

11 November 2021

Aboriginal and Torres Strait Islander Visual Arts and Craft  
Productivity Commission  
GPO Box 1428  
Canberra ACT 2601

**Re: UMI Arts submission**

Dear Productivity Commissioners,

As the peak body representing Aboriginal and Torres Strait Islander artists and art centres, UMI Arts are keenly aware of the impact of identifying key markets for Aboriginal and Torres Strait Islander visual arts and crafts makers and creators. UMI is creole for you and me, this is part of our broken English dialect of Minu, Miuto and Mipula Upula. We operate as a First Nations art incubator hub for our regional and local independent Indigenous artist.

These artists work independently of the remote community art centres, either by choice or because they reside and work in regional centres that are not serviced by art centres. Independent artists work for themselves and at times take advantage of galleries such as UMI Arts to exhibit their works. Many artists choose to sell their artworks directly to consumers online or as part of fairs or local markets, sell to dealers or enter exclusive trading relationships with commercial galleries.

We would like to make a few comments in relation to the Productivity Commission inquiry. Please find UMI Arts submission attached. Although some points I would like to make in our cover letter relates to similar issues that were raised in our Fake Art Inquiry submission as these points are still relative.

- **Sale of artworks and products by Non-Indigenous art organisations**

We note with concern an ever increasing number of Non-Indigenous art organisations exhibiting and offering for sale so-called Aboriginal artworks. There does not appear to be any policing in this area as to the authorising of the genuineness of the artworks or products on sale. Except to say advice is taken at face value by the seller as to the authenticity of the artworks and products. It begs the question of none the wiser if not legally challenged by some proper authority.

We note there is a great deal of duplication occurring between First Nation Art Galleries and Non-Indigenous galleries in displaying Indigenous art. Whilst some find this to be acceptable, it does resinate that Non-Indigenous galleries are enticing and recruiting First Nation artist to be loyal to them. It is wondered whether First Nation artist are being remunerated at the appropriate rate when sales occur.

- **Public awareness campaign**

There needs to be a community engagement strategy to capture the awareness of not only the Australian public but the overseas tourist trade as well by ensuring that they are buying authentic Aboriginal artworks and products in local shops. There also needs to be a campaign to buy locally made Aboriginal Art products which are displayed in retail shops and tourist venues.

It is not a good look to sell products and souvenirs to visiting overseas tourists that are not made by Australian Aboriginal artist. Souvenir traders must display distinct signs that ensure that their products are genuinely made by First Nation artist.

- **Aboriginal Artist Register**

Whilst we see a clamp down at many high profile Aboriginal Art Fair around the concerns of the sale of Fake Art, of which many if not all Indigenous artist readily confirm too. Unfortunately this does not extend to the souvenir shops and lane traders. There should be a register set up of all Indigenous artist similar to the Supply Nation framework that can:

- verify the works of the artist and;
- confirm that the artist is registered as a bono fide Indigenous art supplier.

So that when local tourist traders send a call out for genuine Indigenous artworks and products, the registrar management can refer them to a number of locally registered artist. This would eliminate non-Indigenous artist sheltering under bogus Aboriginal names from entering the Indigenous artist space.

As highlighted in our consultations with the Productivity Commissioners that a starting point could be the acknowledgement of the major trusted Indigenous art organisations that participated in the initial meeting be bestowed as the top tier of art organisations, should be mandated to authenticate First Nations artworks and products in the first instance. Other second, third and other bottom tier First Nation art organisations/groups must then apply to have their artworks and products certified as authentic by the top tier group.

Please contact us if you would like to discuss the matter further and we welcome the opportunity to contribute to future discussion and debate on this matter.

Yours sincerely

Peter Lenoy  
**Executive Officer**

# Productivity Commission Study

## **No 1. What issues should this study focus on?**

Given the number of previous inquiries into the Aboriginal and Torres Strait Islander visual arts and crafts markets, what are the main contributions this study can make?

Whilst there has been previous reports done and complied, the time has come to go beyond talk. This study must be backed up by action. It is important to note that not all Indigenous artist come from the remote communities for Western Australia, South Australia and Northern Australia even though there has been a lot of focus and attention paid to the communities due to their desert paintings and rightly so.

However Queensland Indigenous communities are also emerging with our reef and rainforest art which is also amazing. I wish to raise the point of equity in regards to recognition and funding should be directed towards all Indigenous communities. Not just those that historically get special mention in the past in relation to where resources and funding have been directed. Equally must be an important principal in directing support to our Queensland Indigenous artist. Our stories are just as real and must be heard.

## **No 2 Questions on the nature, size and scope of the markets**

In Far North Qld a lot of our art and craft makers are reliant upon community markets as a means of plying their trade as well as making a reliable income. Many art and craft makers have more than 2 jobs as an income stream in making ends meet.

Some are fortunate their products are picked up by the curators and collector who frequent the many art fairs, although our art and craft makers must pay for a stall in order to market their wares. Sometimes the art fairs have high stallholder fees which often places the art and craft maker to sell a lot more products if they are going to make a profit.

Some time it is questionable where art fair stallholder fees are unjustly high especially when art fairs are well funded by government to operate these art fairs. These such arrangements often place the art and craft makers at high financial risk as they must create a certain amount of products in the hope of getting a reasonable financial return on their outlays. At times this can become quite tricky if one is unable to read the markets on what moves and what sits on the shelves. Pricing is another major issue as many art and craft makers usually test the market when selling products at community markets. But it is problematic when there are no real supports out there to assist these art and craft makers in providing such advice as many are usually self-reliant upon their own judgement.

UMI Arts always note what sells and when by doing our own market research through monitoring our sales. Having an online shop is also beneficial in monitoring sales. For example we understand the two different markets between Cairns Indigenous Art Fair and Darwin Art Fair. It appears at the Darwin Art Fairs smaller gift products usually move quicker than other bigger products, where at CIAF the bigger sales usually occur in the galleries with slow to medium sales in our market stall. Although is setting both a gallery and market stall don't come at a price and as such we are behind the eight ball before the game has started. Plus we have to pay for staff to be available to person the gallery and market stall as do others.

