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Office of the Premier  
of South Australia

The Commissioners  
Aboriginal and Torres Strait Islander Arts and Crafts  
Productivity Commission  
GPO Box 1428  
CANBERRA ACT 2601  
EMAIL: [indigenous.arts@pc.gov.au](mailto:indigenous.arts@pc.gov.au)

Dear Commissioners,

On behalf of the State of South Australia, I am pleased to make a submission to the Productivity Commission's study into the nature and structure of the markets for Aboriginal and Torres Strait Islander visual arts and crafts, and policies to address deficiencies in these markets.

The South Australian Government welcomes the Australian Government's decision to initiate this study, in order to address the lack of comprehensive information and analysis available, as well as to gather a wide range of views on the significant issues and challenges faced by artists and other stakeholders operating in these markets.

In developing its response, the Government has engaged with stakeholders in South Australia and nationally – including artists, organisations and businesses operating at all levels of the markets, and key Government agencies and sector organisations. This submission includes a selection of feedback received, as well as the views of the Government.

It also incorporates previous work undertaken in response to the House of Representatives Standing Committee on Indigenous Affairs' 2017 inquiry (HoRSC Inquiry) into *The growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia*.

Aboriginal and Torres Strait Islander visual arts and crafts have immense value at many levels: as fundamental personal expression for the artists who create them; as essential vehicles for inter-generational knowledge transfer and the sharing of stories within communities and with the wider Australian community; and as an important source of income and employment, particularly in remote areas.

South Australia is justly proud of our Aboriginal and Torres Strait Islander visual artists, organisations and art centres and their achievements. This state is playing a leading role in the development of national and international markets and opportunities, through events such as the Art Gallery of South Australia-presented Tarnanthi: Festival of Contemporary Aboriginal and Torres Strait Islander Art and touring exhibitions such as *Kulata Tjuta*, created for the Musée des Beaux-Arts in Rennes, Brittany, France and devised with support from the Government of South Australia, APY Art Centre Collective, and the Art Gallery of South Australia through Tarnanthi with Principal Partner BHP.

However, much of this remarkable work is being produced in communities challenged by distance and disadvantage, where art centres with limited resources play a crucial role in generating income and promoting wellbeing and social cohesion. This has been particularly true during the COVID-19 pandemic.

It is also apparent that the prevalence of inauthentic art works, products and merchandise in the market continue to result in both economic and reputational damage for artists and the legitimate market.

There is also significant concern being expressed by some stakeholders about unethical practices in certain segments of the market, including under-payment of artists and some cases of coercion.

The South Australian Government supports the work of governments and the broader sector to develop policy responses to address these issues.

We are pleased to support the focussed work of the Indigenous Art Code and have welcomed the increased funding provided since 2018-19. We believe that additional resources will assist the organisation to extend its reach and strengthen its capacity to regulate and enforce compliance.

While this submission was being prepared, the Australian Government released its *National Indigenous Visual Arts Action Plan 2021-2025* (Action Plan) which also follows on from the work of the HoRSC Inquiry, and its 2018 Report. We note that several recommendations relate directly to key issues contemplated by the study. The South Australian Government welcomes the Action Plan and looks forward to working collaboratively with the Australian Government on its implementation in this state.

I wish the Commission well with this study. The South Australian Government will be pleased to provide further information if required.

Yours sincerely,

Hon Steven Marshall MP  
**PREMIER OF SOUTH AUSTRALIA**

17 / 12 / 2021

Attachments:

South Australian Government Submission – *Productivity Commission study into the nature and structure of Aboriginal and Torres Strait islander visual arts and craft markets and policies to address deficiencies in these markets.*

# **Productivity Commission**

## **Study into the nature and structure of the markets for Aboriginal and Torres Strait Islander visual arts and crafts, and policies to address deficiencies in these markets**

Submission from the South Australian Government

December 2021



*Please note: Throughout this document, the term ‘Aboriginal’ is used to encompass both Aboriginal and Torres Strait Islander people and is not intended to exclude Torres Strait Islander people or people who identify as both Aboriginal and Torres Strait Islander. The terms ‘Aboriginal and Torres Strait Islander’ and ‘First Nations’ are used when referring to or quoting a report, program or person.*

## Background

The Australian Government has asked the Productivity Commission to undertake a study into the nature and structure of the markets for Aboriginal and Torres Strait Islander arts and crafts and policies to address deficiencies in these markets.

The South Australian Government is pleased to make a submission, which responds to the Terms of Reference and questions raised in the Issues Paper.

The submission also draws upon previous research and consultation undertaken by the Department of the Premier and Cabinet at the time of the 2017 House of Representatives Standing Committee on Indigenous Affairs inquiry into *The growing presence of inauthentic Aboriginal and Torres Strait Islander ‘style’ art and craft products and merchandise for sale across Australia* (HoRSC Inquiry), which reported in December 2018.

In collating this submission, Arts South Australia (a business unit of the Department of the Premier and Cabinet) has engaged with a wide range of stakeholders in South Australia and nationally – including artists, organisations and businesses operating at all levels of the markets, and key Government agencies and sector organisations. However, due to limited availability, Arts South Australia was unable to consult with all relevant stakeholders. The list of stakeholders consulted is included at Appendix 1.

This submission includes a selection of feedback received, as well as the views of the Government.

While this submission was being prepared, the Australian Government released its *National Indigenous Visual Arts Action Plan 2021–2025* (Action Plan), which also follows on from the work of the HoRSC Inquiry, and incorporates actions from the Government’s response to its 2018 Report that *‘protect Aboriginal artists’ economic, cultural and intellectual property interests and encourage a fair and ethical marketplace’*<sup>1</sup>.

We note that several recommendations relate directly to key issues contemplated by the study. The South Australian Government welcomes the Action Plan and looks forward to working collaboratively with the Australian Government on its implementation in this state.

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<sup>1</sup> *National Indigenous Visual Arts Action Plan 2021–2025* pp. 10-11

## Responses to Terms of Reference

### 1. Nature and structure of the different parts of the domestic and international markets including authentic and inauthentic products:

#### *Nature and structure of the Aboriginal visual arts and crafts market in South Australia*

The Productivity Commission *Aboriginal and Torres Strait Islander Visual Arts and Crafts Issues Paper*, released in September 2021, includes a description of the Aboriginal and Torres Strait Islander arts and crafts 'spectrum' (p. 2) that ranges from major artworks by recognised artists to mass produced arts and crafts. It also describes a 'supply chain' (p. 3) that includes multiple intermediaries between artists and consumers – art centres, art fairs and market development organisations, dealers, art galleries (commercial and not-for-profit) and auction houses, manufacturers, wholesalers and retailers.

This depiction broadly reflects the South Australian Aboriginal visual arts and crafts sector but there are several unique characteristics of the markets in this state.

