for this invitation and opportunity to contribute to this inquiry and to share my experiences working across Australia, including remote and regional Australia, as well as internationally.

The focus of my practice has been the sustainability of cultural and creative industries, particularly advising them on developing business models, that diversify revenue streams beyond arts funding. I'm pleased to report that the majority of our clients have fared very well during COVID, and many have made improvements. The success comes down to implementing a strategic approach to sustainability—understanding how to recognise and leverage the value of culture to create sustained economic value. I submitted four diagrams as an addendum to my submission, so I'm hoping you've got that in front of you.

CHAIR: Yes, it's at the back—we've got that. Just so we're talking from the same page—

Ms George: Yes, the first diagram is titled 'Culture as the Core of Creative Industries'—

CHAIR: Yes, we've got that.

Ms George: I can see that you've had lots of explanations about culture and creative industries, but this is the diagram I developed for the Pacific nations. For me, it's culture that is the core—culture being practised language, traditional knowledge, connection to place and people. The second element of that is cultural expression, which is where the creative arts are, in terms of dance, music, writing, visual arts et cetera. Then from that we have the cultural industries, which are production and presentation of goods and services—performing arts companies, museums, galleries et cetera. From that we have creative industries, which is the commercial application of creativity. And then from that we have related industries, where culture and creative products and services are the inputs to, say, tourism, education or health.

So that's critical in that culture is where the value is, and the cultural and creative industries' role in the economy is where they're connected. What's happening is that in Australia the starting point is the arts and cultural influence. So it's losing that value and it has a disconnect from the economy. In Australia, the start is policies and programs in the arts and in cultural expression and cultural industries. So it misses the cultural core, which is where the value is. It misses the linkage with the economy, which is where the value is. What it means is the arts often see themselves as other or special and not connected and related. That's really where the value is. What we need to address that is a national cultural policy. We don't need a national arts policy, because that wouldn't capture the full value. What we need is a national cultural policy.

The second diagram that I've got there is a framework that we've developed around sustainability. Much of our work is around the sustainability of cultural and creative industries. When we were talking about sustainability, we are talking about it in terms of cultural, social and economic outcomes. The main frameworks that operate are economic frameworks. If any of you have been an economist, anything other than the economy is seen as an externality. So cuture and social impacts are seen as negatives and so there are strategies to mitigate that.

In our framework, we are actually planning to create cultural, social and economic outcomes so it's holistic. In doing that, we look at the cultural values first, understanding the purpose, linkage, meaning, place and people, and then we add the entrepreneurial, strategic and diversifying revenue streams. What we are seeing is that cultural and creative industries have been captured in this narrow economic framework that fails to realise the cultural value. The arts and cultural industries justifying themselves only in terms of economics is reductionist and that has increased the volatility of the sector. So it's less about the economics of culture and counting it; it's more about the role of culture in the economy. That's where this value comes from.

The third diagram explains that value in terms of cultural, social and economic and that, together, the sum is greater than the parts. I will just quickly go over to the final slide I have. This is a model that we use in terms of our business models. On the left is a framework in which most arts and cultural organisations operate and the framework which we have developed which leads to sustainability. Most of the arts and cultural organisations are heavily dependent on government funding. It makes them short term in their outlook and makes them really transactional. What we are looking for in our framework is diversifying those revenue streams, being purposeful, transformational and impact focused, with long-term partnerships and creating sustainability.

Even the major performing arts companies are heavily funded by the Australian government. Some of the major performing arts companies have almost 80 per cent of their funding from government. In the organisations that we work with, we end up shifting them from that high dependency to increasing their total revenue and also their revenue streams so it gets to around 20 per cent of their revenues are from government. So they're getting around $5 for every dollar that is invested. It also grows. It's not the same size. So the value of cultural and creative industries is more about their role as an enabler and as a transformational force that generates engagement, inclusion, diversity, innovation and value creation. We work with a lot of Aboriginal arts centres and Aboriginal cultural organisations. The artists and the cultural practitioners there would not be engaged with the mainstream economy if it were not for engagement in these organisations and this framework.

My key message is that culture is the core, and Australia is really rich in culture. We're really rich in our diversity of culture. We have a diversity of Indigenous cultures that have sustained one of the oldest continuous cultures in the world, as well as our contemporary cultures and the cultural diversity of our migrant population. This is our connection throughout the world, and this is our distinctiveness throughout the world. Culture is embedded in this land, and custodians are still with their country, and it all makes all the difference in our sense of community, connected self, our identity and wellbeing. This is the bedrock of who we are as Australia, and we really need to capitalise on this in terms of having a cultural policy and engaging in cultural diplomacy. We don't have an agency like the British Council or the Goethe Institut or the Japan Foundation that reaches out and expresses our cultural distinctiveness and enables a platform for professional artists to reach globally. Australia is really highly regarded for its training and professionalism of the sector, across the world. We need to take this opportunity and capitalise on this and build the capacity of our neighbours in the Indo-Pacific and Asia. We can use the cultural and creative industries to improve our health and wellbeing through prescription through arts and invest in our cultural leaders and creative artists as workers. It is the most important element of our cultural capital as a nation.

CHAIR: Thank you. You've been very busy in this space. I see you've been involved in Indo-Pacific arts policy and gone to the UN and to China. I was wondering if one of the new members attending today, Professor Katie Allen, member for Higgins, would like to ask the first question.

Dr ALLEN: Thank you, Chair, and thank you, Helene, for your submission and for the wonderful work you are doing in the creative and cultural industries and institutions. My question goes to a national strategy for culture. Obviously, when you talk to someone who is creatively orientated, they can think outside the box, and you might think of a new way to think about things. I'm wanting to ask you to perhaps look at what we already have and tell us, if we couldn't start again, what you would do to improve a national strategy. What would be the key elements of a national strategy that you think might be important if we were to build on what we already have? That's the first part of the question. The second part of the question is: could you explain the difference between the Australia Council for the Arts and the British Council and what they're both responsible for and why you think one might be better or worse. What are the pros and cons of each of the different comparative models? I know they are two big questions, but clearly you are a very strategic thinker.

Ms George: Thank you, those are good questions. We don't have a cultural policy and we don't have a national arts policy at the moment, so we've got an open thing to build on. For me, it's a cultural policy. Culture is about who we are as our identity and what that meaning is, and cultural expression and the arts are perhaps the best ways to actually communicate that, and that's why we need a cultural policy. To give you an example of what we do have that works well, the Indigenous language and culture programs were actually born out of ATSIC, when ATSIC existed. They were essentially cultural programs. It recognised that culture was important and not separate from the art form in the way they were expressed. It enabled those Aboriginal art centres to practise art but also to practise the source of that art-making, which was going out on country, performing cultural aspects. As ATSIC folded in that program and it has come into the agency of the arts at the moment, it has become much more arts focused and less about culture. Really, those art centres that do engage in culture—we're much more known from the cultural products, services and the identity that our Aboriginal artists produce internationally than we are elsewhere, and that connective wellbeing is much more prominent in the Aboriginal sector. That's an example of where in Australia we have had a link to culture and it's worked really well. It's worked really well for our nation.

We need more of that. That program really needs to be doubled and go back to that progress, but as a nation, we need to build from that sort of platform, not just in the Indigenous sector but in the broader sector. If we built on that sort of thinking and programs that way, I think that would be a real step forward for the sector. Just looking at it as the arts and just in the frame of excellence and innovation, which is how it is at the moment, misses out on where a lot of the great value is. There are a lot of great artists and cultural practices that work with

people with a disability, engaging people with a disability in the community and into the economy, and that doesn't fit so easily into those frames of arts excellence. So we are missing out on that value to our citizens and to our artists. That's why I think there needs to be a cultural policy built on.

In terms of the difference between the Australia Council and the British Council, the Australia Council is a fund just for art forms, so it's structured around different art forms: visual arts, dance, Indigenous. It's not around the culture. That model was developed in the 1970s and it hasn't changed. We're now in 2021. Particularly in the digital realm we're in, people don't fit so easily into those art forms, and then it doesn't reflect where we're at.

The British Council is not the arts funding body; the British Council is the cultural diplomacy arm of the British government and seeks to promote British culture across the world, and that's what I think we are missing in Australia: that opportunity to do that in terms of an equivalent of the British Council to promote our culture across the world. Of course, if you've got an agency that promotes across the world, you also need an agency that develops and invests in the culture of our country.

Dr ALLEN: With regard to the British Council and its interaction with tourism in the UK or whatever the equivalent of Tourism Australia is, do you know what their relationship is? I have to say that, when I think of British culture, I think of, as you say, the export of the culture but never of a tourism body. When we think of Australia, there's no cultural body, but there is a tourism body, which is interesting because one's obviously more commercial. In my view, tourism flows from culture, and in fact arts flow from culture as well. So you're arguing that we're kind of at the tourism level and at the arts level but we're not at the cultural level.

Ms George: Exactly. Tourism agencies are really marketing, and the tourism agencies of Australia do a great job for Australia. We're really popular as a destination. I think they do a great job in terms of marketing. But what they're marketing is the place. They're not marketing who we are. Because we don't have that cultural agency that pushes that messaging, we've seen those tourism agencies try that at different times, sometimes to good success and sometimes to not-so-great success, because they miss the mark on what our culture is and sharing that. If we had an Australia agency that was promoting that, we would have that understanding of what it is.

Culture is a more effective way of attracting tourism. I'll give you an example of that. A big part of tourism is to attract tourists to a destination, so tourism agencies are marketing agencies, but culture is actually the conversion. It converts people to actually come. So tourism is the marketing, and what you want from that is, hopefully, conversion of that into tourism. Culture actually does convert that culture, so you know that, when there's a cultural event, even in a remote location, whether it be Dark Mofo in Hobart, Tasmania, it actually is the motivation and the driver to convert that to tourism, so it's actually even more powerful than just the marketing message.

Dr ALLEN: Thank you.

CHAIR: Could you sharpen up what you define as our culture? Are you talking about Indigenous culture or something else? In the old days there was a sort of hackneyed version of Australia as larrikin, slow-talking, lots of nicknames, funny words—a combination of cockney and stuff. But it's hard to just put us all into one culture. So how do we, with such diverse cultural backgrounds in our country—wouldn't it be possible to get lots of cultural identities rather than just one?

Ms George: I think that's the point. I think our cultural identity is diverse. We are one of the most diverse cultures in the world. There's not just one Aboriginal culture; there are so many Aboriginal cultures and Torres Strait cultures—that's diversity—as well as our migrant populations and the cultures that are born out of graffiti art, hip hop, urban and all of those. It's the diversity of our culture and who we are that is our strength, that is our distinction, and that diversity of culture goes back from 40,000 years backwards to where we are now and to where we go in the future. The fact that we're so diverse in our cultures is what our culture is and what's so distinctive.

For instance, I have an Australian drawl that I've learnt because I'm a migrant to Australia. I consider myself very proudly Australian. I'm a migrant. I was born in North Yorkshire in the UK. I have a coloured South African father and a Cantonese grandfather, but I absolutely staunchly say I'm proudly Australian, and it's that diversity of cultures, in whatever complexity it is, that is our strength. That's exactly it. I think going on the assimilation past that we have or the colonial things of being larrikin or what we should be are where we've sort of lost it and ostracised some of our own citizens. It's that diversity of culture that we are as Australia which is our strength.

CHAIR: Wonderful. I have a tangential question. When you've done your other bits of work for UNESCO or whatever, was it easier with those countries because they were much more monolithic or—not necessarily monocultural but a lot easier to get a cultural identity compared to Australia?

Ms George: I have heard of frustration in that we haven't stepped up to the plate, and I can't speak with confidence about Australia in terms of its culture, because we haven't embraced that ourselves at a policy level and we haven't embraced it as a nation. We only think about how we do it, which is in the arts sector. I'm an expert in terms of the 2005 convention, which is about protection and the promotion of diversity of cultures. One of the drivers of that was about protecting francophone films from the domination of Hollywood. No, it hasn't been easier in other places. There are lots of advantages that we do have. It's just that we never connect the dots to culture. We don't talk about ourselves in terms of culture. We shy away from that culture. That's probably the greatest barrier.

Dr ALLEN: Thank you. With regard to the different layers of government, to me, one of the things about a national cultural or arts policy, whichever you like to call it—cultural sounds good to me—is that the different layers of government don't really talk to each other, from what I can gather. I was wondering if you could speak to that point about how a national strategic framework would help the different layers of government with regard to their investment portfolios in the creative and cultural arts industries.

Ms George: Either way, we need a national cultural policy because that's related to who we are and our identity as a nation. That's why it needs to be a national policy and it needs to be a framework. If we have a cultural policy, it needs to be implemented across government through health, education, and all of those different elements. It also needs to be a framework that states and local government can relate to. It's the Commonwealth government that has the capacity. I work all over Australia in lots of different local government areas, and in some government areas there is no capacity to support anything cultural or arts. So you have this real inequity, if it's left to a local government level.

There has been the greatest increase in investment in the cultural area from a government point of view in the local government, but that's not across the board; that's mainly in the large metropolitan areas, which is really skewed. For instance, even Karratha, which has the greatest economic driver in the nation, hardly invests anything at all in cultural arts in their local government area. There are other local areas such as Katherine that have a very limited capacity to invest in that. If we leave it only to a local government level, we have inequity in terms of access to cultural and creative industries. There is inequity in the development of that.

CHAIR: I did notice in Katherine when I was there last time that they had a couple of amazing Indigenous art galleries.

Ms George: They do. They have many arts and they also have an organisation I've just been working with, which is the Katherine cultural centre Godinymayin. We used our model to change the framework there from being a closed-in arts organisation from a regional art gallery model to an engagement as a regional cultural centre for the community.

Dr ALLEN: To follow up on that: you put in your submission that you believe that, for a national cultural policy, we'd have to have a shift from funding dependency models to a proactive plan for a positive social and cultural impact model. What do you mean by that?

Ms George: I mean that we need to start thinking about a cultural policy that doesn't just sit in the production of arts. It actually sits across education, educating and engaging our children and students in the arts. It is not about producing them to be necessarily artists; it makes them more innovative. They take more risks. It engages people who learn in different ways. It should be across our health agencies and as a way to provide engagement for people in terms of health. It should be a proper economic agency, similar to our export and trade agencies, in terms of promoting and sharing. An arts agency shouldn't just be in a vacuum. It should go across federal agencies—that funding.

Dr ALLEN: Thank you.

CHAIR: Thanks very much for your submission and your insights. We really appreciate it.

Mr GORMAN: Chair—

CHAIR: Oh, it's Patrick.

Mr GORMAN: I would have jumped in.

CHAIR: You don't appear on the screen, so it's hard to pick you up.

Mr GORMAN: It is frustrating for me. I am joining in from Brisbane, and apparently some of the CPO suites have a videoconferencing facility. I am, unfortunately, only on the telephone today.

Helene, you talked in your submission about how the government's Office of the Arts and Council for the Arts have really been heavily focused on dealing with their own grants' recipients, and in your opening statement you mentioned these transactional relationships. I'm just interested in whether you could give any further context

about what other capacity you think government needs to be able to develop the sort of cultural policy you discuss and whether there's enough capacity there—indeed not just to develop it, but to actually implement it. What sort of additional capacity might be needed in the policy and public sector to do that?

Ms George: I think it's the nature of the agencies in that a great amount of their work is in funding programs, so they naturally relate to those funds' recipients. But, in terms of culture and what goes on, it is much, much broader than that pool, and the impact and expertise of those practitioners needs to be brought into that. I started out, at the beginning of my career, understanding that this grant funding was necessary but ultimately it really wasn't going to be enough. We need to focus on how we value sustainability much more broadly. So I don't have an interface in that. The expertise is much broader than that, and there's value in bringing that into play. That's what's missing at the moment. It's just within the funding and the arts for expertise. That's all that's drawn on at the moment.

CHAIR: That's quite a good observation there. I will follow up, Helene. You made an observation about your CCI development in the first paragraph on the last page. Do you want to expand on that? That's right up Pat's alley.

Ms George: The observation, again, is that the Australia Council was founded in the 1970s, and the majority of the funding from that—over 60 per cent—goes to 29 major companies. They essentially represent 18th century art forms. They need support, but culture evolves all the time, and so does practice. A lot of the funding programs—not only in the Australia Council but in the arts office—are completely historical in what's in, so there's no way to support what our culture is today, what our culture is currently, because everything is all locked up. We need to have a greater pool to be able to support that. Really, my own opinion is that a lot of the organisations that are outside of that consistent, regular funding are much more innovative and adaptable. They are much more innovative than the core.

Mr GORMAN: Thank you for that answer. I am interested in what you are talking about in terms of that 18th century to 21st century jump. The other thing that I was hoping you could expand on more was your comments about local content quotas on digital platforms. Of course, this week we've had some interesting experiences in the response from digital platforms, when people have tried to limit their power or make them fulfil their community obligations. How would you see a local content quota for digital platforms look? How do we force Netflix, Disney+ and others to have a local content quota? And what would be something that would benefit Australia's culture and arts community?

Ms George: Australia has had local content requirements for commercial television, and I think that's really vital and fundamental, but the reality of the world that we live in now is that we don't consume content that's just commercial television. We consume content on a whole range of digital platforms, and we have big global players, like Netflix and Stan, and a whole range of platforms operating in our nation. To have an element of local content quota invests in our local production and our stories and who we are. It's a cost-neutral mechanism for government because the government doesn't have to invest; those platforms have to invest. If Australia doesn't have some sort of mechanism to actually invest in its own local content, then we will be flooded with Hollywood or the rest of it the world's content. We won't have any identity or any opportunity to have a voice in the international arena. I think it's really important—

Mr GORMAN: I wasn't really questioning the importance or the value. I was more interested in what you think it would actually look like as an actual policy. Do you see a percentage of their revenue being diverted to local content? Would you see it as not being able to stream anything from the US until you've been forced to watch some Australian shows? How would it work for a digital platform?

Ms George: I think it relates to the production of local content, perhaps as a percentage of revenue that's taken from the Australian market that has to be invested in the production of local content, as well as a commitment to actually broadcast a certain percentage of local content. So, regulatory measures in either of those ways.

Mr GORMAN: Thank you, Chair.

CHAIR: That's very interesting, Helene. We're all watching this space closely. The time for this section has come to an end, so I would like to say thank you for attending today and for your submission. If you have been asked to provide any additional information, would you please forward it to the secretary by 5 March 2021. You will be sent a copy of the transcript of your evidence and we will have an opportunity to request corrections to transcription errors.

BALK, Mr Michael, Board Member, Media Entertainment and Arts Alliance, Queensland; and Vice-President, Actors and Entertainers Benevolent Fund of Queensland [via video link]

CHESHER, Mr Matthew, Director, Legal and Policy, Media, Entertainment and Arts Alliance [via video link]

RAE, Mrs Michelle, Equity Director, Media, Entertainment and Arts Alliance [via audio link]

[14:13]

CHAIR: Welcome. Although the committee doesn't require you to give evidence under oath, I should advise you all that this hearing is a legal proceeding of the parliament and therefore has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite one of you to make a brief opening statement before we proceed to discussion.

Mr Chesher: MEAA has about 8,000 members in the performing arts, screen production and live entertainment sectors. As some committee members will be aware, our submission addresses issues about the scope of the creative and cultural sectors, how to measure their economic and non-economic contributions and how COVID-19 has impacted them. It's fairly obvious, but worth restating, that the entertainment sector was devastated by the pandemic and is continuing to suffer the effects of it. Even though there's something of a recovery underway, with respect to job numbers collected by the Bureau of Statistics, the payroll job data from the ABS up to January 2021 reveals that, for the workforce that includes screen professionals, jobs are down 13.1 per cent and wages are down 12.2 per cent compared to March last year. The arts and recreation workforce, which includes many of the creative and performing arts workers, is down 8.3 per cent in terms of job numbers and five per cent in terms of wages, compared to March last year. The major challenge that our members confronted during the pandemic, flowing from the immediate cessation or work, was their inability to secure JobKeeper benefits. We estimate—and we think our estimates are reliable—that roughly half of our members in the entertainment sector were unable to access JobKeeper due to eligibility constraints. Others with me today can expand upon the impact of COVID, should the committee ask a question about that later.

The question of measuring the worth, if you like, of the cultural and creative industries is both esoteric and important. As the committee is probably aware, it can be cut any number of ways. The Bureau of Communications, Arts and Regional Research statistics say that the sector is worth about $112 billion per annum. That's according to the 2016-17 data. We think that figure could benefit from some testing and refinement. Some of that work has been done over the last eight years. Our submission alludes to two reports about the work of the cultural and creative industries. The first is the paper that was prepared for cultural ministers nationwide in 2018. The second paper is called *Vital signs: cultural indicators for Australia*, which produced a draft framework about how you might better statistically represent the scope of the cultural and creative industries in Australia. As I say, it can be a somewhat dry debate, but it is one that those in the sector would benefit from.

We have no doubt that the work involved in assessing, quantifying and describing social and cultural values in the arts sector—and by that I also mean its indirect contributions—is complex, but we submit that it deserves proper scrutiny and publication. Without credible data, the nation's cultural and creative industries will be hampered in assessing their own strengths and weaknesses. That will, in turn, compromise both our efforts and the government's efforts to grow the sector.

Chair, I think that's sufficient for an opening statement, and we're happy to be in your hands for the remainder of our time.

CHAIR: Thanks very much. I notice you've done a very thorough breakdown of the workforce sectors, and I note that, on page 6 of the report, you assess creative occupations as comprising four of the following factors, and I just highlight them. 'Creative' means its novel. It's mechanisation-resistant—that is, high human input rather than machine input. There is non-repetitiveness—it's exciting; it's new, every time; it's creative—of non-uniform function. And there's the creative contribution to the value chain—and that's where I was going to drill down. How do you think we can increase the value chain out of the creative industries? If you were given a blank canvas, what things would you do in the education system or in IP law? You're from a legal background. Is there some Holy Grail that the Media, Entertainment and Arts Alliance thinks could really turbocharge the creative industries?

Mr Chesher: It won't surprise you, Chair, to learn that, in a range of submissions over several years, we've called for boosts in government funding for a range of programs which, to use your word, we think would turbocharge the sector. We're in an environment, COVID notwithstanding, of mixed blessings at the moment,

where funding for arts overall has had some short-term boosts but we don't see any medium- to long-term sustainability of what we would call appropriate levels of funding. The value chain is a very good question, a deep question, and I think I'd do a disservice to it by trying to answer it straightaway. The nub of MEAA's submission, here and elsewhere, is that we'd like to see some structural funding improvements to entities like the Australia Council and to Screen Australia. We would like to see improved offsets and rebates for overseas and domestic films. We would have liked to have seen the retention of some critical elements of our broadcast television content rules, which have now been revised in a way that we say is damaging. We would like to see a greater effort to instil music and related creative studies into the curriculum, but, frankly, MEAA is not in a position, really, to participate in a long-term discussion or debate about curriculum, being aware of just how long and detailed any consideration of that kind of idea would be. So our concern has been to address conventional funding envelopes and to advocate building on those current envelopes, but also reform, in the ways that I've described. But also I see your previous submitter made a comment about capture and streaming services. That's certainly an important future avenue for funding for dramatic productions in Australia going forward.

CHAIR: I don't need to remind you, but I do notice you have nicely documented and summarised, on page 15, all the $250 million extra as a result of the COVID recession—the RISE Fund, the Show Starter Loan Scheme, and kickstarting local screen production and sustaining sector significant organisations. It's really a very thorough summary, so thanks for that. Patrick, do you have questions?

Mr GORMAN: Thank you. I might just go to one of the things you said in your opening statement, about wages having been down by 12.2 per cent over the year. While we talk about job loss and wage falls, further in your submission you talked about your assumption that there's an increased level of underemployment in the sector. I'd be interested in your thoughts on what those problems of underemployment are, and declining real wages for artists. How do we address those in a cultural policy, which is one of the things we're looking at? What are the sorts of mechanisms that you would like to see to actually address that long-term, and now accelerating, wage decline and underemployment?

Mr Chesher: Thank you for the question. Very briefly: the suffering artist has been the figure of comment over a very, very long time, of course. But there are some issues which are endemic, and one of those is the episodic nature of work, I guess, or the insecurity of work. I think it might be best if I ask Michael Balk from Queensland to provide some sort of insight to you about what's happening at the coalface.

Mr Balk: Thanks for the question. I think that the decline in wages and underemployment in the sector is affected from many directions and they're completely connected. Matthew spoke briefly about the reforms to government regulations on commercial free-to-air television. That's had a huge impact on the employment opportunities. Since the conversation started about 10 years ago, all commercial television producers have been hesitant to spend on any local production because they were fearful of wasting money if the government quickly changed its position on what was or wasn't required as far as regulations went. So for the last 10 years wages have been slowly in decline. That's simply because the work has been less available. The fewer the opportunities, the higher number of people available to do the jobs and the more downward pressure there is on wages. That's been one major effect that the industry has felt.

Similarly, COVID has had an impact on wages based on the fact that there are fewer and fewer opportunities for work and that there are many, many people, both practitioners and technicians, who can't get work. When the budget of a production is under pressure because audiences are unable to spend because we're unable to have full capacities, that then flows downhill. The venues want their full fee, the producers want their full fee and then the artists are the ones who have to have their hair cut. As Matthew said, it's been a long conversation that the struggling artist has had downward pressure on their wages and conditions, and also on opportunities. Does that answer the question somewhat?

Mr GORMAN: It does. What I'm hearing you say is that the only sort of policy response that addresses those long-term declines is to grow the sector, effectively—that the growth in the sector is not keeping up with or creating—

Mrs Rae: Just before we move on from that, I want to say that I think COVID gave us a really good example as to why the wage pressures exist inside this industry. We need more funding support because the arts are how people see themselves. The arts have a vital value in who we are as a culture; our stories, our people—I connect and I can see them.

At the start of COVID one of the performing arts centres in Queensland closed—so people lost work overnight. They actually employed 350 permanents—that's not full-timers; that's people with permanency. On their books were 700 to 750 casuals. They were people who were employed as the work appeared. They didn't have a stable income, but they had regular shifts pre-COVID. I think that's a really good example of what the wage issues are

for this sector. When we don't have investment in the value of our own stories, from a live performance or even a screen performance, then we have a workforce that becomes highly casualised. It's completely dependent on the beneficiary of an investor or the corporate market, rather than saying, 'Telling our stories has a value that we should be investing in,' which then gives stability to the workforce.

Mr GORMAN: Michelle, thank you very much for that extra information. I found the international comparisons in your submission really interesting. You note that we are well and truly at the bottom of the OECD rankings when it comes to government expenditure on culture and cultural industries. In terms of policy development, is there a country that we as a committee should be looking at where you see investment that kind of addresses some of these issues around falling wages and insecure work? Is there someone in the international comparisons that you think have got it right or are going in the correct direction?

Mr Chesher: That's a difficult question to answer. I would generically point to Europe as having a more reliable core funding base for the arts and entertainment sectors at large. There are more protections for artists. There is, I dare say, probably a higher level of appreciation of artistic endeavour compared to here. I'm not wanting to sound elite, but it's more culturally embedded I think in Europe and there's a greater role for government that's cherished in northern Europe. I make a distinction between Europe and the United States in particular because, in the absence of there being a large role for the state in the United States because they have a different a philanthropic culture, the wealthy have stepped into the breach as a matter of course. I wouldn't want to pull out any individual country for you, but I think the OECD statistics speak for themselves. If Australia were to take a step to embrace and develop an overarching arts policy, which we haven't had for quite some time, I think we could start filling in the gaps in good faith and make policies that are cut to our own cloth.

Mr GORMAN: Thank you.

Dr ALLEN: Thank you so much for your submission, which is really very interesting. I just want to clarify that the Media, Entertainment and Arts Alliance covers media, entertainment, sports and arts industries. When we look at $85.7 billion in economic activity, would it be fair to say that you represent the 'performing arts', 'musical composition and publishing', 'visual arts and crafts' parts of that diagram? I'm interested because the 'design' line, so to speak, looks like it's half of the billions of dollars being generated. Do you represent that 'design' aspect of the ABS data and, if you do, to what degree?

Mr Chesher: No, we don't represent that design element. Principally, our membership is across literature and print media, in the performing arts, in broadcasting, public or digital media and music composition. That's the bulk of our membership.

Dr ALLEN: Looking at the next division down, with regard to the ABS industry divisions, it is interesting to see the different sectors that are growing and the ones that are actually falling away. Taking into account that this data only goes to 2016-2017, it looks like professional, scientific and technical services, in particular, which I note you say may not accord with conventional impressions of what constitutes our cultural and creative industries, have grown by about 50 per cent. I was wondering if you had a view about whether that's linked to the growth in the design aspect of the creative industries, or whether the professional, scientific and technical services would also cover some of your organisation.