Data collection is always hard as most art and craft makers usually operate as independent artist and as such do not have the capacity to collect data on a regular bases. Although our organisation understands the understanding of data collection and we try hard to collect and collate data where possible to inform our decision making. Our organisation as a requirement often pass this information onto our funding partners, however we not advised of the results of the data collation in terms of implementing best practice. Most fair operators usually concentrate on the amount of sales rather than what majority of products/artworks sold. Although some art and craft makers usually have an understanding of what products moves best as a means of keeping up stock. Most art and craft makers normally have a small product range.

Although UMI Arts does keep our own record of our art sales on our personal dashboard in monitoring sales and payment fees going to artist.

### **No 3 Questions on the effectiveness of government investments**

Whilst we appreciate the investments government make to the art sector, one always questions where these investment have been made. During UMI Arts recent Art Symposium, a significant discussion point was the need for a First Nations regional voice to represent the local and regional artists. It is important to note that funding bodies must support regional organisations that play an important role in capacity building the regions artist. Funding bodies cannot keep on privileging the privileged. Investment must be made at the low end of town just as equally as funding is directed towards the top end of town. Investment must be made in the areas where the supply chain begins to ensure that artist and the supply of works are forth coming.

We also acknowledge that the Queensland State Government strengthens remote community art centre infrastructures with tax payers funding, the same cannot be said of government investing in regional centres in supporting local and regional independent artist. It would seem it would seem that the Qld State Government has appointed Government Ministers as Community Champions for each and every remote Indigenous community, unfortunately the same cannot be said for mainstream regional centres.

The Qld State Government also provides funding in supporting these remote art centres through the local community councils by funding an art centre manager and providing art resources. It would appear the business model relies on community people participating in the art programs in making products and art works for certain art fairs or markets through the process of meeting their mutual obligations of receiving their Centre Link payments.

The State government also provides funding for the community art centres to purchase market stall at the art fairs which at times provides an unfair advantage to the remote communities as opposed to what little government support independent artist receive from government. It is also unclear what level of remuneration the remote community artist receives in payment from the respective councils of the sale of their products and artworks.

It would be pleasing to note that government infrastructure must be made to the local independent artist galleries just as much as it is made to the remote communities in supporting their art centres. The rules must be changed to deliver equity to all in getting a fair go.

UMI Arts is also concerned about funding agencies only providing four year funding rather than continuous funding as art organisations have to reapply for funding every four year when funding rounds come open. The dilemma is there is no concerns raised by funding agencies regarding any operational issues with art organisations regarding their programing or acquittals.

Continuous funding decisions are made by a group of art peers based on contested funding and application merits. Although this process does leave some wondering when new applications receive funding at the expense of others that the last four years of funding support counts for naught. It would make more sense if funding agencies continued to fund existing art organisations who were doing great things and defunded organisations who were not doing the right things. It just means the last years of investment by art organisations were not taken into full account of how well art organisations were progressing in servicing their communities.

It is difficult to plan for the future when art organisations are receiving multi-year funding and one is unable to secure ongoing funding to continue into the next set of four year funding. Small to medium art organisations must be guaranteed ongoing funding to provide the necessary platforms for developing artist's futures as well as growing the next set of green shoot artist. It is very distressing if funding agencies do not advise art organisations if they are not delivering on their Key Performance Indicators but rather leave the decision making process up to Peer assessors to decide who is entitled to ongoing funding support.

For once it becomes more known that funding is unreliable and unsteady, young people will be forced to turn away from the art sector and pursue something else that offers more certainty. The current funding models adopted by funding agencies is unworkable unless one is a major art organisation. As a small to medium art organisations, we are forever seeking funding to keep our doors open which in the long term is untenable.

UMI Arts also notes there seems to be a growing perception that metropolitan centres are receiving the lion's share of funding that is allocated with the regional centres not being as successful in attracting funding. We note the funding allocation was evident in the last funding round of Australia Council for the Arts Aboriginal and Torres Strait Islander Four Year art funding round of 2019 with no First Nation art organisation outside of the Southeast quadrant of Queensland receiving Four Year Funding. Funding agencies must stop privileging the privileged.

This practice of regions verses metropolitan centres also appeared evident in Arts Queensland Multi year funding round of 2021 where 90% of funding was directed towards art organisations in South East Queensland. I dare say no First Nation Art organisation north of Rockhampton was funded. Obviously both funding agencies will advise the decisions were primarily made by the Peer assessor groups which were totally independent to the funding agencies. However the decisions made have impacting consequences for the future wellbeing and preservation of First Nation art culture and art organisations in the regions where we feel the principal of equity should be applied to all.

#### **No 4 Questions on defining and determining authenticity**

Being an independent Indigenous art gallery as well as being a member of the Indigenous Art Code provides UMI Arts with a great deal of status in being able to certify authenticity of Indigenous made products and artworks. UMI Arts has been around for over 15 years and is well recognised as a trusted, tried and tested organisation as we have a reputation to uphold.

We know all of our member artist by first name bases and are other approached by mainstream agencies in wanting to truly and genuinely engage with the Indigenous art sector. Our reputation is held quite high in the region with many agencies turning to UMI Arts for advice on a range of Indigenous art related issues from developing artworks for Reconciliation Action Plans to commissioning artwork sales for special projects.

We work in well with our fellow key stakeholders such as Arts Law, Terri Janki law firm, Copyright Agency, Indigenous arts Code and NAVA where we know one another by first names and often communicate among ourselves. We have faith and trust in one another and often reach to each when and if the moment presents. In many cases we work in well in co-designing briefs for projects in seeking advice in the common interest of our member artist.

Whilst in principal support is given to support a National Indigenous Arts and Cultural Authority in going forward, the consultation process has not been conducted by OZCO and neither has any terms of reference gone out. So in essence art organisations are still flying blind with lots of promises being made with too little action taken. We have to get beyond talk. Art stakeholders are wanting to establish an authority, but we don't know what it going to look like.

Obviously only major trusted Indigenous art organisations should be the first port of call as the top tier group to be given the mandate to authenticate First Nations artworks and products in the first instance. Other second and third tier First Nation art organisations/groups must then apply to have their artworks and products certified as authentic by the top tier group.

I appreciate this may sound a bit convoluted and complex but it is just an idea as a potential starting point. Pre-COVID a lot of artist and other were selling their artworks and products on their social media platforms such as Facebook accounts, now as a direct result of COVID many are turning to social media platforms like Facebook to increase their reach and engage with the open market. Unfortunately this process foes unchecked and is unregulated.