A network of art centres supports artists in remote communities, as well as in Adelaide when they are required to relocate temporarily or permanently for health or family reasons. There are currently seven art centres located on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. These centres are the primary source of non-government income in communities and a major source of employment for Anangu.

Three Aboriginal-owned and governed organisations – National Aboriginal Cultural Institute Inc. - Tandanya, Ananguku Arts and Culture Aboriginal Corporation (Ku Arts) and the APY Art Centre Collective – are funded to support the development of markets and income for Aboriginal visual arts and crafts, professional development for artists and arts workers, and major projects and collaborations. This funding is provided by the South Australian Government through the Department of the Premier and Cabinet and Arts South Australia, and by the Commonwealth Government through the Office for the Arts Indigenous Visual Arts Industry Support (IVAIS) program and the Australia Council for the Arts.

Established in 1989 as an Incorporated Association, Tandanya is Australia's oldest Aboriginal-owned and managed multi-arts centre. Its operations are multi-faceted. It is a place to experience contemporary and traditional Aboriginal cultural expressions through the visual and performing arts, as well as community arts. Tandanya connects with the visual arts and crafts market through its exhibition program and works with artists and art centres as a wholesaler and retailer.

The Tandanya Gallery Shop is one of Adelaide's major retailers of authentic Aboriginal original arts and crafts, and limited-edition prints. The shop also features a range of souvenir and other appropriately licensed products such as scarves, purses, T shirts and napery, where royalties are paid to the artist for the reproduction of their copyrighted work.

Tandanya supports and promotes Aboriginal communities, art centres and individual artists across Australia. Where possible, art is sourced directly from the artist.

Tandanya is a member signatory to the Indigenous Art Code. A minimum of 60% of the retail price of items is returned to the artist or art centre. The balance is retained to cover operational costs. Copyright in the work is retained by the artist in all circumstances.

In 2021, Tandanya has developed an online retail presence for its Gallery Shop that will be activated soon, thus increasing opportunities and income to its network of artists and suppliers as well as customers looking for high quality, authentic Aboriginal visual arts and crafts products.

Ku Arts is the South Australian peak body for Aboriginal art centres and artists. Since 1998, it has provided advocacy, support services, creative skills and professional development opportunities for artists and arts workers across all stages of their careers in support of a strong and vibrant Aboriginal visual arts sector. Ku Arts' members include: Arts Ceduna, Ernabella Arts, Ninuku Arts and approximately 150 independent artists living in regional and remote areas of South Australia outside the APY Lands where there are typically no Aboriginal art centres supported through the Statewide Indigenous Community Arts Development (SICAD) Project<sup>2</sup>.

The organisation's priorities are: art centre support, advocacy, professional development and the SICAD Project. Ku Arts is a key partner with the Adelaide Festival Centre and Country Arts SA in the delivery of the annual *OUR MOB* and *OUR YOUNG MOB* exhibitions.

In 2015, the Commonwealth Ministry for the Arts, the Registrar of Indigenous Corporations and Arts South Australia commissioned a review of the governance of Ku Arts. The review aimed to identify the support services needed by Aboriginal artists and Aboriginal-owned art centres across South Australia and provide a recommendation of governance and organisation structures that would be required to deliver these services.

As a result of the review, changes were implemented to Ku Arts' constitution and governance structure, and its staffing structure was updated to ensure the organisation could effectively deliver services throughout the state. This included broadening its membership and appointing a CEO in January 2017.

During the review, artists and art centres across the APY Lands were consulted and expressed support for Ku Arts to continue its operations in the region as well as to expand its state-wide brief. Following the restructure, several APY Lands art centres withdrew their membership of Ku Arts and the APY Art Centre Collective was formally established.

The APY Art Centre Collective (APYACC), established in 2017, represents a group of Aboriginal-owned and governed enterprises located in the APY Lands and adjacent regions. The organisation is based in Adelaide and operates galleries in Adelaide and Sydney and the APY Studio in Adelaide.

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<sup>2</sup> Established in 2005, the Statewide Indigenous Community Arts Development (SICAD) Project, provides a range of professional services to artists working in locations throughout SA where there is typically no access to community-owned art centres.



It works on strategic business initiatives and collaborative artistic projects, including the Kulata Tjuta and Weapons for the Soldier projects and a national and international exhibition program. The Adelaide studio supports senior artists relocating to the city and other emerging and local artists.

The APYACC comprises several Anangu art centres and artists across APY communities, as well as Anangu artists who have relocated to receive long term medical or family support in Adelaide. APYACC membership includes the art centres Iwantja Arts, Kaltjiti Arts, Mimili Maku Arts, Tjala Arts, Tjunga Palya, Maruku Arts, Tjanpi Desert Weavers, Ara Irititja Aboriginal Corporation.

The APYACC is currently working with artists and the local community to develop the Umoona Community Art Centre in Coober Pedy as an ongoing, permanent art centre. Previously, Ku Arts had delivered support to artists in Coober Pedy through the SICAD Project.

Separately, community organisation Iwiri<sup>3</sup>, a member-based Aboriginal Corporation which supports Anangu who live in Adelaide to access health and other opportunities, and strengthens the community through cultural activities, language and enterprise development, is offering artists a space to work from its base at Tauondi College in Port Adelaide. This activity is focused on community engagement and wellbeing rather than artmaking and sales.

Our leading collecting institutions and major visual arts and crafts organisations – Art Gallery of South Australia (AGSA), the South Australian Museum (SAM) and JamFactory Contemporary Craft and Design – play key roles in the sector.

AGSA presents Tarnanthi, each year in partnership with BHP. Tarnanthi is a major event on the nation's arts calendar that celebrates the vibrancy and diversity of contemporary Aboriginal art across Australia.

Since 2015, Tarnanthi has been funded through multi-year agreements between the government and BHP. BHP provided \$4 million to present the first Tarnanthi in 2015. In 2016, the company made a further commitment of \$17.54 million over 6 years to fund the annual exhibition until 2021. It has recently been announced that BHP will provide further sponsorship to AGSA to enable the event to continue until 2024.

Each year, a major exhibition is presented by AGSA, together with a public program and an Art Fair, which generates income for artists and art centres. In each alternate year, arts and cultural organisations around South Australia are invited to participate with funding to develop satellite exhibitions that extend the reach of Tarnanthi to a wider audience.

Artists and art centres are commissioned to create works specifically for Tarnanthi, contributing to the development of an extensive body of contemporary Aboriginal artworks and projects.

In 2019, there were 561 927 visitors to Tarnanthi exhibitions at AGSA and offsite, with 9% interstate and international visitation. The Art Fair returned \$1.2 million to art centres and artists.

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<sup>3</sup> <https://iwiri.org/>

In 2020, in the context of COVID-19, there were total attendances (in person and online) of 45 582 to the *Open Hands* exhibition. The Tarnanthi Art Fair, presented as a hybrid online and live event, attracted 3600 visitors and generated \$750 000 in sales.