Mr Chesher: No. We don't have members in what I understand to be that ABS industry grouping. So it's difficult for us to add. I should say that it's a difficult line to navigate, I think, to not present a recalibration of cultural and creative activity that isn't advocated by your everyday theatre goer, one that doesn't take account of people in other industries. I think there are various demands for the whole, whether that's $85 billion or $111 billion or something less; that's fine. But in terms of what's happened in other countries where people have overlaid what's called a medium of creative intensity across the workforce to then refine how many people are actually working in cultural and creative occupations, then you might come up with much-reduced figures.

Dr ALLEN: I might just stop you there because I'm not actually asking you to defend it; it was just a clarification question. It's more that there's a huge ecosystem out there and I'm just trying to understand where you fit in. I think it'd be fair enough to say that many people in the general community recognise that the employees that you represent are what people traditionally think about with regard to the arts, so I'm just trying to get my head around it. When I look at this data, it looks like—and just to give you a bit of background, I'm from the medical research sector. Sometimes you're out there battling for your own people and you forget that it's part of a bigger ecosystem, and I'm just trying to understand where the growth is in this part of the economy. It's certainly not a criticism, because I know that the performing arts have taken this massive beating up, so to speak, because of the massive lockdowns that have occurred across the country because of COVID. I don't think anyone questions at all that that part of the sector is really suffering. I'm just trying to look at the bigger ecosystem and at where some the growth changes are happening. It seems to me that, in this ecosystem, there is a lot of growth in

design, in particular, and I wonder whether that is in technology services. The question I'm leading to is that of vocational training, apprentices, training for the arts and that side of things. I understand that higher education and TAFE have perhaps had a different level of investment, so I'm just trying to see whether the education and training aspect of what has happened over consecutive governments has resulted in changes to this ecosystem so that there is potential for growth in design and technical services, which is good. But there seems to be an erosion of manufacturing in particular. If you look at the manufacturing division, it has gone from $6 billion to $4 billion over a fairly short period of time. I'm interested to know, from your perspective, where you see the growth areas are coming through. Obviously, from your perspective, performing arts, visual arts and crafts, and broadcasting and literature are where you're looking at, but, as part of the bigger ecosystem, where do you think the growth is coming out of? Is it in the performing arts, or is it in the additional industries as well?

Mr Chesher: It's hard to identify where there is discernible growth. If I were to try and nominate an area I believe is healthy or becoming healthier—and Michelle Rae can comment on this—I would say that behind the camera is a larger area—that is, the screen technicians and allied professionals that we have. Michelle, do you have anything to add?

Mrs Rae: Yes, within the industries that we cover, we're seeing significant growth in, as Matthew said, not just the behind-the-scenes area but the post-production area. When you look at what you've been watching on TV or in the films, we all see far more use of that kind of computer-generated intelligence. There has definitely been that throughout, and this is where our design growth comes from. As our artificial intelligence and our computer technologies increase and we're able to do more and create more with those, then there are more jobs available that are in the traditional areas. Definitely, there has been an area of growth in that.

It's something that Animation Australia is definitely a leader in. We have quite good animation that comes from here, but still, heavily, the northern hemisphere is probably where a lot more of that work happens. I think the reason that is is that, if you're not able to create your own content, you then lose the ability to develop those skills. If we want to continue to grow in that way and we want to keep up with what's happening all over the world, then, if we invest the work and the money that we're putting into our own creation—and that's the screen quotas as well as funding and budgeting and all of that that comes into being—then that will have the knock-on effect. It will grow the industry. You'll see more performers, more film technicians and more people in construction—all the traditional areas—as well as the new areas, like the new sound engineering skills, the new special effects skills that are visual effects, like CGI, and the video and gaming areas.

Ms BELL: Thank you. Can I ask a couple of quick questions before we finish, Chair, because I know we're running out of time? Was that growth present well-before COVID and has simply been accelerated by COVID? That's my first question. My second question is: do you think there are sufficient training programs—that is, vocational, on-the-job training programs—or micro-credentialing? Do you think there are enough resources available to train up the next generation for this area of growth?

Mrs Rae: I think there're probably two answers to that. One is this growth has definitely been ongoing, so it's an area, but I think we've lagged, but that's anecdotal from being out in the industry, particularly in those kinds of post production areas. It's because we don't have the same volume of work created here. I think there is a lot of tertiary education, and there are lots of ways of developing those skills. It's about the opportunity in this country for people to practise those skills and to use those skills. I'm not sure if we have the same amount of jobs as we do for people graduating. I think we have more data to point you to, so I think that's part of it, but I also think what we're seeing right now is some work that's finally coming here that might be, particularly in the film industry, from other countries. They're now saying, 'And we'd like to do post-production in Australia.' Traditionally post-production would always be shipped back to the country that the production came from. There is an opportunity to build that, and I think that's partly because of the work and the growth of that industry that was occurring pre-COVID, and now, post-COVID, we're offering an opportunity that means that we can do more of that work here and show, internationally, that we have that skill set.

Mr Chesher: Sorry—could I butt in there. There were some pretty significant cuts to vocational education and training courses, I think in 2019. I'd be happy to provide that information on notice to the member, Chair.

CHAIR: If you have that data, you could send it in. In fact, we had TAFE giving evidence and there have been a lot of COVID related changes to apprenticeship training subsidies, on a massive scale. That will work its way through not just TAFE but a lot of the other apprenticeship training things. Regarding post production, that is a question we put to TAFE—all the digital video skills and design; all that sort of stuff. They're very aware of that, and it is a growing area in TAFE at least. I hope there is a conga line of people going in, because it seems like a high-wage industry—all that digital creative stuff. The committee has noted that.

Mr Balk: I would be grateful if I could add to the member's question in that, while there may be sufficient formal training available to assist in growing a workforce for the opportunities, I think what we really need to connect here is that most of the performing arts are in fact crafts, and on-the-job learning is absolutely integral to the success of our practitioners. Therein lies a very big problem—Michelle spoke about it earlier—with the casualisation or, as I like to cruel it, 'uberfication' of the workforce. When productions start and stop, employment starts and stops. As we've seen as a result of COVID when our senior technicians and practitioners no longer have support and can no longer sustain themselves, they leave the industry. So, while one sector of the industry may be growing, other traditional areas that are still profitable and very valuable culturally to Australians are seeing a great loss of skill, and that skill will not be transferred to upcoming and emerging artists and technicians. That is something that I think the government should be aware of: when senior technicians no longer have the capacity to stay in the sector and they leave, with them we lose an enormous amount of skill, experience and knowledge. That's something that we probably need to be very mindful of. Also, we've seen what we call 'slashing' in the industry. It's been going on for about 15 to 20 years. No longer do you see a performer like me wearing one hat and being an actor. You need to be an actor and a producer and a writer and a post-production coordinator. What there probably isn't enough support for is assisting those of us who have been in the industry for 20 or 30 or 40 years and need to shift our skillsets to become more employable in a very digital and very mobile work space. We have conversations on a regular basis about that. That would be an area where I think the government could look to put more support.

CHAIR: Thanks very much. We will bring this section to completion. Thank you for your attendance here today. If you have been asked to provide any additional information, would you please forward it to the secretary by 5 March 2021. You will be sent a copy of the transcript of your evidence and will have an opportunity to request corrections to transcription errors. Thanks very much.

Proceedings suspended from 14:48 to 15:03

EDWARDS, Mrs Julia, General Manager, Entertainment Assist [via video link]

CHAIR: I now welcome a representative of Entertainment Assist, who made a submission, to give evidence today. Although the committee doesn't require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as the proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of Parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make a brief opening statement before we proceed to discussion.

Mrs Edwards: Thank you, Chair and committee members. Entertainment Assist is a national health promotion charity established in 2009 to support the mental health and wellbeing of the Australian entertainment industry. Considered the thought leader in the mental health space across the sector, Entertainment Assist is also the secretariat for the Australian Alliance for Wellness in Entertainment. This world-first alliance is a cross-sector peak-body collaboration committed to reducing the duplication of effort and to developing action prevention-first frameworks for the mental health and wellbeing of Australian entertainment industry workers.

Our resources are directed towards continued research, awareness and education. In 2016, Entertainment Assist released a world-first research report: *Working in the Australian entertainment industry*. The findings called for urgent prevention based interventions, noting the Australian entertainment industry was in severe distress, highlighted by alarming statistics regarding anxiety, depression, suicidality and other serious mental health issues far in excess of the occurrence in the population. These alarming statistics include suicide rates double that of the general population, moderate-to-severe anxiety symptoms 10 times higher and depression symptoms five times higher. From those findings we developed the INTERMISSION program, which acknowledges the unique stresses that pertain to working in the entertainment industry, such as lack of permanent work, insecurity of earnings, shift work, travel, substance misuse and stress arising from high incidents of bullying, assault, sexism and racism.

The successful INTERMISSION mental health training programs and information sessions provided industry workers with tools to self-manage and support others through prevention based interventions, lessening the need for more complex professional involvement down the track. COVID-19 stopped these training programs and information sessions in a face-to-face sense; however, already challenged by certain working structures prior to COVID-19, the industry was devastated and the need for support intensified. To aid this urgent need for help, Entertainment Assist developed free online content that is accessible 24/7. While the free online content provides valuable support, evidence shows the importance of prevention and early intervention of mental health through the INTERMISSION program is vital.

For this devastated industry with thousands of people out of work, the next two years are critical. Among the first to be out of work, the entertainment industry will be one of the last to resume, leaving many individuals, sole traders and small businesses out of work for a longer period than those in other sectors. Industry workers were already over-represented in mental health, substance abuse and suicide statistics before the pandemic. Intervening now will save lives. The program for this vital assistance is already in place. We have the IP. It now needs to be delivered to ensure Australian entertainment industry workers have the support needed to rebuild their individual lives and the industry. We need support for a national task force for the continued delivery of the INTERMISSION program to those who need it most, financial support to engage qualified trainers to deliver a national program that will support the industry immediately when it is most needed. That will result in reducing the risk of individuals developing major mental health issues, reducing the need for more complex costly interventions, measuring data around mental health challenges for our industry over time. Better mental health and wellbeing will improve productivity in the Australian entertainment industry and will deliver savings to the national health sector and help to restore our entertainment industry and those who work in it.

CHAIR: Thanks very much. I just want to clarify: depression is five times higher.

Mrs Edwards: Correct.

CHAIR: And anxiety is—

Mrs Edwards: Ten times higher.

CHAIR: The result of a combination of travel, intermittent work, bullying and harassment—what was the other feature?

Mrs Edwards: A lack of permanent work, so the gig economy; travel; isolation; substance misuse.

CHAIR: Do you actually have an arm that does counselling or therapy, or are you just an awareness-raising body?

Mrs Edwards: We do education. We have commissioned the research. We raise awareness of the issues, and INTERMISSION is the program which is our education vehicle. So we have worked in direct response from those research findings to develop this program, which addresses all of the nuances of working in the entertainment industry.

CHAIR: Do you work with Support Act, or are you familiar with Support Act?

Mrs Edwards: We are very familiar with Support Act. Support Act are one of our advisory committee members on our Australian Alliance for Wellness in Entertainment, and we actively promote their helpline. We think it's a fantastic service. However, it's tailored very specifically to just the music industry. So we are a national body that is more an umbrella of the whole the entertainment sector.

CHAIR: I know in the music industry there is a lot of industry support for Support Act. Do broader parts of industry support Entertainment Assist? Do film distributors, filmmakers or some of the big studios or TV stations support Entertainment Assist financially?

Mrs Edwards: No, not in a financial sense. To date, we've been primarily funded by the philanthropic sector and organisations that see a fit with us. We have more of a subscription membership with film organisations and TV organisations, so they sort of become members of our Australian alliance. We have over 760 members sitting in there, which are generally all membership based organisations. They come to us—for example, we will be delivering an intermission session to Screen Queensland in the near future—more for education and self-management models for their teams.

CHAIR: How do you think we could help grow the entertainment industry once we get through this COVID situation? Although that has disrupted everything in Australian life and business, including the entertainment industry and creative industries, from where you've been sitting in this space do you think we could grow employment or genres of creative and cultural industries?

Mrs Edwards: I think COVID has put enormous pressure on our workers to adapt, be nimble and almost reinvent themselves in other lines of work. I think that is the nature of the industry anyhow, but I think in order to help it grow, we need to make sure that people can self-manage and understand some of the mental health issues that they're going through to better manage those. So I think to provide clarity and give people clear pathways to support in varying areas of need are very important things we need to do right now.

CHAIR: I might ask Patrick Gorman, the member for Perth, if he's got some observations or questions and then Katie Allen, the member for Higgins.

Mr GORMAN: I want to go back to something which you said in your opening statement. I want to explore it a bit more. Did you say 'a doubling of suicide prevalence, twice that of the general population amongst those who work in the entertainment industry'?

Mrs Edwards: Double that of the general population—yes, that's correct.

Mr GORMAN: Where's that from? That's your own research?

Mrs Edwards: That's a commissioned research report by the Victoria University and Victorian College of the Arts. It's a 2016 report called *Working in the Australian entertainment industry*. It's a world-first research project and it's highly credible and used all over the world now. It's something that could be provided as a support document to this hearing today.

Mr GORMAN: You might have linked to it in your written submission, but I think that would be a really useful thing to pass on to the committee, if you can assist us in—

Mrs Edwards: Yes, certainly. I have a summarised report or a full report.

Mr GORMAN: Both. Exploring that a bit more, what were the contributing factors or what are the policy responses that are needed to bring that rate down? Obviously you talked about all of these mental health challenges. Is it mainly economic situation connectors? What are the drivers that we need to be aware of in terms of mental health deterioration?

Mrs Edwards: An economic driver is one of those drivers in that workers can't often afford to seek support for mental health or are unaware of subsidised mental health plans that are available for them. But also its often the gig economy working environment as well, where sometimes the hours and shift work don't allow for them to seek support in normal nine to five hours. Minister Cash actually did a mental health service mapping exercise around the country, and most of them operate from nine to five. We have some fantastic support lines, of course, that are open 24/7, but it's also not being in your hometown—travelling. The new e-health models that are coming in are helping to give people access. It's about people understanding where they can go for help that might not be a financial burden for them.

I also think that having mental health on the workplace agenda in the entertainment industry, just as you would your health and safety, helps to reduce stigma. Support Act had a great example of that in offering Mental Health First Aid to some of their tech and crew. That's starting to reduce stigma immediately. If these sorts of offerings are available for people, that can only encourage people to have a mental health conversation without feeling they're going to be stigmatised by it.

Mr GORMAN: Anecdotally, have you noticed any improvements? For the last 10 months or so we've had quite increased levels of income support through JobSeeker. I noticed in your report that you wrote about the number of people supplementing their income through part-time work and casualised work. Have you noticed anything in terms of people who have that increased level of income support and any impact that's had on the health and welfare of people in the entertainment industry?

Mrs Edwards: One of the things that has come through is that most people in the entertainment industry, working in the sector, are very rarely employed for 12 months at a time, so they kind of fell through the gaps with JobSeeker—

Dr ALLEN: Don't you mean JobKeeper? JobKeeper is the job-keeping one; JobSeeker is Newstart with the COVID supplement.

Mrs Edwards: Yes, that's right. But I believe they fell through the gaps with JobSeeker.

Dr ALLEN: No, JobKeeper is where they wouldn't have had a job for 12 months. Everybody who didn't get JobKeeper got JobSeeker—that's the unemployment benefit.

Mrs Edwards: I haven't had any feedback pertaining to that to this point in time.

Dr ALLEN: It's if they're Australian citizens; if they were to Australian citizens they may have struggled. They would have got JobSeeker.

Mrs Edwards: Okay.

Mr GORMAN: I might ask it in a different way. As a result of payment, or lack thereof, over the last 10 months, what trends have you noticed in terms of the mental health and wellbeing of people in the entertainment industry?

Mrs Edwards: We have examples of a rapid decline with the frustration of not being able to secure regular work. And, even if there is a subsidised income, people aren't able to pay their rent. They can't afford to stay in their current accommodation and they have to diversify to find new ways of achieving income. In the COVID environment that's been very difficult.

I've had examples of performers who can't perform and can't pay their rent and so now they might be cleaning houses, for example, in order to supplement their income. But that wouldn't have been achievable in a COVID environment, particularly in Victoria.

Mr GORMAN: Thank you. Chair, I have more questions, if time allows, but I'm happy to stop for a moment.

Dr ALLEN: I have a question about the services you provide with Entertainment Assist. It's very commendable that those are prevention services. As someone who is a very big advocate of prevention over treatment—I'm a medical practitioner by training—I really commend what you're doing. My question goes to if you have much evidence—or have you been able to gather evidence or are there other bodies which provide evidence—which shows that the preventative interventions you're using work, or are assisting people? The reason I say that is because whenever you have to work out how to allocate resources, some people say that it's best to give people the funds directly themselves so they can keep their heads above water versus prevention. So service delivery always takes it because it's the emergency situation rather than prevention, which tends to be long-term resilience building. I was just wondering if you could provide some commentary around that.

Mrs Edwards: Certainly. The research results that we referred to today said that the industry was in severe distress. With those shocking statistics, we need to address them and create generational change. That's where the prevention based approach has come from, in terms of being proactive and creating that generational change over time. We measure all of the outcomes of the participants in INTERMISSION. We have a longstanding relationship with Swinburne, with whom we're doing a longitudinal study of all participants. It's showing positive behavioural change and a willingness to work with the self-management of mental health. We've got some fantastic research that's coming out very soon to report on those findings. We measure differences between managers and workers and transitioning students. We've got a lot of different sectors that are working in the entertainment industry or aspiring to transition into the entertainment industry and it is showing their shifts in knowledge and behaviours.

Dr ALLEN: What do you actually measure as your impact? Is it a decrease in suicidal ideation, is it a wellbeing measure or is it an anxiety and depression scale that you're using to look at your impact?

Mrs Edwards: We're looking at a wellbeing measure, but we're looking at knowledge and the level of comfort in discussing and self-managing mental health. We give people self-management models and activities that help them better manage from day to day. We're seeing some really positive change coming from those reports.

Dr ALLEN: What about the impact on those figures that you gave before? There's a much higher rate of depression, anxiety and suicidal ideation in this sector. Are you likely to look at that as an outcome? As a medical researcher, I know that knowledge is good, but knowledge doesn't necessarily translate into behavioural changes, unfortunately.

Mrs Edwards: Yes, and you're right. And we do look at each sector. We've got a number of subsectors that have all been analysed in those results around suicidality, and what we have noticed is that it's highest in tech crew. It's up to nine times higher. That is a real concern. So, it's getting to those 'black T-shirt' workers behind the stage and giving them the opportunity to better understand mental health issues and self-care modelling.

Dr ALLEN: Fantastic. I just want to clarify the point about JobKeeper versus JobSeeker. With JobKeeper, we heard, I think 10 days ago, at this inquiry that 60 per cent of the sector was receiving JobKeeper, which I was quite surprised about, and the reason for that, as I understand it, is that some of them would have been using the sole trader provision. They had an ABN as a sole trader, so they could access JobKeeper. I think there was a very high take-up rate of JobKeeper. Obviously the people that you might be seeing may not have known about JobKeeper, and it sounds like you didn't know about the difference between JobKeeper and JobSeeker—and there are so many support programs that sometimes it can be confusing. With your services, are people referred to your service, or is it that you are proactive in a preventive service and you go out to the general art sector community? So, it's not like you're necessarily providing that information for them.

Mrs Edwards: No, we're not providing that information for them. We go out generally to our networks and our databases, where we give people prevention based modelling. You talked about JobKeeper and JobSeeker. Whilst we should have a better understanding of those sectors and how they fall into play, we always stay in our lane of mental health. We don't pretend to specialise in finance. It's not our gig and it's not a line we want to cross. There are so many other people advocating for financial support, and our board of directors are very clear on us staying in the mental health space.

Dr ALLEN: I acknowledge that, Julia. Sorry, I'm not trying to say that you didn't do it. I was more interested in getting my head around your being a preventive service across the board to the general art sector community. You're not a service that provides support for those who are struggling; you're looking at the broader art sector community, rather than being a specific intervention.

Mrs Edwards: Yes, correct. And we say 'entertainment' because 'arts' doesn't necessarily include some of the broadcasting roles and things.

Dr ALLEN: Wonderful. Thank you so much for your submission to the committee.

CHAIR: There being no further questions, I thank you for your submission and your evidence today. Keep up the great work. If you have been asked to provide any additional information, would you please forward it to the secretary by 5 March 2021. Could you perhaps send the links to the report that you commissioned in 2016, *Working in the Australian entertainment industry: final report*, or the report itself, to the secretary. You will be sent a copy of the transcript of your evidence and will have an opportunity to request corrections to transcription errors. Thanks very much, Julia.

Mrs Edwards: Thank you for having me, everybody.

FIELDING, Ms Kate, Chief Executive Officer, A New Approach

MYER, Mr Rupert, Chair, Reference Group, A New Approach [via video link]

[15:25]

CHAIR: Welcome. Although the committee doesn't require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make a brief opening statement before we proceed to discussion.

Mr Myer: I begin by acknowledging that I am joining the hearing from the lands of the Kulin nation and pay respects to elders past, current and emerging. I'm really delighted that A New Approach has the opportunity again to speak with the committee, and thank you for the invitation. As my colleagues and I have been listening to hearings and reading the submissions that you've been receiving, we've been struck by the wide expanse of contributions from individuals describing the role arts and culture play in their health and the development of their children through to industries describing economic impacts and opportunities for jobs growth. The direct impact of arts and culture on people's happiness, understanding and togetherness has also been made abundantly clear.

We've been really excited by the constructive dialogue during these hearings between committee members and people from across the country with different perspectives, with experts from both government and universities, with producers and consumers. It's clear that there is space and appetite for national non-partisan leadership. It's our hope that all this translates into greater recognition and public policy platforms with a relevance and significance for creative and cultural industries and infrastructure.

We'd like today to offer to speak about one practical way forward to achieve that hope—the development of a national arts culture and creativity plan. We've been reviewing several of the current national 2030 plans for different public policy areas, including sport, agriculture and defence technology, and we'd love to share what we've learnt about the contents of these plans with the committee and, of course, answer any other questions that you may have.

CHAIR: Thanks very much for that. We are very impressed with the complexity and breadth of your submission. It's really quite professional. We deal in a federation with state governments who also contribute to a lot of policy and financial support for their creative and cultural industries, and we have lots of local governments that have a lot of play in performance space, exhibition space and support for programs. And then we have all of these other allied entities like the education system and universities and TAFE. So there are many layers of government involved. I must declare that I am a big believer in the Federation, but I am also a big believer that the federal government can't do everything and that all levels of government have responsibility in this space. If you put it down to a simple plan, I am worried that if we do get a national plan, it is limiting. Viva la difference! We want many arms of culture to develop, and we have many cultures and we have many Indigenous cultures. It's really hard to get a single national plan. Wouldn't it be better to say we should be developing national plans plural?

Ms Fielding: That's a great question, thank you. Firstly, as someone who has spent most of their life living and working in regional and remote Australia, I too am always a little nervous when I hear about national plans, because I'm concerned about what happens to those parts of the country. But what I've been really impressed by as we've reviewed the existing national plans that the current government have is that they have managed to take those situations where there are quite complex stakeholder environments and complex relationships between governments and find a sensible way through that, which doesn't become overly prescriptive but means that all those different stakeholders that you are talking about can work more effectively in concert. So those are private interests, business, communities and different levels of government all working together for a shared purpose, but not having to do exactly the same thing.

Mr Myer: If I might add to what Kate has said: I think there is a difference between having a national plan, which is the development of some key ideas, as distinguished from a single national policy. We enthusiastically support you in saying that this is not about the development of a single one-size-fits-all policy. It is about having a view of what is important from a national perspective and gathering all the parts together into a single set of ideas.

Ms Fielding: If I could add to that, some of the analysis that we've done of cultural funding by government shows that there has been a real shift over the last decade in terms of becoming a much more equal relationship between local government, state and territory governments, and federal government. Because there has been that

shift, there really does, I think, need to be a refresh of considering how those different levels of government work together to really get the kinds of outcomes that you're talking about.

CHAIR: You're familiar with COAG. There is a cultural ministers' equivalent—they don't call it COAG, but it does happen—

Ms Fielding: It actually was disbanded recently.

CHAIR: I didn't realise. The committee has now learnt something. I'll throw to Katie Allen, who may be your local member of parliament, for one of you.

Mr Myer: Very nearby.

Dr ALLEN: Thank you for your submission and thank you also for all the work you've done to provide quite a huge body of strategic intent, actually. I appreciate that submission and the work that New Approach has been doing. I suppose my question goes to trying to explain to us as a committee what some pragmatic examples of championing a national arts culture and creativity plan might be? For instance, I understand the National Sport Plan; to me, that is probably the most similar. Could you describe to me what the National Sport Plan has done with regard to enabling the three levels of government to work together, and give examples and some meat around the bone about how that worked, why you think that has been efficient and effective, and therefore why it might work at the creative and cultural industries level?

Ms Fielding: Absolutely. I will do two things there. I will talk a little bit about what we've observed in those plans that do exist and what their common elements are. But I will begin by saying that what I understand from the implementation of Sport 2030 is that one of its major outcomes, one of its major impacts, has been a common cause—a common cause amongst the many different sport forms that exist in Australia, a common cause amongst the professional and community sports groups, and a common cause amongst the different roles that government plays. One of the major impacts of that plan has been getting a really contemporary, forward-looking, evidence based understanding of what role sport plays in Australia's community, and how all those different stakeholders work together to make it happen and make sure it's available to all Australians across the country.

When we reviewed the Sport 2030 plan, the agriculture 2030 plan, the Defence Science and Technology Strategy 2030 and, indeed, the innovation 2030 plan, the common elements—and, forgive me, I will just read a list here—are a set of principles to underpin and guide policy and decision-making; a vision for the future if the plan is implemented, which goes to that aspiration of bringing all those stakeholders together; an alternative vision if action is not taken—what the impact of no action would be; a stated role for governments in partnership with each other—so those different levels of governments that you're talking about, Chair—as well as with other stakeholders in the space; multiple focus areas of change; and goals or targets to aspire to—I think that's quite an important one. None of us want a set of motherhood statements. I think you will have heard through these hearings that there's a real appetite for quite tactical applied action in this space to get this changing and huge diverse area working effectively. I might see if Rupert would like to add anything to that.

Mr Myer: Only to say that, actually, within the arts and cultural space, two of the most successful frameworks over the last 20 years have been the Major Performing Arts Framework, part of the national portfolio, and the Visual Arts And Crafts Strategy that arose from the contemporary visual arts and crafts inquiry about 20 years ago that I chaired. Both of those frameworks were absolutely dependent upon the states and territories and the Commonwealth government working collaboratively on the implementation of a number of key ideas to develop those respective sectors. The collaboration around having a key framework and a plan has worked in specific instances. I think what we've learnt—certainly, through my days in the Australia Council—about both of those strategies is a great deal about how dynamic it becomes when you've got broad agreement around sets of principles, and about the benefit that that passes through to the individual companies and the performers and producers and the entire sector—the energy that it gives and so forth. So there are some very good precedents in this area.

Dr ALLEN: Could I ask a follow-up question to get down to the pragmatics of funding investment. It sounds like, as you said, the three layers of government almost become partners from a funding point of view. Firstly, is that true for the sports sector? Secondly, how do you see the principles of funding across the three different jurisdictions partnering together? Obviously, having a vision and having a framework is important, and then having goals, but can you see that there might end up being a way to navigate through that? An example is roads. It's easy to say that major highways are likely to be federal and local roads are likely to be council. With the performing arts, it's possibly easier to see because you've got the Australian national institutions and performing companies. Can you see a way through with regard to all the other aspects of the creative and cultural industries, and how to actually support them, from a funding point of view, in a strategic way?

Ms Fielding: Certainly. I'll take on notice the question about sport. In terms of what the different levels of government do, as we've referred to a few times, the cultural funding by government is the most current and comprehensive picture that we have of the three levels of government and how they work together. When we did some analysis of that, what we found really interesting was that federal government and state and territory governments definitely play different roles, and I've got to say it's a simple thing to say, 'Look, with state and territory governments, the majority of their investment goes into galleries, libraries and museums, and into arts; federal government plays a lot bigger role in screen because of its broadcasting responsibilities.' That simple statement, reflecting back to people within the sector and within the different levels of government where the investment is going and how it is different at different levels of government, is for many people a surprise.

Dr ALLEN: Kate, I've sat through a lot of things and suddenly I'm surprised—

Ms Fielding: Exactly.

Dr ALLEN: because JobKeeper goes across all of those sectors. I hadn't really thought about it that way.