As have others we have put our suggestions to the Senate Enquiry in 2017 regarding the Fake Art campaign, but the real impact is that many artist either have a fulltime job or are on the dole. The impact of fake art is preventing artist from becoming independent businesses of being a contributor to the economy rather than being on the breadlines in being a drain on the economy.

Public awareness campaigns are a good start with commercials occurring every time we have a state gathering, national and international events. What role does our state and federal Trade Commissioners play in promoting First Nation authentic art. Where are our national body voices who purport in championing First Nation authentic art.

We have too much duplication occurring in the First Nation art space, with competition being felt from our non-Indigenous art galleries and new emerging First Nation art groups. Governments must stop taking away funding from existing First Nation art organisation to fund new groups, unless they are not meeting their KPI's. We must be seen as consolidating the sector not wearing the funding lines too thin.

We must also learn the lessons of what didn't work in the past rather than cover it up. Is everyone familiar with what happened at the Port Adelaide Football Club with licensing and copyright infringement issues. Why isn't there a go to agency that businesses/governments can go to that provide cold hard facts about meaningful community engagement with the art sector.

The other major concern I have with working in this sector is that we don't have any real employment development pathways for our young people. I mean at times this job can be seen as unrewarding as it can be seen as an inverted funnel where only a very few rise to the top. Many young people see it easier to get a well-paying job with less responsibilities in the Public Services or gravitate to the social services sector in pursuing career pathways. Funding certainty must be given to all levels of the sector to grow the sector.

#### **Q5. What are the effects of inauthentic arts and crafts?**

Unfortunately in Cairns as perhaps in other parts of Australia, we have a lane trade section which is primarily aimed at the tourist sector where fake art is sold in abundance. The majority of locals acknowledge that this type of activity occurs but never speak about it. It is usually left up to First Nation art organisations to continuously raise these matters but unfortunately they fall on deaf ears in regards to the general public and government agencies.

As a result the unsuspecting tourist fall prey in purchasing these fake products as they wish to take back a cheap memento of their visit to our region. The same occurrence occurs with our local pop up markets where inauthentic art products find their way onto stallholder tables under the guise they were made by Indigenous artist/people. And the stallholders are selling these products on behalf of these unknown and fictitious Indigenous artist.

The problem is this is too big and too wide spread for a small to medium First Nation art organisation to take on. The resolution relies on a public awareness campaign to inform the general public of wise buying choices in purchasing authentic Indigenous products. It is no good in asking the seller if the product is authentic as the buyer is none the wiser.

First Nation art organisations such as UMI Arts have the capacity to develop a local marketing campaign in encouraging tourists in purchasing gifts and products that are made by the local artist. Although more is needed from the local tourism offices in promoting authentic Indigenous art products and where the reputable shops to purchase them from. The same applies to the state agencies of Tourism Events Queensland and Queensland Tourism and Industry Council. They should take on a much stronger advocacy role in promoting the sale of authentic art and products, who and where they can be purchased from.

Obviously this should be a bottom up approach with the art funding agencies as their responsibility in promoting the sale of Indigenous art and products from reliable sources. The same applies with government agencies and business houses in seeking a range of authentic corporate gifts and products from reliable First Nation art organisations. The first stone must be cast by someone in breaking this glass barrier of promoting authentic art and products of allowing local artists access to other markets beyond their own.

1. **Sustainable growth** – making sure that the sector grows in a way that supports Aboriginal and Torres Strait Islander culture and that growth can be maintained for a long time.

#### **Sale of artworks and products by Non-Indigenous art entities**

We note with concern an ever increasing number of Non-Indigenous art entities exhibiting and offering for sale so-called Aboriginal artworks. There does not appear to be any policing in this area as to the authorising of the genuineness of the artworks or products on sale. Except to say advice is taken at face value by the seller as to the authenticity of the artworks and products. It begs the question of none the wiser if not legally challenged by some proper authority.

#### **Public awareness campaign**

There needs to be a community engagement strategy to capture the awareness of not only the Australian public but the overseas tourist trade as well by ensuring that they are buying authentic Aboriginal artworks and products in local shops. There also needs to be a campaign to buy locally made Aboriginal Art products which are displayed in retail shops and tourist venues. It is not a good look to sell products and souvenirs to visiting overseas tourists that are not genuinely made by Australian Aboriginal artist. Souvenir traders must display distinct signage that ensure that their products are genuinely made by Aboriginal artist.

#### **Indigenous Artist Voices must be Heard**

We understand that there are various interest groups around Australia that represent the interest of local business houses and tourism sectors (ie: Chamber of Commerce & Tourism representative groups). It appears the majority of these interest groups are fundamentally made up of Non-Indigenous business interests whereby they provide a voice for their membership base (Regional Tourism Organisations & Chambers of Commerce etc).

In order to rebuild the art market in a sustainable way, is for **dedicated seats to be made available for Indigenous people on these interest groups boards to champion First Nations people's marketing interest of Indigenous art.**

Apparently these interest groups meet with governments (Federal/State/Local) on a regular bases and push their agenda. It is often notionally perceived that agenda does not always include Indigenous interest. **There must be an opportunity for local business interest group to include a voice for First Nation people to purport business interest in the Indigenous art industry. We need for our voices to be heard at all levels.**

Another suggestion is to **include Indigenous art groups to be part of all levels of government corporate gift range packaging. In particular when international visitors are visiting Australia or when government agencies are visiting their sister cities overseas.**

Small to medium Indigenous art organisations are not properly funded to have a specific Marketing personnel on staff to engage with the media and key stakeholders. Many small to medium art organisations are at times caught with running the day to day activities which prevents them from fully engaging with the marketing of their visual arts and products.

#### **Need for a centralised marketing hub to be established to support artist.**

Many small to medium art organisations usually piggy back on larger events such as art fairs and festivals etc as an opportunity to tap into the local, state, national or international markets to make their impression. **It would be greatly appreciated if Governments could host events for artist to engage with the state, national or international scene like the tourism industry does. For example the tourism sector has the Australian Tourism Exchange (ATE) to engage with the overseas markets which begs the question.**



**Why don't we have a formal entity for the Indigenous art industry ? Or could the ATE model be expanded to include a standalone Indigenous art component to market Indigenous art to the world's tourist markets.**

It would be great if Governments invested in aligning our state and national **Trade Commissioners to have a meet the buyer and seller forums with art organisations as community engagement entry points into various markets.** There is a pressing need to develop a Pathway Navigator role to provide referral pathways for art organisations to assist with stakeholder engagement across the many streams of the art industry in engaging with the open markets.