On 14 October, the Gallery launched Tarnanthi 2021, which will run until 30 January 2022. The Tarnanthi Art Fair (22 – 24 October 2021) was an entirely online event and made over \$1.4 million in sales.

AGSA also has one of Australia's most extensive collections of contemporary Aboriginal art, acquiring up to 200 artworks annually. These works are purchased directly from artists, art centres or through the secondary market, with funds sourced from the Art Gallery Foundation, other donors and fundraising. If AGSA acquires a work commissioned by Tarnanthi, a separate fee is paid to the artist.

The retail shops at both AGSA and SAM sell ethically sourced Aboriginal artworks and other products and merchandise that complement their collections and exhibitions.

SAM is responsible for the largest and most comprehensive collection of Australian Aboriginal cultural material in the world. It is committed to a process of making these items accessible to Aboriginal communities across Australia, and also has a charter to interpret the collections to a broader Australian and international public, in partnership with Aboriginal people.

In 2016, SAM worked with Yolngu people (as the cultural custodians of the instrument) to co-curate a major touring exhibition about the didjeridu, *Yidaki: Didjeridu and the Sound of Australia*<sup>4</sup>. Since opening in 2017, the exhibition has toured to Darwin, Brisbane and Canberra, and internationally to the Echigo-Tsumari Triennale in Japan. The Museum also regularly develops exhibitions based on Aboriginal artworks and cultural material in its collections, such as the current exhibition *Balgo Beginnings*<sup>5</sup>, presented as part of Tarnanthi 2021.

SAM is an active participant in the Aboriginal art market through the development, interpretation and promotion of its collections of cultural material. It is playing an important role in educating the wider community about the value of Aboriginal visual arts and crafts and building interest in the contemporary work.

JamFactory Contemporary Craft and Design Inc. provides skills and business training for artisans and designers. It also supports and promotes outstanding design and craftsmanship through its acclaimed studios, galleries and retail shops both in the city and at Seppeltsfield in the Barossa Valley.

JamFactory has embedded the organisational strategy to 'support Indigenous arts practice through all areas of JamFactory activity' in its 2019-2022 Strategic Plan. It is delivering this strategy through key projects and collaborations with Waringarri Aboriginal Arts, Ernabella Arts (in a partnership dating back more than 10 years), Ninuku Arts and other Aboriginal art centres on the development and or production of new products and on ways to extend entrepreneurial and business skills programs to artists and arts workers from these centres.

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<sup>4</sup> <https://www.samuseum.sa.gov.au/event/Yidaki-touring-exhibition>

<sup>5</sup> <https://www.samuseum.sa.gov.au/event/BalgoBeginnings>



In addition to this, JamFactory has recently established a First Nations curatorial role.

Through its Adelaide and Seppeltsfield retail outlets and its online shop, JamFactory sells work sourced from artists and art centres across Australia at various price points, from major glass and ceramic works created for exhibition through to smaller wooden figures, basketware and textiles. It chooses to purchase work outright rather than on consignment, to ensure that suppliers do not face cashflow pressures while waiting for sales. It also charges a 40%, rather than its usual 50%, sales commission for these works. JamFactory also acts as an intermediary between Ninuku Arts and commercial galleries and dealers.

Other government arts organisations, including Country Arts SA (CASA) and the Adelaide Festival Centre deliver specific programs, which support Aboriginal artists across the state.

CASA's First Nations Program supports Aboriginal artists to tell their stories using both traditional and new art forms.<sup>6</sup> In 2019, the *Aboriginal Diggers* project included the *VIETNAM – ONE IN, ALL IN* exhibition. A residency with a First Nations curator and visual artists, resulted in a new, touring exhibition showcasing the history of involvement by First Nations servicemen and women in the Vietnam War. CASA is a presenting partner for the *Wild Dog* project, a multi-year cultural maintenance project linking Kurna and Narungga country in South Australia to the Gulf of Carpentaria and into Asia.

CASA has three Aboriginal arts workers located in regional areas, who are working directly with local artists and communities to create opportunities and build capacity. CASA has developed partnerships with Local Government to support these positions.

The Adelaide Festival Centre presents the *OUR MOB* and *OUR YOUNG MOB* exhibitions annually, in partnership with CASA. They provide Aboriginal artists from all over South Australia with the opportunity to showcase and sell their art at South Australia's premier multi-arts arts facility.

In 2018, the State Government announced that it would build an Aboriginal Art and Cultures Centre (AACC) on the former site of the Royal Adelaide Hospital at Lot Fourteen – an innovation, entrepreneurship, research, education, culture, and tourism precinct.

The AACC at Lot Fourteen will be Australia's premier Centre honouring more than 60,000 years of continuous First Nations cultures across the country. It will be a distinctive and internationally renowned cultural attraction, with the potential to significantly boost tourism to South Australia and improve understanding of Aboriginal cultures in the broader population as an important way to contribute towards reconciliation.

The Government is working in close partnership with Aboriginal communities on planning and development of this internationally significant Centre, to ensure strong representation of the Aboriginal people's story and their culture, values and aspirations. An Aboriginal Reference Group has been established with members from South Australian and national Aboriginal stakeholder groups.

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<sup>6</sup> <https://www.countryarts.org.au/programs/firstnations-program/about-firstnations-program/>

The budget for the construction of the AACC is \$200 million, the Australian Government will provide up to \$85 million under the Adelaide City Deal, with the Government of South Australia providing \$115 million in additional funding.

In February 2021 Woods Bagot and Diller Scofidio + Renfro were appointed to work with the Aboriginal Reference Group to develop the detailed architectural design for the Centre. Programmed early site works are scheduled to begin in late 2021 with the AACC scheduled for opening to the public in early 2025.<sup>7</sup>

In addition to the sales of artworks made through the Tandanya retail space and the Tarnanthi Art Fair each year, as well as the other government-supported institutions and entities discussed above, the local market includes several commercial<sup>8</sup> dealers and galleries, as well as not-for-profit<sup>9</sup> galleries and museums, representing, collecting and exhibiting South Australian Aboriginal artists.

Aboriginal-owned businesses and social enterprises (e.g. Ochre Dawn<sup>10</sup>, Tjanpi Desert Weavers<sup>11</sup>), and other social enterprises (e.g. Better World Arts<sup>12</sup>) are involved in the creation, licensing, manufacture and sales of products, services and merchandise designed by Aboriginal artists.

Aboriginal visual artists, artisans and designers are also engaged by a range of stakeholders including: government entities, local councils, businesses, and not-for-profit and community organisations for projects and contracts (e.g. public art and graphic design, and even football guernsey designs).

Individual artists engage with all levels of the Aboriginal visual arts and crafts market in this state, as well as at a national level and internationally. They also apply (individually and collectively) to the South Australian Government for grants and funding through Arts South Australia's dedicated Aboriginal and Torres Strait Islander Grants program, Country Arts SA, Carclew and other agencies.

