

10 March 1998

Mr James Catchpole
Inquiry Secretary
Commonwealth House of Representatives Standing
Committee on Aboriginal and Torres Strait Islander Affairs
Parliamentary Inquiry into Indigenous Businesses
Parliament House
CANBERRA ACT 2600

Dear Mr Catchpole

Thank you for the opportunity to provide input to the Commonwealth House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry investigating support for Indigenous Businesses.

The Australia Council is the Federal Government's principal arts funding and advisory body and is pleased to provide the attached submission.

The Council consists of several Divisions, with Funds and the Aboriginal and Torres Strait Islander Arts Board as the peer decision-makers in relation to grant funding. The Chair of Council's Aboriginal and Torres Strait Islander Arts Board is Indigenous businessman, John Moriarty, Director of the highly successful company, Balarinji Australia. Council and the Board will therefore be very interested in the Inquiry outcomes.

If you have any questions please contact Sarah Gardner, Director of Council's Strategy and Policy Division.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Lynch". The signature is fluid and cursive, with a period at the end.

Michael Lynch
General Manager

cc Les Neilson, DOCA

Inquiry into Indigenous Businesses

The Australia Council is pleased to make a response to the Parliamentary Inquiry call for submissions:

Terms of Reference 1: The success of existing Commonwealth programs that help Aboriginal and Torres Strait Islander people (including those in joint ventures with non indigenous people) to acquire, control and develop sustainable commercial opportunities

The Aboriginal and Torres Strait Islander Arts Board at the Australia Council began with the establishment of the Council in 1973. The Council's predecessor, the Australian Council for the Arts had provided some Aboriginal arts funding before that through its Aboriginal Advisory Committee for the period 1969-70 to 1972, which saw the budget increase from \$60,000 to \$300,000. The main stated responsibility of the new Board was the preservation of what remained of indigenous Australian culture and its revival. A national seminar in 1973 on Aboriginal arts, attended by over 400 Aboriginal people resulted in 50 resolutions which became the basic terms of reference for the Board from its inception. From the outset it assisted in all art forms, traditional and non-traditional, where there was Aboriginal engagement.

The Aboriginal and Torres Strait Islander Arts Board assists Aboriginal peoples and Torres Strait Islanders to claim, control and enhance their cultural inheritance. The Board's programs of assistance are complemented by Board-initiated projects and strategic initiatives designed to further the aims of the Board and the Council.

In 1997 the Australia Council adopted a National Aboriginal and Torres Strait Islander Arts Policy which had been developed during 1996 following the re-structure of the Council.

In formulating the Policy it was considered necessary to have a Statement of Principles that would guide the implementation of the Policy. The Australia Council has endorsed the National Aboriginal and Torres Strait Islander Arts Policy Principles of *Respect, Authority, Rights and Responsibilities and Diversity*. The Policy is attached.

While the Board targets its funding support to Aboriginal and Torres Strait Islander artists and communities, it also supports non-Indigenous infrastructure that engages in Indigenous arts activity. The Australia Council also encourages Aboriginal and Torres Strait Islander people to seek support from the Funds of the Council which are Dance, Music, Theatre, Visual Arts and Crafts, New Media Arts, Literature and Community Cultural Development.

In 1996 the Australia Council introduced seven generic funding categories relevant to the Aboriginal and Torres Strait Islander Arts

Board and all Funds. These categories are New Work, Presentation and Promotion, Development, Triennial Grants, Fellowships, Partnerships and Commissions. These categories were introduced in order to:

- Increase the funds available to individual artists for the creation of new Australian work;
- Increase funds available through indirect funding of individual artists to enable organisations to commission new work;
- Improve the Council's capacity to respond to partnership proposals from a wide range of arts and non-arts organisations;
- Improve artists' access to grant programs through the provision of simpler and more consistent categories and criteria across all artforms.

The purpose and eligibility requirements of these seven categories of grants for the Board are attached. Details for all of Council's programs are described in the 1998 Grants Handbook (enclosed).

Overall, in 1996-97 the Australia Council provided about 10 per cent of its grant funds for purposes defined as of benefit for Aboriginal and Torres Strait Islander people. These were defined as follows: where the arts activity is directed at an Aboriginal or Torres Strait Islander audience or where an Aboriginal or Torres Strait Islander group is the focus of the activity.

In 1996-97, \$4.95 million of the total of \$6.585 million in grants for the benefit of Aboriginal and Torres Strait Islander people came from the Council's Aboriginal and Torres Strait Islander Arts Board. The remaining support was provided to Aboriginal and Torres Strait Islander artists through the Funds and divisions of the Australia Council.