2. **Capacity building** – making sure there are clear pathways to employment for Aboriginal and Torres Strait Islander artists and arts workers.

Artist require an understanding of the Arts Market Needs. Artist must have valuable insight into understanding the market needs and opportunities for developing saleable artworks and products, or licensing for additional income streams.

Artist must also possess an understanding of Industry Expectations Artist fees and Pricing works, Copyright and Authenticity certificates. Be aware of Artist Agreements/Contracts and Commissions, have some understanding of basics Running of Small Artist Businesses skill sets. Working with curators in developing an understanding how to put on an Exhibition.

Investment is also needed in building the capacity of Indigenous art galleries in providing them with the necessary skills to build their businesses. Investment in indigenous art galleries is an investment in their artist stocks. If you capacity building the art galleries it will place enormous faith with the artist maintaining loyalty to the Indigenous galleries and prevent them from going elsewhere.

UMI Arts acknowledges the support that IVAIS provides to UMI Arts in capacity building our artist. For this we are very grateful, although UMI Arts does view the need to provide other types of intense one on one workshops with our artist as group work doesn't always work.

People tend to not open up in large forums or able to speak freely due to confidential matters. Obviously if one on one training program were to be made available artist business groups may response more accordingly. If small traders/artist had access to trainers to deliver specialised one on one business development or skill sets development as we feel this type of training delivery would be accessed more readily by artist.

**It would be ideal if Indigenous Business Australia (IBA), the National Indigenous Australians Agency and other funding bodies should contract local Indigenous art organisations to deliver the much needed training to local and regional artist rather than bring in outsiders from down south on a fly in fly out base to deliver these types of training. Governments must support locals by investing in locals in delivering local.**

There is a great need for national media organisations to place a greater focus on small to medium Indigenous art organisations in promoting their market wares. We note there is **a number of tourism media television shows which don't seem to engage with local Indigenous art galleries. We have the International Year of Indigenous Tourism 2020 but there seem to be no national marketing of Indigenous art organisations in promoting Indigenous art. This must change. Governments and other funding bodies need to invest in small to medium Indigenous art organisations to safeguard the future of the art industry.**

As there is an inherent risk if failure to do so will bring on the risk of killing an industry. Currently there are some artists who have been successful, have made a name for themselves and are well on the road to success. But we at UMI Arts act as an art incubator hub where we are about bringing emerging budding artists on an improvement journey of self-discovery to eventually getting them onto the path of being Exhibition Ready.

**If our artists don't see the value in getting into the industry due to it not being fully supported, the risk is they are not going to be part of this journey.**

**They will look elsewhere where they can put their talents to better use. We have to be very careful, we do not have an industry killed off because of the inaction of others.** We have to try and keep nurturing our artists by keeping their aspirations alive. Not a lot of organisations invest in our young people and talented artists at a very early age. **That is why it is supercritical that we maintain that support for young and emerging artists and not lose sight of it. Otherwise, the risk is we will lose young people entering in the art sector.** One of our greatest problems is the lack of government agencies to work together for the benefit of the regional sector in supporting Indigenous art organisations.

**There appears to be no inter-sectorial collaboration being done by government agencies and non-government funding bodies in furthering any regional planning to enhance the Indigenous art sector.**

**Do government agencies and non-government funding bodies have a regional plan to collectively support Indigenous owned and operated businesses in the industry?** As there seems to be no regular meetings being held regionally between government agencies and non-government funding bodies with the Indigenous art businesses in discussing plans for the way forward.

**Government and non-government funding bodies need to invest in our young people as artists as a pathway in securing the future of the sector. There is an inherent risk of killing an industry if we don't invest in our young people.** There seems to those successful artists who have already made it and have their name in the bright lights and are well on the road to success. But we at UMI Arts act as an incubator. We bring young people on a journey from emerging budding artists to eventually getting on the path to participate in major art fairs such as CIAF and other areas.

If our young people don't see the value in getting into the industry because it has been hived off and sliced and diced by fake imports, they are not going to be part of this journey. Young people are going to look to elsewhere where they can put their talents to better use. We have to be very careful that we do not have an industry killed off because of the inaction of others. We have to try and keep it nurturing and keep it alive.

3. **Access to market** – making sure that artists can access people who are buying Indigenous visual art, and that buyers are able to buy authentic, ethically produced artwork.

Many of our Indigenous small art and craft makers usually follow the major festivals and bigger attended local markets in order to make a living. COVID-19 had a severe impact upon the livelihood of First Nation artists in the Far North Queensland region through the loss of revenue by major regional festivals being cancelled or postponed which affected our local art and craft makers' income streams. Community markets have likewise dried up further impacting on art and craft makers having no venues to market their wares.

Local Indigenous art and craft makers are strategic in targeting regional festivals and local markets to keeping their lively hood going, but they would greatly appreciate if they could get a big break in being selected to provide corporate gifts to the corporate sector. UMI Arts tries hard in supporting our local artist in breaking into these markets as it is so competitive.

However with support from Government agencies and non-government funding bodies, it would be great to have a regional approach in hosting a meet the buyers and suppliers forum where local Indigenous art organisations, art and craft makers could meet with various Trade Commission staff in discovering market opportunities.

**There appears to be Indigenous people who are members of various government and non-government advisory boards, although there seems to be very little engagement or representation made on behalf of the local Indigenous art organisations in promoting their respective businesses or our Indigenous art and craft makers interest.**

There is a pressing need for governments and funding bodies to invest in small to medium art organisations in crafting a suitable strategy of engaging with artist in connecting them with mainstream and international trade markets.

UMI Arts embraces the change digital technology brings to the art sector, although with these changes brings new complexities in becoming familiar with the new technology. Not everyone is conversant with being up to speed with this technology. Training in this new field is a definite to assist with the management of the new technology as well as the ability to have capable support services on hand to access.

**UMI Arts understand there are some technical difficulties with host online virtual gallery viewing with systems crashing from time to time as a result of connectivity and systems overload issues from too many viewers. Although overtime as modern technology improves the digital cartridges with hopefully provide another platform with increased sales.**

However small to medium Indigenous art organisations would require suitable funding resourcing to enter into the digital space with confidence, but hopefully again as technology improves costs will eventually come down in the future. Although the necessary IT support systems need to be in place to support remote access to new technologies. Digital technology is an investment in the future for all as it increases our reach both nationally and internationally.