As in other states and territories, there are also a number of smaller, commercial galleries and retailers (e.g. gift and homewares shops, tourist outlets) operating in the South Australian market that sell artworks, artefacts, products and merchandise identified as being made or designed by Aboriginal artists, and other 'Aboriginal-style' products. These are of varying quality and their authenticity often cannot be verified. This issue is discussed further below.

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<sup>7</sup> <https://lotfourteen.com.au/projects/aboriginal-art-and-cultures-centre>

<sup>8</sup> Examples: Hugo Michell Gallery (<https://www.hugomichellgallery.com/>), Hill Smith Arts Advisory (<https://www.hillsmithart.com.au/>), Art Images Gallery (<http://artimagesgallery.com.au/>)

<sup>9</sup> Flinders University Museum of Art (<https://www.flinders.edu.au/museum-of-art>), Samstag Museum of Art (<https://www.unisa.edu.au/connect/samstag-museum/>), Riddoch Arts and Cultural Centre (<https://theriddoch.com.au/>), Regional Galleries Association (<https://www.rgasa.org.au/>)

<sup>10</sup> Ochre Dawn (<http://www.ochredawn.com.au>)

<sup>11</sup> Tjanpi Desert Weavers (<https://tjanpi.com.au>)

<sup>12</sup> Better World Arts (<https://betterworldarts.com.au>)

## *The role of government – Financial support*

The South Australian Government provides financial support to the Aboriginal visual arts and crafts sector through a range of grants and funding programs across government.

This includes grants to Aboriginal artists and organisations for professional development and projects, and strategic investment in initiatives that deliver outcomes and benefits for Aboriginal people and communities.

The table below summarises grants and funding provided through the Department of the Premier and Cabinet (DPC), including Arts South Australia and Aboriginal Affairs and Reconciliation, for Aboriginal visual arts and crafts in 2020-21. Except where indicated, grants and funding towards other art form areas has been excluded.

*Table 1. Grants and funding 2020-21*

Organisations' funding <sup>13</sup>	\$1 195 376
Grants Programs - Arts and Culture Grants Program *, Arts Recovery Fund *	\$656 930
Strategic initiatives – Aboriginal and Torres Strait Islander Arts Strategy, International cultural exchange <sup>14</sup> , Adelaide Fringe	\$472 752
Art centre upgrades and staff housing <sup>15</sup>	\$1 658 654 over three years
National organisations – Arts Law Centre of Australia <sup>16</sup> , Indigenous Art Code <sup>17</sup>	\$47 244
	<b>\$4 030 956</b>

\* Applications that indicate Aboriginal and Torres Strait Islander people involved

As noted above, our collecting institutions and major arts organisations, as well as several small-to-medium organisations, play a key role in supporting the sector through their core programs and specific projects and initiatives. In most cases, they are funded to deliver this activity through their operating grants. This funding has also been excluded from the summary.

Additional grants and funding support is provided through Country Arts SA, Carclew and the Department for Innovation and Skills (Creative Industries).

Launched in November 2020 as part of NAIDOC Week, the South Australian Film Corporation's (SAFC) *First Nations Screen Strategy 2020-2025* is the agency's new five-year plan to grow, highlight and support South Australian First Nations voices and stories on screens locally and globally.

## *The role of government – Regulation*

### Aboriginal heritage and the export of art and cultural material

<sup>13</sup> Grants and funding to Tandanya, Ku Arts, APY Art Centre Collective

<sup>14</sup> Art Gallery of South Australia – \$250 000 across two years (2019-20 and 2020-21) towards APYACC *Kulata Tjuta* exhibition in France

<sup>15</sup> \$1 658 654 over three years (2018 19 to 2020-21) through Ananguku Arts and APY Art Centre Collective

<sup>16</sup> Funding to the Arts Law Centre of Australia includes support for the *Artists in the Black* program.

<sup>17</sup> South Australian Government contribution agreed at MCM 2019

Aboriginal Affairs and Reconciliation (AAR), a business unit of DPC, administers the *Aboriginal Heritage Act 1988 (SA)* (Act) on behalf of the responsible minister, currently the Premier.

It is an offence, without the authority of the Minister, under section 29(1)(b) of the Act to “*sell or dispose of an Aboriginal object*” or “*remove an Aboriginal object from the State*”.

The Act defines an Aboriginal object as ‘*of significance to Aboriginal tradition, archaeology, anthropology or history...and includes an object or class of object declared by regulation to be an Aboriginal object*’.

Before giving an authorisation, the Premier must consult (under section 13 of the Act) with the State Aboriginal Heritage Committee (Committee) and any Aboriginal organisation, Traditional Owners and other Aboriginal persons who have a particular interest in the matter.

Whether specific artworks are defined as Aboriginal objects under the Act is a matter for consideration by the Committee. A relevant application for authorisation concerned the Yuendumu Doors<sup>18</sup> being removed from the state for an exhibition in Campbelltown NSW. Even though they did not originate from South Australia, the doors were considered objects of cultural significance under the Act, due to their importance to Aboriginal tradition and history.

Similarly, if seminal artworks such as early painted boards from Papunya<sup>19</sup>, or quintessential works by Albert Namatjira or Clifford Possum Tjapaltjarri were to be removed from the state, such works may be deemed to come under the definition of Aboriginal object. It is possible that more recent works may ultimately make their way into this category as a result of their traditional and historic importance, as the Act acknowledges that Aboriginal tradition is evolving and is not static.

Generally, however, artworks that are produced primarily for commercial purposes, such as the output of art centres and individual artists, will not be considered as objects under the Act.

#### Regulation of sale of inauthentic artworks and objects by dealers, galleries and other retailers, including in tourism settings

In South Australia, as in other jurisdictions, a significant segment of the Aboriginal visual arts and crafts market is the sale of artworks and cultural material, as well as manufactured products and merchandise, through retailers such as commercial galleries, homewares and gift shops, and souvenir shops.

It is in these settings that artists can be vulnerable to infringement of their intellectual property rights and to other unethical practices of dealers, galleries and retailers.

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<sup>18</sup> The Yuendumu Doors, painted by five Warlpiri artists, depict Dreaming stories. The doors were originally painted for classrooms at the local school in Yuendumu, a remote Aboriginal community in the Northern Territory, in the 1980s and are now highly culturally significant and precious items in the South Australian Museum collection. (<https://www.samuseum.sa.gov.au/australian-aboriginal-cultures-gallery>)

<sup>19</sup> The Papunya painting movement – the community of artists painting out of Papunya community in the Northern Territory which began publicly in 1971, is considered the beginning of the Aboriginal desert painting movement known today. ( <https://papunytula.com.au> )

In South Australia, artists' intellectual property rights are protected by Australian intellectual property legislation, primarily the *Copyright Act 1968* (Cth) and the Resale Royalty Scheme.

