

Australian Government Productivity Commission

Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

Introduction

The Aboriginal Arts Centre Hub of Western Australia (AACHWA) is the peak body for Western Australian (WA) Aboriginal arts centres, and we present this paper on behalf of the WA Aboriginal art centres sector. To compile this response, AACHWA undertook consultation with attendees of Our Business Aboriginal Art Centre Forum in Ieramagadu (Roebourne) on 27 October 2021, which comprised of arts centre managers, staff and artists. As part of this consultation, we sought feedback on some key topics of interest and relevance for arts centres based on the questions outlined in the Issues Paper.

Our response is divided into two sections. Section 1 Direct Sector Feedback compiles the feedback received from artists and arts workers, the outcomes of the discussions that took place, and puts forward some key recommendations for the Productivity Commission to consider regarding the issues surrounding Aboriginal and Torres Strait Islander Visual Arts and Crafts for Western Australians. Section 2 Peak Body Feedback provides a response from AACHWA regarding the Issues Paper study.

AACHWA KEY RECOMMENDATIONS

To best support the Aboriginal and Torres Strait Islander Visual Arts and Crafts sector AACHWA recommends the following:

- Increase federal multiyear core operational funding opportunities to support Aboriginal art centres
- Recognise the important role of art centres by increasing funding opportunities across various government agencies to support the complex and multifaceted roles art centres play in communities
- Increase the level of government face-to-face advice and support available to art centres and independent applicants during the funding process
- Undertake a thorough analysis of the art market to give a better understanding of Aboriginal and Torres Strait Islander visual arts value in the Australian economy
- Introduce an Indigenous cultural legal fund enabling art centres and artists to apply for financial assistance and receive face-to-face advice on an ad hoc basis to tackle inauthentic use and sale of artworks as well as unethical treatment of art centres and artists

Australian Government Productivity Commission

Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

- Government to use the Indigenous cultural legal fund to assist in monitoring copyright infringement and exploitative behaviour, informing the development of legislation prohibiting the sale of inauthentic cultural work
- Local, state and federal governments to enforce cultural protocols throughout the public service and agencies to prevent inauthentic and exploitative use of Indigenous cultural artwork and to encourage reporting
- Maintain consistent use of language and terminology between the HoRSCIA 2018 report and the Productivity Commission's current study
- Development is needed in capacity building to support Aboriginal art centre staff. There are a number of recommendations that could be considered: a) Fund Peak Bodies to provide professional development programs through multi-year funding programs that enable consistency in the approach. b) Development and investigation of accredited training mechanisms to support Indigenous Arts Workers in regional and remote locations. There are learnings that can be taken from the Indigenous Ranger Program model. This could also allow better connection with job seekers and CDP.

1. DIRECT SECTOR FEEDBACK

The role of governments

How important to you (and your arts centre) are current funding programs from the government?

- Current government funding programs are **extremely important** to Indigenous art centres and independent artists.
- Government funding is the **primary financial resource** for Indigenous art centres. Without government funding, Indigenous art centres in Western Australia **would not have adequate financial resources to operate**.
- Art centres require ongoing funding to **meet core operations** as well as one-off funding to **deliver cultural and artistic projects**.

Australian Government Productivity Commission

Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

- Core funding for operations enables art centres to develop and deliver projects that in turn lead to art sales. Proceeds go to individual artists, communities and art centres, increasing **financial sustainability and security** for Indigenous people.

Which government funding programs work well and which ones don't? And why?

- Art centres and independent artists have **different funding requirements**.
- Art centres require operational government **funding to meet baseline operating costs**. Operational funding typically covers the salaries and on-costs of a small number of full-time or part-time arts workers who administer the operations of each art centre, including applying for project funding and managing projects on behalf of artists.
- Arts centre artists and independent artists require one-off project **funding to create new works**.
- The Federal Government Indigenous Visual Arts Industry Support (**IVAIS**) **program was extremely helpful** in boosting one-off operational funding for a number of art centres. However, IVAIS funding is difficult to attain if arts centres are not already funded or arts centres are not invited to apply for the funding.
- It would be **beneficial to have the extra IVAIS support** in place on a permanent annual basis (or for more than one or two years at a time) and for the operational funding to be made available to a wider pool of organisations. This would increase capacity, financial security, staffing surety and general stability of these vital community organisations.
- There is increasing need for remote art centre workers and artists to engage in **capacity development programs** to upskill in the business of administering and selling art, including remaining informed of artists' Indigenous Cultural and Intellectual Property (ICIP) rights.