CHAIR: I did mention our Federation. I'm a big federationist. I wrote a paper many years ago about fixing our Federation, because it has all been muddled up, incrementally, ever since it started. Basically the heads of power for federal government and state government to do stuff—it all comes back to the Federation. It even influences what you just said—where the funding goes. State governments ran, leased or sold ports. When they were colonies, states ran railways, schools, land titles, courts, police and hospitals. When they became states, they kept those roles and this overarching body called the Commonwealth took over foreign policy, trade between states and all that. That's manifest in this policy mix. But incrementally a good idea sneaks in, and then all of a sudden you've got snakes and ladders and spaghetti overlaid, with a structured responsibility for every portfolio, not just arts.

Dr ALLEN: It does sound very interesting when you put it that way.

CHAIR: That's why a lot of the Australia Council money goes to peak national entities rather than granular, small, local community entities. Local and state governments fill that void. But, in terms of your analysis, I was interested in your observation—

Dr ALLEN: She was nearly finished.

CHAIR: Sorry.

Ms Fielding: I agree. There are some really interesting responsibilities that different levels of government fulfil, and actually one of the very useful things that I think a plan could do would be to articulate those responsibilities so there's a common understanding of exactly what you're saying. What I find is that a local community theatre can be quite confused about where they should go to get support, and that confusion creates frustration and lack of confidence across a really broad set of opportunities. Articulating and making clear what those roles are would be very helpful.

Dr ALLEN: I also think that sometimes people can't navigate who is responsible for what and they therefore get frustrated. They apply to one and don't hear back. Even just articulating who funds what sounds like it would be a very simple first step for the sector to feel like it is actually being supported by the appropriate level of government. Is that possibly what you're saying?

Ms Fielding: Definitely. Chair, I'm sure you hear this all the time in your regional development world. It's a similar set of frustrations, with different groups at different levels being confused about where they're meant to go. Articulating this and making it more transparent would be a very simple action, and it wouldn't cost anything.

Mr Myer: One of the reasons we're so encouraging of there being a plan is the fact that we do have a federation. I'll give a quick example, if I may. Back in 2008, when the National Gallery of Australia was offered the opportunity to host the *Masterpieces from Paris* exhibition, we had no sponsorship, no funding and no indemnity, and we were going to have to charge the highest price and bring a record number of people to Canberra for that event. As soon as the gallery signed the document and everything started falling into place, government support came in, the first of which was from the ACT government. It was the first time the ACT had supported one of the national cultural institutions, and it was a nice example of the leadership of one institution bringing another level of government into a particular funding role. It all tumbled out because of the very strong conviction of the cultural institution. It's our view, in the context of a broader plan, that there would perhaps be many other opportunities where that type of leverage could be brought to bear. We could learn a great deal about the ways in which you could mix and match different levels of funding for different sorts of cultural and arts events around the nation.

Dr ALLEN: Can I have a qualifying question, Chair?

CHAIR: Yes.

Dr ALLEN: Just to clarify on that, there are different types of funding for different levels of government but there are also opportunities for partnering. It seems to me that often those sorts of partnering not just between federal and state, but also philanthropy and business or commercial outcomes—and so having that clarity where 'this is likely to be a partnered approach, because it's above a certain threshold or it has a certain jurisdiction' verses 'this is likely to be in this particular pot' would be very helpful to clarify for the sector, to feel supported and have some sort of a way of navigating this complexity.

Ms Fielding: Absolutely in terms of the sector, but I would say also for philanthropy and for private investment to have some clarity around this and around the intention of governments in this space, around the priorities, around the purpose of investment, from a government view. That would also help unlock private investment, philanthropic investment, who are uncertain about the direction of where this is going.

Dr ALLEN: The only comment I would make is that unlike, say, sports where the purpose—I don't know what the purpose of the sports plan is because I haven't read it in detail, but I would imagine it is having every child participate in sport, having grassroots community sports and then having elite sport with the potential to operate at that international level. That seems pretty straightforward, but when you get to culture, as the Chair said, our concept of our own cultural identity is also multicultural, tolerant, diverse. Our very essence is that we're so different and there are so many cultures here. Do you have a view, as A New Approach, about what some of those elements might be with regard to, at a very broad level, what would be something to aim for from a cultural strategic plan point of view or is that something that you think needs a full process?

Ms Fielding: I think that's something that needs a full process, but off the cuff I would say that I think that people across Australia having the opportunities to participate in creative and cultural experiences that are meaningful and significant to them and also do things that widen their horizons and their understanding of the world would be a really good place to start.

Dr ALLEN: So it's engagement of the Australian people in their cultural community institutions?

Ms Fielding: Absolutely.

Dr ALLEN: Rupert, did you want to add to that?

Mr Myer: We Australians have a shared cultural inheritance and there is an Australianness about that proposition. There is also a sense in which members of different states and different communities have shared cultural inheritance within a different set of terms as well. To come back to the chair's opening comments about Federation, part of that is a product of Federation where the intensity of different cultural inheritances actually are different across communities, and that's something that is well worth honouring at every opportunity. Through the work of A New Approach, and in a number of the conversations that we've had through the focus groups, it becomes very evident that at a very local level what's happening in a school and around a particular education program can be critically important for the way in which that community engages in arts and culture. In other communities it is opportunities to attend major exhibitions, major productions and so forth, which is another aspect of [inaudible] cultural identity experience.

CHAIR: I might ask Patrick Gorman, member for Perth, for his observations or questions.

Mr GORMAN: Thank you, Chair. I want to start by going to the comments you made about the need to increase the opportunities for Australian children to experience arts and culture through school. One of the phenomenon that has concerned me that we've seen across Australia is the trend towards one-line budgeting where so much of the power is left with the individual school principal. If they don't value the arts then all of a sudden you find that school's arts program gets dialled down significantly, increasingly in the independent public schools. I would be interested in your thoughts about what the best levers are? What are the best programs that you've seen to give children that well-rounded arts learning area education? How would you see that fitting into any sort of federal policy in this area?

Ms Fielding: One of the things that I think is really striking in the ABS statistics around participation is that in the most recent set of arts and cultural participation stats they collected information about people aged 15 and under for the first time, I think. I may have remembered that figure incorrectly. But, from memory, they found that 96 per cent of children participated in arts and cultural activities outside of school. So, there's a really high participation rate of out-of-school arts and cultural activities, which I think is very important. I think the opportunities within school are critical. There's a huge body of evidence of the positive impact that arts and cultural participation within a schooling environment can have. But I think it's also very important that we remember those dance schools that are filled with children on the weekends, that we remember the music classes that happen, that we remember those private providers as well as those community theatre providers and that we

remember the many programs that are targeted at regional students, regional teenagers right across the country and who make sure that there are opportunities outside of school as well as inside. Today we've heard different people talk about finding your tribe, being part of a community, learning and appreciating. All those opportunities need to happen, both in school and outside of school.

Mr GORMAN: I think that's all very useful. Thank you. The other area you highlight is around cultural infrastructure and this shift we've seen from Infrastructure Australia to funding cultural institutions and recognising that infrastructure extends beyond roads and rail—which is great. What do you think is the best way for Australia to develop cultural infrastructure? Is it through Infrastructure Australia? Or is it through the infrastructure department, taking care of the arts? Or do we need some sort of infrastructure fund for the Australia Council? What's the best way to do those big infrastructure projects that we do need in the arts and cultural space? And I'll have a follow-up question after that.

Ms Fielding: One of the key things to understand is that many of those key pieces of cultural infrastructure are owned and operated at a local government or a state and territory government level but there is significant federal investment obviously in those national institutions or precincts but also into those state and territory or local-level pieces of cultural infrastructure through dedicated funds—for example, the Building Better Regions Fund, which is one of the significant federal government programs. A significant proportion of the infrastructure investment there goes towards infrastructure projects that are, broadly defined, arts, culture and creativity. If we include tourism focused cultural attractions in that, there's significant investment through that.

What this highlights for me—and I'm sorry; I'm going to say it again!—is the need for a plan. These are long-term, multi-decade investments. We need an intentionality about the opportunities for Australians across the country to be able to guide the kind of infrastructure investment you're describing.

Mr GORMAN: Thank you for that. And I'm going to ask a question that I know doesn't fit with what you just said about the need for that long-term plan. Are there any immediate pieces of cultural infrastructure, or cultural infrastructure bottlenecks, that A New Approach or you personally would identify that need to be a higher priority in Australia? Are there any pieces of cultural infrastructure that you think are urgent? Is there anything we need to be starting to plan or build now while we wait for that big long-term plan?

Ms Fielding: I think that there are a range of cultural infrastructure needs across the country and that most state and territory or local governments have identified priorities and Infrastructure Australia has identified some priorities in this area, and I defer to those studies.

CHAIR: Rupert Myer, did you have a comment?

Mr Myer: I think Infrastructure Australia does a really good job in strategically understanding the country's infrastructure needs and anticipating what those needs are and what the schedules need to be to maintain existing infrastructure and so forth. There are elements of the Infrastructure Australia brief that I think would be very well applied in a very broad sense to Australia's cultural infrastructure—galleries, museums, concert halls, theatres, libraries and so forth.

Dr ALLEN: With regard to your other recommendations, the first one was a national plan. I have to say that I'm a big supporter of that and I think we've heard from right across the sector so far with this inquiry that something like that would give great strategic direction for the sector. The third one is obviously about COVID recovery which, I think, many in the sector will be watching avidly. The second point that you make, though, is about the Productivity Commission. Could you speak to that? Firstly, have any of the other plans had Productivity Commission involvement before the plan? Secondly, in my view, the economic and non-economic value of the creative and cultural industries and institutions has been stated over and over again, and I don't think that's in contention whatsoever. So what would the Productivity Commission add to what we are already doing here today and what is already well acknowledged by the sector?

Ms Fielding: I agree with everything that you've said, but I would also say that, throughout these hearings, I think it has been clear that the definitions and the data and the understanding of the impact of these industries and what that looks like in the 21st century are not well understood, that there is some great work that's done in that space, but it's ad hoc, that there is an opportunity to take a substantial data led look at the broad cultural and creative industries—the broad cultural and creative economy, indeed—and that the scope of that would probably be broader than that of a national arts, culture and creativity plan. So I think there's a broad piece of work that the Productivity Commission could do looking at the role of creativity in Australia in the 21st century in the ways that we know that employment and jobs are changing, and that would probably be a distinct and broader piece than what a plan would cover.

Dr ALLEN: So what you're saying is that it could also provide an opportunity for the plan to report into that framework, because you would see what the federal, state and council investment is and what the impact on the industries are, and it would be linked to the ATO and ABS data in a more meaningful way?

Ms Fielding: Yes, exactly.

Dr ALLEN: Thank you.

Mr Myer: I might add to that, Katie. With a Productivity Commission report, you would expect there to be a really sharp focus on jobs and job creation within the creative industries. I think you'd expect to have great clarity around what strategic government investment looked like and what is most effective, and also what most leads to leverage private sector support and inherent value creation lines between those factors, to have an unambiguous view as to what the role of government funding means in terms of the multiplier effect and impact across the whole economy.

Dr ALLEN: Thank you.

CHAIR: How well do you think philanthropy is accessed at a local community level? I'm not necessarily talking about national institutions philanthropy, like donating paintings and things to galleries, but, in terms of DGR status at a local level—for example, the Port Macquarie internationally renowned Glasshouse entertainment and convention centre, which is like the Opera House up in Port Macquarie, or the Manning Entertainment Centre in Taree, another hub of cultural performing arts. How well do people and local entities in local government et cetera—like the people who presented, as you might have seen today, regarding the Gold Coast Home of the Arts—access philanthropy, in your experience, or is it just ad hoc individual people?

Businesses want to be part of this too, not just individuals. If DGR status would make a favourable impression, why isn't everyone applying for DGR status in this public performing arts space?

Ms Fielding: I might answer that in two parts: Firstly, broadly, there is a wide range of philanthropy, of both time and money, that happens across the country in many different ways and in many different contexts. In terms of DGR status specifically, the process, of course, of getting DGR status is relatively drawn out. In recognition of this, Cultural Partnerships Australia operates a cultural fund which provides the function of DGR status for organisations that don't have that status.

CHAIR: What was that fund called?

Ms Fielding: Cultural Partnerships Australia.

CHAIR: It's sort of like a central—

Mr Myer: Creative Partnerships Australia. It's the Australian Cultural Fund.

Ms Fielding: Sorry, it's the end of the day. My brain's mixing up the two words.

CHAIR: Is that a central repository that an institution that doesn't have a DGR status can nominate so that funds go to that and, through that fund, back to it?

Ms Fielding: In essence.

CHAIR: There was a similar fund set up, I think, in 2012 for sporting bodies.

Ms Fielding: Yes, I think it is similar to that.

CHAIR: We might get that on the record. Mr Myer, do you have the exact name of that fund?

Mr Myer: Yes. The organisation, which is a Commonwealth government organisation, Creative Partnerships Australia, has as one of its activities the Australian Cultural Fund, which is a fund that was set up—in fact, I think the sporting one was based on the ACF. It predated the sporting one. That now has passed through—I don't know what it was last year—something less than $10 million, I think, of donations finding their way directly to support artists and other individuals and organisations that didn't themselves have DGR status.

The other process is the Register of Cultural Organisations, ROCO, which was set up to fast-track DGR status for a number of cultural organisations. I don't know what the current figure is, but at one point there were 1,000 organisations on that register.

CHAIR: Okay.

Ms Fielding: Would you like us to provide further information on CPA and on that topic?

CHAIR: That would be wonderful, yes.

Ms Fielding: Excellent.

CHAIR: In your investigations and observations, how willing do you find that companies, besides the very big one, are to engage in this sort of philanthropy? Is it just that small and medium businesses don't have the luxury?

Ms Fielding: I'm going to take that on notice and give you some data on that question.

CHAIR: Great. Okay.

Mr Myer: I should say Creative Partnerships Australia has a lot of encyclopaedic, very detailed information on who gives to what. I know that in other places the discussion is around time, treasure and talent, reflecting the fact that there's a huge amount of volunteering that occurs within the cultural sector as well.

CHAIR: Okay. Thanks very much again to A New Approach for a very well-researched presentation and for your observations. Yes, having a plan sounds like a good idea. With that, we might just call today's hearings to a close. Please forward that information to the secretary by 5 March 2021. You will be sent a copy of the transcript of your evidence and will have an opportunity to request corrections to transcription errors. Thanks to Patrick and Katie and to all my other colleagues who attended earlier in the day, and thanks to the secretariat.

Committee adjourned at 16:04

COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON INDIGENOUS AFFAIRS

Growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia

THURSDAY, 8 MARCH 2018

MELBOURNE

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

INTERNET

Hansard transcripts of public hearings are made available on the internet when authorised by the committee.

To search the parliamentary database, go to:

http://parlinfo.aph.gov.au

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON INDIGENOUS AFFAIRS

Thursday, 8 March 2018

Members in attendance: Senators Duniam, Steele-John, Urquhart.

Terms of Reference for the Inquiry:

To inquire into and report on:

The growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia, including:

- the definition of authentic art and craft products and merchandise;
- current laws and licensing arrangements for the production, distribution, selling and reselling of authentic Aboriginal and Torres Strait Islander art and craft products and merchandise;
- an examination of the prevalence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise in the market;
- options to promote the authentic products for the benefit of artists and consumers; and
- options to restrict the prevalence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise in the market.

WITNESSES

GEORGE, Ms Helene, Founder and Managing Director, Creative Economy

Committee met at 09:13

CHAIR (Mrs Sudmalis): I now open this public hearing of the House of Representatives Standing Committee on Indigenous Affairs for the inquiry into the proliferation of inauthentic Aboriginal and Torres Strait Islander style art and craft products. I would like to acknowledge the traditional custodians of this land, their guardianship and their mentoring and show my respect to their elders past and present and to all Indigenous Australian people who are here and emerging.

As these proceedings are public, they are being broadcast and recorded by Hansard. If you wish to have evidence heard in private, please let the committee know and we will consider your request. Although the committee does not require you to give evidence under oath, I wish to advise you that this hearing is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. If you object to answering a question, please state the reasons for your objection and the committee will consider the matter. I now invite you to make an opening statement.

Ms George: I would first like to acknowledge the Wurundjeri people and the ancestors, elders and families of the Kulin nations, where we're meeting today, and thank them for being custodians of the land here. Firstly, thank you for taking the time as parliamentarians to actually inquire into this matter. Some of the issues that are raised in this inquiry were actually raised in the 2006 inquiry into Indigenous visual art and craft. The first recommendation, which is the core of what the inquiry is about, is: can we abolish the terms 'Aboriginal style' and 'Aboriginal design'? Really, that in itself is legitimising in authenticity. It seems odd that we would do that. That's the first point: we don't do that in any other area. Corporations would significantly take action with their corporate might if there was legislation that you could say a certain brand was 'in the style of' and that was actually legitimate.

For Aboriginal and Torres Strait Islander people, I think they end up having to compete with the Aboriginal style, which is not authentic at all. It's also very confusing to consumers. With the terms 'style' and 'design' about Aboriginal and Torres Strait Islander art, people don't know the difference. They don't know that legalistic way that means it's inauthentic. If it is inauthentic, say it is inauthentic; but let's not legitimise it as being related to Aboriginal and Torres Strait Islander art.

Ms CLAYDON: Sorry, I will just interrupt. Did you say that that had been a recommendation from the 2006 inquiry?

Ms George: The 2007 one, sorry.

Ms CLAYDON: Yes, they reported in 2007. They probably did the inquiry in 2006. We know the one you mean.

Ms George: Yes. I don't see the public benefit in the terms. I certainly don't see the benefit for Aboriginal and Torres Strait Islander people to compete with it, and I don't see the benefit for consumers either. It's confusing for them. Also, we see the importation of things like bamboo didgeridoos, which are obviously not authentic. People who are Aboriginal or Torres Strait Islander and people who work in the industry know that they are not authentic, but for a consumer—whether they are Australian or an international tourist—it's really confusing. So why do we allow the importation of things that are clearly not Aboriginal and Torres Strait Islander? It doesn't make sense to me.

CHAIR: We've got some questions that will follow on from that. Did you have anything more to add?

Ms George: As a company, it's more than what's there as legislation. It's actually what happens in practice. That's where we work from as a company. There was a lot of tourism research done in the lead-up to the 2000 Olympic Games, in terms of trying to take as many opportunities as Australia could out of the opportunity of the Olympic Games. There was a lot of research into tourism purchasing at that time. It was identified that there was a real demand for Aboriginal and Torres Strait Islander art, gifts and products. It also identified—and I allude in my submission to the percentages of that—that that was probably the intention but a lot of what tourists actually bought was not authentic. That's because there's that confusion about what's available in the marketplace and how it's labelled. One of the things we did to address that was to have an awards program to promote authentic product. Within that, we had an Indigenous category that raised awareness of that. Also recently, in 2017, we worked with Tourism & Events Queensland to promote visitor information centres throughout Queensland sourcing authentic local art and craft and authentic merchandise. That included guidelines for Aboriginal and Torres Strait Islander products.

So those are the sorts of practical things that we do. We also work with Aboriginal artists, designers and businesses to get them to understand how they can best promote their own products and their own authenticity in the marketplace. We also need them to promote the authenticity of their own products. If they're not doing that, they are not able to compete either in that market.

CHAIR: Thank you very much. I have a couple of questions. Does that mean that you register Indigenous artists and help them to market themselves?

Ms George: No, we don't register them. We work directly with Indigenous artists and we work directly with art centres. We encourage them to present their product information by saying, 'I'm from this language group and this area,' showing it on a map, explaining their family and using a photo. We show them how to actually label their products, create certificates of authenticity and register their copyright if it is an artwork with the copyright agencies so that they are aware of the best way that they can present themselves.

CHAIR: You said 'register their copyright'. Would that be for visual arts?

Ms George: Yes, for Viscopy.

CHAIR: And if it is a craft item or a culturally sensitive item—

Ms George: An artefact or something like that.

CHAIR: How do you assist them to make sure that that's seen—

Ms George: We encourage them to have stock lists and document their stock so that they know what their products are. If something comes up in the marketplace that's like theirs or copied, they have evidence of what they have produced. They retain that as part of their stock records and catalogues.

CHAIR: Are you connected with other organisations in Australia or are you just Victorian based?

Ms George: No, we work nationally.

CHAIR: You mentioned the Memento Australia Awards. How did that work? Is it still working?

Ms George: It's not still working, unfortunately. We did it for 10 years, and 2009 was the last year that we did it. Because of the GFC crisis at the time we found it very hard to get cash sponsorship to run that. So it's not running at the moment. It used to run through sponsorship. Indigenous Business Australia supported the Indigenous category from its inception all the way through those years to promote Indigenous product. It also had other sponsors. Tourism Queensland was a sponsor through it all. The Australian Made Campaign was a sponsor. There were various sponsors from different regions, including the Brisbane City Council. Tourism WA was a sponsor at one point in time. It was a combination of some of the state developments, IBA and tourism agencies.

CHAIR: I have two questions related to that. Do you think there is any economic potential for some percentage of that to be self-sustaining—that is, that the artists involved and the organisations involved being part of that? Do you think that there is any appetite to re-establish that?

Ms George: I think there is an appetite to re-establish that. Some of the entrants and winners who have been part of that have sustained themselves. They really credit that for kick-starting their businesses, raising their profile and helping them sustain. Some of those are still operating, but in the gap of time from 2009 there is a new generation of makers and designers out there who have not had that push. I think really the publicity that we were able to generate out of it is what helped, because there are no campaigns about authenticity out there.

In terms of it being self-sufficient, the entrance fee paid is very small because we felt that there needed to be some loan, but most makers don't have the ability to contribute to that sustainability. That said, 2009 and the years before that—1999 to 2009—were pre internet. They were pretty early internet, so there are a lot of online technologies that could maybe help promote that. For instance, with the guide that we just did for the visitor information centres, we were able to do that as an electronic guide where they can directly link to suppliers and purchase. Maybe there is a possibility to help contribute to sustainability that way.

CHAIR: I often think in particular organisations that, because there is such a sense of community amongst different Indigenous mobs, if there is a successful one and if they have an avenue to scholarship another person who is a maker, not necessarily in their own mob but in a different mob, that might be an avenue; but it had never been canvassed; it had never been expressed. That funding could form a nucleus for other organisations to come back in and say, 'Hey, let's kick-start this program again.' I am just wondering if you would see any potential for that.

Ms George: I think there is potential for that. In other Indigenous areas where we are working with mining royalties and things like that there is money and goodwill within the communities themselves to be able to contribute as well.

CHAIR: Somebody needs to spark it.

Ms George: Yes, absolutely.

CHAIR: The last one probably goes to the crux of it. In order for there to be a differentiation factor for the consumer so that it is easily identifiable for the consumer, there is, as you have just touched on, labelling. What is your vision? What do you see as the potential there?

Ms George: My vision is that there isn't any ability to label as Aboriginal or Torres Strait Islander style; that that doesn't exist at all, because that in itself is too confusing for a consumer.

CHAIR: I get that. That is your first point. That is saying, 'Let's get rid of the word style—

Ms George: Or design.

CHAIR: or design. But what about the consumer in the tourist shop? We did a bit of a survey yesterday. One of the things that I picked up said, 'This is a licensed product.' 'To whom?' was my first question. The others didn't even make a pretence of having some sort of permission to use those designs. But what about anybody whose eyes are not wide open when they go into these tourism shops? The 'Australian made' logo has become quite well known.

Ms George: Yes. I think that is why they came on board with the memento awards in terms of that standard, and that is what we were trying to do with the memento sign: some sort of label that is like the 'Australian made' label that has all of that rigour behind it in terms of authentication and usage and that also has an education campaign. I think that is what needs to go with it. Just having a label on its own is no good. Unless there is a sufficient public campaign that is continuous and ongoing and in the right places, it doesn't mean anything.

CHAIR: They are the ones I wrote down. I have a couple of others for later on. I will let Ms Claydon have a go.

Ms CLAYDON: Thank you very much, Ms George, for your evidence this morning. You very clearly outlined your concerns around the use of the terms 'style' and 'inspired by' or whatever as a potential, even if inadvertent, means of reinforcing bad practice in this area. In your submission you made a reference to the expenditure by international visitors who made a very deliberate choice to buy what they would have assumed perhaps as authentic first nations art and crafts. Indeed, more than half of the expenditure by international visitors is spent on Aboriginal art and craft, which is a pretty significant figure.

Ms George: It is.

Ms CLAYDON: It is not surprising in the sense that my own experience is that there is enormous interest from international visitors in our first nations heritage and history. The evidence that we've had to date has been very focused on the need to make these reforms in the tourist industry sector. People have argued that the fine art market is actually quite well-regulated and that it is very much the tourist end of the spectrum that they are most concerned about. Firstly, do you share that view? And then, given your experience working in the intersection of tourism, events, games and that that you've had there, and because you're arguing for consumer law reform in your submission, what shape do you think that should take, and is that enough in and of itself or do you need a suite of other mechanisms to help support that?

Ms George: First of all, in terms of the tourism market versus the art market, I do think fakes, or inauthentic product, are much more prevalent in the tourism market—absolutely. I think it's less prevalent in the art market. That's not to say it doesn't happen; it does. I think the impact in the art market is it makes people who are unaware but want to buy authentic product shy away. It creates a caution in buyers. Rather than there being a volume of acts of misappropriation or inauthentic art, I think the impact on the art market is it reduces the market and it reduces people entering that market and purchasing. It makes them more cautious. I think in the tourism market, it is actually flooded with inauthentic product, which says to me there is a need to act in that area. And that goes to your second question around what to do.

I would encourage change to consumer law legislation in that particular area of style and design but, as well, to actually take a proactive campaign in promoting authentic Aboriginal and Torres Strait Islander product and having that consistent campaign. Whether it's got labelling or not, I think having those education campaigns and public campaigns will foster a greater awareness and confidence in consumers to purchase, and that's what we want. I feel awful when people have bought a product—whether it's an original piece of art or a tourist product—and it's inauthentic. I feel embarrassed to be Australian in that they've inadvertently made a choice that they didn't want to make, they've spent that money and an Aboriginal artist has missed out on that income. I'd like to think that we can get better at meeting the expectations of our own consumers and tourists and also flowing money back to Aboriginal and Torres Strait Islander people for their own creative expressions and culture.

Ms CLAYDON: We'll come back to labelling in a little while, but, do you have a sense of the prevalence of the inauthentic art market? It's been a question we've asked of everyone because it is very difficult to get data on this.

Ms George: You need to come shopping with me.

Ms CLAYDON: That's what everyone says, basically, and I believe the chair and another member of the committee did a little bit of mystery shopping yesterday. The Indigenous Art Code, along with some other organisations, have sought to try and do that. People are confident that it is prevalent, and sometimes we hear language like the 'flooding of markets' and things like that. But are you aware of anyone trying to, in fact, measure that, other than by our mystery shopping experiences?

Ms George: Mystery shopping is probably the way that it is measured by people who are there. I do think that it has improved somewhat. Really, for people in the know, you know where the places are. You know if it's going to be in a volume tourism traffic area or if it's a market situation—they're going to be the places where you're going to find inauthentic product. I would say, since the previous inquiry, there are more legitimate licensing agreements in place than there were before.

What's not there is the confidence of independent auditing that royalties are going back. For instance, I believe the Queensland government has entered into a contract with a company for the licensing of product for the Commonwealth games. If that's going to be the Queensland government's source to promote Australia through the Commonwealth games, through Aboriginal and Torres Strait Islander product, and if it's a licensing arrangement, I would hope that the Queensland government had in place some sort of evidence of royalties going back. I'm not quite sure that that's the case.

CHAIR: Is that an invitation for us to check it out?

Ms CLAYDON: Earlier on you raised the issue of labelling, and a number of people have proposed that it would be useful to have some kind of marker. I've put this to a few witnesses, because New Zealand is often used as a standard to aspire to, but it's my understanding that the labelling in New Zealand ceased to be funded back in 2009 and has subsequently been forced into a charitable foundation arrangement. I'm not sure how sustainable that is or how successful they've been in continuing to promote the use of the labelling for Maori art and culture. As I understand it, the reason the government funding ceased in 2009 was that there was no evidence of increased sales of authentic product. It could be that that just demonstrated labelling, in and of itself, would not be enough to turn the tide, or maybe there's something else going on. Given the intention of labelling, as I understand it, would be to try and promote authentic product, you would hope to see some boost in revenue going back to Indigenous artists as a result. Do you have any thoughts about that? Is it really just a sign that you need much more than labelling in order to turn this around?

Ms George: I'm aware of the New Zealand labelling, and my understanding of how it ceased to be operating is the same as yours. I think the commitment and consistency in promoting that needs to be there. It's about what level that campaign is as well. It's not that it's at some level; it's that it has to be at a decent level so it's got visibility and so it's understood. I don't know what the evaluation was of the impact of the messaging in the promotion campaign. I would be looking at that.