Support from the Australia Council is targeted to the achievement of artistic and cultural outcomes through individual and organisational best practice, as compared with sustainable commercial opportunities in themselves. Artistic and cultural development is the foundation to any potential achievement of commercial success through arts and culture, and the Council's support is therefore one step removed from direct input to commercial opportunities.

It would seem too that a solely commercial emphasis can be a difficult one for Indigenous artists to maintain because motivation for artistic practice is more often identified with spirituality, expression and community rather than with commercial gain.

Nevertheless, two of Council's grant categories, Partnerships and Commissions, do enable opportunity for artistic engagement between the business sector and individual artists and arts organisation. Such mutually-beneficial engagement has the potential to enhance artist attitudes towards commercial ventures, as well enhancing the commercial opportunities for them.

Terms of Reference 2: Possible future policy directions and administrative arrangements at the Commonwealth level to encourage Indigenous commercial initiatives.

Indigenous commercial activities could be more strongly fostered by a range of measures such as strong protection of Aboriginal and Torres Strait Islander intellectual property and establishment of infrastructure for industry/sectors and international, export and marketing strategies.

The Australia Council has valuable experience in each of these areas.

The Cultural Ministers Council has a Working Party on Indigenous Cultural Policy which is currently examining areas for possible Commonwealth/State collaboration. This group could potentially contribute in due course to the Inquiry's considerations.

The Australia Council is liaising with ATSIC in relation to their recent Program Review of the ATSIC Arts and Crafts Industry Support Strategy (ACISS) and their Cultural Industry Strategy. The Council would encourage Government to support any requests for financial commitments to implement the recommendations arising from these reports.

The Australia Council's National Aboriginal and Torres Strait Islander Arts Policy Priority has twelve policy priority areas. The ATSIC Cultural Policy Framework identified a number of priorities which the NATSIAP has incorporated. These priorities encompass many elements that are not core business for the Australia Council. However, the Framework ensures integrity of arts and cultural expression and practice.

The first priority, National Oversight and Strategic Coordination, requires Council to ensure complementary work with agencies like ATSIC and the relevant state and territory bodies in relation to Aboriginal and Torres Strait Islander arts and culture as described above.

The NATSIAP also prioritises broadcast media, multimedia and information technologies in achieving increased access of artists to information and new technologies in order to enhance, control and assist development in markets local to international. The cultural and environmental tourism policy priority is also oriented towards enhancing opportunities for artists. In respect to this priority, the Australia Council again recognises the need to support artistic and cultural outcomes as the source of product for such ventures as cultural and environmental tourism.

The Council would strongly encourage Government to engage with such priority areas to the benefit of sustainable commercial activities.

Terms of Reference 3: Any barriers to the establishment, acquisition or development of Indigenous controlled business or businesses in which Indigenous people are joint venture partners.

The Coalition's pre-election policy statement "For Art's Sake A Fair Go! for all of us" recognises the dynamism of Aboriginal art, in all forms, and the intersection of art, culture and the potential for economic empowerment. It acknowledges that "the artistic expression of Indigenous Australians is changing and that modern art forms are a dynamic, vibrant and totally valid way of expressing indigenous culture. Indigenous art, craft, music and dance are rapidly becoming important elements of the economic empowerment of Aboriginal and Islander people."

The Coalition Arts Policy also recognised, "The unprecedented interest in Australia's indigenous visual and performing arts is one of the most notable cultural developments of the last decade. The Coalition welcomes the fact that indigenous artists are finally receiving the recognition they deserve...However, we also understand that this recognition makes it even more important for indigenous artists to be provided with adequate protection against the economic and cultural exploitation of their works."

The low levels of protection, moral or legislative, of Aboriginal and Torres Strait Islander intellectual and cultural property rights impedes the development of indigenous business in that indigenous artistic and cultural content bases are open to misappropriation and external commercial exploitation, without return or gain for the holders and carriers of the cultural and creative content

Indigenous business operators, or businesses with indigenous people as joint venture partners, are more likely to be sensitive to protocols such as recognition of culturally appropriate ownership and the implicit corollary of that recognition, which is income-generation for owners. Such ethical business practice can disadvantage such operators, as other operators are either unaware of the ethics involved, or are aware of the ethics but flagrantly abuse them in the pursuit of economic gain at the cost of best practice. There are several examples of non-Indigenous ventures, which are not aware of, or do not recognise such protocols and which employ Indigenous people to create storied paintings for them. These ventures are not undertaking best practice in that Indigenous employees' artistic practice is not being guided by culturally-appropriate practice. The Board has developed a copyright statement which is sent out for the information of applicants, and it is of particular benefit to those applicants who the Board considers may be breaching intellectual property rights through their current artistic practice.