How can funding programs and grants be improved for arts centres and artists?

- Not-for-profit **art centres play a multifaceted role** in Aboriginal communities. They are an important meeting place for generations of people. At any one time, art centres are:
 - artmaking spaces
 - shopfronts
 - community halls

Australian Government Productivity Commission

Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

- mental health meeting places
- safe houses
- wraparound service providers
- cultural maintenance hubs
- archives
- tourism organisations
- education centres
- legal protection agents

There is opportunity for art centres to **be funded across a range of government agencies and departments** to support the complex role each centre plays in maintaining the culture, health, wellbeing, financial sustainability, and legal protections of Indigenous communities.

Operational funding

- Funding opportunities available for one-off creative **projects continue to outweigh** opportunities for **multiyear operational funding**.
- Creative projects typically carry an additional 15% each in unfunded administration costs. There is a need to **increase core operational funding opportunities** as well as **increase the value of core operational funding** to meet baseline operations while supporting the development and delivery of creative projects.
- Over the past 10 years, funding has been focused on the development of arts workers at the expense of operational funding opportunities and **artist development programs**. This may have a detrimental effect on the number of Indigenous artists in the future. **Capacity building, career development programs and superannuation schemes are required to support Indigenous artists**, not just arts workers.

Project funding

- Project funding is **essential** to obtain materials, host workshops, provide payment to artists and arts workers, and cover sundry project costs including travel, accommodation, per diems and meals.
- Project funding often seems **prescriptive**, pursuing a one-size-fits-all approach in terms of **artistic outcomes**. Yet not all communities match funding criteria templates. **Increased bespoke engagement** with individual communities would foster government-community relationships and ensure a diversity of Indigenous creative projects are put forward for funding.

Australian Government Productivity Commission

Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

- Project funding **often has restrictions** in terms of the organisation being able to engage staff members (including part-time or casual contracts) **that forces organisations to engage external consultants**. This does not help the organisation to grow its own internal knowledge for future years and creates a system of perpetual change and non-retention of staff and corporate knowledge.

Accessing funding

- Applying for funding can be an **overwhelming process** for art centres and artists. Many art centres divert funds from art centre operations, staffing and projects to outsource grant writing to external consultants. Greater access to government support, advice and seminars during the funding application process would empower art centres and individuals to develop knowledge and experience in submitting, acquitting and reporting funding, reduce engagement costs, avoid replication of funded resources, and foster collaboration and engagement.
- The government funding space is made to feel **extremely competitive**. The majority of applications are unsuccessful despite many centres addressing specific criteria such as remote communities and youth engagement. The lack of success and sense of exclusion is **daunting** and can **deter** centres and artists from applying for future funding. The result is **lost opportunities** to fund creative projects that both celebrate and preserve Indigenous cultural heritage across remote and metropolitan regions.

Addressing Inauthentic Art

Extensive consultation regarding fake and inauthentic art has been undertaken with the national Aboriginal arts sector over the previous decades. The Productivity Commission's Issues Paper acknowledges this, noting "We will draw on the findings and insights of relevant inquiries, research and submissions, noting that art sector participants have contributed much time and effort to improve policies and laws as part of previous processes" (p1).

- The sale of inauthentic art and the unethical treatment of artists is a **major cultural and economic issue** affecting Indigenous art centres, artists and communities.
- Western Australian art centres and artists recently surveyed by AACHWA indicated that **70% of respondents believe the government and the law are not doing enough** to protect Aboriginal arts and culture.