**An Indigenous youth engagement strategy needs to be formulated to encourage young people to enter into the art sector via the new digital gateway platforms. There need to be a direct correlation between the art sector and the new digital platforms in attracting young people into the art sector.**

**Having a well-known and respected Champion, championing your organisation's brand. A national campaign should feed into state based campaigns undertaking community engagement activities on a state-wide bases which then drills down to regional engagement campaigns. The national lead campaign should be able to create linkages to identify international markets whereby Indigenous art organisation could feed into in peddling their wares.**

**Could there be a way where overseas touring grants can be made less onerous as the application process is sometimes complex. For example the Torres Strait Regional Authority provides direct funding for their artist via Gab Titui to travel to overseas countries in promoting their Torres Strait art and culture. Gab Titui actually has a dedicated budget for overseas touring projects.**

Could a similar process be adopted nationwide in giving every different First Nation group the opportunity to promote their distinct culture and art on the international stage?

4. **Legal protections** – strengthening the framework protecting Aboriginal and Torres Strait Islander cultural expressions.

**UMI Arts acknowledges there are enough cultural heritage protection of cultural expression available already. UMI Arts understands the National Human Rights Act specifies that Aboriginal and Torres Strait Islander peoples hold distinct cultural rights as Australia's First Nation people. The Act specifies that Aboriginal and Torres Strait Islander peoples must not be denied this right, with other members of their community, to live life as an Aboriginal or Torres Strait Islander person who is free to practice their culture.**

The Human Rights Act also protects cultural rights generally at section 27 of the Act. Cultural rights are complemented by the rights to freedom of religion and of expression, which are protected in sections 20 and 21 of the Act.

It would appear there is a need for extra affirmative policing and enforcement of those respective legislations in protecting Indigenous cultural expression. Indigenous art organisations usually reach out within their own networks when seeking legal advice. Usually Arts Laws is the go to agency, with most legal advisors working on a pro bono bases, which is great.

However most legal cases are usually judged on whether the investment of human resources is comparable to the likelihood of winning a case. The other matter is not every artist are members of Arts Law as they usually seek advice from Indigenous art organisations to facilitate their cases with Arts Law.

Although some national guidelines of a redress process would assist in informing artist and Indigenous art organisations from either Arts Law or Government agencies would be great.

**UMI Arts agrees with having a mandatory Indigenous Arts Code. The arts code should be managed by the national Indigenous Arts Code organisation. Although it should be also mandatory that Board members of the Indigenous Arts Code organisation be rotated every 2 year to increase Indigenous art organisations participation rates.**

Perhaps the Indigenous Arts Code organisation needs a review from top to bottom in how effective the organisation has been operating. How many cases were successfully prosecuted, how many artist received any financial restitution as a direct result of their works being replicated without their consent.

UMI Arts agrees with the notion of having a certification trade mark scheme for authentic products. Perhaps the Indigenous Arts Code organisation should be managing this proposal too as a means of authorising authentic products. Indigenous art organisations could apply to the Indigenous Arts Code organisation to become an approved organisation as a dispenser of authentic products.

UMI Arts agrees in principal with the notion of having a Resale Royalty Scheme, although the scheme must be implemented on a national scale with a better awareness campaign in order to engage Indigenous artist and Indigenous art organisations.

UMI Arts understands there's always more to be done in increasing awareness of moral, cultural and intellectual property rights with the Indigenous art community. There should be a targeted awareness campaign conducted at least every quarter by major Indigenous art festival organisers highlighting the need of consumer awareness when purchasing Indigenous artworks.

UMI Arts has often heard awful stories about how Indigenous artist have been preyed upon by unscrupulous people when they purchase artwork from artist in signing phoney contracts with no licensing agreement to protect artist copy rights.

It seems this type of practice is becoming the norm in that buyers assumes they can replicate the artwork in reproducing the works on other paraphernalia without the artist permission. There is a pressing need for community type workshops in creating an awareness for Indigenous Cultural Intellectual Property Rights not just only for the artist but targeting the tourism sector and Chamber of Commerce organisations in informing these stakeholder of doing the ethical thing.

#### **Sale of artworks and products by Non-Indigenous art entities**

We note with concern an ever increasing number of Non-Indigenous art entities exhibiting and offering for sale so-called Aboriginal artworks. There does not appear to be no recognised policing in this area as to the authorising of the genuineness of the artworks or products on sale. Except to say advice is taken at face value by the seller as to the authenticity of the artworks and products. It begs the question of none the wiser if not legally challenged by some proper authority.

#### **Public awareness campaign**

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#### **Aboriginal Artist Register**

Whilst we see a clamp down at many high profile Aboriginal Art Fair around the concerns of the sale of Fake Art, of which many if not all Indigenous artist readily confirm too. Unfortunately this does not extend to the souvenir shops and lane traders. There should be a register set up of all Indigenous artist similar to the Supply Nation framework that can:

- verify the works of the artist and;
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So that when local tourist traders send a call out for genuine Indigenous artworks and products, the registrar management can refer them to a number of locally registered artist or Indigenous art galleries. This would eliminate non-Indigenous artist sheltering under bogus Aboriginal names from entering the Indigenous artist space.

#### **Indigenous Artist Voices must be Heard**

We understand that there are interest groups around Australia that represent the interest of local business houses and tourism sectors (ie: Chamber of Commerce & Tourism representative groups). It appears the majority of these interest groups are fundamentally made up of Non-Indigenous businesses whereby they provide a voice for their membership base (Regional Tourism Organisations & Chambers of Commerce etc).

In order to rebuild the market in a sustainable way, is for dedicated seats to be made available for Indigenous people on these interest groups boards to champion First Nations people's marketing interest of Indigenous art.

Apparently these interest groups meet with government Ministers/agencies (Federal/State/Local) on a regular bases and push their agenda. It is often notionally perceived that agenda does not always include Indigenous interest. There must be an opportunity for local business interest group to include a voice for First Nation people to purport business interest in the Indigenous art industry. We need for our voices to be heard at all levels.

Another suggestion is to include Indigenous art groups to be part of all levels of government corporate gift range packaging. In particular when international visitors are visiting Australia or when government entities are visiting their sister cities overseas.