Artists, and buyers of Aboriginal artworks and products, are also protected from misleading and deceptive conduct by dealers and retailers under Australian Consumer Law, which is administered by the Australian Competition and Consumer Commission (ACCC).

The South Australian Tourism Commission has advised that it does not have a direct role in relation to the accreditation or regulation of retailers operating in tourism settings.

The Australian Tourism Data Warehouse (ATDW) is Australia's national platform for digital tourism marketing in Australia. Established in 2001, the ATDW is jointly owned and managed by all Australian state and territory government tourism bodies.

The issue of the sale of inauthentic Aboriginal artworks, products and merchandise being marketed in tourism settings (including galleries) has been raised with the ATDW. But the ATDW's capacity to respond to this issue is also limited. Businesses registering on the ATDW can self-select whether they are offering Indigenous experiences and there is no mechanism to confirm the authenticity of these experiences.

The ATDW is currently working with Tourism Australia to establish a nationwide certification to support the development and promotion of Aboriginal Experiences across Australia. As part of this work, Tourism Australia also intends to consider introducing classification of Aboriginal products. It is recommended that the Indigenous Art Code be consulted as part of this process.

## *The role of government – Aboriginal business support*

### The Circle - First Nations Entrepreneur Hub

The Circle has been established in partnership with the Australian Government and the South Australian Government, under the Adelaide City Deal.

It assists the South Australian Aboriginal Business Sector with support to build businesses through increased connections, capacity, capability and confidence. The Circle team works with entrepreneurs one-on-one, providing tailored business support, solutions and referrals to a range of experts and opportunities to meet business needs.

Business development support, including for visual arts, craft and design businesses and artists, commenced in January 2021 and hub was officially launched on 27 August 2021. Further details at: <https://www.thecircle.sa.gov.au/>.

### Office of the Industry Advocate

The Office of the Industry Advocate has carriage of the *Aboriginal Economic Participation through Procurement Strategy* (Strategy), which is embedded in the South Australian Industry Participation Policy. The Strategy is two-fold, focusing on leveraging opportunities for Aboriginal jobs and business from government procurement and building the capability of the Aboriginal business sector to compete for government and private sector tenders.

It includes a package of supports for the Aboriginal business sector to ensure there is a capable supply of Aboriginal businesses with capacity to access the South Australian Government's procurement opportunities <https://industryadvocate.sa.gov.au/support-for-aboriginal-businesses/>.

## **2. Deficiencies and barriers in the markets and how they affect artists and other stakeholders**

Arts South Australia engaged with a range of stakeholders across the Aboriginal visual arts and crafts sector to seek comment on the key issues identified by the Productivity Commission and other deficiencies and barriers.

These included: inauthenticity, unethical practices of dealers and others in the markets, sustainability and resourcing of art centres, developing markets for mid-range artists and artworks, career pathways and professional development for Aboriginal arts workers, and support for the next generation of artists and arts workers.

### *Inauthenticity - the sale of 'fake art'*

#### What stakeholders told us

Several stakeholders felt that the issue of the prevalence of fake art in the marketplace had been addressed comprehensively in previous inquiries and reports, including the 2017 HoRSC Inquiry, which reported in 2018, and consequently placed more emphasis in this conversation on other issues in South Australia, including interactions between artists and dealers, and art centre sustainability.

Resoundingly, stakeholders called for and supported significant consumer awareness and education campaigns, particularly in relation to the tourist segment of the market.

A number of stakeholder comments align with the South Australian Government's views including:

- Education is the most important strategy for fighting inauthentic Aboriginal products and promoting authentic products for the benefit of artists and consumers
- Education about Aboriginal visual arts, crafts and culture should begin with schools and continue through life
- Support for an official Australian website that lists genuine Aboriginal artists, endorses official art centres, and offers people assistance to verify businesses (e.g. an expanded Indigenous Art Code)
- Introduction of a standardised labelling scheme that promotes regional provenance and provides artists' contacts
- Support for an outright ban of fake Aboriginal artworks, products and merchandise
- Support for requiring governments to procure authentic Aboriginal art and develop policies around authentic gift giving



- The need for an examination of the tourism sector's promotion and messaging in relation to the presence of fake art as well as inauthentic Aboriginal tourist experiences
- The need for thorough and regular data collection and analysis by governments in relation to Aboriginal visual arts and crafts markets, including art centres and independent practitioners, to inform better, ongoing policy development and strategic planning.

### ***Inauthenticity – ‘Lateral cultural appropriation’ and unauthorised use of imagery, styles and stories by Aboriginal artists***

#### **What stakeholders told us**

Stakeholders reported a significant presence in the market of artworks that are considered to be inauthentic due to lateral cultural appropriation. Various artists and arts workers raised this issue and gave examples of work that they think is inappropriate, as it includes unauthorised Aboriginal-style designs and symbols, either specific or generic.

These works may be produced by Aboriginal people, but the styles, designs or ancestral stories are borrowed or derived from groups unrelated to the artist and the artist does not have permission to use them.

This can occur when artists wish to express their Aboriginality but, for a range of reasons (e.g. dispossession, displacement, being of the Stolen Generation) may not know their own language group or heritage, or the appropriate visual language to use. It can result in artists making works for which they do not have cultural authority, or using derivative, well-known Aboriginal art styles, such as dot painting or cross hatching.

It was observed that this misappropriation is usually unintentional, and occurs typically when artists are working independently, and do not have access to an art centre or other support structure to provide guidance.

The common view is that there is a need for awareness-raising and education for artists, as well as for consumers, gallerists and retailers, about authenticity.

#### **The Government's view**

The South Australian Government considers that awareness-raising and education about Aboriginal cultural and intellectual property (ICIP) is required at all levels of the Aboriginal visual arts and crafts market (e.g. retail, wholesale, commissioning, licensing and gallery sales).

Artists and art centres benefit from legal advice and training about these issues provided through the Arts Law Centre of Australia's *Artists in the Black* program and the Indigenous Art Code, but this should be extended to the wider commercial sector, including tourism, heritage, and Aboriginal-owned and non-Aboriginal businesses.

This would bolster the confidence in, and integrity of, the sector, and support independent artists to grow and develop in an authentic and sustainable way, and to know their rights as well as their responsibilities.

Education and professional development for artists, and the notion of informed and empowered Aboriginal leadership, is a key element of South Australian Government policy and priorities. One of the six goals of the *Arts and Culture Plan South Australia 2019–2024* (Arts Plan) is ‘to champion Aboriginal and Torres Strait Islander arts and culture’. This is linked to the soon-to-be-released *Aboriginal and Torres Strait Islander Arts Strategy for South Australia*, with its pillars of ‘honouring, leading, listening and learning, and connecting’ and its implementation plan that addresses education opportunities for artists.

## ***Interactions between artists, art centres, private dealers, and others in the markets***

### **What stakeholders told us**

There was some discussion about the role of art centres in the art market as well as the role of commercial dealers.