Australian Government Productivity Commission Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

- Respondents were evenly divided on the issue of whether or not art centres and artists are generally treated fairly by galleries and dealers.
- **28% of respondents** reported that they or someone in their art centre **had artwork used without permission** or in a way that made them unhappy. Another 28% reported that they were unsure whether or not such an incident had happened.

“My cousin’s work, which was sacred, [was displayed] on police cars.”

“We sorted it with the screen printer – clear communication: don’t do it again.”

- 60% of surveyed respondents said it was ‘very’ to ‘quite’ easy to get help if someone uses their art without permission. By getting help, respondents elaborated that they would seek assistance through their art centre that would then approach ArtsLaw. However, the **legal costs** involved, additional **administration requirements** and the **length of the legal process** were cited as **deterrents to art centres taking action**.
- The **creation of specific funding to cover legal costs** would enable art centres and artists to apply for financial assistance on an ad hoc basis to tackle inauthentic use of artworks and unethical treatment of art centres and artists.
- An Indigenous cultural legal fund would **enable government to monitor copyright infringement and exploitative behaviour** and inform the development of **legislation** prohibiting the sale of inauthentic cultural work.
- In addition to the creation of a legal fund, local, state and federal **governments must enforce cultural protocols** throughout the public service and agencies to prevent inauthentic and exploitative use of Indigenous cultural artwork, and to encourage internal reporting.
- A federally funded national and international education and **public awareness campaign is required** to increase consumer awareness of the scale and prevalence of fake-art products on the market. Informing consumers regarding their choices will drive demand for ethically sourced, authentic Indigenous goods.

Selling Art and Products

How and where are Western Australian art centres and independent artists selling their work currently? What are the most successful ways/places they make sales? What would help them do this better or make more sales?

Australian Government Productivity Commission

Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

Sales through art centres shopfronts

- Art centres play a central role in Aboriginal communities and are owned and operated by Aboriginal people.
- Art centres develop longstanding relationships within the broader Indigenous art world, leading to increased opportunities for artists.
- Art centres provide space and time for artists to work productively while staff undertake administration and sales.
- Due to the need to maintain revenue streams, art centres may offer tours and local experiences outside the remit of art production. This can have a significant impact on managing administration with small staff bases.
- Art centres often seek to increase revenue through the creation of merchandise that may be perceived to reduce the value of the original artworks and/or dilute culture.

Sales through exhibitions

- Selling artwork through exhibitions enables Indigenous artists to share their cultural stories and develop a public profile.
- Attending exhibitions is often a motivating experience for artists, who feel inspired by new works to create more of their own.
- The negative aspect of selling artworks through exhibitions is the house commission on each item sold. This in turn impacts the return to art centres to cover operational costs and may also mean a smaller return to the artist themselves.

Selling to galleries and institutions

- Galleries and institutions are often reputable buyers that have considerable funds to spend on Indigenous art.
- Commercial galleries tend to connect directly with Indigenous art centres to purchase new art.

Australian Government Productivity Commission

Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

- Galleries and public institutions have the ability to raise the profile, reputation and selling point of an artist. The works usually enter a collection that is maintained and kept in perpetuity, creating a historical and cultural legacy.

Digital shopfront sales

- Selling artwork through website sales portals is affordable and generally a user-friendly experience. It is important to have an online year-round shopfront presence as it increases access to global markets and opportunities for direct sales. However, portal functionality can be impaired and some more affordable interfaces have limitations.
- There is need for training to ensure art centres and independent artists can establish portals and maintain online sales

Social media sales

- Social media presence provides art centres and independent artists access to global audiences and the ability to tell their own authentic, full story.
- Managing social media platforms can be time consuming and may require additional resources.

Centralised metropolitan shopfronts

- There is a strong desire for arts centres to increase the profile of Indigenous art in metropolitan cities through government-assisted reduced-commission front-of-house and/or commercial opportunities that are not managed by commercial galleries.

Arts Benefiting Whole Communities

Why is art important to you and your community?