Small to medium Indigenous art organisations are not properly funded to have a specific Marketing personnel on staff to engage with the media and key stakeholders. Many small to medium art organisations are at times caught with running the day to day activities which prevents them from fully engaging with the marketing of their visual arts and products.

Many small to medium art organisations usually piggy back on larger events such as art fairs and festivals etc as an opportunity to tap into the local, state, national or international markets to make their impression. It would be greatly appreciated if Governments could host events for artist to engage with the state, national or international scene like the tourism industry does. For example the tourism sector has the Australian Tourism Exchange (ATE) to engage with the overseas markets which begs the question. Why don't we have a formal entity for the Indigenous art industry ? Or could the ATE model be expanded to include a standalone Indigenous art component to market Indigenous art to the world's tourist markets.

It would be great if Governments invested in aligning our state and national Trade Commissioners to have a meet the buyer and seller forums with art organisations as community engagement entry points into various markets. There is a pressing need to develop a Pathway Navigator role to provide referral pathways for art organisations to assist with stakeholder engagement across the many streams of the art industry in engaging with the open markets.

It makes sense if at both the Federal and State Tourism and the Art portfolios could work together in ensuring the Indigenous art sector is being advanced in making inroads into the marketing industry. This is something the Productivity Commission could monitor and appraise to ensure that Indigenous art organisations are engaging with the market sector.

Organisations who receive funding have to provide reports to the funding bodies on the progress of the outcomes for which they are funded for. Unfortunately funding bodies never provide feedback or share information on these reporting outcomes except in some instances some organisations are requested to provide additional reporting. It not known why the additional reporting is enforced or how the additional reporting can improve the organisation's productively and longevity.

It would be of great value if some of the art funding bodies are also monitored by the Productivity Commission to ensure that they are making a difference and where funding is being directed. What outcomes are being achieved ? How do some funding bodies measure their success ? And to ensure there is equity across the art industry. For example should funding investment be invested at the high end or the low end of the art industry. Is there a financial balance of funding across the art sector ?

It is incumbent upon funding bodies to become more the enabler in growing the art sector, rather than burdening art organisations with unhelpful additional reporting. As it would seem to be an application of un-necessary red tape as it is difficult to see how additional reporting assist with any improvement outcomes or give rise to any additional development of organisations. There does not appear to be any real change or direct benefits brought about as a result of the additional reporting requirements except seen as a punishment tool which creates extra work for those art organisations.

It is imperative funding bodies assist the smaller art organisations to develop and expand rather than pruning the low end of the art sector thus allowing for larger organisations to flourish and prosper at the expense of the smaller organisations.

Our understanding of what **Authentic Indigenous Art** means it should credit the ancestral lands an object was produced from or which language group they represent. Sometimes there are often subtle 'marks of **authenticity**' embedded in **Aboriginal** paintings which signifies the different clan groups which relates to the story behind the artwork.

For example we note the artistic differences in Desert Art as opposed to Rainforest Art. One of the important things that has to be understood of what **Authentic Aboriginal Art** really means is the branding of First Nation artworks and products. Our branding is very unique. It explains who we are, where we come from and who our mob are. It is wrapped around and evolves from our culture. A lot of our native title rights claims are based on Aboriginal art—sacred places, sites of significance, story places, rock art, drawings and stories that came from the Dreamtime era—so our branding is very important to us as it separates us from the rest of them.

As evidenced during the banking royal commission, it was highlighted that a group of non-Indigenous people were trading under so-called Indigenous names for a funeral fund benefit. That misguided people into investing in that particular organisation. The same applies with fake art. People think they are buying the real deal whereas it is actually fake. These false impressions catch our buyers very much unaware when they go to make the purchase, particularly when they are trading under false and misleading names.

And that brand affects our brand. That is the conundrum we have got: when they start flooding the market with non-authentic products, it reduces the price on our quality. Our products are put together with blood, sweat and tears, not mass production. And it also carries the stories of our people. Hence we maintain our integrity as art and craft makers. But if is being undervalued by something that was much cheaper and imported. I guess the risk is that the buyer could purchase a cheaper product rather than the authentic product. Although if I went overseas, I would want to be coming back with a genuine product that belonged to an indigenous group that I could tell stories to my friends about.

**Authentic Indigenous Art** also means the artwork/product is genuine, that the integrity of the product is intact. Other core values such as consumer protection in guaranteeing the product is authentic and ensure the purchaser is dealt with ethically in the transaction of buying what he has paid for. One of the key ways this can be done is signing up to the Indigenous Arts code and seek advice from them when in doubt. Another way is ensuring products/art is sourced from trustworthy sources where art galleries know the art and craft makers and can genuinely vouch for the authenticity of the artist. This way everyone's integrity is kept intact.

Artist require an understanding of the Arts Market Needs. Artist must have valuable insight into understanding the market needs and opportunities for developing saleable artworks and products, or licensing for additional income streams.

Artist must also possess an understanding of Industry Expectations Artist fees and Pricing works, Copyright and Authenticity certificates. Be aware of Artist Agreements/Contracts and Commissions, have some understanding of basics Running of Small Artist Businesses skill sets. Working with curators in developing an understanding how to put on an Exhibition.

Investment is also needed in building the capacity of Indigenous art galleries in providing them with the necessary skills to build their businesses. Investment in indigenous art galleries is an investment in their artist stocks. If you capacity building the art galleries it will place enormous faith with the artist maintaining loyalty to the Indigenous galleries and prevent them from going elsewhere.

UMI Arts operates as an art incubator hub, in working with budding and emerging artist where artist are developed through our Exhibition Ready programs. Artist are also capacity built through our Side by Side artist development workshops. We also provide one on one specialised mentoring to artist in providing coaching advice in skills development.

UMI Arts runs workshops on a regular bases, we have undertaken a survey of our regional artist development needs which has given guidance on what type of workshops are wanted by artist and what areas of development is needed. However due to the restraints of COVID-19, it is difficult to deliver most of these workshops to large groups.

UMI Arts acknowledges the support that IVAIS provides to UMI Arts in capacity building our artist. For this we are very grateful, although UMI Arts does view the need to provide other types of intense one on one workshops with our artist as group work doesn't always work. People tend to not open up in large forums or able to speak freely due to confidential matters. Obviously if one on one training program were to be made available artist business groups may response more accordingly. If small traders/artist had access to trainers to deliver specialised one on one business development or skill sets development as we feel this type of training delivery would be accessed more readily by artist.