It was noted by several stakeholders that, in South Australia, art centres can be seen as dealers in the sense that they negotiate with buyers on behalf of their artists, although managers, as salaried staff members, do not derive personal benefit from the sales. Some stakeholders suggested that some art centres, collectives and studios are operating as private enterprises or dealers rather than community centres.

Artists working in smaller, remote communities rarely interact directly with external commercial dealers while working through art centres, as the art centre staff act as intermediaries in these transactions. There are however, examples of artists who are members of remote art centres who also work at times for private dealers.

There are views in the sector in South Australia that the major issue in the Aboriginal art market is not inauthentic art, but the unethical practices of certain dealers, where artists’ work may be produced under duress or purchased cheaply and then sold for inflated prices. These stakeholders have asserted that these practices are a widespread and continuing threat to art centres and vulnerable artists, and have requested that this issue be investigated by governments.

However, there are also arguments that it is an artist’s right to choose where and for whom they paint, even if they are exploited, and some private dealers object to assertions that they operate unethically.

Art centres also reported issues arising in their interactions with commercial dealers on behalf of artists, including: non-payment, undeclared sales, damaged work returned from consignment, and payments taking a long time.

Art centres reported that when a dealer does not pay or delays payment to an artist, the art centre will pay the artist and bear the cost of the shortfall until the funds are recovered. In some cases, art centres have been forced to pursue litigation, which consumes considerable time and effort to follow through and takes focus away from core business. This dynamic is detrimental to art centres, placing enormous pressure on staff and cashflow, and compromising their operations and relationships with artists.

In addition to creating artworks for sale, artists are often engaged to work on commissions or projects (e.g. public art, graphic design etc.) for a negotiated fee.

Several stakeholders raised the issue of artists, particularly those working independently, being vulnerable to exploitation in terms of fair dealing and treatment. This may include lack of transparency when negotiating project budgets, artist fees and contracts.

Stakeholders expressed the view that when an artist is invited to bid for a project there should be greater transparency about the available budget. Not knowing the budget exposes the artist to quoting a lower fee than necessary and potentially undertaking the work at a discount rate. They believed that a way to address this is greater awareness and education within government and business.

A further issue is independent artists' moral rights in their work, and vulnerability when negotiating rights for future use. Several stakeholders reported cases of artists not being adequately protected when their work is acquired or contracted for a single use, but the original design or imagery is reproduced or reworked without re-negotiation and appropriate recompense. Again, to address this, education and protocols are the key – with observation and participation from both parties to both empower and protect artists and educate and guide the contractor.

### The Government's view

South Australia supports consideration of introducing specific offences and penalties targeting people who exploit Aboriginal artists.

One of the six goals of the *Arts and Culture Plan South Australia 2019–2024* (Arts Plan) is 'to champion Aboriginal and Torres Strait Islander arts and culture'. This is linked to the soon-to-be-released *Aboriginal and Torres Strait Islander Arts Strategy for South Australia*, with its pillars of 'honouring, leading, listening and learning, and connecting'. Education and the dissemination of relevant protocols will be a key priority of the strategy's implementation.

### ***Issues relating to art centre resourcing and sustainability, and their economic, social and cultural contributions to communities***

#### What stakeholders told us

A consistent message through stakeholder conversations related to the resourcing of remote art centres in South Australia. There has been enormous growth in art centres' activity over the past decade, and there is great potential for further growth.

It is recognised that increased activity generates revenues and increased income for artists, but with that considerable increase in activity there is also vulnerability, with questions around how to have a sustainable and properly resourced art centre network structure.

Several stakeholders expressed the view that the biggest issue for remote art centres is the need to support art centre staff whose work is multi-faceted and 'gruelling' with art centre managers playing multiple and varied roles in their daily work, from supporting artists to make work but also extending to providing support for artists in their community life.

The considerable pressures on art centre staff include: long hours, multiple tasks with not enough people to carry them out, inability to take leave and bring in relief staff due to the associated cost impacts on the art centre, mental and physical health issues, personal safety, adequate housing, and pressure on staff where inadequate project funding supports artists to create work but not the staff resources required to administer the project.

This considerable pressure on art centre managers can lead to staff burnout and result in high turnover – an unfortunate but commonplace consequence. This leads to other negative impacts including loss of trust and confidence in changing personnel, and loss of relationships from which the road to recovery is long.

Some stakeholders acknowledged the level of complexity that exists for those working within the sector and the pressure and market-demand on art centre staff, which in turn can affect art centre operations.

There were suggestions that while achieving world-class outcomes and, importantly, supporting artists to earn non-welfare income, some art centres are reportedly pushing the boundaries and pressuring artists to be their best, at the risk of painting too much, too quickly, which in turn compromises quality and becomes a reputational risk as well as a duty of care issue.

While all art centres are members of the Indigenous Art Code, signalling a level of compliance, there was strong support among stakeholders for a greater level of outreach and resourcing for the Code to enable it to support art centres to meet best practice operations and to be working to a consistent level/in a consistent way/approach.

Some stakeholders also called for increased oversight of art centres in their interactions with artists, and for there to be Aboriginal voices in the mix. With more oversight, support and resourcing there is less likelihood of staff burn out, and resignation, and better support and sustainability for the art centre and support for artists. The issue of the impact of language barriers was noted.

In South Australia most remote art centres are located in the APY Lands in the far north of the state, but also operate within a broader context. They are members of networks in South Australia, and also in neighbouring regions.

The funded South Australian peak body is Ku Arts, based in Adelaide, yet the APY art centres, by virtue of being located in Central Australia are also members of Desart (the desert art centres peak body) and thus part of the broader network of art centres in the Northern Territory and also Western Australia, with which they also have cultural and family connections.

Stakeholders consistently called for a robust art centre structure in South Australia and better resourcing and governance of peak bodies to ensure effective servicing and supporting of art centres and the art centre model.

### The Government's view

The South Australian Government welcomes the commitment in the Australian Government's *Indigenous Visual Arts Action Plan 2021–2025* of additional investment in art centres through

the IVAIS program towards increased jobs, infrastructure upgrades, promotional programs with art fairs, and increased market access.

We would also welcome an increase in the resourcing of the Indigenous Arts Code and a reconsideration of its scope and remit, to ensure it can adequately deliver to address the community needs.

Additional funding and resources for the peak bodies across Australia (e.g. Desart, ANKA, Ku Arts) would also enable them to provide consistent approaches, adequate support to artists and art centres to complement this activity.

## *Developing markets for mid-range artists and artworks*

### What stakeholders told us

Some stakeholders expressed the view that there is an untapped 'middle ground' in the Aboriginal visual arts and craft market in South Australia.

They reported that in Adelaide it is difficult to find product that sits between the fine art and the 'nicky nacky', lower end of the market. This includes, for example, the corporate gift market where a purchaser will pay \$500 but not \$5000. There were views that one reason for this apparent gap in the market might be the attraction for some artists to be making bigger works for more income rather than working in the more modest middle ground.