I agree that the labelling, on its own, won't achieve anything. It has to have that public and consumer campaign consistently about what it is. It has to show good examples of practice, how it would work and things like that. It has to have a consistent campaign. Just the labelling, itself, won't make a difference.

In terms of the evidence that I referred to in my submission, if you think about that, there probably wouldn't be a change in the amount of money that was spent by tourists from the labelling, because the shift was in the intention. How can we measure that?

All we can do is say that that consumer thought they were buying something that was authentic. The shift is in whether it was or not, and we wouldn't have that data on whether it was, except if we went through their shopping bags.

CHAIR: We don't have a benchmark on what sort of art's being sold right now from all different sources. We don't have a number. If New Zealand was in the same position and didn't have a benchmark, then they would have nothing to compare it to in order to establish whether there's been an increase or not.

Ms George: That's right.

CHAIR: If you don't have your benchmark there in the first place and if you don't market something like that commercially, if you just expect it to grow by osmosis, it isn't going to happen. I'm not sure that it was an abject

failure alone. There are different ways to look at sales figures, depending on where you measure them in the beginning.

Ms George: I think we could solve those ways as well, because I don't think we should do something blindly and just keep doing it without measurement and actually evaluating how it is. We could take a handful or a sample of art centres or Aboriginal businesses that are supplying the market that are authentic and look at where they are now in terms of turnover and sales. We would need to understand the context that they're in because there might be a life-changing thing that happens in their business, but we could understand that context and take that as a sample and see if we do get an uplift in that.

Ms CLAYDON: I asked earlier how we know the actual prevalence and where the data is around the prevalence in the market, and I just asked a question around the labelling. Part of the point of my questions is that it seems to me that one way to measure what is changing is in fact to examine returns to artists and art centres and people representing in the primary market, because every sale in the inauthentic market is ripping off the artist who should in fact be seeing some benefit as a result of their creative labours. There are labels around at the moment. It's perhaps not correct to call them a label, but there is the Indigenous Art Code, which seeks to get membership in order to pledge to a certain commitment to buying authentic arts. They have a logo that could identify member groups, but they're not especially well-known, with quite a small number of members at the moment. Would your organisation, for example, have been a member of that? Would you see a benefit in doing so?

Ms George: For me with the code, there are members of that code that don't meet a high enough standard that I would want to associate with. That presents a credibility problem. I think the intention is really good, and it's better than nothing, but there are some members who have been awarded that code who were probably the targets of why the code was created in the first sense, and they've been legitimised by being awarded that. I have problems with that.

CHAIR: We have been informed of legacy code issues.

Ms CLAYDON: They're trying to do some clean-outs. Regardless, it's in my view a seemingly very small number of people already, so—

Ms George: It is a small number, and it's mainly—

Ms CLAYDON: once they're culled, it would be—

Ms George: Smaller.

Ms CLAYDON: We're in dialogue with the Indigenous art code, so that's fine. I think that's all I wanted to explore, thanks, Chair.

CHAIR: Very quickly, I just came across part of your submission which was in relation to your Indigenous creative business development. Was that an initiative with your company only? Did it have sponsorship? Was it government subsidised?

Ms George: It was an initiative that we came up with. We were doing it with a whole range of businesses. We were having demand from Indigenous clients and we felt that it needed to be tailored. General generic business services for the creative sector didn't suit; they needed to be tailored. Part of that was geographic and part of that was actually engaging Indigenous staff and also working remotely in the location of where the businesses were. We were having demand from those sorts of clients, so we created a program to do that. ATSIS came onboard with it first, to support Indigenous clients to access it, and then IBA came onboard in the very early days—that was at the beginnings of IBA.

IBA has since moved to a much more commercial area. A lot of creative businesses are lifestyles or ways to earn an income from what you do, which we consider as legitimate as a big-end commercial business, and we work with both. But it doesn't seem to fit those categories these days of what's commercial for those programs. We initiated the program, we developed the program and we developed it because we were getting demand from people, and we still are. But it's affordability of the program. We still work with a whole range of art centres and Indigenous businesses.

CHAIR: I have a question for you to bring back for later. It relates to authenticity of artworks in the marketplace. If you can expand the makers' potential, you can fill the spaces that, hopefully, are left by moving on the inauthentic art. I would really love to see, if you have it, the return on investment dollar. That will be a very woolly figure; I get that. It might be location related. But I do believe that, if you can drill down and get it, it will more than validate future investment into such a scheme that's linked with greater supply of authentic artwork in the marketplace, because there will need to be something. If you move the inauthentic out, there's going to be a

void there. There's going to have to be something in the back wings ready to go. In some instances, it'll have to be very fast. So, if you are able to do that, I would really welcome that.

Ms George: That's our interest. Our interest is in creative people and Aboriginal and Torres Strait Islander people benefiting economically from their creative endeavours and culture. That's what our company does and specialises in—enabling them to do that with that business knowledge and commercial knowledge. Yes, I will definitely take that on board, for sure.

CHAIR: Thank you, and thanks for your attendance at today's hearing. If you've been asked to provide any additional information or if there's anything else you would like to provide, please forward it to the secretariat by 21 March, which would be great. You'll be sent a copy of the transcript of your evidence to which you may suggest any corrections. I would be delighted to get that information. Thank you very much.

MOAR, Ms Myvanwy, Private capacity

[09:48]

CHAIR: Welcome. As these proceedings are public, they are being broadcast and recorded by Hansard. If you wish to have evidence heard in private, please let the committee know and we'll consider your request. Although the committee does not require you to give evidence under oath, I wish to advise you that this hearing is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as contempt of parliament. If you object to answering a question, please state the reasons for your objection and the committee will consider the matter. I now invite you to make an opening statement.

Ms Moar: I started an online petition two years ago to ban the importation of fake Indigenous art. At the time of making my submission, the petition had over 13,000 signatures. We now have just over 18,500. I'm not Indigenous or Torres Strait Islander myself, and I'm not an art dealer, importer or retailer, so I don't have any financial interest in the outcome of the inquiry. My motivation for being here and for starting the petition in the first place is purely ethical. I feel compelled to speak up because I'm part of a group identified as white Australians, and I can no longer stand being part of a group that embraces the exploitation of Indigenous and Torres Strait Islander cultures. Australia uses the beauty of Indigenous cultures as part of its brand and marketing strategy on the world stage, but then, behind closed doors where the tourists don't see, fails to respect those same cultures.

The issue of the importation of fake Indigenous and Torres Strait Islander art has implications that extend beyond the art market. To quote submission No. 79, written by Queensland-based Indigenous lawyer Stephanie Parkin:

> Aboriginal and Torres Strait Islander 'art' is inextricably linked to stories, ceremony and connections to family, land and sea that have existed since time immemorial. Aboriginal and Torres Strait Islander 'art' therefore, does not exist in isolation or simply on the physical 'face value' of the piece - there is always a story or purpose connected to the 'art'.

Joe Williams is the founder of The Enemy Within, a suicide prevention, mental health and wellbeing education organisation. I have an excerpt from an article that he wrote for the *Guardian* in April 2017. He wrote about how reconnecting to his culture and traditions 'provides a connection to self, ancestors, others, land, spirit and our ancient songlines and lore.' He says that through this connection he is a much more settled and safe self. This connectedness is something that I think the powers that be in Australia are finally coming to understand.

The Close the Gap 10-year review was published in February this year by the Australian Human Rights Commission. In their report, under 'subject matter commitments', they have listed that:

> … the contribution cultural determinants and culture can make to health has been recognised but implementation policy and resources towards these components remains a challenge.

I think this is something that we can do. We can at least put a stop to our own actions, those of non-Indigenous people, which undermine Indigenous and Torres Strait Islander people, exploit their tangible and intangible property and erode their culture.

Going back to Stephanie Parkin's submission, she also explains that, for some artists, the creation of pieces or storytelling can only be depicted or told in a particular way or by a certain group or individual in accordance with cultural protocol of that people. This brings me to why I think legislative change is the most appropriate response, rather than a voluntary system of authentication. Anybody who has ever travelled overseas can tell you that our laws are just based on our cultural norms and what used to be our unwritten laws. Most of what we grow up thinking of as logical is in fact cultural. In Australia, our entire legal system is based on the social norms of Western European culture, but we're not in Western Europe; we're in Australia. There is no enshrinement of Indigenous law in the legal system that currently governs this country, a country we're supposed to be sharing. I also think legislative change is more practical and more feasible than an optional authentication system. I think it will be less expensive and more effective. In my submission, I've already covered some issues that could arise if a voluntary authentication system is put in place in terms of the effect on Indigenous and Torres Strait Islander artists. An issue I didn't mention with a voluntary authentication system would be the ongoing need for the education of consumers, and that market is comprised largely of tourists. The window of opportunity to convey the message is naturally going to be very short with most tourists. According to the ABS website, we had around 8.8 million short-term visitor arrivals in 2017 alone.

My sister, who is here, and I went to a popular market in Melbourne and conducted a survey, asking people to identify from photos whether they thought an artwork was authentic or inauthentic. We had a combination of authentic and inauthentic photos of artworks, four at the time, that we showed them. Michael McGuane, a Queensland-based artist who paints under the banner Kamilaroi Creations, kindly let me use photos of his work

for the survey. I took the other photos myself of fakes I saw for sale at the market. Respondents had an overall success rate of 36 per cent in identifying authentic and inauthentic artwork from photos. A comment from several respondents, regarding the pieces that say 'Valdo' on the back, was: 'I think this is real. I see a lot of this around.' I've asked three separate vendors who sell Valdo products, and they've told me straight-up that the items are imported from Indonesia. The ones that say Valdo are fake. A lot of people pointed to that kind of thing. Here are some more photos. They said: 'I see a lot of this around. I think this is real.' These kinds of comments from respondents, and the overall success rate of 36 per cent, are evidence that, yes, Indigenous and Torres Strait Islander artists' reputations are being damaged and the value of their work is being diminished by the influx of imitations of inferior quality.

Ms CLAYDON: Can you give me that figure again?

Ms Moar: It was 36 per cent. We surveyed 63 people and showed them four photos. Some of them attempted to identify all four; some of them only one. Some people said that they wouldn't be able to identify any of them—that they wouldn't know. Two people correctly identified all four out of 63. Sixteen people either couldn't identify any or were incorrect in all four instances. Overall, photo by photo, they were correct 36 per cent of the time. The majority of people can't identify authentic artwork. I'm happy to do more surveying if you want me to improve on the quality of the research. I know that it has to be done in a certain way.

There is also a December article in *Good Weekend* by Frank Robson, 'Dead heart'. That article discusses the uniformity and ubiquity of the fakes and how the products dominate, they say, roughly 80 per cent of the market. From what I've seen, I'd say that's a good figure. To quote Indigenous Art Code CEO Gabrielle Sullivan, the fake stuff is so prevalent now that tourists have come to think it's the real thing. 'For me, the triumph of that lie is one of the most disappointing things about this whole process.' I think a lot of important work has been done by the Indigenous Art Code that lays the foundation for the industry to be properly regulated. It's my recommendation that membership to the Indigenous Art Code should be mandatory for anybody importing objects which feature Indigenous or Torres Strait Islander artwork or are Indigenous or Torres Strait Islander in their nature. I have some diagrams here which show the decision-making process. I think it's a different thing if it's supposed to look handmade. I think you should ban importation, because it's being passed off as handmade by Indigenous Australians. Then there are printed items which are clearly factory made. They're not lying about that about that, but they feature artwork. I think anyone who wants to import those should have to be a member of the code.

I'd also like to echo the sentiments expressed in ANKA's submission, submission No. 132. I have provided the first page of that. They say the inquiry is urged to extend its resources to allow direct face-to-face discussion with artists working in remote communities, who often don't have English as a first or even second language and who can be easily left out of deliberations due to a lack of access. The proliferation of fake Aboriginal style products is arguably impacting these people the most directly, and it is vital that their voices and perspectives are heard. I'd like to read a line from the Close the Gap 10-year review. I know this is not a Close The Gap issue, but I think their self-criticism is something everyone can benefit from. In section 3, resetting the Closing the Gap strategy, they say:

> … the reset Closing the Gap Strategy must be co-designed with Aboriginal and Torres Strait Islander people … It must not involve government replicating mistakes of the past 10 years where policy was designed in isolation by government departments in Canberra.

To summarise, I think legislative change is what's necessary to resolve the issue. I really hope to see the committee ensure that that changes are made in the right way, and that is in accordance with the advice of Indigenous and Torres Strait Islander people.

CHAIR: Thank you. I am simply blown away by the depth of your evaluation and the insight to all of the different submissions. You have summed it up. You're not culturally linked, but you're nationally linked. Thank you very much for that presentation. It is really quite spectacular. There are a number of things that you have touched on that have come up. The most important one, while digesting all the things you've put forward—in the marketplace, where consumers are dodging from one stand to another, what would help them to make a purchase of a good piece, an authentic piece?

Ms Moar: If the fakes just weren't there. There were 8.8 million tourist arrivals last year, and it's going to be new people every year that you're trying to educate. You were mentioning the Australian Made system last year, but I think the target audience for that is residents. We have time to be educated and become familiar with the Australian Made labelling and how it all works, but tourists don't. I think any kind of system's going to be confusing. And then you've also got people that just don't care and won't make the effort. They'll just buy what's cheapest.

CHAIR: You mentioned the Indigenous Art Code, which has come up on a number of occasions. Currently, it's a one-person operation with a voluntary board. There would have to be changes for them to be able to have some sort of membership for importers. Their protocols would need to be audited a bit, in light of our previous submitter today, to make sure that all of those members were in a particular ethics collective. We had border protection speak to us at one stage, saying how impossible it would be. But if the import documentation came in with a certificate of authenticity from a nationally recognised and promoted group, making it easy enough for border protection to inspect without having to go through every piece of material because that had already been done by the authenticating body, that might make it a possible pathway. That very simple diagram you've got there is quite startling in its simplicity, but it could be effective, depending on how it's carried out.

I need to ask one question on a personal level. You've got 18,000 petitioners on this. It would be rather worthwhile, I think, if you could send a copy of it through to the committee.

Ms Moar: Yes, sure.

CHAIR: But also—what put you into this place and space to put the endeavour energy into this?

Ms Moar: Probably 10 years ago, I noticed products that were made overseas that were in Aboriginal style and I thought, 'That looks offensive.' But I thought it wasn't my place to comment on it. Years later, people were doing online petitions, and I thought: 'Maybe that's a good way to put the feelers out and see what people think. If anyone says it's inappropriate then I can just shut it down.' It got really big numbers. That was two years ago, and I've learnt so much since then. My whole frame of reference has changed. I was looking at it, thinking, 'Do we have grounds within our legal system to stop people importing this?' Now my frame of reference has changed to: we need to make grounds for that; we need to make space for that because we don't have Aboriginal law enshrined in our legal system in Australia.

CHAIR: You'll be happy to know that, while we were doing our mystery shopping yesterday, I asked one of the sales assistants, a young lady: 'If you could tell the difference between something that was produced by an Indigenous artist and something that was not, which one would you prefer to sell?' She thought about it for a second, and then she said, 'I'd rather it was made by an Indigenous person.' So there is right now an awareness. The awareness isn't grown, but I think there's an appetite for change. I personally would like to thank you for all the work you've put into this. It's quite stunning.

Ms Moar: No worries. I'm happy to do it.

Ms CLAYDON: Thanks very much for your passion in this area. We've had some great witnesses coming forward with some good advice. There seems to be quite a universal push for some kind of change to Australian Consumer Law that would prohibit these inauthentic products from being on the market. The chair makes the point that we took this up with the new Border Force guys—the old customs department—and they raised a number of obstacles, which it's partly our job to see if there are ways to navigate through. Do you have any particular thoughts around what the most effective way might be? I'm not sure if you've thought about possible legal remedies or not. You're not a lawyer, and nor am I, so I appreciate you might not want to. But if you had a particular suggestion, I'm happy to hear it.

Ms Moar: I've just been looking at it from a problem-solving point of view, as in the decision-making process in the diagram, because I'm not an expert in importation or law.

Ms CLAYDON: That's fair enough. Neither am I. I'm learning my way around these laws as we conduct this inquiry. Thanks for bringing in the evidence from Close The Gap. I do think it's quite an important one, and it's not something that has been drawn to the committee's attention before. You're quite right about the cultural determinants of health and that there are significant and longstanding impacts for first nation peoples when those cultural determinants are not protected or promoted.

Ms Moar: I'm so glad to hear you say that. I didn't know if it would seem like I was trying to join unrelated things.

Ms CLAYDON: Not at all. I think you've done a good job—

CHAIR: I'm glad you didn't say 'join the dots'!

Ms CLAYDON: bringing that in. I am not sure of the distinction that you were trying to make in this diagram, so I need some clarification. Talk to me about this diagram—who it's intended for and the flow.

Ms Moar: This is a retail outlet, so if you did auditing in shops and at the markets and stalls.

Ms CLAYDON: Is this for a mystery shopper person, or is this for the retail outlet to ask themselves some questions?

Ms Moar: This is for a mystery shopper, when they're finding out whether the retailer's in breach of any potential legislation, to look at the item—was it imported? If it was imported and it looks handmade, like these photos that I've got there, that kind of thing, then I'd say that's in breach of the legislation. Between the combination of it looking handmade and looking Aboriginal, it's being passed off as Aboriginal made. So, that kind of thing should be banned.

CHAIR: There's no legislation there yet. That's part of the problem.

Ms Moar: Yes, exactly.

Ms CLAYDON: We'll come back to some issues, but keep going on your flow.

Ms Moar: Otherwise, if it doesn't look handmade—if it's a printed item, like the bags that you see that are clearly factory made but have Indigenous work on them—then: is the retailer a member of the Indigenous Art Code or, as you were saying, a nationally recognised code?

Ms CLAYDON: Okay, but they all end up in breaches? If you were a member of the Indigenous Art Code—

Ms Moar: Then you're not.

Ms CLAYDON: It goes down to 'retailer is not in breach', and then, if you're not, you are in breach. Okay. One of the challenges that has been put to the committee is that there are some complex licensing arrangements that might be in place between first nation artists and overseas manufacturers which are to the benefit of those first nations artists. It's an agreement that has been well considered and thought out. Product is being made somewhere, but under the direction and auspices of the artist, and coming back, and there may be some additional work being done here. I don't know whether all of those products look handmade, but the committee—I can't speak for the whole committee—would be hesitant about blocking potential international arrangements that might be favourable and entered into with completely informed consent and all of the requirements that you would expect in any legal agreement. That is part of the complexities that we have to deal with around not excluding potential good economic and cultural arrangements that might exist between artists and international manufacturers.

Ms Moar: I definitely don't want to see something put in place that gets in the way of that. The manufacturers who are using the Indigenous art should be able to meet the standards of a code. I read a submission by a large South-East Queensland based company that makes Aboriginal souvenirs and they said, 'We don't want sweeping legislation. We don't want everyone to be dragged up in the net,' blah, blah, blah. I've been advised to be careful about what I say, but I have spoken to an artist who formerly worked for them and was absolutely exploited. Part of his job was to remove country-of-origin stickers from items and relabel them as Australian made, Australian painted. They have an agenda. It's a good thing that you might say, 'Why are you doing this?' but it could be seen as a good thing that I don't have a financial interest in the outcome at all. I just want to see the right thing happen.

Ms CLAYDON: Great, and you're right. In every inquiry, we get submissions from people who are utterly embedded in the issue and have all sorts of interests. Generally, we're reasonably attuned to sorting through those different interest groups and who has what at stake.

Ms Moar: Yes, I'm sure it stands out. When I read the submission, it was exactly what you'd expect.

Ms CLAYDON: Indeed. What do you intend to do with your petition? The chair's just asked for a copy, but what was your hope? It's a great number of signatures. What did you want to do with it?

Ms Moar: Honestly, I thought I'd hear back at some stage from somebody we were petitioning, but I didn't.

Ms CLAYDON: You lodged it with someone or at some place?

Ms Moar: Yes. It is an online one and, through that, they contact people and they also—

Ms CLAYDON: Like the Change.org ones or something?

Ms Moar: Yes. I also emailed some people a while ago, but I only received one generic email back, saying 'We'll pass it on.' There was no other response. Then I saw the Fake Art Harms Culture campaign coming out of the Northern Territory and that seems to be more effective. I know that it says that online petitions aren't legally a petition, so it might not be taken seriously.

Ms CLAYDON: I suggest you might give it to a member of parliament.

Ms Moar: But it's not classed as—

Ms CLAYDON: It's not a legal petition, but we deal with lists like that all the time. It's in your hands. You're the principal petitioner. That's why I asked you about the end to which you wish this petition to go. There are avenues to have conversations with parliamentarians about having it presented in parliament, having a debate around the issues—all those things. You might want to even have a conversation offline about what you want to

do with it, otherwise it seems a little disappointing that, for nearly 18,000 people who care about this, it may not go anywhere except around the internet.

Ms Moar: If it's getting something done, that's good—if it's effective.

CHAIR: That's the problem with Change.org. There is a certain format for petitions for both state-level parliamentarians and federal-level parliamentarians before they can formally present it. We can allude to it and we can talk about it in this instance, but presenting it to parliament is a different method. We can collectively work around that. That's not an issue. Because this is a formal parliamentary committee, you are completely protected by privilege, which means nobody can cause you any grief about anything that you say about anything at this committee. Just so you know: whatever you're saying won't come back and bite you.

Ms Moar: I have a letter from the artist that I mentioned if you want it.

Ms CLAYDON: If you want to keep that confidential, don't name the artist now. We can take that. You're not in camera.

Ms Moar: Okay.

CHAIR: We can ask the secretariat to ask if he would like to submit that anonymously.

Ms Moar: Yes. I think the artist is working on a submission now, after thinking about things.

Ms CLAYDON: You also made the very good point that you hoped the committee wasn't just acting in isolation, that we would be reaching out to Indigenous artists and organisations. I want to assure you that we absolutely are.

Ms Moar: Cool.

Ms CLAYDON: We've got a few months of inquiry ahead of us yet, so stay tuned and follow proceedings. Thank you very much for your submission. It is much appreciated.

Ms Moar: Thank you.

CHAIR: I said how good it was at the beginning. Thank you for your attendance at today's hearing. If you've been asked to provide any additional information or if there is anything else you'd like to provide, please bring this forward to the secretary by 21 March. You will be sent a copy of everything that you've said, because the gentleman down the end has been recording it all. If you've got any corrections that you'd like to add, you're welcome to make them.

Ms Moar: Okay. Thank you very much.

HEALY, Dr Jacqueline, Private capacity

[10:20]

CHAIR: Welcome. Thank you very much for coming. As these proceedings are public, they're being broadcast and recorded by Hansard. If you wish to have evidence heard in private, please let the committee know and we will consider your request. Although the committee does not require you to give evidence under oath, I wish to advise you that this hearing is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as contempt of parliament. If you object to answering a question, please state the reasons for your objection, and the committee will consider the matter. I now invite you to make an opening statement.

Dr Healy: I just want to start by giving you a bit about my background. I've been conducting research in remote-area communities, in particular with Balgo, in the middle of the Tanami Desert—Warlayirti artists. I have a background in public museums and art galleries. That's what my career has been about. I'm currently at the University of Melbourne, where I run two of the museums in the Faculty of Medicine, Dentistry and Health Sciences. I've been involved, interested and committed in a research capacity with Australian Aboriginal and Torres Strait Islander art since the 1980s. So I've watched with interest how we as Australians are very keen to use this extraordinary part of our culture when it comes to major events like the Olympics and the Commonwealth Games. We also are very keen to put artworks throughout our embassies and other locations that give us a particular positioning of our identity internationally. But when it comes to looking at what's around us in tourist shops, we seem to have neglected looking at the quality and protecting the cultural identity of our Australian Indigenous artists.

I was going to talk about the necklace I'm wearing at the end of my presentation, but now I'm going to talk about it at the beginning. This is why I took off the pass, because it didn't go. This necklace is part of the merchandise that was produced for the Canning Stock Route exhibition at the national museum. I hope some of you saw it—an amazing coming together of great research. All the appropriate things were done, and they produced merchandise. So, this piece is based on a painting by Brandy Tjungurrayi, who's deceased now, that comes from the community I've been working with for over 20 years. I went to the opening and I bought this necklace because of that and I knew that all the correct procedures had been followed, the art centre had been consulted and the licensing had been signed. But I wondered how Brandy might feel about it when he saw me, someone he knew well, wearing it at an opening in Canberra. Then I saw Brandy: he was walking towards me across the room with his hand outstretched. And I thought, 'Oh, my goodness! He's going to tear it off my neck'—because he was a warrior, a very strong man. I thought, 'He does not like this.' Instead, he placed his hand on my chest and said, 'My country.' I think that shows what we're dealing with here. We're not dealing with any trivial iconography. We're dealing with iconography that is about the spiritual being in place of our first nations people.

So, what we have here with this necklace, which I think retailed for about $80, is that this is not of the earth, not handmade; it is manufactured. But it was manufactured with an agreement between that artist and the people who made it. What came with this necklace is a description of country and a telling of the story, the Tingari cycle, which is part of the tjukurpa, the law. They were Tjapangati and Tjapanangka men walking through the desert, and they turned themselves into flowers to camouflage themselves, and they walked through this country, and that's what's formed the country formations there. The person who buys this gets with it a description of that country. They get a genuine and gifted part of Australian culture. What we have from these Indigenous communities throughout Australia is that they are sharing their culture, they are sharing their law, they are sharing what is fundamental to their spiritual wellbeing.

Recently I've been talking to people in Arnhem Land, and there's an organisation that conducts healing ceremonies at Garma where young men go through a ceremony that is being used to help disaffected youth regain their discipline, regain their culture. I think part of that respect that our Indigenous people need to feel from us as the broader Australian community is that we understand the significance of country. It's not just a term, 'This is our country'. We use that term quite readily. When Indigenous Australians use that term they are talking about a deep spiritual connection. And I think this is the great lost opportunity here—that we have a chance to do three things. The first, and I think the most important, is to show respect to our Indigenous Australians, to our first nation. The second is to provide social and economic support for our Indigenous communities by pursuing this extraordinary economic opportunity. And the third is communicating with the world about who we really are and doing it in an appropriate, culturally sensitive and genuine manner. In my submission I gave examples of those partnerships.

So I think what you have is an opportunity for the most extraordinary range of product, from what we have at the high end of the art market to what we have at the other end. And I found online—I decided I should look for

things, and this was my favourite—a wooden fridge magnet 'handpainted by an Aboriginal artist', not named. And here we have something that might retail for whatever. Underneath we have a fridge magnet 'made in Australia' with an Indigenous design that has cobbled together Western Desert iconography with a bit from Arnhem Land.

If I was a tourist from another country—and I collect fridge magnets when I go overseas, so I'm quite interested in this—I would have no idea what this is. Is this is a trivial point? I don't think it is, because if you go to the musee du quai Branly in Paris, where there is a most extraordinary array of Indigenous art—a very significant representation—from Australia, including the Lena Nyadbi on the roof and major artists on ceilings of the three floors at the side, you can buy a fridge magnet of artworks by significant Australian artists. It might only be a fridge magnet, but it's got the permission of the artist, it's got the information about the artist, and you can buy that at the National Gallery of Australia, the National Gallery of Victoria or at the Koorie Heritage Trust. You can get a bogong moth brooch that has been handcrafted by a local member of the Kulin nation.

I think what often is said is that the reason why we have this influx of inauthentic Aboriginal souvenirs from overseas is because we haven't got the product to fill the gap. My argument would be we do have the product; we do have that spectrum of product, we just haven't set up the mechanisms to enable it to be delivered. I have this wonderful example. Every year I go to NATSIAA, the National Aboriginal and Torres Strait Islander Art Awards, and every year I go to the Desert Mob show in Alice Springs. I'm also a life member of the Koorie Heritage Trust here in Victoria. At the Desert Mob show this year—they had an art market—I stumbled across Bush Medijina, which is a new little company that's been set up on Groote Eylandt. It produces beauty products. Using traditional bush medicine you can get body butter, you can get lip balm—you can get the whole spectrum of body products. I think these examples point to the extraordinary potential there is to grow the locally produced items throughout Australia. But I also think that the other opportunity is the ongoing licensing. When you look at the Warlukurlangu art centre that pioneered this, you can buy salt and pepper shakers with a senior elder's artwork on them. Why that is okay is because that senior elder has given permission and the royalties from those sales go to him and his family and his community.

I also think the other issue is how people tell it apart. It's very hard for tourists, but I also know that it's very hard for people who live here. I've had extraordinarily alarming examples, including where friends of mine have gone to the Northern Territory for a holiday and they've brought things back that they've proudly shown me because they thought they were genuine, and I wondered why they hadn't listened harder to the things I'd been telling them. They thought they'd bought a genuine item because of how it was labelled or how it looked, and they hadn't. That's really part of the problem: we aren't helping consumers enough to know what they're buying.