It would be ideal if Indigenous Business Australia (IBA), National Indigenous Australians Agency and other funding bodies should contract local Indigenous art organisations to deliver the much needed training to local and regional artist rather than bring in outsiders from down south on a fly in fly out base to deliver these types of training. Governments must support locals by investing in locals in delivering local.

There is a great need for national media organisations to place a greater focus on small to medium Indigenous art organisations in promoting their market wares. We note there is a number of tourism media television shows which don't seem to engage with local Indigenous art galleries. We have the International Year of Indigenous Tourism 2020 but there seem to be no national marketing of Indigenous art organisations in promoting Indigenous art. This must change.

Governments and other funding bodies need to invest in small to medium Indigenous art organisations to safeguard the future of the art industry. As there is an inherit risk if failure to do so will bring on the risk of killing an industry. Currently there are some artist who have been successful,



have made a name for themselves and are well on the road to success. But we at UMI Arts act as an art incubator hub where we are about bringing emerging budding artist on an improvement journey of self-discovery to eventually getting them onto the path of being Exhibition Ready. If our artist don't see the value in getting into the industry due to it not being fully supported, the risk is they are not going to be part of this journey.

They will look elsewhere where they can put their talents to better use. We have to be very careful, we do not have an industry killed off because of the inaction of others. We have to try and keep nurturing our artist by keeping their aspirations alive. Not a lot of organisations invest in our young people and talented artists at a very early age. That is why it is supercritical that we maintain that support for young and emerging artist and not lose sight of it. Otherwise, the risk is we will lose young people entering in art sector.

One of our greatest problems is the lack of government agencies to work together for the benefit of the regional sector in supporting Indigenous art organisations. There appears to be no inter-sectorial collaboration being done by government agencies and non-government funding bodies in furthering any regional planning to enhance the Indigenous art sector.

Does government agencies and non-government funding bodies have a regional plan to collectively support Indigenous owned and operated businesses in the industry? As there seems to be no regular meetings being held regionally between government agencies and non-government funding bodies with the Indigenous art businesses in discussing plans for the way forward.

Government and non-government funding bodies need to invest in our young people as artist as a pathway in securing the future of the sector. There is an inherent risk of killing an industry if we don't invest in our young people. There seems to those successful artist who have already made it and have their name in the bright lights and are well on the road to success. But we at UMI Arts act as an incubator. We bring young people on a journey from emerging budding artist to eventually getting on the path to participate in major art fairs such as CIAF and other areas. If our young people don't see the value in getting into the industry because it has been hived off and sliced and diced by fake imports, they are not going to be part of this journey. Young people are going to look to elsewhere where they can put their talents to better use. We have to be very careful that we do not have an industry killed off because of the inaction of others. We have to try and keep it nurturing and keep it alive.

In order in getting our artists CIAF ready, they have to go through our stepping-stone development programs to get there. UMI Arts is an organisation which provides artist development programs such as our exhibition-ready programs, our You and Me emerging artist exhibition, our side-by-side skills development workshops, our Freshwater-Saltwater exhibitions in getting our young people to the point where we believe they are CIAF ready.

Not a lot of organisations invest in our young people and talented artists at a very early age. That is why it is supercritical that we maintain that and not lose sight of it. Otherwise, the risk is the industry will deflate the interest of our young people in becoming an artist, if it does not support them. The provisions of professional development for young artists is absolutely critical to the sector.

### **Better connection with the art market**

Many of our Indigenous small art and craft makers usually follow the major festivals and bigger attended local markets in order to make a living. COVID-19 had a severe impact upon the livelihood of First Nation artist in the Far North Queensland region through the loss of revenue by major

regional festivals being cancelled or postponed which affected our local art and craft makers income streams. Community markets have like wise dried up further impacting on art and craft makers having no venues to market their wares.

Many were unable to qualify for the JobKeeper program and ended up on Job Seeker. It seems the April to October 2020 period was a significant income period that took a COVID-19 financial hit upon our artist. There are inherent risks that monies will be tight in the future resulting in less art sales which may impact upon artist not returning to the arts sector. The need and timing is now to reinvest in preventing artist from leaving the sector as well as developing and growing a new crop of artist. Artist needs for their technical and creative skills to be enhanced as well as increasing their knowledge base of the different sectors in order to appeal to a new set of buyers.

Local Indigenous art and craft makers are strategic in targeting regional festivals and local markets to keeping their lively hood going, but they would greatly appreciate if they could get a big break in being selected to provide corporate gifts to the corporate sector. UMI Arts tries hard in supporting our local artist in breaking into these markets as it is so competitive.

However with support from Government agencies and non-government funding bodies, it would be great to have a regional approach in hosting a meet the buyers and suppliers forum where local Indigenous art organisations, art and craft makers could meet with various Trade Commission staff in discovering market opportunities.

There appears to be Indigenous people who are members of various government and non-government advisory boards, although there seems to be very little engagement or representation made on behalf of the local Indigenous art organisations in promoting their respective businesses or our Indigenous art and craft makers interest.

There is a pressing need for governments and funding bodies to invest in small to medium art organisations in crafting a suitable strategy of engaging with artist in connecting them with mainstream and international trade markets.

Other areas of community engagement markets relates to when visiting high profile sporting clubs visit the regions. There should be a direct marketing strategy of engaging with the local Indigenous art organisations in order to increase an awareness of local Indigenous businesses as well as raising and marketing artist profiles.

UMI Arts embraces the change digital technology brings to the art sector, although with these changes brings new complexities in becoming familiar with the new technology. Not everyone is conversant with being up to speed with this technology. Training in this new field is a definite to assist with the management of the new technology as well as the ability to have capable support services on hand to access.

UMI Arts understand there are some technical difficulties with host online virtual gallery viewing with systems crashing from time to time as a result of connectivity and systems overload issues from too many viewers. Although overtime as modern technology improves the digital cartridges with hopefully provide another platform with increased sales.

However small to medium Indigenous art organisations would require suitable funding resourcing to enter into the digital space with confidence, but hopefully again as technology improves costs will eventually come down in the future. Although the necessary IT support systems need to be in place to support remote access to new technologies. Digital technology is an investment in the future for all as it increases our reach both nationally and internationally.

An Indigenous youth engagement strategy needs to be formulated to encourage young people to enter into the art sector via the new digital gateway platforms. There need to be a direct correlation between the art sector and the new digital platforms in attracting young people into the art sector.