There was a view that Adelaide lacks recognised galleries and retail outlets (outside the funded sector) that sell mid-priced artworks bought wholesale or taken on consignment from artists and art centres in this middle ground. It was considered that such outlets can play an important role by offering a wide representative range, informing consumers about the artists and the source communities, and promoting the benefits of art centres. Integrity and context were considered critical to building consumer awareness in this area of the market.

Some stakeholders suggested that Government entities (e.g. AACC, cultural institutions and funded organisations) could play a role in supporting mid-career artists by promoting them through their retail outlets. It was also suggested that these retail spaces could offer professional development opportunities for Aboriginal employees.

### The Government's view

As discussed earlier in this submission, the gallery shops of our collecting institutions (AGSA and SAM) and major arts organisations (Tandanya and JamFactory) source works from artists and art centres, in South Australia and interstate, at a range of price points.

The Adelaide and Sydney Galleries run by the APYACC operate very effectively at the high end of the market. Initiatives such as the Tarnanthi Art Fair sell mid-range works produced by artists working in remote and regional communities and independently.

The soon to be released *Aboriginal and Torres Strait Islander Arts Strategy for South Australia* and its Implementation Plan will include mechanisms to assist artists to access local galleries, retailers and markets registered with the Indigenous Art Code.

## *Support for the next generation of artists and arts workers*

### What stakeholders told us

A strong theme in stakeholder conversations was the question of where the next generation of artists and arts workers is coming from, particularly Aboriginal people who want to work in the sector broadly. This includes artists, arts workers, curators, arts managers, installers, marketers etc. The sector needs to be strengthened with targeted opportunities in a range of areas beyond artists and art making.

Stakeholders identified the need for investment in capacity-building and training for a whole new generation. They recommended establishing a training program in partnership with key organisations (such as the AACC) and education providers.

Stakeholders cited significant opportunities to enlarge the thinking and broaden discussions, so that Aboriginal visual arts and crafts markets are connected and inter-related with other sectors. They discussed the potential for key education or cultural institutions to deliver targeted programs to develop a supported, integrated ecosystem.

Several stakeholders commented on the need for support for art centre workers and the need to provide adequate and appropriate training. They were unsure about what support and training is currently available, or planned for people commencing work in art centres. They gave examples of staff running art centres, under huge pressure, without necessarily having the skills and resilience to sustain this. To this end, there were suggestions for training for people in remote centres, as well as a locum system.

Further to this, they commented on the need to support Aboriginal staff in art centres with professional development and training, to enable them to move into management roles.

### The Government's view

Support for regionally and remotely-based Aboriginal arts workers is considered important by artists and leaders in remote communities, and is also seen as a foundation for a sustainable model for the future of art centres.

## *Independent artists support*

### What stakeholders told us

Independent artists working outside support networks such as art centres in remote or regional areas are isolated and fall through the cracks of the arts market ecosystem.

Several stakeholders raised the need for more support for independent artists. They noted barriers for young artists in accessing training and career pathways in the arts sector and art markets.

They considered that this should begin in a strengthened education system. Some stakeholders suggested that to plant the seeds earlier rather than later through the education system could be a 'game changer' in developing skills and opportunities.



Further, it was suggested that tailored professional development workshops in market 'know how', would benefit metropolitan, as much as or perhaps even more than regional, emerging artists.

### The Government's view

Tandanya is looking to establish a program of workshops for independent artists. Arts South Australia will work with the organisation to identify delivery partners. Ku Arts is also supported to deliver development programs for independent artists, the delivery of which will continue to be evaluated.

### 3. Policy responses to the problems in the markets:

The South Australian Government supports the work of the Australian, state and territory governments, and the sector, to develop policy responses to reduce the prevalence of fake Aboriginal artworks, products and merchandise, as well as consideration of more specific measures targeting people who exploit Aboriginal artists in unethical ways.

In addition, the South Australian Government is supportive of the initiatives outlined in the recently released *National Indigenous Visual Arts Action Plan* and will work internally and alongside other jurisdictions as relevant in their implementation.

#### *Indigenous Art Code*

Since its establishment in 2010, support for the Indigenous Art Code has been a key policy response of governments to address issues related to authenticity and ethical business practices in Aboriginal visual arts and crafts markets.

The purpose of this voluntary Code, which operates through the public company, Indigenous Art Code Limited (IArtC), is to establish standards for dealings between dealers and artists to ensure fair and ethical trading, and transparency in the promotion and sale of artworks, and to deal efficiently and fairly with disputes that arise under the Code.

In 2019-20, funding to IArtCode was increased from \$200 000 to \$350 000 per annum, with support from the state and territory governments. The South Australian Government's contribution was \$5244<sup>20</sup> in 2020-21.

This increased funding has enabled the IArtC to expand its signatories, monitor compliance more effectively, and deliver its education and awareness raising programs more widely (including to retail and tourist outlets selling both authentic and inauthentic products).

The Government values the work of the IArtC, but recognises that the organisation is not sufficiently resourced to respond to many of the problems arising in the markets. We believe that additional resources will assist the organisation to extend its reach and strengthen its capacity to promote compliance with the Code.

The Government notes the view in the sector that the Code is not effective because it is voluntary, and therefore only binds those businesses that are signatories. Many stakeholders believe the Code would be significantly strengthened if it were to be mandatory and have the force of law.

This could, however, result in the Code being enforced by a body such as the Australian Competition and Consumer Commission (ACCC), which would not be connected with the sector nor have the IArtC's capacity to educate artists, dealers and retailers, and promote best practice. We support continued work to examine the risks and benefits of this potential legislative change.

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<sup>20</sup> South Australia's contribution represents its *pro rata* share of 50% of the total funding provided in each year.

South Australia notes that, over the next year, the Australian Government will conduct an evaluation of the functions of the Code, and outcomes of its increased funding.

Subject to the outcomes of this evaluation, we would support further increased funding to enable the organisation to extend its outreach activity and its support to artists and art centres.

### *Australian Consumer Law, intellectual property law and other legislation*

In South Australia, artists' intellectual property rights are protected by Australian intellectual property legislation, primarily the Copyright Act 1968 (Cth) and the Resale Royalty Scheme. However, it is recognised that these laws are designed to protect individual copyright in relation to specific artworks but do not offer adequate protection from misappropriation of Indigenous cultural and intellectual property (ICIP).

Artists, and buyers of Aboriginal artworks and products, are also protected from misleading and deceptive conduct by dealers and retailers under Australian Consumer Law, which is administered by the ACCC. However, the protection provided by these laws is limited if no claims of authenticity are made, which has resulted in the continuing prevalence of Aboriginal 'style' artworks and products in the markets.