CHAIR: Thank you.

Ms CLAYDON: Thanks, Dr Healy, for your contribution this morning. I do take your point about there being some very good existing genuine partnerships in place that are delivering good social and economic outcomes back to first nation artists. They're probably not as well known as they should be, and you've given some good examples in your submission. I don't know if you want to talk any further about those, but you mentioned the Catherine Manuell designs that are being used and the Aboriginal Art Centre Yuendumu, which you just mentioned. How do we better promote authentic arts and crafts and persons and organisations that are actually using best practice?

Dr Healy: I think that's a crucial question. I went online and did a broad google for genuine, authentic Aboriginal art. I'm sure you've all done that. If I knew nothing and I looked at the range of websites that came up, I would find it very hard to tell the difference. I know there's a particular scarf that's being sold. I know the circumstances under which it's produced. I know it looks like another silk scarf that's being sold that is produced under the appropriate licensing situation; the other one isn't. At a brief glance, you'd think they were both the same. There are sometimes references to Aboriginal artists. There's sometimes an implication that people work with art centres, but they don't actually state it. So I think it does go back to having a code and having an 'Australian made' authentication.

If we look at Alperstein Designs, who are who Yuendumu has worked with, they open up, and on their front page is 'Who we work with', and they have the logos of the art centres that they work with. They are from the Central Desert. One's from Victoria. One's from the North of Australia. It's there. It's clear. It's on the page. Then, when they name things, that's what I love about their webpage: the design on the socks has an artist. So there we go, whereas other socks with Indigenous designs on them say 'inspired by Indigenous art'. So what relation have they got with that inspiration? Did the inspiration get something or not? I doubt it. But here you have the name of that artist. What it also talks about is the integrity of that design. This is part of the longest continuous culture in the world, 60,000 years. So it underlies the value of this, but it also incorporates innovation as well. Indigenous

culture is innovating and changing, but we need to keep it in the hands of Indigenous Australians, not being interpreted by others.

Ms CLAYDON: We've taken evidence that more than 50 per cent of money that overseas visitors spend in Australia is on Indigenous arts and crafts. They are more than likely, unwittingly and inadvertently, purchasing inauthentic products. If they're in the country for three days and are going down to the Rocks or Circular Quay to buy their product, how do they get to know what they're purchasing? I agree that, with the website that you refer to, there is the level of detail that you go into. It's probably not going to be available in any of those shops, even if they were complying.

Dr Healy: It wouldn't be available, but what also wouldn't be available is the inauthentic souvenirs, if you had a situation where in fact what was available was product made by Indigenous Australians. You always get this: I filled in at the art centre in Warmun, and people would come in and look at the ochre on canvas, and they would say, 'This is not Aboriginal art.' I used to say, 'Well, would you like me to go and tell the artists out there, or would you like to do that yourself?' to try to lighten the moment, because their view of Australian Aboriginal art was in fact Central Desert art, so they were expecting to come and find a different iconography from what was there.

So you're always going to get that. We do this when we visit countries overseas. We have our own stereotypical view of cultures. But what would change it here is if the inauthentic product weren't there to begin with. The conversation then would be, 'Oh, I didn't think this was Aboriginal art,' and the answer is: 'Well, this comes from northern Australia, in the Kimberley. This one is Central Desert. This one is from south-eastern Victoria. Here we have this extraordinary diversity of culture. The ubiquitous didgeridoo is only used and made in Arnhem Land.'

Ms CLAYDON: So what's your preferred way to ban the inauthentic products?

Dr Healy: I think there has to be regulation in regard to how the product is labelled. Aboriginal product that says it's about Aboriginal and Torres Strait Islander Australia has to clearly say who made it, how it was made and where it was made. There are beautiful little boxes that are decorated by local artists that are made overseas. Again, that's a licensing arrangement. The design is Australian and the artists are named, but the actual container might have been made elsewhere. That should just be made clear.

Ms CLAYDON: So how are we—

Dr Healy: So it's going back to the Indigenous Art Code model, I think. And it needs to be properly resourced. That Indigenous Art Code has made a difference in the fine art market.

Ms CLAYDON: Were the galleries that you worked in members of the Indigenous Art Code?

Dr Healy: I've just volunteered in art centres, but the majority of the people they dealt with, so who those art centres sold their art to, would have been part of that code. They would have been, because that's why they're dealing with art centres, not trying to go around the art centres.

Ms CLAYDON: How do you envisage the art code influencing all of those outlets that are currently not members? The vast, vast majority of the tourist outlets are not members. If there were a prohibition on the sale of inauthentic arts through changes—I'm not entirely sure whether it would be just through the Consumer Law or other mechanisms, to be honest—and you removed all that inauthentic product, how would you envisage encouraging those outlets? Perhaps they go to the wall, or do you encourage them to now purchase and promote and be actively engaged in the distribution and promotion of authentic art and crafts?

Dr Healy: The example was given earlier about a Queensland based company and what they were doing. That might encourage that company to establish proper relationships with Indigenous artists. For those who have businesses set up already who aren't following that protocol, it's a great opportunity for them to do that. There's nothing stopping them doing that now, but there's also nothing encouraging them to do that. So that, I'd imagine, would be one thing.

But I think that, in terms of the people selling the product, it's about what the choices have been that have been given to them. Have they really thought about it? They've just looked at things on the basis of price or convenience—I don't know what rationale those tourist outlets have used who have chosen to sell this product; I would have thought probably convenience and cost point—and probably not given any thought to that other aspect. What we need to do is have an education program that shows the benefit of this change, because the real benefit is that it's better product, and I think our tourists will have a more beneficial experience here. There will be win-win all round, but of course there will be a transition period where people who are selling this type of product will have to reconsider and source other products.

Ms CLAYDON: My last question—I know we'll be pressed for time—is just: who is the appropriate body for this education campaign?

Dr Healy: I would have thought Tourism Australia, because that's who we're really going to the heart of, aren't we. We're very happy to bring out *Crocodile Dundee* and re-morph that. I'm sure they can come up with a really innovative campaign and get some of our international movie stars and local Indigenous people to share with the world what great Indigenous product we have here.

Ms CLAYDON: Thank you.

CHAIR: I've just got a couple of questions. On flicking through your website demonstration there, on the front page, there didn't appear to be the Indigenous Art Code logo.

Dr Healy: It might be somewhere else.

CHAIR: It would be interesting to know—

Dr Healy: Yes, that's a good point.

CHAIR: In the future, for that to be used as an authenticity differentiator, that needs to be present on people's websites under licence or under permission or under protocol with the Indigenous Art Code group. As you said, that might need future resourcing and further resourcing, but, if that's going to be a differentiator, there needs to be—because nobody knows that those art centres are also members of the Indigenous Art Code. So, if you went onto that site, you wouldn't know that they're actually doing the ethical thing for their artists and craftspersons.

Dr Healy: And you might not know what they are.

CHAIR: Absolutely.

Dr Healy: Exactly.

CHAIR: So there's a situation of consistency, I think, to establish this. As you mentioned in just the last little bit, there would absolutely have to be a transition period. You mentioned the copyright situation, and we've had a number of presentations that said that our current copyright law is inadequate to protect IP. Copyright on a piece of visual art is generally okay, but not on the other parts of it and even elements within their visual presentation, because of the very strong cultural connection of which you spoke. One of the gentlemen from AIATSIS suggested that we stop trying to tweak the current system and reinvent something that fits what's necessary. There are suggestions that have come through from different submissions to really look at and examine that to make sure that that protection is in place.

But my greatest question to you is this. You said you had seen the full spectrum of possible gifting and souvenirs in your travels around Australia. Those smaller items go for $2 or $3 in a souvenir shop. Knowing that handmade product is always much more expensive, do you feel that there is potential to be able to fill that market space, from what you've seen?

Dr Healy: Absolutely. Looking at something as simple as a fridge magnet, that space that is currently filled by that wooden example I gave could be filled by fridge magnets of genuine art, and they can all be made very cheaply. It's just having a relationship, having an arrangement, with an Indigenous community or an Indigenous or Torres Strait Islander individual.

CHAIR: It might be interesting if you spoke to the first presenter this morning, because we looked at business potential there. But that would have been one of the worries—that you can't ban that without having something to take its place and move fairly quickly into place.

Dr Healy: But I think all you need to do is look at the merchandise that's been produced by the National Gallery of Australia and by the National Museum and what they have done. Online I found an image that was being sold of an unnamed Indigenous elder, and what was written beside it was the name of the photographer. The photographer very kindly was giving the profit from the sale of this photograph back to the community. Well, the photographer had no right to do that. They had no right, in fact, to offer it anywhere without the permission of that community. It's things like that. All these things are there. It's just a matter of the business model being set up.

I think the arts centre at Yuendumu, at the Desert Mob show, were selling camp dogs that were covered in dots—dot painting on camp dogs. They're now doing kangaroos, with an eye on the tourist market. Those dogs are metal. They are made in the prisons in Alice Springs, so they've set up a whole enterprise there. They make Christmas decorations. You can get a bilby to put on your Christmas tree. When we're thinking of that level, they could do fridge magnets very easily, handmade, which have an Indigenous heritage.

But the whole thing is that all this needs groundwork to get it going. The product or the product potential is there, but these communities and artists need partnerships. There's a really wonderful recent example from Waringarri Aboriginal Arts, which is the most beautiful set of ceramics that they've done in partnership with the JamFactory. Bindi ceramics in Melbourne, in Gippsland, have produced—because they are saltwater people—little ceramic turtle fridge magnets, and they retail for about $6. I think I've got that right. There are lots of people doing things, and I think it won't take that much more to get that volume—because that, I would imagine, would be the argument: the volume isn't there to fill the gap.

CHAIR: How does a person who's a 30-second consumer know that those little turtles or those other things are authentic art items versus the inauthentic?

Dr Healy: It would have a symbol on it. It would also have the story of the turtle, and it would say where it came from.

CHAIR: The symbol being a nationally recognised symbol or an arts centre symbol?

Dr Healy: I think that it needs to be a nationally and internationally recognised symbol, because I think the problem is this. I'm fluent in the logos of art centres and other credible Indigenous related bodies, but how many people are, and how many people can be, realistically? I think the model of 'Australian made' is simple and it's there. To have an equivalent for a product that is produced by Aboriginal and Torres Strait Islander people would be, I think, the clearest solution in terms of tourists knowing and Australians knowing but also in terms of an education campaign.

I think that would make it much easier and clearer to inform people, because people are in a hurry. It's not that they don't care; it's just that they've got a lot on. Tourists are on holidays. They're often a bit confused because it's a new country. They're getting used to lots of things. Very few tourists want to do that sort of research, because they've got other things on their minds. It's no disrespect to those tourists, but I think it's our job to inform them, not their job to do the research so they know what they're buying.

CHAIR: Thank you for putting that so cogently. As there are no further questions, thank you so very much for your passion in the topic and having the ability to communicate that to us. Thank you for your attendance at today's hearing. If you've been asked to provide any additional information, or if there is anything else you'd like to provide—and that includes any of the stories that you put to us today—please forward that to the secretariat by 21 March. You'll be sent a copy of the transcript of your evidence, to which you may suggest corrections. Thank you very much.

Proceedings suspended from 10:54 to 11:16

ALTMAN, Professor Jon, Personal capacity

CHAIR: Welcome. As these proceedings are public they are being broadcast and recorded by Hansard. If you wish to have evidence heard in private, please let the committee know and we will consider your request. Although the committee does not require you to give evidence under oath, I wish to advise you that this hearing is a formal proceeding of the parliament. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. If you object to answering a question, please state the reasons for your objection and the committee will consider the matter.

Do you wish to make any comments on the capacity in which you appear?

Prof. Altman: I appear in a number of capacities, but I am employed by Deakin University. I am a private citizen, and I am also engaged with the Australian National University. I don't know if that helps!

CHAIR: It is who you are. I now invite you to make an opening statement.

Prof. Altman: Thank you. I will just open with a few brief comments. My submission looks to untangle the very complex issue of authenticity of Indigenous visual arts produced for sale. The diversity of Indigenous circumstances, the diversity of art styles, poor provenance definition and the absence of hard evidence of both supply and demand for Aboriginal art products and merchandise make sensible discussion about this issue difficult. It is highly political and can get highly emotive. Just last month the Prime Minister's report 2018 on closing the gap opened with a chapter celebrating Indigenous cultures. The report told us that socioeconomic gaps are not closing, but nevertheless reported the relative success of Indigenous arts and creative industries, especially in remote and very remote Australia where art sales make a real difference to livelihood and wellbeing. Just this week we see a former minister of the Crown call for the closure of some remote communities because they are 'beyond repair'. This was because of an alleged rape of a two-year-old child in Tennant Creek, a town in the Northern Territory. Mr Brough called for 'honest dialogue' but then quickly obfuscated Tennant Creek with the sustainability of communities with serious social dysfunction.

I raise this contradiction because it is symptomatic of the lack of any coherence in Indigenous policy making at the moment. Politicians want to laud the high culture and even the material culture produced to bolster tourism and the national image, but simultaneously they want to denigrate the everyday culture, the norms and values of Indigenous people, and all the diversity and all the challenges that they face. Material culture is born of everyday culture and heritage, and much of the very best art produced in Australia comes from remote communities. They need the art sales and the art sector needs remote artists.

There is a lot of siloed policymaking at the moment and policymaking overinfluenced by anecdote, media reporting and populism. It is important to avoid such traps. The very fact that this inquiry is referred to as focusing on the production of inauthentic or fake art is counter to Indigenous arts business interests. Imagine if we had an inquiry into fake Australian mineral exports or agricultural products?

This is an emotive issue. Many Indigenous people have had fraught economic and cultural relations with market capitalism, and yet have no option but to engage with it. So there is a call for economic justice and state intervention, even if the means to address unethical or unconscionable conduct by some remain far from clear. In my submission, I am seeking to caution the committee to clearly define the perceived problem, to ensure that proper evidence is collected if a problem is identified and then to ask the question: what might state intervention and regulation be able to do to ameliorate the problem if one is identified?

My recommendations are not rocket science, just common sense, and I've made them on a number of occasions for just on three decades: proper research about the issue; adequate support for Indigenous arts enterprises, including industry-seeding support; proper investment in public education; and, if legal intervention is required beyond current trade practices law, an additional requirement for accurate labelling and adequate resourcing to prosecute any offenders.

CHAIR: Thank you for that.

Ms CLAYDON: Thanks, Professor Altman. I appreciate that you've worked for many decades in this area, so I hope that you can steer us—given your observations and warnings around evidence. Where would we reliably source information regarding the prevalence or otherwise of inauthentic arts and crafts available for sale in Australia?

Prof. Altman: I think that's a really important question and there isn't an easy answer to it, because we struggle even to quantify the value of the Indigenous component of the visual arts sector—and by that I include manufacturing. We have some very broad estimates of the value of the industry. To then get a sense of what component of that might be authentic—bearing in mind that I raise issues about how you define authenticity—and

what isn't authentic is deeply problematic. Nevertheless, I think that it shouldn't be beyond the scope of the sort of work that the Australian Bureau of Statistics does and that it can be done on a survey basis. Indeed, my sense is that the call for this inquiry was based on a survey. It struck me as being a very ad hoc survey—particularly some of the statistics that were being quoted by Mr Katter, where he suggested that 95 per cent of product in his part of the world was inauthentic. Clearly, that's just anecdotal evidence. It might be right or it might be wrong, but we can't base policymaking on that sort of observation.

Ms CLAYDON: Yes, I appreciate that. I've asked the same question of each witness who has come before us, really, and, clearly, there is a level of frustration that their lived experience is that there has been a rapid increase in the availability of so-called inauthentic product on the market. People really have, effectively, been reduced to running their own surveys and doing mystery shopping expeditions. I'm sure people in the academy might not regard those things as a particularly sound basis, but I think it is borne out of the frustration about the lack of available evidence otherwise and—

Prof. Altman: Yes.

Ms CLAYDON: it's some effort to bridge that gap. So I take your point around that ABS survey. Do you have a sense of why—you've made that suggestion previously—that hasn't been taken up? What are the obstacles, in your view?

Prof. Altman: There was a time when the Cultural Ministers Council tried to do some work in this area, and the ABS in the past has done some work in quantifying at least the sales from Aboriginal enterprises. I think probably the main challenges are conceptual, methodological and resourcing. I think it would be quite expensive to get a baseline of where we are at in terms of value and whether this is a problem.

In my opening comment and also in my submission I recognised this as a highly emotive issue. I am sympathetic to artists who believe that their intellectual property has been illegally stolen. But sometimes it's not quite clear who has actually done the stealing. This is what I'm trying to raise with this issue around expressive authenticity. Their own organisations will sometimes make arrangements to license their product. Usually if it's a community based art centre the artist is well informed, but at other times you can have some other arts centre or art manufacturer do something that's derivative of art and not a straight copy but, nevertheless, resonates for the artist with what they've produced. It produces quite a justified emotional response.

But the much more important question is what you do about it. I guess that's the tenor of my submission, too. I don't think it's helpful to identify this as a growing problem, because I don't think we know if it is a growing problem. We haven't got a baseline. It's something that's been talked about since the mid-1960s. So whether it's a growing problem or not is unclear, but it's an important issue.

Ms CLAYDON: You are quite right to suggest we probably don't have that historical data to look at the growth or otherwise. As I said earlier, it really is based on people's lived experience and what they are seeing in their respective outlets locally.

Prof. Altman: My lived experience, I should say, is very different. I personally purchase more and more Aboriginal design manufactured items that are clearly marked as being produced under licence to Aboriginal individuals or arts organisations. They are often made in China or in India. They can be handcrafted, which means that a design's been provided and an Indian artist has actually copied that design, but I am assured by the labelling that the funding, royalties or a licensing fee goes back to the community. It seems to me that, if I am able to source that sort of product, other consumers should be able to do that. I don't find it difficult. I often find it in art galleries or museum shops. It's not expensive. I think that there is a real opportunity, with proper marketing and proper labelling, for Indigenous communities to grow this sector of their economy.

Ms CLAYDON: I will come back to the issue of proper marketing and labelling. Your experience isn't radically different from others who have come before us in that, yes, there have been some concerns expressed to the committee that you would not want to see reform that would somehow prohibit or change some of those licensing agreements that are in place that nonetheless deliver a direct economic benefit to artists, community centres or peoples who we would hope might see some economic benefit. I'd add that it's more than an emotive issue, that there are some very real economic consequences for Indigenous artists in Australia. It's hard, because we don't have that data you're referring to to understand how big that economic loss is, but someone gets to earn a buck out of these products and it's not Indigenous artists. There is an economic incentive for us to try and reform in a way that will not forbid licensing agreements that you've just spoken about. We have had other people bring that to our attention, so you're not a lone voice there.

Prof. Altman: The problem with licensing agreements and the supply chain is that the supply chain gets longer and so the final price on the good becomes higher, so there is an issue of price competitiveness. If you

have inauthentic product where a fee isn't being paid and the proper labelling isn't there et cetera, then obviously Indigenous product that is produced under licence is being undercut. If somebody was willing to spend $5 on something but that product if it was produced in a 'proper' manner cost $10, what would be the price elasticity of demand? Would they spend the $10? That's one question that arises. Of course, there is a way to deal with this, because we do know that most of the product that is problematic—and I'm certainly not suggesting there is none, that's not the intent of my submission. My submission is saying, 'We don't quite know what the proportion is,' but, of course, I can go to any shop and find product that is inadequately labelled or produced in what appears to be an unlicensed manner, but most of that comes from overseas, where the cost of labour is much lower.

There is a way to deal with this, which Mr Trump is teaching us about, which is tariffs. One could put up a tariff barrier of 500 per cent on imported product, if one wanted to, but that's not aligned with our general approach to liberalising trade or allowing competition from international manufacturers. As we know, just about everything we buy in Australia that's manufactured is produced overseas. It's just that, in this case, we want to see that overseas manufactured item legitimately licensed and a proportion of the return going to the creators of the design.

Ms CLAYDON: There is certainly a strong sense, from people who've given evidence before this committee, that there hasn't been an adequate return going from a lot of that product back to original designers and Indigenous creatives. I want to take you back to your suggestions around the need for proper labelling and for an educational marketing scheme around that. Do you have a sense of what that effective certification or labelling scheme should look like and operate as?

Prof. Altman: I do. I'm not sure if I've mentioned it—

Ms CLAYDON: I think you were originally involved in the early days of the national—

Prof. Altman: That's right. The tick: the national Indigenous label of authenticity, which I argued against on the grounds—

Ms CLAYDON: Well, that successfully died, eventually. What lessons were learnt? What did you take away?

Prof. Altman: It did die, but, unfortunately, it died around the time of the 2000 Olympics and that issue of loss that you refer to did, in fact, result. I think that there was advertising in Qantas material for inbound visitors to Sydney in 2000 that basically said, 'Don't buy anything unless it has the tick,' but, of course, the tick wasn't there so people didn't know what they were buying. Some people, one assumes, would have chosen not to buy on the grounds that they didn't know if it was authentic when the item didn't have the label of authenticity—they thought it must be inauthentic.

That's one of my problems with having any sort of universal label, and that is around the issue of its policing and the issue of whether all Indigenous producers want to participate in that labelling system. One of the problems that arose in 1999 was that a lot of the remote Indigenous arts centres indicated that they didn't want to be a part of the label of authenticity. They felt that the authenticity of their art was self-evident, and, of course, with a lot of Aboriginal art from remote Australia, the author doesn't sign the art; the design speaks about the author's imprimatur.

My line on this really is that Aboriginal arts organisations should be properly resourced to have their own forms of labelling. Some Aboriginal arts organisations, I think, are exemplary in what they do. I think I might have mentioned some of them in my submission, but one that comes to mind is Warlukurlangu arts in Yuendumu, which has a massive trade in manufactured tourism items, and each item is very clearly marked, not just by saying that the returns go to the arts community but also by naming the individual artist that's produced the item. Here's art that's produced with integrity, and it's the Aboriginal arts centre that manages both the labelling and the marketing of that art.

It does come down to: where do you want to target your resources? Do you want to target the resources in some sort of centralised, bureaucratic structure that will oversight everything, or do you want to devolve down to local communities or arts organisations—and, when I say 'local communities or arts organisations', I don't just mean remote or very remote; I also mean urban based—and empower them to both label their art and be involved in its marketing and empower them to sign up effective contractual arrangements and empower them to crowd out the work that's inauthentic, through positive labelling? The flipside of that is that the ACCC or the Arts Law Centre or other institutions can also be resourced to mount test cases and test prosecutions when you find art that doesn't work.

Ms CLAYDON: They haven't done many.

CHAIR: Some years ago they had a case. Terri Janke in her early days tried to prosecute over a copyright issue but, because of the community nature of the copyright for Indigenous art, she was not able to successfully

prosecute that case. That is currently on the definition of IP rights and copyright, because they are generally, in the current law, assigned to an individual, whereas the situation for culture is that it is community rights and it is community owned. We have had a previous presenter who has suggested that, instead of trying to tweak the current legislation to fit Indigenous culture, we could introduce something that is entirely different, a different paradigm, that suits the needs of culture and community and acts as a protective device and therefore the ACCC can prosecute, because right now it can't.

Prof. Altman: The ACCC has had successful prosecutions—

CHAIR: With the rugs.

Prof. Altman: With the rugs but also with Johnny Bulun Bulun's T-shirts. I was an expert witness in a case as long ago as 1989 that successfully prosecuted for unlicensed copying, from a book, of a design by John Bulun Bulun. That was a clan design. The negotiated penalty for that infringement was paid to John Bulun and it was left for him to decide how he distributed that money to other members of his clan. So I am not convinced that existing trade practices and copyright law can't capture a blatant infringement.

CHAIR: Blatant is the grey area that is causing grief, and it's a grey area that is being exploited. We were just given a presentation of a fridge magnet that has part of its design from Central Australia and the other part from Arnhem Land—clearly, not an authentic representation of Indigenous art; yet it is selling in the market.

Prof. Altman: There are moral rights issues there as well, actually.

CHAIR: There are lots of things there. We did our own little site inspection yesterday. You're clearly a very perceptive purchaser and you go to high-end purchase spaces. But part of the task of this committee is to try to address the consumer who is at the other end of the spectrum, who goes into a tourist shop and has 30 seconds to buy presents for friends or family overseas. How do they differentiate between the real stuff and the stuff that isn't made under licence? One of the items I picked up yesterday said nothing. There was no acknowledgement—just Aboriginal 'style' art. The third one said, 'Made under licence'.

Prof. Altman: But it said 'Aboriginal stylised'.

CHAIR: On the other three, yes. But the one that did have some sort of acknowledgement had the words 'Made under licence', with a sort of logo-looking thing that was very European.

Prof. Altman: And no website?

CHAIR: No website—nothing. Clearly, in consumer law, I would see that as a breach. But there wasn't enough there to take that through, and that item was a $4.95 item. Generally the ACCC doesn't pursue things that have such a small purchase price. What we are trying to get to—and this is what Ms Claydon was referring to—is the labelling thing. While in the past that didn't work—for goodness knows what reasons—I would point to the fact that the 'Australian made' logo, which has been around for many, many years has only within the last two to three years found its place in the market as a market differentiator. So anything that is introduced at this stage is not likely to work overnight and it needs to come from the Indigenous artists in consult with marketing in order to push the inauthentic art out of the marketplace. If there was time to work on such labelling, in association with an auspicing body that wasn't administrative or top loaded with desk movement but rather had actual people on the ground talking to the arts centres who have the authentic works, do you think that that would have any chance of being successful?

Prof. Altman: It would have some success, but I guess what I would caution is that you would get into issues around nominal authenticity. In other words, you'd get issues around deciding who is Indigenous and who isn't. You would also have some who may choose not to be a part of that system who would be inadvertently penalised for not being a part of that system. So, even though they might be producing genuine Aboriginal art or be Aboriginal artists, because they don't want to be a part of that system, they would be deemed as being inauthentic even though they are authentic. So there will be unintended consequences that one just has to be very cautious about. One of the things you might want to do if you bring in some sort of labelling is, at the very least, do some market testing to see if that actually makes a difference to consumer confidence in the product.

CHAIR: There is a flipside to that: you can't just label without education.

Prof. Altman: That's right.

CHAIR: That evidence has been given to us from a number of presenters, and that would be an essential part of this.

Prof. Altman: If one were to make recommendations around changing the law, I think it is important to make it quite clear what form the labelling might take so that, as you say, you are not left with any ambiguity about who an article is licensed by and who the returns are going to. I have seen some very fine examples where you actually

have a website making it quite clear: you check-up who this is going to and who has done the licensing. What is important is that the people who are actually overseeing the licences are well resourced so that they actually engage in licences that ensure a fair return to the producer. That's another whole level of issue. We can get concerned about the question of authenticity, but then the question arises: what is the actual return? Is it 10 per cent or 50 per cent that's going back to the artist? I think that's another area where resourcing is needed. One of the points I try to make in my submission is about my concern that some very effective Aboriginal arts organisations, women's centres and others who have worked in the manufacturing area have actually been defunded in recent years rather than more realistically funded for the very difficult work that they are doing.

CHAIR: Do you have any evidence or reasoning as to why they were defunded? That would be very interesting to come back to us on.

Prof. Altman: I've certainly got one example I can give you: Babbarra Women's Centre in Maningrida, which I work with very closely. There was defunded under the Indigenous Advancement Strategy. They have now had to go to philanthropy to fund their core position of a coordinator. Similarly some of these arts centres—Babbarra is again an example—have had to cope with the shift from the Community Development Employment Projects scheme to the Community Development Program, which has fundamentally altered their way of working. That's because they haven't been able to earn top-up on top of income support. They have in fact had to work for CDP, and any extra income they earn can result in the social security taper taking some of their income support away. There are broader policy frames that are in some ways undermining it. That's part of what I was trying to raise with that opening vignette about some of these contradictions. If we are genuine about supporting creative industries to make a difference to Indigenous communities and wellbeing, then I think we have to get behind resourcing the successes that we have a long track record of seeing.

CHAIR: I would pose the same question to you that I posed to one of the previous submitters. That is, if you were able to drill down to look at the actual art centre economy there and the way the differing funding formulas have disaffected or disenfranchised them from pursuing their independent economic base. I think that would be most welcome here. Maybe it's not for this particular thing but certainly as part of making sure that we have got a good supply chain of authentic art. If there is a movement to move the inauthentic art out of the system, we need to have enough supply chain to fill the void.