### **Impact of COVID-19**

UMI Arts has had our online shop up and running for at least 2 years with variable sales occurring. Peak periods usually occur in the lead up and during NAIDOC Week and the same when major art fairs occur.

Although a lot of our online sales during COVID was during the Darwin Art Fair and not so much during the Cairns Indigenous Art Fair. It seems buyers are being selective when purchasing art. Art sales could be dependent upon the quality of the links provided by the respective art fairs, although there does not appear to be a lot of transactions occurring online for various reasons.

### **Sales online**

Having a high end marketing strategy could increase online sales, having a renowned artist exhibiting works, having a well know and trusted brand, quality and interesting works, location of where the works comes from, whether the connectivity of the online shop is reliable and not unstable. Having a well-known and respected Champion, championing your organisation's brand. UMI Arts would welcome funding to review all of our website, social media and online platforms to move with the forever changing times. Funding needs to be provided to enable art centres to develop an online marketing strategies.

As mentioned previously there is a pressing need to have a national campaign to lead a recovery process for Indigenous art organisations post COVID. The National campaign must shine the spotlight on small to medium Indigenous art organisation in assist them to up market their artworks and products.

The national campaign should lead into state based campaigns undertaking community engagement activities on a state-wide bases which then drills down to regional engagement campaigns. The national lead campaign should be able to create linkages to identify international markets whereby Indigenous art organisation could feed into in peddling their wares.

Could there be a way where overseas touring grants can be made less onerous as the application process is sometimes complex and very competitive. Often larger organisations usually secure the funding for touring. For example the Torres Strait Regional Authority provides direct funding for their artist via Gab Titui to travel to overseas countries in promoting their Torres Strait art and culture. Gab Titui actually has a dedicated budget program for overseas touring projects. Could a similar process be adopted nationwide in giving every different First Nation group the opportunity to promote their distinct culture and art on the international stage? UMI Arts would like to see dedicated government funding to support touring for small to medium art organisations. As this would provide certainty and security for planning purposes. For example a couple of small to medium art organisations could be selected to provide an overseas tour every 3 years as a means of building a sustainable art industry and provide certainty for artist as a return on their investment in the sector. There also is a need to reduce the completion in competing for funding. Funding resources needs to be given to the small to medium art organisations and not the larger ones. Funding should be prioritised and provided to the needy and not the greedy.

UMI Arts would be happy to participate in engaging with the international markets, if this activity was supported. Although this particular project would not be seen as a high priority, but UMI Arts would consider working towards such a project over a two or three year lead in project. Ideally quality works would have to be created, a theme would have to be developed, artist would need to be selected with art resources provided. UMI Arts would be greatly interested to be considered if such a project was on offer.

### **Protecting Indigenous cultural expressions**

UMI Arts acknowledges there are enough cultural heritage protection of cultural expression available already. UMI Arts understands the National Human Rights Act specifies that Aboriginal and Torres Strait Islander peoples hold distinct cultural rights as Australia's First Nation people. The Act specifies that Aboriginal and Torres Strait Islander peoples must not be denied this right, with other members of their community, to live life as an Aboriginal or Torres Strait Islander person who is free to practice their culture.

This section is relative to two international instruments. One is article 27 of the International Covenant on Civil and Political Rights, which Australia ratified in 1980. The other is articles 8, 25, 29 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples. Australia announced support for this declaration in 2009.

The Human Rights Act also protects cultural rights generally at section 27 of the Act. Cultural rights are complemented by the rights to freedom of religion and of expression, which are protected in sections 20 and 21 of the Act.

It would appear there is a need for extra affirmative policing and enforcement of those respective legislations in protecting Indigenous cultural expression. Indigenous art organisations usually reach out within their own networks when seeking legal advice. Usually Arts Laws is the go to agency, with most legal advisors working on a pro bono bases, which is great.

However most legal cases are usually judged on whether the investment of human resources is comparable to the likelihood of winning a case. The other matter is not every artist are members of Arts Law as they usually seek advice from Indigenous art organisations to facilitate their cases with Arts Law. Although some national guidelines of a redress process would assist in informing artist and Indigenous art organisations from either Arts Law or Government agencies would be great.

### **Mandatory Indigenous Art Code**

UMI Arts agrees with having a mandatory Indigenous Arts Code. The arts code should be managed by the national Indigenous Arts Code organisation. Although it should be also mandatory that Board members of the Indigenous Arts Code organisation be rotated every 2 year to increase Indigenous art organisations participation rates.

Perhaps the Indigenous Arts Code organisation needs a review from top to bottom in how effective the organisation has been operating. How many cases were successfully prosecuted, how many artist received any financial restitution as a direct result of their works being replicated without their consent.

### **Certification trade mark scheme for authentic products**

UMI Arts agrees with the notion of having a certification trade mark scheme for authentic products. Perhaps the Indigenous Arts Code organisation should be managing this proposal too as a means of

authorising authentic products. Indigenous art organisations could apply to the Indigenous Arts Code organisation to become an approved organisation as a dispenser of authentic products.

### **Resale Royalty Scheme**

UMI Arts agrees in principal with the notion of having a Resale Royalty Scheme, although the scheme must be implemented on a national scale with a better awareness campaign in order to engage Indigenous artist and Indigenous art organisations.

### **Increase awareness of moral, cultural and intellectual property rights?**

UMI Arts understands there's always more to be done in increasing awareness of moral, cultural and intellectual property rights with the Indigenous art community. There should be a targeted awareness campaign conducted at least every quarter by major Indigenous art festival organisers highlighting the need of consumer awareness when purchasing Indigenous artworks.

### **Indigenous Cultural Intellectual Property protections**

UMI Arts has often heard awful stories about how Indigenous artist have been preyed upon by unscrupulous people when they purchase artwork from artist in signing phoney contracts with no licensing agreement to protect artist copy rights.

It seems this type of practice is becoming the norm in that buyers assumes they can replicate the artwork in reproducing the works on other paraphernalia without the artist permission. There is a pressing need for community type workshops in creating an awareness for Indigenous Cultural Intellectual Property Rights not just only for the artist but targeting the tourism sector and Chamber of Commerce organisations in informing these stakeholder of doing the ethical thing.

What are the negative effects of inauthentic art? Do they vary between different types of misuse or inauthentic product?

What does respectful, meaningful and mutually beneficial collaboration across different cultures look like?