- Art communicates songlines, culture and environmental knowledge. Art is an **important part of tribal education**, allowing for a deeper understanding of cultural

Australian Government Productivity Commission Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

stories transmitted between generations. This is vital to the **preservation of language and culture**.

- Art ensures that only **appropriate cultural stories are shared** publicly.
- Art **unites communities and families**. Artmaking provides the opportunity for people to gather, share, educate, communicate, relax, escape, eat and socialise. Artmaking through art centres enables individuals to feel safe and comfortable.
- Art enables people to unburden their stories, grieve, cry, cleanse, listen and heal. Artmaking **supports individuals' mental health**.

How well does the art centre model work to support artists and communities? What could be better?

- Art centres are most often owned and operated by Aboriginal communities and **play a multifaceted role in community life**. Art centres are an example of self-determination and advocate for their communities.
- **Community ownership of art centres provides a focus** for Aboriginal people on something larger than themselves as they see their culture represented publicly in contemporary art, fostering self-respect, community, and reconciliation.
- Art centres **provide resources** to artists and communities such as legal guidance, financial management and business expertise.
- Art centres require government operational and project **funding** to operate.
- There is a need for funded **governance and capacity development training** for art centres to successfully meet their obligations and attain sustainability.

How do art and art centres help with broader social, health and community objectives?

- Not-for-profit art centres **play a multifaceted role in Aboriginal communities**. They are an important meeting place for generations of people to gather and create art. They support the maintenance of culture as well as the health, wellbeing, financial sustainability and legal copyright protections of Indigenous communities and artists.
- **Art is a critical component of Indigenous cultural identity**. Telling cultural stories through artmaking reinforces cultural pride, developing a sense of wellbeing in individuals that radiates into their home lives and provides strength through healing.

Australian Government Productivity Commission Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

- Artmaking within art centres provides a **safe space** for young people who are not developing at school to **learn** their own culture from their elders, bringing them back to **Country** and creating career **pathways** for the future.

How do we make sure that arts centres can continue and can grow?

- Art centres require government operational and project **funding** to operate.
- There is a need for funded **governance and capacity development training** for art centres to successfully meet their obligations and attain sustainability.
- Many art centres are run by volunteers often burdened with responsibilities above their station. For example, volunteers may be responsible for the financial administration of a centre. There is a need to **develop and fund arts worker roles** that are commensurate with responsibilities, and to enhance the organisational skills of those involved.
- There is currently a **shortage of skilled workers** qualified in the visual arts. The Federal Government can address this by **reinstating the arts as a priority listing** for secondary education supported by accessible and affordable tertiary pathways. Furthermore, peak bodies must be adequately funded to **support the immediate training and professional development needs** of arts workers.

Effective Collaboration

How can people from different cultures work together in a way that is respectful and good for everyone? What does good collaboration look like? What should be avoided in collaboration across different cultures?

- Effective, respectful collaboration between different cultures involves **listening to and respecting** the needs and wants of each culture and **treating each other fairly**.
- Respectful collaboration maintains **culturally appropriate and safe protocols** undertaken in agreement between parties.
- Effective collaboration is undertaken in an **organised and transparent manner** and from a place of respect and trust both between the different cultures and within their communities.

Australian Government Productivity Commission

Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

2. Peak Body Feedback

AACHWA welcomes the Australian Government Productivity Commission's invitation to respond to the Issues Paper on Aboriginal and Torres Strait Islander Visual Arts and Crafts.

AACHWA acknowledges the decades of inquiry into the Aboriginal and Torres Strait Islander arts and crafts markets, in particular the *House of Representatives Standing Committee on Indigenous Affairs' Report on the impact of inauthentic art and craft in the style of First Nations peoples* (HoRSCIA 2018), which is the impetus for the current Issues Paper study.

Terms of Reference

In acknowledgment of the Productivity Commission's intent to follow the recommendations of the HoRSCIA 2018 report, AACHWA would like to provide comment on the importance of the continuation of language between the 2018 report and the current study.