Prof. Altman: The supply chain issue is really important. This is part of the market research that's needed around not just supply but also demand. We just don't seem to have a very good grasp on it. We assume that there is demand for authentic products. We don't ask questions about what the consumer is willing to pay and then we don't ask questions around whether the supply is going to match what the consumer is willing to pay. This is pretty straightforward economics in a way. It raises questions that are often not answered not just in relation to manufactured Aboriginal art but also in relation to other aspects of Aboriginal cultural tourism, its supply and demand.

CHAIR: That's a whole other spectrum. I would agree with you, but there are other submitters who suggested that there are items on the spectrum of gifting and souvenirs that could be made at the same price point that already exists in the places and outlets that are not for the sophisticated buyer. I'm buoyed up by that. They are coming back to us with that. There is this plethora of goods there. Yes, price point is always a defining aspect. But if you've got something there that says to you, 'This is completely authentic, this is who makes it and this is where the royalties are going,' and if you want to discern that at point of purchase, that will be a deciding factor. Even at the light part of this, I asked one of the girls selling and I said, 'You are selling this and this is impersonal. I don't know your name and it's irrelevant to what I'm asking you. If you have the option of selling something that was made by an Indigenous person versus somebody imitating that, which one would you prefer to be selling?' She said the one with the Indigenous person. It's just a matter of educating our retailers, our consumers and our producers that there's an economic benefit in there by having the labelling.

Prof. Altman: I agree.

CHAIR: I would welcome drilling down into those communities that have not now got the funding and have changed their economic base, because that is part of the authentic production cycle.

Prof. Altman: I can certainly send you a letter of support that I provided for Babbarra. It was to the Indigenous Advancement Strategy, IAS, process and also then to the philanthropy that funded Babbarra instead of the government.

CHAIR: Does it reflect dollars?

Prof. Altman: Yes.

CHAIR: Great.

Ms CLAYDON: Certainly, there are a number of arts centres that found their funding formulas were quite radically changed at the introduction of the new Indigenous Advancement Strategy.

Prof. Altman: Arts centres, like all businesses, need certainty, multiyear funding and realistic funding.

Ms CLAYDON: Indeed. My experience has come more from the Fitzroy Crossing area, so I am not familiar with Mangkaja Arts, Warmun up the road and some of the Kimberley ones. I'm not disputing for one moment the fabulous work being done by those arts centres. Would all first nation artists, in your view, be associated with and represented by an arts centre? If you did the right thing and we properly fund and resource these centres, would there be people left outside of that network?

Prof. Altman: Always.

Ms CLAYDON: There are also people within those geographical areas that would not be represented by them. You have art dealers, some people who come indirectly and some people forming different kinds of personal relationships with people, which may or may not be to their advantage. I am wondering about what your views might be on how those people might be supported. Is it just the hope that you build this strong, healthy and vibrant kind of art centre that is continuously working with and educating the community and you push out bad practice by showing best practice yourself? Is that your world view there?

Prof. Altman: I think so. Of course, through their agency artists can be their own worst enemies. Interestingly, I don't think that they are necessarily the artists who will then make complaints about unethical practice. But I do think that, yes, one would like to see the networks expand. One would like to see the artists educated. It's in their best interests to work through their legitimate, resourced arts organisations, because that is where they will get expert input. Of course, that's the way most non-Indigenous artists work: they work with agents and they get advice. They are not experts on legal matters or contract law, et cetera. But you will always have outliers. Some very famous Indigenous artists—I don't particularly want to name them—have engaged in some very poor practice in terms of dealing with numerous agents. Because we respect the right of the individual to make choices about how they market their art, we really can't intervene in people making those choices. There is a problem if a piece of art, for instance, is sold and the copyright is sold as well. If somebody buys a piece of art with the copyright, they have made a payment for that and then have the right to reproduce it.

Ms CLAYDON: Indeed, we've had some pretty big examples of that.

Prof. Altman: That can be deeply problematic. But, again, if you pay somebody for a piece of art or for a design and you pay them an additional fee for the copyright, these artists really need to be well advised about what the value of their copyright might be. Again, we know that to get a copyright fee is not $1 million. It's not necessarily a huge amount of money to purchase copyright. We've got the ANKAAAs and the Desarts et cetera. I do like the idea that we resource them to assist their networks to understand how the industry works. I think there is an emerging acute knowledge of how the industry works in many of these remote places because when you look at the Warlukurlangus, the Injalaks, Maningrida Arts and Culture and the Buku-Larnggays, they're all in terribly remote parts of the country, but they still have the expertise and the track record and the history to understand what's going on. And, of course, with the internet—

Ms CLAYDON: Indeed, and they're often one of the few sources of mainstream economic activity in these communities—

Prof. Altman: That's right. They are hugely important to these communities

Ms CLAYDON: which brings me to my final question. If we had more time, I would have many others. Who would you go to for reliable data around the economic value of the arts for Indigenous communities in Australia. Who's doing that work now?

CHAIR: It would be different for each community.

Ms CLAYDON: I know, but this is a professor who has worked for decades in the area. This is our shot, if anyone is reliably working in the area. I remember decades ago some human geographers were looking at regional agreements and economic value coming from that. Is anyone summing up what the Indigenous art market is worth to those arts centres? That's what I'm really interested in.

Prof. Altman: I don't think anybody is necessarily doing that work. Historically, we've got pretty good information from *The Arts and Crafts Centre Story*, that three-volume study done in, I think, 1999 and 2000, and we've got work that was done for the NT Indigenous art strategy in 2003. What I would say is probably returns to artist haven't changed that markedly. Indeed, when you look at what happened post the global financial crisis, we found basically through research that was done by the Office of the Registrar of Indigenous corporations—

Ms CLAYDON: The registrar?

Prof. Altman: ORIC—that the turnover for the average art centre funded by government dropped back by 50 per cent. Tim Acker, subsequently, has done some research recently which looks at particular art centres that shows that their turnover has increased again. There was a time when the subsidy from government was as great for many art centres as the earnings of the artists, but I think that has changed. Tim Acker's publications on that that were done by Desert Knowledge are very useful. They're up to, I think, 2013 or 2014, so they're quite recent.

Ms CLAYDON: Thank you for that. We'll take a look at that. It seems to me that in the same way as we need some data around the prevalence or otherwise of the inauthentic market, let's look at organisations and networks who are engaging in good practice—indeed, best practice perhaps—and what returns they're delivering and the worth to individuals and communities of that market.

Prof. Altman: I think the challenge here—

Ms CLAYDON: I ask the question because when we seek to make a reform or change consumer behaviour, we want to see a return going back into those communities and to those persons who are the creative beings, because this was one of the challenges with the New Zealand efforts around marketing and labelling. I'm not totally across all of what happened in New Zealand, other than we know that the government stopped funding the labelling in 2009 because they argued there was no discernible increase in benefits returning to Maori artists. It's now bundled up in a philanthropic charitable trust fund. Those who believed in it and saw value in it are trying now desperately to go along, but it's very difficult to know whether that failure was a result of just a lack of supportive infrastructure around it and other marketing and education programs. There could be lots of different reasons. It's just highlighting the need to be able to measure some sort of baseline; that's vital so you can see what the inherent benefit is to communities.

Prof. Altman: Certainly, I think if you set up some sort of national labelling system, it would be extraordinarily expensive, and one would have to ask the question about the net benefit to individual artists. And I do think that some of the Aboriginal art communities should be able to tell you a lot about earnings of individual artists; it's just that they're caught in rather difficult circumstances around issues of income tapering and, of course, taxation issues. The Australian Taxation Office has actually made a ruling that remote Aboriginal arts income is not taxable income. I don't know if you're aware of that.

Ms CLAYDON: No.

CHAIR: That's good.

Ms CLAYDON: Just because of the complexities of trying to—

Prof. Altman: It's extraordinary.

Ms CLAYDON: It is extraordinary.

Prof. Altman: But I think it's reflecting the fact that there isn't a mechanism for really quantifying this income, but also that's an income that fluctuates a lot.

Ms CLAYDON: And perhaps the complexities as to how that income is distributed and who, in fact—

Prof. Altman: But when you and I earn income, how it's distributed is not questioned.

Ms CLAYDON: There may be multiple authors. Anyway—

Prof. Altman: And that's very complex, but they have made that ruling, which I think is really worth looking into.

CHAIR: Maybe you're leading us into a good path to challenge the Productivity Commission, because that would establish a benchmark for us to work with and know where the investment is going and what the return is to that community.

Ms CLAYDON: I'm just making a note to the secretariat now. Could we ask the ATO for some information regarding if that ruling exists on exemption for remote communities and the reasoning behind it. Thank you.

Prof. Altman: I'd certainly be interested in that. I've got the ruling, which I can certainly send you, but the actual reasoning I don't have. I've just got the ruling.

CHAIR: We'd welcome that. Thank you.

Ms CLAYDON: We're running out of time, Mr Altman.

Prof. Altman: If you've got any other questions, just feel free to email me, and I can assist the inquiry secretary with responses.

CHAIR: Thank you for your attendance at today's hearing. If you've been asked to provide any additional information, or if there's anything else you'd like to provide, please forward that to the secretariat by 21 March. You will be sent a copy of the transcript of your evidence to which you may suggest corrections.

Prof. Altman: That will be terrific.

CHAIR: Thank you so very much for taking the time to come in and give a very valuable contribution.

Prof. Altman: Good luck with your inquiry. It's a challenging one.

CHAIR: It is.

Ms CLAYDON: You made that clear in your submission. Thank you.

GRANT, Mr Freddy, Public Relations and Communications Manager, and Lead, Indigenous Art Marketing and Business Development, Bluethumb

[12:04]

CHAIR: I now call the representative of the Bluethumb online art gallery. Do you have anything to say about the capacity in which you appear before the committee?

Mr Grant: I work for Australia's largest online art gallery, Bluethumb, as the PR and communications manager. I've also been the lead on an Indigenous art project, basically, where we've partnered with about a quarter of Australia's Indigenous art centres to try to sell art ethically.

CHAIR: As these proceedings are public, they are being broadcast and recorded by Hansard. If you wish to have evidence heard in private, please let the committee know, and we'll consider that request. Although the committee does not require you to give evidence under oath, I wish to advise you that this hearing is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. If you object to answering any question, please state the reason for your objection, and the committee will consider the matter. I now invite you to make your opening statement.

Mr Grant: Thank you very much. I'd like to thank the committee for giving me the opportunity to be a witness today. I'd also like to begin by clarifying some of the claims I made in my submission and then revoking two of my recommendations.

Bluethumb's mission is to help Australian artists get their work out of studios and on collectors' walls. In my submission, I mention that the driving force behind this mission is the fact that the majority of professional artists in Australia live below the poverty line. The most recent study on this, *Making art work: an economic study of professional artists in Australia*, funded by the Australia Council, found it's increasingly difficult for artists to make a living from their creative work, which is at odds with the increasing personal value Australians place on the arts, something we have witnessed at Bluethumb as art sales online have grown. Average total incomes for artists remain 21 per cent below the Australian workforce average, and income for creative work has decreased by 19 per cent over the last seven years. So most artists have to either supplement their annual income from creative sources—which, on average, in 2015 was only $18,800—by working other jobs or simply live below the poverty line.

As reported in *The economy of place—a place in the economy: a value chain study of the Aboriginal and Torres Strait Islander art sector*, by Tim Acker—I think that's the one that you were just discussing a minute ago—which is the most comprehensive study of its type in Australia, the only source of commercial income for most Indigenous people in remote Aboriginal and Torres Strait Islander communities is income from art production at their local art centres. So Indigenous artists in remote communities don't have the opportunity to supplement their income with another job. These facts highlight the importance of this inquiry. Millions of dollars are being taken away from Indigenous artists by the production of inauthentic art and crafts products and misappropriation.

The recommendations I made in my submission that I would like to revoke are the idea of an Indigenous artists register and a transparent labelling system similar to 'Australian made' labelling. In practice, I feel, after consultation with Indigenous leaders and other stakeholders, that more paperwork and bureaucracy would more likely prohibit many artists from accessing the industry and making a living. Furthermore, previous attempts at regulation and authentication, such as the National Indigenous Arts Advocacy Organisation, were not successful. We at Bluethumb agree with the Indigenous Art Code that a new scheme that puts the onus on Aboriginal and Torres Strait Islander artists to prove their authenticity would be problematic and flawed. Instead, retailers like us should be responsible. But, to make this possible, more resources should be available and there should be fewer grey areas regarding cultural appropriation in Australian consumer law.

The recommendation in my submission that I feel most passionate about and that I think applies the most to Bluethumb, our artists and our buyers is the need for education campaigns to change consumers' and retailers' behaviour. I came to Australia from the UK nearly 10 years ago as a backpacker and have had a bit of an education over the years. When I was working on my working holiday visa and knew next to nothing about Indigenous culture and the ethical art trade, I worked in an Indigenous art gallery aimed mainly at tourists in Darwin. There I would regularly touch up Indigenous artworks at the request of either the owner or a customer. It wouldn't be dramatic changes—just painting a black border, for example—but still. Artists were also paid very strangely, being spooned out $10 here and $10 there. This mean the gallery or shop was often chaotic, and there didn't seem to be any transparent commission system in place. I hope these practices are now in the past. It was 10 years ago, and regulations have been brought in since then. But, as a tourist, I knew something was up. However,

I didn't know quite how unethical it was, as I wasn't familiar with cultural and Australian laws. I think the same is true for the majority of tourists and a large proportion of the Australian population.

Without giving names, I'd like to present the committee with some examples of correspondence we receive at Bluethumb that demonstrates the lack of cultural awareness surrounding misappropriation. Here are some comments from our closed Facebook artists' group. We have 8,000 artists on Bluethumb and we give them the opportunity to join our artists' group, where they can talk to each other and give advice. The beginning of one artist's thread said: 'I don't mean to be a killjoy or a pain in the ***, but something has been bothering me. Please don't appropriate Indigenous art.'

Here are some of the responses that the artists on Bluethumb said: 'Aboriginal artists borrow from other artists and cultures, using acrylic paint and themes, sometimes in litre tins. So we can all appropriate different styles and influences. I have paintings strongly influenced by Gaugin and Matisse.' Another artist said: 'I have done a painting that you would possibly say is misappropriation of Aboriginal art. However, it's a celebration of Aboriginal culture and I have absolutely no qualms about it.' Another artist said: 'It seems the Aboriginal pieces get pushed a lot. I'm thinking of doing some Aboriginal artwork soon.'

Then there is another thread, which opens with an Indigenous artist sharing one of their latest artworks. One of the responses was: 'Great detail; very nice. But how do I get or understand that great story from the artwork itself? I'm thinking of doing some myself,' to which the artist replied: 'If you're not Aboriginal then you won't understand. I'm an Aboriginal artist. If you're Aboriginal then you should know and see exactly what the story tells. Also, if you're not Aboriginal you cannot do this artwork. I'm not saying that to offend; that's the way it is.' To that, the commenter responded: 'Thanks for explaining that for me, much appreciated, as I'm not Aboriginal, I'm an Aussie. Yes, it would be nice to understand it and appreciate it more as well. Always tells a great story. Bluethumb push it a bit and it sells well. Think I'll paint some soon, thank you.' So, as you can see from these examples, there is no malice, just misunderstanding.

Another issue we face at Bluethumb is Indigenous artists claiming other Indigenous artists don't have the right to produce the symbols and stories they put in their work. Again, I will just read you an example email that we received, without mentioning any names: 'I'm bringing to your attention that you have an artist claiming to be Aboriginal. This gentleman is unable to gain his Aboriginality from Aboriginal community organisations. He has only discovered his descendancy in the past 12 months. He has never painted any Aboriginal art or any paintings before. There are issues about the fact that he knows nothing about Aboriginal culture or anything about his Aboriginal family. You don't become an Aboriginal artist overnight, especially when you know nothing about your culture or family and have no stories or songlines.

There are also concerns about plagiarising. At the moment I don't wish to mention this person's name until I can be guaranteed anonymity. I am an Aboriginal artist and have been painting for 35 years or more, and don't like what this person is doing. Many of us feel he is cashing in on his new-found Aboriginal connections, which are yet to be proven.'

We at Bluethumb, obviously, don't have the cultural authority to adjudicate when complaints like this are made. All we can do is try to facilitate the conversation. The artist that made the complaint wasn't prepared to speak to the artist that they were talking about, so at the moment there is really nothing that we can do. The artist is still on Bluethumb selling and the other artist has kind of—there have been emails back and forth and finally there was a bit of a sour email last time, just saying, 'Well, you're obviously not going to do anything about it.'

So at the moment there is nothing we can do. If the incredibly stretched Indigenous Art Code, who we did consult on this matter, were better funded they may have more time to be able to help us with situations like this. At the moment they've suggested that we get involved, but they also said that as the other artist wasn't prepared to talk to them then it was: 'How can you get involved? What can you do?' This is the kind of thing that we face quite often.

Finally, we have cases of blatant misappropriation. For example, an artist adopted an Indigenous-sounding name, created works that appropriated well-known Indigenous symbols and artists and called her works names such as '"Indigenous-sounding place name" Country'—although it didn't exist—and 'Sandtrack' and things like that. When I googled this artist I found eBay listings where she wrote: 'Please note that this painting is original and hand-painted by the artist. Some of the designs are inspired by Aboriginal traditional symbols. The artist herself is not Aboriginal.'

We felt that this breached Australian Consumer Law, as it was misleading. Although she never stated that she was Indigenous, most people would assume she is. However, it's a grey area—as we've been discussing. After we deactivated her account she set up a new profile with a Chinese-sounding name and changed the names of the

same artworks to things like 'Spring' and on the listing said, 'Inspired by the Outback'. We still felt this was misleading, so deactivated her account. It's still very hard to make these decisions, and it can upset people.

Again, we agree with the Indigenous Art Code that the law needs to be stronger and more explicit regarding Indigenous cultural and intellectual property. Is it okay for me to produce Indigenous symbols if I clearly state I'm not Indigenous? I think not. It would make it a lot easier for Bluethumb to enforce the Indigenous Art Code—something that at present, unfortunately, isn't mandatory—if there were specific laws and penalties that applied to these copyright issues. I have probably talked enough, so if you would like to ask me some questions.

CHAIR: I have one question to start off with, and then let me digest some of that which you have presented. Initially you said you wanted to pull back from transparent labelling because it might disenfranchise some of the fair dinkum Indigenous artists. Then you said that it would be up to retailers such as Bluethumb and others to ensure that, in relation to the artworks that they were retailing on behalf of the artists, they could properly check on the authenticity or the trueness of the Indigenous artist. Then you gave us an example where you felt powerless to make the changes. What would enable you as the retailer to have full confidence and the ability to take their account off legitimately and not get sued for poor practices but also to promote the Indigenous artists that you have who are the fair dinkum ones?

Mr Grant: That's a really good question and hopefully what you guys might solve with this inquiry. Copyright laws, as it is, are really hard to understand. We do our best to understand them. It is the same with the Australian Consumer Law. There is a lot about 'misleading', but there is nothing clearly especially to do with cultural intellectual property. The reason I say I don't think there should be labelling as such, as we were talking about before, is that there are a lot of artists—I used to live in Darwin, so I know artists who are Indigenous that weren't represented by arts centres; they were independent and would sell their work either at markets or online or however. It's an impossible question to answer, I feel, at the moment, because I don't know what the right things are. When I talk to the Indigenous Art Code people they tell me about previous labelling systems that were seen as a failure really and didn't take off. Artists were put in a position where they had to prove themselves, and it was impossible to make all artists do that. So I'm not sure what we need to put in place.

CHAIR: If you flip that over, from your own personal experience, and look at two prongs. One is as a backpacker who is earning some spare cash on the side by altering Indigenous art.

Mr Grant: That was all they did, but—

CHAIR: Now, with experience, you know that is completely abhorrent to the Indigenous community.

Mr Grant: Yes.

CHAIR: That's one side of that question. The other is: if you were a tourist in a shop, how would you be able to determine, within 30 seconds, whether a piece of art was authentic or not?

Mr Grant: To be honest, most tourists don't care. They are looking for something cheap and cheerful to take back. If we were going to introduce education for tourists—a huge campaign on planes when you landed or something like that—that might help. In that way I can see how labelling could help. What I'm more worried about is that it's stopping authentic art from being allowed to be sold and keeping it out of the market. Although I think it's a good idea in theory, I just feel that in practice it won't work. Often when these sorts of things are imposed on Indigenous people they don't work. We've seen that in the Northern Territory. There were all sorts of restrictions and things put on Indigenous people during the intervention, and most people would say that they were a failure and that they shouldn't have happened, basically. I'm just worried that by making those two suggestions—an artists register and labelling—the same thing will happen; it will stop Indigenous people from being able to make money.

CHAIR: Have you ever had an Indigenous community come to you with that suggestion?

Mr Grant: Of labelling?

CHAIR: And/or registration so that they can protect their copyright.

Mr Grant: No. That's the thing. After I put my submission in, I've since spoken to an Indigenous elder in Darwin, arts centre managers and the Indigenous Art Code, and many of them think that it's a bad idea. Some people—not everyone, obviously—believe that it should be the retailers' responsibility to provide the information about the artist, the location of the artist and certification to go with the artworks.

CHAIR: So really we're talking fine art and not small items.

Mr Grant: Obviously our thing is fine art, I suppose, but we do have artworks starting from $100, and some of it would cross over to craft or similar things. Some of the arts centres that we have sell small wooden sculptures and things that could be in tourist markets. Sorry, what was the question?

CHAIR: It was more to the point of the artists' point of view. Have any come to you saying, 'I need to be able to protect my copyright' but they don't know what the need to know? Is that part of the problem?

Mr Grant: That's true. The example I gave is an example of someone saying: 'This is my copyright and this artist is producing it. You should stop them.' But I don't know how to stop them, and I also don't want to upset them. It's even more difficult when they are an Indigenous artist—even if they've only recently discovered their heritage, they are Indigenous.

CHAIR: Have you spoken to a traditional elder in community about that aspect of their self-determination?

Mr Grant: Yes.

CHAIR: I think they would say that there needs to be a longer process than that aspect and that the culture can't just be through a discovery of a chain of descent.

Mr Grant: That is exactly what the emails have said. However, when we consulted the Indigenous Art Code about it, they kind of said that the community needs to tell that artist. This artist was going to meet-ups, so there was opportunity for that discussion to happen, but they didn't want to be the ones to tell him and they didn't want us to tell him that they wanted this discussion to happen. So it's just one of those things I don't feel comfortable with. We've still got this artist selling on our website.

CHAIR: There are three recommendations that have come through from another group where there's not just one aspect of Indigeneity but three. It's moving. I'll leave that there and let Sharon take over with some questions.

Ms CLAYDON: Those three aspects you're referring to, Chair, are commonly used across Australia. I nonetheless think it's a pretty unenviable position that you would find yourself in.

Mr Grant: Sometimes, yes.

Ms CLAYDON: I want to learn a little bit more about your online gallery. You're representing 8,000 artists. What proportion of those artists would be Indigenous artists?

Mr Grant: I've got the stats here. At the moment we have a total of 8,355 artists. People that have chosen to label themselves as Indigenous—on our website, you can say that you're Indigenous—

Ms CLAYDON: They're self-identifying?

Mr Grant: Yes. We put it in there as well to stop people being able to just tick the Aboriginal box, because we're finding a lot of non-Indigenous people were ticking 'Aboriginal' because it was Aboriginal style or something to do with it. It was misleading, basically. So we put it in as a level of protection to try to stop people. We ask them, 'What's your language group?' or 'Where's your tribe from?' and things like that.

Ms CLAYDON: So there's 'Are you Aboriginal or Torres-Strait Islander?' and additional questions.

Mr Grant: Exactly.

Ms CLAYDON: Once they've gone through that process, how many people are then deemed to be Aboriginal artists that you're representing?

Mr Grant: We don't police it. That's what I'm saying. It's there to try and make people think. It's an 'Oh, actually, no, I'm not an Indigenous artist because I don't have a language group and I don't have any heritage' kind of thing. At the moment our total number of Indigenous artists is 345, of whom 202 are on gallery profiles—we set up galleries to be able to host art centres—and then we have an additional 143 artists who aren't associated with an art centre. These are people who have gone through and ticked themselves as Indigenous and filled in that form. It's not a perfect system; it's a very flawed system. Again, we would love help and consultation with this. We put this system in place in consultation with the Indigenous Art Code.

Ms CLAYDON: Around two-thirds or maybe a little less are artists who are already associated with a reputable art centre.

Mr Grant: Exactly, and that's a lot easier for us.

Ms CLAYDON: Yes, I would have thought so.

Mr Grant: We trust art centres.

Ms CLAYDON: It would exclude 143 people, but, if you were only going through community based art centres, it seems to me that a lot of the issues you're trying to deal with would not be quite so pressing—

Mr Grant: That's true.

Ms CLAYDON: but Bluethumb has made a conscious decision not to.

Mr Grant: Exactly. Bluethumb is an open marketplace. The idea behind Bluethumb is to allow any artist to be able to try and sell their work online, because the gallery system locks out most artists in Australia. We already

had Indigenous artists on Bluethumb, but a lot smaller proportion before. We don't want to close the marketplace, basically; we want it to be open to everyone.

Ms CLAYDON: You said that you were the largest online provider—representing the largest number of Indigenous art centres.

Mr Grant: I'm not sure about that.

Ms CLAYDON: Sorry, I didn't mean to misquote you.

Mr Grant: We're the largest online art gallery in Australia in terms of having the most artists in Australia listing on us.

Ms CLAYDON: And how many art centres would be dealing with you through there?

Mr Grant: Currently we have 20 active art centre profiles—there are three or four who are still in the process of setting up—but we've spoken with lots and lots, and there's a lot of interest. More and more are joining Bluethumb and see it as a positive way of getting their art online and selling it around Australia.

Ms CLAYDON: I'm interested in whether or not those art centres would eventually start asking questions, on closed group online discussion, about authenticity. Have they raised some concerns around sharing that market space with people who they're not sure about?

Mr Grant: That has come up, especially before we were accepted as part of the Indigenous Art Code. I think we're the only online gallery that has been accepted, because we have tried to comply with the code and when these issues come up we always consult them. We made separate sections of the website—there are art galleries and there are art centres. Although the art does get mixed up with other people in the Aboriginal art collection, it's quite easy to know if an artist is from an art centre. Because they have their own closed space, I guess, that's one way of them feeling comfortable with sharing the space.

Ms CLAYDON: What does it mean to Bluethumb to be a member of the Indigenous Art Code?

Mr Grant: It means a lot. It means that we're trying to do the right thing, which is, I think, what most companies, especially start-ups, are trying to do. They're trying to solve a problem. They're trying to help society. I'm not trying to make out like we're some amazing charity or Mother Teresa or anything, but we are certainly trying to help artists. One thing we noticed about Bluethumb before we started partnering with art centres was that there weren't many Indigenous artists listing with us. So we had to learn about the industry and figure out that you had to go through arts centres so that these artists would have access to Bluethumb. Most of the artists on Bluethumb probably don't even realise they're on Bluethumb, because it's the arts centre that's managing it and setting up the profiles. That's how arts centres work. The more you visit artists in arts centres, the more you realise that a lot of them aren't business savvy or technologically savvy, so you've got to, hopefully, trust that arts centres have good people in them—which, from my experience, most of them do—and are doing the right thing too. We just try and be in this chain of people doing the right thing so that consumers can buy from a retailer knowing exactly the breakdown of commission and all that.

Ms CLAYDON: Certainly there is a significant shift for arts communities, both Indigenous and non-Indigenous, to move online for sales and distribution of their work, so it's quite an important space that you're working in. There are also arts centres—depending on their funding and organisational experience and levels of skill there—that would do some of that online sales work themselves, I would think.

Mr Grant: Yes.

Ms CLAYDON: Some might be better at it than others.

Mr Grant: Yes.

Ms CLAYDON: But you've obviously encountered a willingness to be a signed-up member of the Indigenous Art Code. You've made a business and an ethical decision to do so, as I understand what you're saying. You've encountered these problems around the questioning of authenticity. You've not been able to get the kind of support that you might have liked or expected. I guess my question is really: how on earth can we expect very many people to sign up to the Indigenous Art Code? We've met with the Indigenous Art Code, and it is effectively a one-woman show.

Mr Grant: That's what I have discovered recently. I didn't realise it was just Gabe on her own, but yes.

Ms CLAYDON: She may well be a superwoman—and happy International Women's Day to Gabrielle—but it's an enormous amount of work for one person to be doing. As a continuously monitoring and advice-giving organisation, they'd be very hard stretched. Have you got some thoughts? Other people have put to the committee that there should be very clear sets of intellectual and cultural protocols that exist. I'm not sure if you've had any

time to look at those submissions or those thoughts and whether you have a view about that. Clearly the arts centres offer a certain kind of guarantee for you about who you're dealing with—

Mr Grant: Yes, definitely.