Comprehensive protection of Aboriginal visual arts and crafts, and of artists, will require a multi-jurisdictional and inter-departmental effort from governments around Australia. Beyond the ACCC and Customs, portfolios such as Treasury, Consumer Affairs, Tourism and more at all levels should maintain ongoing interest.

We welcome the work of IP Australia<sup>21</sup> to undertake a scoping study to identify possible models of standalone legislation that could assist Aboriginal people to protect and commercialise their ICIP. We look forward to the outcomes of this study, noting that these are likely to involve reforms to Australian Government, rather than state legislation and would be led nationally.

### *Digital labelling*

The HoRSCIA Report recommended several strategies to increase consumer awareness and improve protection of ICIP in Aboriginal visual arts and crafts markets.

In response, the Australian Government funded a trial of digital labelling for artworks and products (e.g. QR codes) to enable buyers to access information about their authenticity, and IP Australia is also examining options to introduce certification trademarks.

In its *National Indigenous Visual Arts Action Plan 2021–25*, the Australian Government's has committed to a national rollout of digital labelling. We look forward to the outcomes of the evaluation of the trial and, subject to this review, its implementation by art centres in this state.

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<sup>21</sup> IP Australia is the Australian Government agency that administers intellectual property (IP) rights and legislation relating to patents, trademarks, designs and plant breeder's rights.

## *South Australian Government policy responses*

The South Australian Government has a range of policy contexts through which its work shows alignment to the key issues addressed in this inquiry. These sit across a range of portfolios. Key amongst these are the *Arts and Culture Plan South Australia 2019–2024*, overseen and implemented by Arts South Australia and the Aboriginal Heritage Act 1988 (SA), administered by Aboriginal Affairs and Reconciliation. Both are business units of the Department of the Premier and Cabinet.

The South Australian Government demonstrated its prioritisation of Aboriginal arts and culture with its commitment to develop a flagship Aboriginal Art and Cultures Centre at Lot Fourteen.

This commitment was further emphasised with the release of the *Arts and Culture Plan South Australia 2019–2024* in September 2019. Goal 3 of the Arts Plan ‘To champion Aboriginal and Torres Strait Islander arts and culture’ and associated objectives and recommendations<sup>22</sup> have provided a strong impetus to further explore the issues around inauthentic product and work towards maximum sustainability and economic benefits for South Australian Aboriginal artists.

The South Australian Tourism Commission’s *Aboriginal Action Plan* will be a mechanism through which further engagement around the intersection between Aboriginal visual arts and crafts and tourism sectors can occur.

In addition to these Arts South Australia has developed two other aligned strategies, the *South Australian Arts and Cultural Tourism Strategy 2025*, which has recently been endorsed by Cabinet, and the *Aboriginal and Torres Strait Islander Arts Strategy for South Australia* which is due for release in the current financial year.

This strategy has a focus on honouring and recognising authentic cultures and arts, supporting Aboriginal artists and arts organisations, building education, training and employment pathways for Aboriginal artists and arts workers, and strengthening networks across and beyond the Aboriginal arts and cultures sector.

The *Arts and Cultural Tourism Strategy* is the product of collaboration between the arts and tourism sectors of government and industry. Amongst its strategic goals is the ambition to support the arts and cultural sector to create, promote and deliver authentic, sustainable and accessible visitor experiences that reflect and celebrate the state’s cultural identity – a goal with particular resonance for the Aboriginal visual arts and crafts sector.

It will be through the implementation of this suite of policies and legislation that the South Australian government will deal with areas of challenge in relation to the Aboriginal visual arts and crafts market.

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<sup>22</sup> *The Arts Review for South Australia Consultants’ Report* (July 2019) pp. 59-69  
[https://www.dpc.sa.gov.au/data/assets/pdf\\_file/0016/113803/The-arts-review-for-South-Australia-Consultants-Report.pdf](https://www.dpc.sa.gov.au/data/assets/pdf_file/0016/113803/The-arts-review-for-South-Australia-Consultants-Report.pdf)  
<https://www.dpc.sa.gov.au/responsibilities/arts-and-culture/arts-plan/recommendations-and-governments-response/aboriginal-arts-and-culture>

## Appendix 1

### List of stakeholders consulted

In collating this response. South Australia has sought comment from, or spoken with, a wide range of stakeholders, including:

Robyn Ayres, Chief Executive Officer, Arts Law Centre of Australia

Elizabeth Close, Independent artist

Nici Cumpston, Artistic Director, Tarnanthi, and Curator, Aboriginal and Torres Strait Islander Art, Art Gallery of South Australia

Charissa Davies, Senior Exhibitions Curator, Adelaide Festival Centre

Merilyn de Nys, Arts and Culture Leader, Country Arts SA

Angela Flynn, Principal Project Manager, Aboriginal and Torres Strait Islander Arts Strategy, Arts South Australia, South Australian Government

Toby Forde, Manager, Heritage, Aboriginal Affairs and Reconciliation, South Australian Government

Kathryn Galpin, Government Affairs Advisor, Strategy and Insights, South Australian Tourism Commission, South Australian Government

Amanda King, Manager, Ninuku Arts

Ian Nightingale, Industry Advocate, Office of the Industry Advocate, South Australian Government

Skye O'Meara, Manager, APY Art Centre Collective

Rebekah (Bekh) Osborne-Ken, Iwiri Centre Coordinator, Iwiri Aboriginal Corporation

Gemma Page, Corporate Manager, Tandanya National Aboriginal Cultural Institute

Sue Panagaris, Aboriginal Entrepreneur Hub, Business Development Manager at Lot Fourteen, South Australian Government

Kirstie Parker, Interim CEO, Tandanya National Aboriginal Cultural Institute

Brian Parkes, Chief Executive Officer, JamFactory Contemporary Craft and Design

Kirsty Parkin, Industry Development Manager, Department for Innovation and Skills, South Australian Government

Lucy Potter, JamFactory Retail Manager, JamFactory Contemporary Craft and Design

Thomas Readett, Independent artist

Denni Ridgeway, Executive Officer, Aboriginal Employment Industry Cluster Program, Office of the Industry Advocate, South Australian Government

Leah Rusby, Manager, Product and Sector Development, South Australian Tourism Commission, South Australian Government

Fiona Salmon, Director, Flinders University Museum of Art

Nerida Saunders, Executive Director, Aboriginal Affairs and Reconciliation, South Australian Government

Matthew Schlitz, Principal Heritage Officer, Aboriginal Affairs and Reconciliation, South Australian Government

Lisa Slade, Assistant Director, Artistic Programs, Art Gallery of South Australia

Gabrielle Sullivan, Chief Executive, Indigenous Art Code

John Waight, Artists in the Black Coordinator, Arts Law Centre of Australia

Jill Walsh, Senior Project Officer, Aboriginal Affairs and Reconciliation, South Australian Government

Gavin Wanganeen, Gavin Wanganeen Art

Carolyn Wilson, Director, Better World Arts