Recommendation 1 from the HoRSCIA 2018 report reads:

"The committee recommends as a matter of urgency that the Productivity Commission conducts a comprehensive inquiry into the value and structure of the current market for First Nations art and crafts. This inquiry should incorporate the following elements:

- a detailed structural breakdown of the different parts of this market and the operators within it;
- the total value of the fine art market stratified by the different avenues through which this art is produced, procured and sold;
- the total value of the souvenir and craft market stratified by the different avenues through which these products are produced, procured and sold;
- the market value of inauthentic souvenirs and art sold in Australia;
- the revenues generated by art centres;
- the barriers facing art centres and First Nations artists who wish to sell fine art or souvenir style items in mainstream markets; and
- a summary reflecting both the number and value of imported imitation low end Indigenous products, and a like summary for products made and/or licenced in Australia."

Australian Government Productivity Commission Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

It is our opinion that the language used in Recommendation 1 of the HoRSCIA 2018 report differs to the language used in the Issues Paper's scope of research study. It is our hope that the current Productivity Commission study will stay true to the intent of Recommendation 1. We have identified the wording and intended outcomes that we strongly believe should not be lost in the current study:

- "the **total value** of the fine art market"
- "the **total value** of the souvenir and craft market"
- "the **market value** of inauthentic souvenirs and art sold in Australia"
- "the **barriers** facing art centres and First Nations artists"
- "a summary reflecting both the **number and value** of imported imitation low end Indigenous products, and a like summary for products made and/or licenced in Australia"

Policy & Legislative Reform

We note that the HoRSCIA 2018 report made mention of the need for policy and legislative protections: "First Nations cultural expressions will likely need a new and separate framework to be protected under law" (p13).

The HoRSCIA 2018 report also clearly found that the creation of art and crafts brings economic benefit, and that the issue of the increase in the proportion of products that do not have a connection to Aboriginal and Torres Strait Islander peoples is having "a profound and harmful effect on First Nations peoples."

As the issues around the protections necessary for First Nations cultural expression and Indigenous Cultural and Intellectual Property (ICIP) will surely be addressed through the study, we believe the terms of reference should make mention of ICIP and policy reform to ensure the focus is not solely on the market and economy, but also on the policy reform necessary to protect First Nations ICIP.

The Productivity Commission's purpose speaks about the "key to higher living standards" being linked to "a more productive and efficient economy". Indigenous art centres have sought to provide Aboriginal and Torres Strait Islander people with higher living standards for decades. The research should also consider the impact of policy and legislative reforms on the living standards of Aboriginal and Torres Strait Islander Australians.

Summary

We cannot lose sight of the reason these matters have been given attention: the preservation of Australian First Nations culture. The acknowledgment of First Nations

Australian Government Productivity Commission
Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

culture, the rights of First Nations people to their own cultural expression, the rights of First Nations peoples to make an income from appropriate cultural expression, and the right for First Nations peoples to protect their culture and communities from exploitation and misuse is imperative to the cultural, economic and social health and wellbeing of Aboriginal and Torres islander people, and for the preservation of Australian Indigenous culture for generations to come.

Appendix 1: Direct quotes from survey comments given in response to the question 'How does Fake Art affect you?'

It's horrible! Doesn't affect me personally but is an issue for some

\$\$\$\$

It disrespects Aboriginal peoples

I don't like it and unfair for the artists themselves

It degrades the significance and integrity and meaning of Australia's cultural heritage

Fake art affects artists as it takes away cultural identity from individual stories

Fake art has multiple impacts. It devalues the work that authentic artists do and over-saturates the market, making it harder for new artists to become established and support themselves

It gives an unrealistic image or story to the buyer of that area

It takes away from our culture

Makes our art centre work harder in churning out more authentic products

It affects possibility of real income and art market

A lot of seeing other people profiting from our culture while we still struggling is frustrating

Australian Government Productivity Commission
Issues Paper: Aboriginal and Torres Strait Islander Visual Arts and Crafts

Aboriginal Art Centre Hub of WA Response

It's an insult that non-indigenous can't make our have own culture steals ours. Our hard works are not recognised. Red dot, Spotlight, China etc has not right as we don't insult them.