Ms CLAYDON: and that there's community acceptance and identification of being Indigenous but, obviously, a community acceptance of that too. It sounds like the cases you're dealing with are not coming through that situation, and, if you want to be an open, inclusive online community, that's a real issue that you've got to tackle.

Mr Grant: Yes, it is. Ideally if there were some kind of body or organisation where we could refer these cases and they could figure it out, that would be great. At the same time, I don't think that's realistic. It's more just perhaps having access to more people like Gabe—someone that can advise you. She tries to get back to you as quickly as she can, but she doesn't have time to be sorting out each one of these cases that comes up. I'm not really sure who does. Similarly, when it comes to Australian copyright law, we are probably not going to refer these people to that or try and take it much further, because often it's just that people don't understand. That's why, if there were stronger rules, even that we could just refer to, perhaps that would help artists understand why we are questioning appropriation. But there are all sorts of degrees of appropriation—which is what I was trying to show you in my opening statement—and there's a lot of misunderstanding around it. Is 'Indigenous style' appropriation? I think so, but a lot of people don't because they'll use the example, 'I appropriate Picasso,' or whatever. That's fine, but—

Ms CLAYDON: The problem is, of course, that as a consumer I go on a website—which I just had a look at—and it says they're a member of the Indigenous Art Code, so I'm immediately filled with confidence and I purchase one of these questionable works. But, if it was not authentic, I would feel completely and utterly ripped off if I had in all good faith gone to a reputable outlet thinking that, because it was a member of this code, there was an ethical practice there. You're intending to be ethical, but you know that there are problems. Do you worry about the complexities of dealing with all those artists that aren't coming through the arts centres? Is that a concern to you that you then start to become a less-than-ideal distributor?

Mr Grant: Definitely. That's why I've written this submission and that's why I wanted to be a part of this conversation. Currently, in Australia, there isn't a way of doing this perfectly, I don't think. Even in arts centres, there are probably some issues like this, but I do feel like we can get better at it. That's what we're trying to do. We do deactivate people and we do deal with these cases. Currently, I believe that anyone on Bluethumb that says they're Indigenous is Indigenous. I can't say whether or not they're necessarily allowed to create some of the stories and symbols that they create, and that's really where it gets more difficult. I think—and you can talk to Gabe about us as well—we're pretty good at sticking to the code and trying our best to be a source of authentic Indigenous art.

Ms CLAYDON: Otherwise you lose the code.

Mr Grant: Yes, of course.

CHAIR: I have a couple of questions. If Indigenous art is being copied by, possibly, non-Indigenous artists, that means there's a value in the Indigenous art item. You've got about four or five per cent Indigenous artists online. Does that equate to the income that's received?

Mr Grant: What are our sales in Indigenous art?

CHAIR: Yes.

Mr Grant: Currently, 4.13 per cent of our artists are Indigenous. Last year, 5.76 per cent of our sales were from Indigenous artists and this year, so far, 5.49 per cent of our sales have been from Indigenous art. I guess the Indigenous artists are punching slightly above their weight. There is a demand for it, and I feel like it's growing more and more. The more quality art centres and the more quality art we have, the more sales are growing.

CHAIR: That's the crux of where I was coming to: it's clearly a sought-after art form.

Mr Grant: Yes, exactly. We have a lot of disgruntled artists on Bluethumb because there are a thousand of them, and they don't all sell, of course. They start seeing that Indigenous art is selling, or they see that we write a blog post about an Indigenous artist and they think that we're being unfair. Then they say ridiculous things like, 'Maybe I'll paint Indigenous art,' and some of them actually go and do it. But, when we see it, we get rid of it. We deactivate accounts or we advise them that it's wrong, take the artwork down, and we explain why. Sometimes it turns into a difficult conversation and sometimes people will just completely disagree with you. I'm sure anyone living in Australia knows how black-and-white some people can be regarding issues like this and totally disregard other people's cultural heritage.

CHAIR: My last question is: what percentage do you think are domestic purchases and what percentage international—or can't you tell?

Mr Grant: We know that. I don't have that stat with me, though. I can provide that for you, probably, at a later date.

CHAIR: It would be interesting, thank you. Other than that, I can't think of any further questions at this moment in time. Thank you very much. It's an interesting perspective.

Mr Grant: Thank you very much.

CHAIR: Thank you for your attendance at today's hearing. If you've been asked to provide any additional information or there is anything else you would like to provide, please forward it to the secretariat by 21 March. You'll be sent a copy of the transcript of the evidence, and you're most welcome to correct anything that you'd like to correct. And you need to know that, should you have presented any names, you would have been protected by parliamentary privilege.

GREENAWAY, Mr Jefa, Private capacity

KELLY, Dr Meghan, Private capacity

KENNEDY, Dr Russell, Private capacity

[12:41]

CHAIR: Welcome. Is there anything you wish to add about the capacity in which you appear?

Dr Kennedy: I'm from Deakin University but I'm speaking as a citizen.

Dr Kelly: I'm also from Deakin University and speaking as a private citizen.

Mr Greenaway: I'm from Indigenous Architecture and Design Victoria Aboriginal corporation. I'm also speaking as a private citizen.

CHAIR: As these proceedings are public, they are being broadcast and recorded by Hansard. If you wish to have evidence heard in private, please let the committee know and we'll consider your request. Although the committee does not require you to give evidence under oath, I wish to advise you that this hearing is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. If you object to answering a question, please state the reasons for your objection and the committee will consider the matter. I now invite Dr Kennedy to make his opening statement.

Mr Greenaway: I'd like to initially acknowledge the traditional owners of the land on which we're gathering, particularly those of the Kulin nation, being the Wurundjeri and the Bunurong, and I pay my respects to their elders past and present. I say that because my mob is Wailwan: Kamilaroi, which is on the Liverpool Plains of north-western New South Wales. I'm not from here, so those are the due process and protocols that we would typically apply on country.

I'd like to give some context, initially, and provide some background before Russell continues. I'm involved with an organisation called Indigenous Architecture and Design Victoria. It's an Aboriginal-run organisation under ORIC, and it represents Indigenous practitioners within design fields. We often have an intersection with the notion of expressing indigeneity and culture in all its manifestations. In essence, we don't distinguish between art and design. We see cultural expression as a holistic approach. And you'll invariably find that a lot of practitioners dabble in a range of different expressions.

Further to that, we feel that there are processes and protocols that can be applied and methodologies where we can start to embrace a connection to culture in appropriate ways which eschew some of the issues around cultural appropriations, understand and embed protocol, facilitate an understanding of culture and move beyond the cliched, stereotypical, patronising references to where we can start to embed narratives that celebrate a connection to the oldest continuing culture in the world.

With that in mind, the process of the development towards the Australian Indigenous Design Charter—communication design—has been one that has taken many years to produce. It's a partnership between IADV Design Institute of Australia and Deakin University, and it's been championed by both Russell Kennedy and Meghan Kelly over a number of years. It's also linking in with an international connection through Indigo and ico-D, the International Council of Design, which is in many respects the genesis for some of the thinking around this notion.

Interestingly, I've just come back from Aotearoa where I was talking specifically about the charter. What that in a sense is doing is validating in many respects some of the thoughts and processes behind this, particularly from a first nations perspective. We workshopped this with Sami and Inuit people in the Nordic countries, with Indigenous people here in Australia, with Indigenous first nations people in New Zealand and also with first nations people in North America at the World Design Summit in Montreal in October last year, speaking to people from Turtle Island, being both Canada and the USA. What has been quite interesting is that many of these ideas stem from an understanding that the starting point is that it becomes Indigenous led and so therefore Indigenous voices co-design the process and understand some of the considerations.

Dr Kennedy: Thank you for the opportunity to present on the Australian Indigenous Design Charter at this important committee hearing. The Australian Indigenous Design Charter was developed in 2016 with the support and endorsement of the Design Institute of Australia—we have a representative from there, Jane Connory, here today—the International Council of Design, ico-D, which is a multidisciplinary design organisation representing all design associations around the world and based in Montreal, the Deakin Institute of Koorie Education and, as Jefa is representing here today, Indigenous Architecture and Design Victoria, which is Australia's largest, if not only, Indigenous design association.

In the document there is a section discussing the context for the development of protocols and the reasons why they are required. To summarise that context, the Australian Indigenous Design Charter has been created to address the issues of appropriation and non-authentic representation of Indigenous culture in commercial design practice. It advocates Indigenous Aboriginal and Torres Strait Islander leadership in all areas related to design projects. The document addresses the issues from the design perspective and the responsibility of the design industry to lead the way in demonstrating and accounting for a respectful, Indigenous led, collaborative process. The document and research that initiated this charter was inspired by the UN Declaration on the Rights of Indigenous People. So the charter reinforces the rights of Indigenous people to culturally self-determine, as recognised by the United Nations declaration.

The benefits of the document are that it advocates and promotes Indigenous designers, Indigenous content and the greater visibility of Indigenous culture in mainstream society. It supports the development of contemporary representation of Indigenous knowledge and provides guidance on the ethical process to achieve these outcomes. We think one of the best ways to explain the benefits of the Australian Indigenous Design Charter comes from a statement from another university by Gene Bawden, deputy head of the department of design and architecture at Monash University. Gene said: 'The design department at Monash University is committed to the promotion and enactment of culturally inclusive practices in all our curriculum. It is of paramount importance that our graduates leave the university fully alert to the frameworks that define respect, inclusion, diversity and cultural sensitivity. The Australian Indigenous Design Charter provides an invaluable resource for our students and teaching staff towards this end. It clearly defines both the how and why of authentic engagement with Australian Indigenous people through design and, importantly, provides graduates with the transferable knowledge that they need to mobilise Indigenous engagement throughout the world.'

We have had great support from a number of industry partners who are using the charter as a curriculum resource and best-practice guide. These include Monash University, RMIT, Melbourne university, Deakin University, Schiavello, Australia's largest manufacturer of furniture, Latitude Design and others. This list continues to grow and we are working towards embedding the charter in all design courses in Australia so that the next generation of designers can understand how to respectfully engage with Indigenous knowledge.

In a way, the Australian Indigenous Design Charter addresses the questions raised in this inquiry about the growing presence of inauthentic Aboriginal and Torres Strait Islander art and craft and merchandise for sale across Australia, while offering a first step towards a solution. The charter provides guidance on how to conduct an ethical, Indigenous-led design process and could perhaps be developed into a method of certification used to publicly recognise compliance with best-practice protocols.

As Jefa mentioned, this project has expanded into an international document. We use this charter, which you have in front of you, as a starting point for discussions globally with Inuit communities and Sami communities. We went to Greenland and Sweden and spoke to Inuit and Sami practitioners operating in Copenhagen in a workshop forum. We've also spoken to First Nations in the United States and Canada, and Jefa was recently representing the charter in New Zealand. Incidentally, Damien Miller came to the Nordics with us and met with the Sami and Inuit people as part of those workshop processes. That trip was funded by DFAT.

This is very much a first-nation global issue. It's not just an Australian issue, and we believe working in the global community helps distil the discussion for Australia. In closing, we thank you for allowing us the opportunity to present the Australian Indigenous Design Charter to this committee, and we look forward to answering your questions.

Dr Kelly: I've had the privilege of sitting through the morning speakers, and it's been a fantastic experience, especially the young lady who did her own research. That was fantastic. I think she's still here—well done! It's been interesting because, as designers, we look for solutions to problems. It's sort of an innate process for us. I think some of them have been raised. I just wanted to reiterate a few, such as: how do we inform people? The majority of people that are engaging in this area of inauthentic purchasing of products are tourists. Linking into the idea of customs regulations in planes but also here, when we talk about what food you can and can't bring in, we could also talk about how you can purchase authentic items and look for some sort of information to do that. It still goes to the point of having an indication of authenticity in there.

This particular document of the charter starts to answer questions of how you define authenticity, and it's from an Indigenous-led perspective. The area of defining authenticity, as the previous speaker said, is quite a challenging space, and it needs to be community led and community understood. They define authenticity; we don't define authenticity. How do we do that? One of the opportunities of the charter is to intersect commercial practice into the areas of tourism that you're talking about, or even as a funding arrangement. Talking to large organisations like Schiavello, who we met with yesterday, they're very keen to adopt something like the charter

and have it regulated by an organisation, but they would pay to do that. Maybe that payment could extend into smaller communities which wouldn't be obliged to pay. There could be a system where we involve industry in this discussion at a different level, so it's not just government based. It's government regulated, perhaps. Industry would then be one of the powerbrokers that come into it as well. There are probably more points that we can raise as we go through our discussion, but I just wanted to raise those, based on the conversations this morning.

Dr Kennedy: One thing I did leave out—the Design Institute of Australia already publishes the document and its practice notes on their website so their members can have access to it with no charge. It's an open document. The other things is that ico-D, the International Council of Design, will be doing the same. We're going to be launching the international charter at an event. Do you want to talk about that, Jefa?

Mr Greenaway: As part of Melbourne Design Week, we'll be putting together an event at the Koori Heritage Trust on 16 March to launch the charter and facilitate public awareness of what the charter is and the benefits that it can provide. Interestingly, the document is an iterative document; it's not fixed. We anticipate that it will evolve and adapt over time as more input and feedback is provided. Particularly where it's used within an international context, we understand that it will evolve to meet the specificity of the communities to which it's connected. So, consequently, it's not an imposed solution; it's a collaborative process and developing a framework, or a structure, to order the thinking of how one can think about these things.

Dr Kennedy: That's a very good point: it is an open, iterative document, so it will change. It already has, from each community we have spoken to so far.

Dr Kelly: The way we envisage the 10 steps is: you might not have achieved every step 100 per cent, but you have attempted to achieve all 10 steps to a level. The 10 steps themselves would define your success in that sort of space.

Dr Kennedy: We haven't got the answers here. We're not telling you what's right and wrong; we're telling you how to find out what's right and wrong.

Ms CLAYDON: More of a stepping-through process.

Dr Kennedy: Exactly.

Ms CLAYDON: Let's ask some questions and toss this about a bit. The idea that it be an organic and changing document makes sense to me, in terms of the audience and the participation you're trying to get internationally, but how does industry respond to that?

Dr Kelly: Industry is going to help us define where these changes are. One of the issues with the industry is, if we engage in the charter, it will take a slower process for engagement. If we start to engage in the community—and the community needs to be quite a specific or diverse community—there's a time frame that's going to need to be involved in the design process. That's one area of navigation that's already arisen as a concern. We need an infrastructure set in place to be able to easily tap into, and that's where IADV very much steps up to the fore—they have a lot of community connections. If it's outside of IADV's framework, then we need to establish those connections. That might even inform, as we progress, a more secure way of having industry and community engagement.

Ms CLAYDON: I need some grounded practical guidance from you now. Why has that furniture company—did they reach out to you?

Dr Kelly: Yes.

Ms CLAYDON: What initiated that? What do they think they're getting out of being—

Dr Kelly: Involved in it.

Ms CLAYDON: a signatory to a charter—I'm not even sure that's the right expression—or saying, 'We want to be part of this'? Can you talk me through that, please?

Dr Kennedy: I can probably talk about that. They had started the conversation with the Design Institute of Australia. Anton Schiavello had a conversation with Jo-Ann Kellock, who's the CEO there, about some plans that they had and he mentioned that they wanted to have an Indigenous design program within their organisation. It was Jo-Ann who referred him to this document. Then, coincidentally, I got a call from Latitude—they're a design company—who had been engaged by Schiavello, who was working for them on this project. They also knew about our charter, so they contacted us directly. So we had this multi-pronged conversation going on.

What they have tried to do there is develop an Aboriginal entity within the organisation where they employ Aboriginal designers—they've already got quite a few on staff. They're going to get them involved not only in the manufacture of their products but also in designing a range of Aboriginal-themed furniture items. Kyle Vander

Kuyp is their Indigenous representative. I don't know whether you know Kyle; he's a former Olympic and Commonwealth hurdling champion—

Ms CLAYDON: I know of him.

Dr Kennedy: He's employed as their Indigenous representative and he's overseeing that project. They wanted to do the right thing. They knew that they wanted to get into this area. They knew that there was a market, because they're international exporters. They understand that Indigenous culture is very much a point of difference within the Australian identity. But they wanted to do it in the right way, so they started that conversation with the DIA, and it was the DIA that continued it with us.

Dr Kelly: I think the key point there is there's a market—and Jefa can perhaps speak to that opportunity in his own businesses and his own business practice—and there's a real hunger for Indigenous knowledge and Indigenous commercial practice.

Mr Greenaway: I'm an architect by training, and there is often the fusion of art and architecture. For instance, we do projects where we use contemporary Aboriginal art as a backdrop or embedded as part of the architectural expression. We are often intersecting with that notion of how to engage with Aboriginal artists and how to ensure that the Aboriginal artists are acknowledged and that there is a process where we engage in particular with, say, traditional owner groups that give authenticity to particular works.

Interestingly, another really useful and practical example of how that charter is going to be and is being used is where I have a role as an academic at the University of Melbourne. We're developing an Indigenous cultural design competency module essentially to teach the teachers—to start to normalise a connection and interface with Indigenous culture. I'm using the charter to benchmark what we're actually doing and the process in which we're undertaking that offering at the end of the process of developing this module. That crystallises a mechanism of how we can demonstrate best practice and step through a series of processes and protocols to acknowledge all the key stakeholders, underscoring the importance of engaging with some of the cultural sensitivities, nuance and complexities of how one engages with Indigenous culture in an authentic way.

Dr Kelly: Originally, the thinking was that if the referendum changed to recognise Indigenous existence prior to Federation then there would be a different view of the way Indigenous knowledge is perceived in this country, which means that we were concerned originally about the commercial implications of that. That's what started the conversation.

Dr Kennedy: That's right. This was in anticipation of that because, if we start to think of ourselves as the oldest continuous country in the world rather than a young colonial country, that changes the way we represent ourselves, and that creates another problem: how do we do that appropriately and ethically? People will need guidance for that. And we're not far away from that, hopefully, but we feel confident that, when it happens, this document will help that process.

CHAIR: First of all, I got blown over because you said 'architecture', and I was thinking, 'Okay, Indigenous influence in architecture,' but I now see that this is a much wider application process. If you're working with people on Indigenous design to go on furnishings to go overseas, how are you working out a royalty scheme, copyright fee or some other way of returning that cultural investment to the artist and/or the community to which it belongs? Is that part of it? I scanned it but did not see that as part of the charter.

Dr Kennedy: It depends on the case. If it were a design being used for fabric for furnishing, it would be pretty straightforward. There would be an agreement made with that creator for the use of it, and that would be either one on one or through a community cultural centre. Then perhaps it could be a flat fee or there could be a royalty involved. Where this comes into play is not necessarily acquiring other artwork to reproduce. That's pretty straightforward. If a company wants an Aboriginal art piece on the front cover of their book, the transaction's pretty straightforward. Where it becomes difficult is where you're creating something from scratch—for example, you've got a brief to create a brand for an organisation, a city, a town or something like that. That's where the guidance really does come into play. But I think the Schiavello example would be fairly straightforward too. They would be dealing with the Aboriginal artist or the cultural centre that they were obtaining the work from.

Mr Greenaway: Importantly, item 8 does note:

Legal and moral. Demonstrate respect and honour cultural ownership and intellectual property rights, including moral rights, and obtain appropriate permissions where required.

It's talking about the importance of understanding that Indigenous knowledge systems and Indigenous images, motifs and totems can't be used without permission. There's a process. Following on from that are also mechanisms which enable people to be remunerated. That is factored into contractual arrangements and so forth. But it is a live issue. For instance, I've done some work recently with large institutions where we're using

Aboriginal artists in the work, and the contractual arrangements are such that they say we own their work. So then it's a process of going back and essentially conveying that that's not how it works and it can't be implemented in that way. We need to find new strategies to acknowledge that there are particular things which are secret and sacred that nobody owns. Even the traditional owners don't actually own the imagery; they are the custodians of it. As artists, practitioners and creators often we are given permission to utilise that sort of imagery.

CHAIR: Okay. That brings me down to the very technical point that's the crux of the problem that we are addressing—that community-owned cultural knowledge cannot be copyrighted. What is the paradigm that would come from your charter? You seem to be grappling with the same context and are able to negotiate with the end user. What paradigm are you putting together that could be picked up and taken to other places and spaces in order to ensure that that cultural aspect is protected?

Dr Kennedy: Meghan and I have been looking at case studies that represent that same problem and issue you are talking about. One that we keep coming back to is the Fiji Airways case. I'm not sure if you are aware of that. They designed the livery of the aircraft. The company that did that—FutureBrand—had also had a long history of Australian branding. They have made some mistakes in the past—and I won't talk about what they were—but they've actually improved their processes. We've been monitoring them and recording what they've been doing. We felt they were doing this project with Fiji Airways pretty well. They had engaged a Masi artist from Fiji and she was given a brief. It wasn't as if they gathered her work and took it back to the studio and manipulated it. They said, 'We need a welcome symbol and we want it done in your art style.' They documented the whole process.

She was in her house creating the work. They would go back and say: 'It's great, but can you simplify it because it needs to be viewed from a distance? Does that change the integrity of the design?' She said, 'No, I think I can do it,' so she did another version. Anyway, it was all great and they rolled it out. They had fabrics for the interior and created a font accordingly. It was all really well received by the community as well.

Right at the end though they hit a hurdle. As in most cases, the airline wanted copyright assigned to the airline. She said: 'I can't do that because I don't own these symbols. They belong to my community.' It was a major—I'm not sure how much of this—

CHAIR: You're protected by privilege.

Dr Kennedy: Okay. Most of it's public knowledge anyway.

Ms CLAYDON: Sure is now.

Dr Kennedy: So there was a huge issue right at the very end. If they had had this charter, they wouldn't have got to that point. My understanding is that the way they resolved it is through licensing. They then went back to the community and said: 'We would like to use this for X amount of time under certain circumstances for these applications only. Any additional applications you have to give permission for. We'll pay you for this right.' They actually had paid her quite well and also made her an ambassador, but there was also the community that needed to benefit from it as well. My understanding is that—and I'm not saying it's off the record, because I'm surmising—that is the way that they resolved it. It was resolved quite well within Western law with the licensing agreement.

The airline is flying. The livery is out there. The local community is very proud to see their culture visibly represented. That's the other thing that this helps do—it creates an opportunity for Indigenous culture to be very visible within the broader community. We see that as an example where there was a problem but it was also resolved. The organisation will learn again the next time through the process. This is very much a learning process for everyone.

CHAIR: Indeed. I think there has only lately been a true acceptance in non-Indigenous culture that the Indigenous culture has that intrinsic value. That has only a late recognition factor. It has got what I call collective consciousness. That is a model. Would that appear as part what you're putting together as part of best practice, which is effectively what that charter is becoming?

Dr Kelly: It does depend on the particular brief, as Russell was saying earlier. Some of the earlier discussions were about: how do you get rid of the $2-shop fake items versus how do you get authenticity? To me, you can't get rid of the $2-shop items. They're the things you take home for your kids, you put on the fridge, they last three weeks and then they break anyway, and you know they're probably from China. But what you're indicating is quality contemporary interpretations of design that are commercially done and the benefits go back to the communities themselves. That is high end. You would get the buy-in from people. If you look at some of the Melbourne symbols—there's a company called Make Me Iconic, and they just pick Melbourne symbols and they

put them on cushions and things. They are images around Melbourne. They are one of the biggest sellers of items that you can get. In fact, would you like to refer to the one that you were showing us on your phone earlier?

Mr Greenaway: The Koorie Heritage Trust opened a new building at Federation Square, and, to partner in with that experience, at the launch they wanted a series of items. So I developed a series of T-shirt designs. We've got one here. It says, 'No dots down here.' What it's talking to is a connection to place and understanding that the artistic and cultural expression of the south-east is quite distinct from the Central Desert, Western Australia, Northern Queensland and the like. To accompany that, in order to give that sense of authenticity, we developed a swing tag which said, 'Authentic Aboriginal. Koorie As.' We're referencing again the use of language, cultural motifs and imagery, abstracted in a contemporary way to then be able to badge it and then acknowledge the artists as well. The cultural offerings that the gift shop has at the Koorie Heritage Trust—they repositioned and re-curated it so all the work was from local Indigenous artists. So you won't see things like didgeridoos and dot paintings, because they are not from this area. This becomes a real important reminder that Indigenous culture in Australia is not monolithic and there's a huge diversity, understanding that it is made up of 250 different language groups. Essentially each of those are distinct nations. Consequently, that understanding of Indigenous culture as somehow homogenous gets broken down to a much more rich understanding of that rich diversity and rich tapestry that is Aboriginal Australia.

Dr Kelly: One of the issues that we've discovered in our research—we are non-Indigenous—is the need for non-Indigenous to work in this space. If we can reflect even on how many Indigenous architects there are—I think nationally there are eight Indigenous—

Mr Greenaway: There are something like eight registered Indigenous architects.

Dr Kelly: If there is a bigger market for it and there are more people interested in Indigenous knowledge, you have to have a non-Indigenous protocol that works with Indigenous peoples and you also need to have Indigenous people understand that they're working out of country. As Jefa pointed out earlier, this is his space out of country. That's again what the steps are trying to define.

Dr Kennedy: We've found this resonates really well with Indigenous designers for that very reason.

Dr Kelly: Well, it was in consultation with them.

Ms CLAYDON: I'm still trying to understand how this operates. I'm getting a sense of it, but is this a voluntary code?

Dr Kelly: It is at this stage.

Dr Kennedy: It's self-regulated.

Ms CLAYDON: It's self-regulated by whoever uses it?

Dr Kennedy: Correct.

Dr Kelly: We are really interested in looking at that.

Ms CLAYDON: I've got many questions that follow on from that. So we are self-regulating. What's the take-up rate?

Dr Kelly: The point I was just making is that we've only been going for a year. The uptake is starting to gain momentum. We've turned it now into an international version. That's gained enormous momentum. We've been talking to industry representatives who want to understand and utilise it. It's only 12 months old.

Ms CLAYDON: How do you envisage breaches of the code to be dealt with?

Dr Kelly: We have ideas.

Ms CLAYDON: Like?

Dr Kelly: We have so many ideas!

Dr Kennedy: That's sort of what I was alluding to at the end with the certification—again, a similar concept to having a brand mark that this is certified as having followed the charter. One of the bad things about the world we live in is social media, but one of the good things is that, if you promise something and you don't deliver, you're cut down pretty quickly. So we believe that it would be very silly for an organisation to actually use this as a tick-the-box document. They should be doing it with integrity, and if they don't they'll be found out pretty quickly.

Dr Kelly: We also see that there's a big opportunity for a consultancy based approach.

Ms CLAYDON: How do they get found out quickly? Is it through whispers through the industry that so-and-so has been dodgy?

Dr Kennedy: This is all about process.

Ms CLAYDON: Is that how it happens?

Dr Kennedy: That's exactly how it happens.

Ms CLAYDON: Sorry, Dr Kelly, I didn't mean to cut you off there.

Dr Kelly: I'm good at cutting everyone off, so you're more than welcome to at any point. One of the thoughts that we had was to set up a consultancy that would certify it, whether that's an IADV-based consultancy, a DIA-based consultancy or a government based consultancy or even Deakin University, we don't know yet. But it would be really interesting that if you were working with Indigenous knowledge that you came to that point and they then pointed you in the right direction to go through other organisations, and could certify it. But we do believe that it's such a necessary process that industry will want to endorse it to say that they have authentically acknowledged it, especially really large industries, as I was suggesting earlier, the Telstras of the world and the NABs of the world could then—

Ms CLAYDON: The big corporates.

Dr Kelly: The big corporates could pay the money, which would then empower smaller community not-for-profits and others.

Dr Kennedy: We did a test through the Kardinia Park Stadium Trust, which was a really good example—

Ms CLAYDON: Sorry, with who?

Dr Kennedy: The Kardinia Park Stadium Trust. It is a new body that was set up to run the Kardinia Park football stadium in Geelong.

Ms CLAYDON: I'm not fond of—

Dr Kennedy: Well, Steve Bracks was a former Victorian Premier, and he was on the—

Ms CLAYDON: I familiar with him.

Mr Greenaway: It's part of regional Victoria.

Dr Kennedy: The brief was to design a brand mark for the trust. One of the parts of the charter is that we ask of any project, whatever it is: 'Is there an Indigenous story in this project?' In some cases there might not be, in some cases there might be and in some cases we don't know. In this case it was: 'We don't know, but we welcome you to find out.' We discovered pretty quickly that Kardinia was a Wadawurrung word for 'rising sun', and the students who were working on the brandmark saw that as a great opportunity: rising sun, new beginning, a new dawn. They started working on that and then a student came up with a symbol that they'd discovered in their research. It was a meeting place symbol with concentric circles and journey lines coming in. We said, 'Now there's a problem: you're using someone else's property.' So we were able, through the Institute of Koorie Education at Deakin, to connect her with an elder from the Wadawurrung group, and from that point on they co-created the final solution. It ended up being very good. It was very much a contemporary brandmark. There was also a discussion that had gone on before that with Corrina O'Toole, who was the representative from the Wadawurrung, who said, 'You're not trying to corporatise our culture, are you?' And I said, 'In a way that's exactly what this is, but there are benefits because it's visible and it's a place brand.' She said, 'Keep talking.' At the end of the conversation I said, 'Do you want to be involved?' and she said, 'Absolutely'. That was when we made the connection. That's when the student worked with her to create the final solution. We documented the whole process and that was presented to the panel as well.

Ms CLAYDON: If it's people putting themselves forward to participate and use this charter—maybe through your own internal industry mechanisms there is some way of naming and shaming people who don't comply—would you envisage that there would be resistance? Will you end up with groups of people saying, 'Oh my God. That's all too long and too difficult to navigate my way through' or is the cost of not doing it great enough that they effectively say, 'Actually, I need help to navigate my way through here. This is a space I don't know, and this charter gives me some sense of how to do it at least.'

Dr Kennedy: You made a few good points there.

Dr Kelly: The too-hard basket.

Dr Kennedy: That's what the charter is there for. It's actually to help them, and because we've simplified it into 10 points it's fairly easy to follow. It's also a document that they can use to educate their clients, because if they do decide to go down this path, and we had the same issue with Kardinia Park, it does require a bit more time, and time is money, so it may end up being a more expensive process. If the benefits could be explained, the charter is a fairly easy read for clients to get a grasp of. We've found that the feedback on it that we've had so far has all been very positive.

Ms CLAYDON: When they do complain and it's all ticked off, how does anyone know that they were good citizens and—

Dr Kelly: This is what we need to develop over the next stage. One area we have put out for is a book proposal, and the book proposal would show best practice and how it aligns. Again, it becomes an industry-surrounded document. It's also through organisations like IADV, which build that growth and that understanding.

Dr Kennedy: What we were hoping to do is offer a consultancy service to help design companies walk through the process. IADV already do one, and a very good one. We've engaged them at Deakin University to work on one of our projects. That's mainly in the built environment, whereas with this we are talking about the broader design discussion. Assistance walking through the books is the other area, to show, 'They're words, and these are practice examples.' There is some beautiful Indigenous architecture and design that's already produced by Aboriginal designers that we would like to publish in a book.

Dr Kelly: And non-Aboriginal.

Dr Kennedy: And non-Aboriginal, yes. So we'd like to show that and then compare the examples against the charter to see how they performed in different areas. That is probably our next project.

Ms CLAYDON: Mr Greenaway, do you see this charter as sitting alongside existing protocols in other industries and other fields? Do you see it as a model that would lead the way? I'm trying to get a sense of where it sits in the field of existing protocols, practice notes—some guidelines.

Mr Greenaway: That is a good question. I think it's complementary. There are many resources out there where one can seek to amplify some of those authentic connections, and finding processes and ways to do things. But, naturally enough, what's been really interesting with this charter—and I think it is essentially ahead of the curve in some respects—is how it starts to then touch on and connect and branch out to other disciplines as well. It was originally conceived through the lens of communication design, but we saw very early the applicability of this to other disciplines and other creative expressions, particularly with the built environment. So it very much works in with some of the pre-existing documentation and practice notes and the like as well. It is very much something which works hand in glove with other mechanisms.

Dr Kennedy: Terri Janke has done a lot of work in this space as well.

Ms CLAYDON: I was thinking of her work and whether it's complementary.

Dr Kennedy: There was an identified gap in design specifically. So that's where this came from.

Ms CLAYDON: Thanks. Sorry, Chair.

CHAIR: That's all right. You've asked a lot of the questions that I wanted to ask anyway. My mind is going a little bit sideways; I'm stoked about the possibility of the paradigm shift to protect culture, because nobody else has come up with a remote model of how that might work. You said you've seen it alongside other areas. A recommendation of the previous inquiry of this committee was that culture needed to come through education. As a past chalkie, I just look at this and see a complete design process for teaching culture through our schools. Have you explored that yet with anyone?

Dr Kelly: I presented at the Australian Council of University Art and Design Schools, and they all wanted to put it into their design practice and teaching of design. We're also meeting with Melbourne University and RMIT, and Monash have asked us to speak about it and do a presentation about how to put it into the curriculum. I think it can even go to secondary school curriculum.

CHAIR: That's what I'm thinking.

Dr Kelly: We were thinking in terms of design practice—as I said, it's been in existence for 12 months—but it now is extending to a greater capacity, absolutely. It's sort of a how-to. Designers are those problem solvers that want to provide the steps.

Mr Greenaway: But you don't know what you don't know, and so this becomes a starting point. Often people have few experiences of interfacing with Indigenous culture. You need the framework, the language and the capacity to step your way through, and so this becomes a very useful mechanism for that. The experience at The University of Melbourne is that this becomes a really useful document to normalise an understanding of the richness of culture and how that fuses in and how Indigenous knowledge systems run parallel to Western knowledge and is of equal value. With the internationalisation of universities they have a large cohort of international students who often struggle with an understanding of the distinctness of this place. So this becomes a really useful way to understand it, connect it and infuse it as part of the DNA of curriculum as well. My role at the university is in curriculum development, and we're using it for that purpose.

CHAIR: Okay—that is great!

Dr Kennedy: We see it very much as a reconciliation action, in a way, rather than reconciliation rhetoric.

CHAIR: It's actually pulling it together.

Dr Kennedy: Yes. Education aside, what happens in professional practice when a brief comes along—it might be from the city council and they want a new logo and they want to represent Indigenous culture; they think they're doing the right thing—what happens is the designer company will either appropriate something, put some dots on it and make it look tribal and Aboriginal, and that might be satisfactory for the client, or they understand the issues and avoid it totally and come up with a non-Aboriginal solution because they don't want to offend. Now, both of those are wrong. What we're trying to do is create this document, which helps to find that middle ground.

CHAIR: It's very effective. I hope that we can tease out that methodology to protect cultural community ownership so that we can move forward in that sphere to facilitate where we're headed with our artists and our craftspeople. That really is very positive.

Dr Kelly: If there were a possibility to bring this into secondary education, what would be our best avenue to explore that?

CHAIR: I don't know. I'd have to talk to Birmo about that—Senator Birmingham.

Ms CLAYDON: She means the minister; I have no contact there! But there is a national curriculum, so—

Dr Kelly: Yes, that's right, I understand.

Ms CLAYDON: if you had a look there. It's a process that you would need to go through.

Dr Kelly: Yes.

CHAIR: That's probably an on-the-side issue, but it's one that I think is well worth looking at a later time to see how it ties together. The immediacy is trying to honour the artists and the culture that they are part of, now. We need to be associated with that and to know.

Mr Greenaway: While not explicit, the by-product of walking through this journey, through these various steps of the charter, is that you are protecting culture as a result, because it's being done in the right way, speaking to the right people and understanding the key issues.

Dr Kennedy: The other point about the contemporary expression of Indigenous culture is that it resonates with young people. They want to hold onto their culture. It also resonates with the broader audience, so it actually does help to keep culture alive. Every other culture changes by the second; for some reason, we want Indigenous culture to stay—

Mr Greenaway: Fixed in time.

Dr Kennedy: fixed in time. This enables it to evolve like every other culture.

Dr Kelly: Which it is.

Dr Kennedy: Which it is.

Ms CLAYDON: Is the interest expressed internationally for this charter borne out of a sense of their existing laws in their own jurisdictions to have failed to protect and/or promote indigenous culture, intellectual property rights and artistic endeavour?

Mr Greenaway: I think the reason why this has been so well embraced internationally among first nations peoples is because it's never been articulated so clearly and codified in a very accessible and legible way. So it resonates immediately. When you hear it and read through the steps, and you see the first step is Indigenous led, that connects people straightaway. It's understood that this has come from a place which understands and infuses with an appreciation of cultural value. Consequently, I think it's a case of other first nations people seeing that this has real merit, but there's also parallel work happening elsewhere, and this kind of validates and reinforces some of the journeys that other first nations people are going through, too.

Dr Kennedy: A good endorsement was being contacted by a group in New Zealand that want to use this as a base for a New Zealand version of it. They don't want to change it much at all. In the discussions we had, wherever we went, the changes were very minimal.

Dr Kelly: We got some really lovely words, such as 'deep time', that we have now embedded in the international version. Deep time is not just thinking about today but thinking about today's generation three generations behind and three generations in front, so it's a seven-generation thinking process. It's a beautiful way to look at it. You think about the decisions you make and the impact they have across the board.

CHAIR: Thank you for your attendance at today's hearing. If you've been asked to provide any additional information or if there is anything else you'd like to provide, please forward this to the secretariat by 21 March. You'll be sent a copy of the transcript of your evidence, to which you may suggest correction of any kind.

Committee adjourned at 13:31

CREATIVE ECONOMY

CAPABILITY STATEMENT

Creative Economy's vision is for an economy in which culture is valued as much as capital and people are valued before profit.

UN declares 2021 International Year of Creative Economy for Sustainable Development

About Creative Economy

"Leveraging culture to create sustainable economic value."

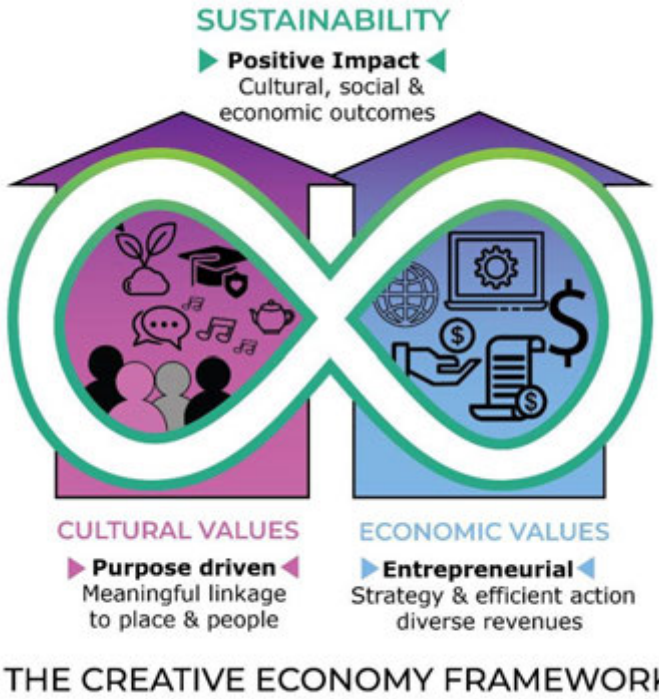
Founded in 1992, Creative Economy is a niche consultancy practice inspired by the vision of "Creative Nation", a policy that sought to define culture in all its diversity beyond the arts and reframe culture's role in the economy.

We specialise in strategic advisory, sustainable economic development and the strategic development of cultural and creative industries. Our expertise is working with businesses, organisations and governments to develop business strategies and innovative business models that put culture first and produce sustainable economic value.

Clients engage Creative Economy to provide independent strategic advice, strategic reviews, strategic planning and development as well as governance and management mentoring to build strategic business capacity. The result is improved business viability through diverse revenue streams and lasting impact.

Creative Economy Sustainability Framework

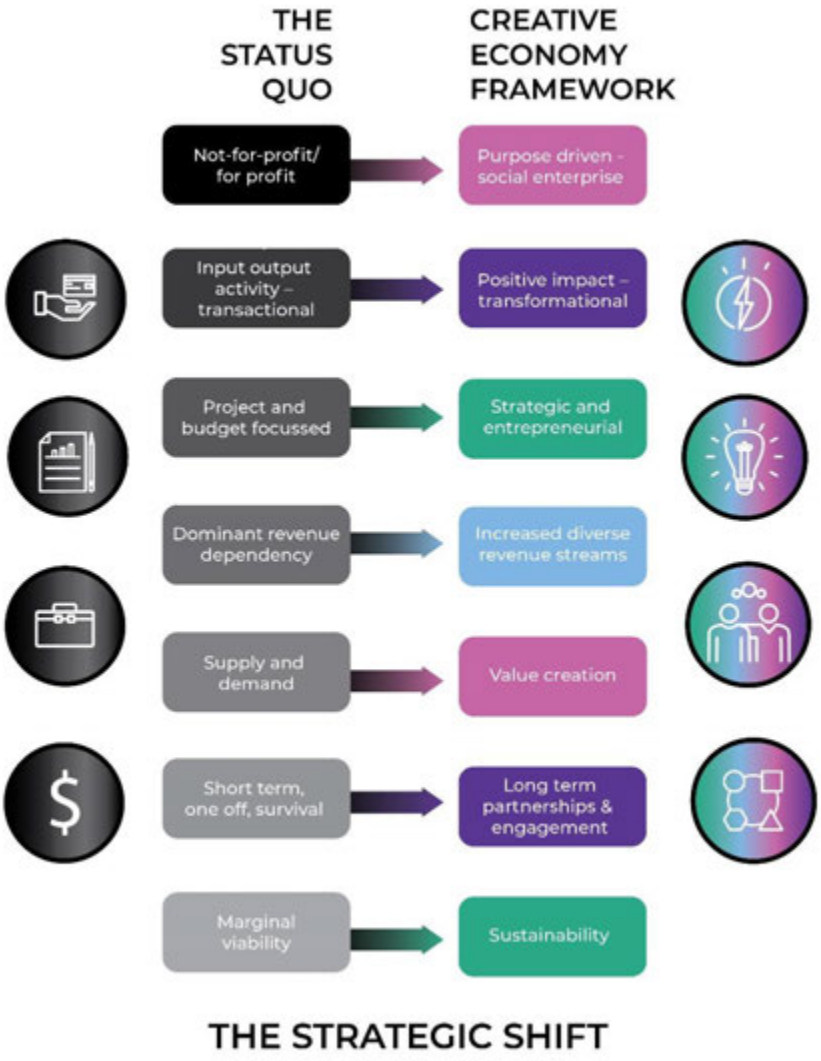
Creative Economy's philosophy is that culture is essential and primary to sustainability. Working extensively within Aboriginal communities we have built an understanding that sustainability is holistic, and that culture is fundamental. We have developed a proven strategic framework that is a model that links cultural, social and economic outcomes resulting in greater sustainability.



Business Model: Strategic Shift

Generally, strategic plans are based on generic business models that are purely economically based and likewise cultural models are predominantly project based, with both lacking consideration for sustainability.

The Creative Economy Sustainability Framework transforms business models to make a strategic shift to be purpose driven (culture-focused), strategic and entrepreneurial. These business models have resulted in increased business viability and importantly improved long term sustainability.



Our Expertise and Services

Cultural & Creative Industry Development

- Cultural Planning and Policy Development
- Cultural and Creative Industry Strategy
- Industry and Program Review
- Industry and Sector Development Initiatives and Programs
- Enterprise Development Programs
- Cultural Infrastructure Needs Analysis and Business Cases

Economic Development

- Sustainable Development Initiatives
- Creative City Plans and Initiatives
- Regional Economic Development and Programs
- Cultural Tourism Initiatives
- Indigenous Economic Development and Employment Plans
- Economic Development Partnerships

Strategic Development

- Strategic Planning
- Strategic Action Plans
- Strategic Business Advisory
- Governance Reviews
- Organisational Reviews and Evaluations

Corporate Social Responsibility

- Social Investment Reviews
- CSR Program Review and Evaluation
- CSR Program Engagement
- Social Impact Evaluation
- Reconciliation Action Plans
- Cultural Capability Frameworks

Enterprise Development

- Business Reviews
- Business Planning
- Business Mentoring
- Revenue Diversification
- Feasibility Assessments
- Business Case/Concept Development
- Social Enterprise Development

Stakeholder & Community Engagement

- Multi-Stakeholder Engagement
- Partnership Development
- Community Consultations
- Cross-Cultural Engagement
- Facilitation Services

Clients

Below is a select list of some of our clients and work.

International

- UNESCO - Expert to the International Fund for Cultural Diversity
- UNESCO - Expert for 2005 Convention for the Protection and Promotion of Diversity of Cultural Expressions
- Institute of Public Policy, South China University of Technology Guangzhou – Paper Presented, Speaker, Discussant and Panel Chair at International Conference: New Humanism, Governance and Sustainable Development
- Government of the People's Republic of China - Speaker and Panel Chair (Public Private Partnerships, Hangzhou International Congress *Culture: Key to Sustainable Development*)
- Secretariat for the Pacific and European Union - Situational Analysis of Cultural Industries, Regional and Industry Development

Australian Government

- Prime Minister's Science, Engineering and Innovation Council - Working Party Member (Creativity in the Innovation Economy)
- Department of Industry, Tourism and Resources - Business Entrepreneurship Development
- Department of Communications, Information Technology and Arts - Industry Investment Report
- Indigenous Business Australia - Economic Development Initiatives, Enterprise Development
- Enterprise Connect - Tailored Advisory Services, Business Reviews
- Australia Council - Strategic Advice, Industry Initiatives, Research, Stakeholder Engagement, Organisational Evaluations
- Austrade - Market Development, Trade Missions
- Tourism Quality Council of Australia - Independent Evaluations
- Department of Education, Employment and Workplace Relations - Indigenous Economic Development, Employment Programs

State Government

- Creative Victoria – Facilitation Services, Indigenous Stakeholder Engagement
- Tourism Queensland - Cultural Tourism Development
- Queensland Department of State Development - Industry Development
- Arts Queensland - Industry Development Initiatives, Stakeholder Engagement, Infrastructure Feasibility
- Northern Territory Government - NT Tourism Strategy, Indigenous Engagement
- Western Australian Tourism Commission - Cultural Tourism Development
- ACT Government - Advisory Group Leader (development and management of multi-purpose arts facilities)

Local Government

- Greater Geelong City – UNESCO Creative City alignment with Economic Development
- Council Cairns Regional Council - Entertainment Precinct Business Case
- Brisbane City Council - Creative Industries Strategy, Policy Development
- Ipswich City Council - Feasibility and Needs Analysis Cultural Infrastructure
- Albury City Council - Regional Creative Economy Framework Facilitation
- Kurungal Council - Feasibility Study, Stakeholder Engagement
- Toowoomba and Golden West - Cultural Tourism
- Kingston Foreshore Development Authority - Development Reference Group
- Chinchilla Economic Development Agency - Regional Economic Development Workshops
- Moreton Bay Regional Council – Creative Industries Workshops

Corporates

- Boston Consulting Group (International) – Strategic Advisory
- North West Shelf Venture - Corporate Social Investment Review
- Westpac Foundation - Corporate Social Investment Evaluation
- Commonwealth Bank - Cultural Capability Framework, Indigenous Engagement

- Queensland Rail - Strategic Corporate Management Framework, Stakeholder Management
- Savills - Cultural Infrastructure Planning, Community Consultation, Business Case Development

SME's and Industry Associations

- The Tivoli, Brisbane – Strategic Advisory
- Arts Northern Rivers - Industry Development, Enterprise Development
- Oombarra Productions – Strategic Development, Business Planning, Mentoring
- Queensland Music Network Ltd - Business Enterprise Development, Mentoring, Music Business Training
- Blackcard Pty Ltd - Strategic Planning, Strategic Business Development
- Brisbane International Contemporary Dance Prix – Strategic Planning
- Ngarluma and Yindjibarndi Foundation Ltd - Agreement Review, Independent Evaluation
- Brisbane Advertising and Design Association - Industry Development
- The Association of Northern, Kimberley and Arnhem Aboriginal Artists - Strategic Planning, Business Planning
- Desart – Marketing Services for Members
- Australian Corporate Accountability Network, Indigenous Engagement
- ABSTARR Consulting – Business Review, Business Planning

Not for Profit Organisations

- Renew Australia - Organisational Review, Strategic Planning and Development
- Kimberley Aboriginal Law and Culture Centre - Sustainable Economic Development and Employment
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council - Employment Plan, Strategic Planning and Development
- Centre for Indigenous Cultural Policy - Strategic Planning
- Erub Erwer Meta, Torres Strait Islands - Strategic Action Plan (Cultural and Learning Centre)
- National Summer Shakespeare Festival - Revenue Diversification
- Desert Knowledge Australia Consortium - Concept Development (National Indigenous Arts and Cultural Centre)
- Warmun Art Centre - Strategic Planning

Our Expertise with Indigenous Communities

Below are some examples of our clients and work with Indigenous communities and their respective language groups.

Western Australia

- Mangkaja Arts Resource Agency - Bunuba, Gooniyandi, Walmajarri, Wangkajunga
- Waringarri Aboriginal Arts Corporation - Miriwoong and Gajerrabeng
- Kimberley Aboriginal Law and Culture Centre - Representing thirty language groups of the Kimberley region
- Karrayili Adult Education Centre - Bunuba, Gooniyandi, Walmajarri, Wangkajunga
- Mowanjum Artists Spirit of the Wandjina Aboriginal Corporation
- Juluwarlu Aboriginal Corporation, Pilbara
- Ngarluma and Yindjibarndi Foundation Ltd - Yindjibarndi, Ngarluma, Banyjima, Kurrama
- Kilkayi Trust - Miriwoong, Gija
- Gelganyem Ltd - Miriwoong, Gija
- Gwoonwardu Mia - the Gascoyne Aboriginal Heritage and Cultural Centre in Carnarvon and The Gascoyne Development Commission - Inggarda, Baiyungu, Talanji, Thudgarri, Mulgana
- Mungart Boodja Art Centre - Representing fourteen language groups of Noongar
- Ngumpan Community for Kurungal Council - Gooniyandi, Wangkajunga
- Warmun Art Centre - Gija

Northern Territory

- Tjanpi Desert Weavers - Western Desert, Arandic and Ngarrkic language families of the Anangu and Yarnangu of the remote tri-state Ngaanyatjarra Pitjantjatjara Yankunytjatjara Lands
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council - Western Desert, Arandic and Ngarrkic language families of the Anangu and Yarnangu of the remote tri-state NPY Lands
- Ikuntji Artists, Haast Bluff
- Desart – Alice Springs, Central Australia Peak Body
- Irrkerlantye Arts, Alice Springs
- Association of Northern, Kimberley and Arnhem Aboriginal Artists (ANKAAA)

- Buku-Larrnggay Mulka Centre, Yirrkala
- Bula'bula Arts - Yolngu Matha language group
- CAAMA Music and CAAMA Productions, Alice Springs
- Barunga Cultural and Sports Festival - Jawoyn, Mayali, Ngalkbon, Rembarrnga
- Elcho Island Arts - Yolngu Matha language group
- Garma Festival - Yolngu Matha language group
- Godinymayin Yijard Rivers Arts & Culture Centre, Katherine
- Jilamara Arts and Crafts Association
- Jabiru Kabolkmakmen Ltd, Jabiru
- Keringke Arts Aboriginal Corporation, Santa Teresa
- Larrakia Development Corporation, Darwin
- Nyinkka Nyunyu Cultural Centre, Tennant Creek

Queensland

- Australian BlackCard Pty Ltd
- Brisbane Indigenous Media Association
- Erub Erwer Meta, Torres Strait Islands
- Salt Water Murris' Quandamooka Inc - Jandai
- UMI Arts - Representing language groups for the area that extends north of Cairns to include the Torres Strait Islands, south to Cardwell, west to Camooweal and includes the Gulf and Mt Isa regions
- Kuku Yalanji Dreamtime Walks (Bamanga Bubu Ngadimunku Inc), Mossman
- Laura Aboriginal Dance Festival - Representing more than twenty language groups across Cape York Peninsula
- Mornington Island Gulf Festival - Lardil, Kaiadilt
- Torres Strait Cultural Festival - Miriam Mir, Kala Lagaw Ya
- Townsville Aboriginal & Torres Strait Islander Cultural Centre

South Australia

- Blak Nite Youth Festival - Kaurna
- Ceduna Art & Cultural Centre

Key Personnel

Helene George: Creative Economy Founder, CEO and Strategic Adviser

Qualifications: B.A., (Performing Arts) (Uni Adelaide) Grad. Dip. Mgt. (Arts Management & Harvard Marketing), Fellow Australian Institute of Management, GAICD - Graduate Australian Institute of Company Directors.

Key skills: Strategic development, cultural planning, regional and economic development, public policy, strategic partnerships, investment attraction, community and stakeholder engagement, network facilitation, governance development, business development, financial analysis and marketing.

Biography:
Helene George is founding director and a principal consultant of Creative Economy. She has over 20 years' experience in management and consulting as an adviser to both governments and the private sector. Her consultancy focuses on sustainable economic development in cultural and creative industries. Helene has conducted extensive technical assistance in regional and national policy, cross- industry strategy, investment and program development to stimulate economic development.

Notably, Helene authored the first creative industries strategy in Australia in 2001 and has been at the forefront of industry development initiatives since 1992 advising the Prime Minister on Creativity in the Innovation Economy, developing national programs, industry standards, regional development plans and cultural tourism initiatives. Her consultancy was appointed to audit the National Tourism Quality Framework. Furthermore, she has a specific knowledge of economic development in Aboriginal and Torres Strait Islander communities of Australia and more recently the Pacific region and its island nations.

Her many appointments include being a UNESCO Expert for the *2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions' in Cultural Governance and Sustainable Development* and for the *International Fund for Cultural Diversity.* Most recently she was a speaker at the *Hangzhou International Congress, Culture: Key to Sustainable Development* and panel chair for the stream *Public Private Partnerships*. In further progressing culture in the post-2015 Millennium Development Agenda, Helene was a key speaker at the Conference for *Humanism in Sustainable Development* for UNESCO and the Chinese Government at the Public Policy Institute of China in Guangzhou.

She is a Fellow of the Australian Institute of Management and in 2007 was honoured with a Leadership Award by Australia's pre-eminent leadership organisation, AusDavos. Helene is a truly global citizen, with European and Australian citizenship as well as African and Chinese cultural backgrounds.

Anthony Merrilees: Creative Economy Principal Consultant

Qualifications: Bachelor of Arts and Bachelor of Law (Australian National University); Graduate Diploma of Legal Practice (University of Technology Sydney); GAICD - Graduate Australian Institute of Company Directors; Certificate IV Assessment and Workplace Training.

Key Skills: Legal IP and contracts, strategic development, program design and management, business development, entrepreneurial advisory, governance development, business development, business management and mentoring.

Biography:
Anthony has more than 25 years of experience working in professional services, consulting and management that spans a very broad array of industry sectors. The early part of his career was spent in legal practice, where for almost a decade he worked as an advocate and solicitor in the ACT, NSW and QLD providing commercial advice and litigation services for government and commercial clients.

Since leaving legal practice Anthony moved into consulting, where he has focused on improving outcomes for a broad range of NFP organisations and SME's in the creative and cultural industries through training, mentoring and strategic business advice and planning. He has provided change management and business improvement solutions to more than 100 SME's.

Senior management and advisory roles that Anthony has held include: Business Advisor, Creative Industries Innovation Centre; Monash Technology Research Platform Manager and Chief Executive Officer, Sports Medicine Australia.

As Principal Consultant with Creative Economy Anthony has led the company's entrepreneurial programs nationally, including the Music Business program that led to achievement of formal business qualifications for music managers; Indigenous Cultural Business Program; Memento Australia and Young

Entrepreneur's Program – a national program for creative industry entrepreneurs and small business owners.

Vanessa Whitelaw: Creative Economy Corporate Services Manager

Qualifications: Bachelor of Arts (Media Studies) (QUT), Cert III Business Administration, Cert IV Volunteer Management.

Key skills: Project Management, Project Facilitation, Stakeholder Communications, Research and Industry Analysis, Program Delivery, Independent Evaluations, Quality Assurance, Contract Management, Human Resource Management, Administration and Accounts Management.

Biography:
Vanessa first started work with the company in 1998 to oversee and implement internal and client project management. Vanessa coordinates Creative Economy's personnel and projects throughout Australia and internationally. Vanessa has managed nation-wide programs such as Creative Economy's *Young Entrepreneur Success* program and *Indigenous Cultural Business* program. Most recently Vanessa managed the *Visitor Information Accreditation* program for Tourism Queensland. This involved establishing the first independent accreditation service for Australia's largest network of Visitor Information Centres.

Vanessa managed Creative Economy's National Tourism Accreditation Framework (NTAF) independent assessor services for the Department of Resources, Energy and Tourism. A nationally agreed approach by the tourism industry and government it aims to ensure a quality customer experience by offering existing programs the opportunity to apply to co-brand under one banner with a common national brand. Creative Economy vets' applications and provides recommendations to the Tourism Quality Council of Australia.

Previously Vanessa has worked in both the not-for-profit sector and private enterprise as General Manager, Company Administrator, Program Manager and Research Officer. Having lived in Denmark for 12 months on a cultural exchange, Vanessa has a passion for Scandinavia and speaks conversational Danish.