The Board will continue to take a firm position on this issue through its activities and considers that there needs to be more regulation. The authenticity logo under development through the National Indigenous

Artists Advocacy Association provides a good example of a regulatory mechanism.

Terms of Reference 4: Means of raising the profile of Indigenous controlled business or businesses in which Indigenous people are joint venture partners.

The Australia Council and several other Commonwealth agencies have relationships with many Indigenous enterprises. For example, the Aboriginal and Torres Strait Islander Arts Board of the Council provided grants to 73 individuals and 146 organisations in 1996-97. Commonwealth agencies with relationships such as those developed through our service delivery and policy development can be a useful source of advice about Indigenous enterprises.

The Council's database and other information management systems enable wide dissemination of information to Aboriginal and Torres Strait Islander organisations.

Council also produces the Indigenous newsletter, *Arts Yarn-Up*, and sponsored a highly successful 26-episode *Arts Yarn-Up* on a national radio network broadcast, which enable significant opportunity for profile raising of organisations undertaking arts and culture activities funded by Council. Many other opportunities exist to use radio networks to reach a broad diversity of Australia's population. Council's other regular publication *Artforce* also provides opportunity for profiling achievements in this area. Council also recognises the need for promotion via the internet, understanding that this medium facilitates communication to and from communities, remote communities in particular, with relative immediacy.

Council would encourage the Government and its agencies to use such existing networks more extensively to disseminate information, profile successful commercial operations and gain greater understanding of the needs and potential of Indigenous businesses.

Further, the profile of Indigenous art and culture enterprises will be greatly enhanced and legitimised by appropriate and authoritative identification of authenticity. In recognising this the Australia Council has ongoing liaison with the National Indigenous Artists Advocacy Association Inc (NIAAA) in their pursuit of an authenticity label.

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ATTACHMENT

The Australia Council **Aboriginal and Torres Strait Islander Arts Board** Grant Categories.

New Work:

The purpose of this category is to assist artists (writers, painters, musicians, choreographers etc), arts organisations and community organisations to undertake a specific creative project that has a public outcome. Projects can use any artform or combination of artforms and might include theatre productions of new work, writing for publication, songwriting for recording or performance and the creation of new works of art for exhibition. A project may span more than twelve months. The Board encourages proposals which include processes to assist the recovery and restoration of disrupted, stolen or repressed cultural practices.

This category is open to:

- Aboriginal and Torres Strait Islander artists and community organisations;
- Aboriginal and Torres Strait Islander and non-Indigenous arts organisations (including publishers) to engage Aboriginal and Torres Strait Islander artists and artworkers.

Presentation and Promotion:

The purpose of this category is to promote Aboriginal and Torres Strait Islander artists and their work regionally, nationally and internationally through publications, recordings, performances, exhibitions and international export.

This category is open to:

- Aboriginal and Torres Strait Islander artists and community organisations;
- Aboriginal and Torres Strait Islander and non-Indigenous arts organisations (including publishers).

Development:

The purpose of this category is to assist Aboriginal and Torres Strait Islander artists and arts organisations to develop ideas and skills. Development projects do not aim for a public outcome. Applications might include mentorships involving the sharing of artistic and cultural skills and knowledge; support of arts workshops, professional development projects, conferences or seminars. Projects can be for research or practical creative development. The Board encourages proposals which include processes to assist the recovery and restoration of disrupted, stolen or repressed cultural practices.

This category is open to Aboriginal and Torres Strait Islander artists, and arts and community organisations and non-Indigenous arts

organisations to engage Aboriginal and Torres Strait Islander artists or artsworkers.

Note: basic training will not be considered.

Triennial Grants:

The purpose of this category is to assist the development and advancement of Aboriginal and Torres Strait Islander arts on a regional, State or multi-State basis by providing triennial support to a limited number of outstanding organisations. Applicants must have a substantial track record of achievement in the arts either nationally or in their field. Applicants should demonstrate artistic innovation and long term benefits to the arts as well as an effective and viable three-year artistic and management plan.

This category is open to:

- Aboriginal and Torres Strait Islander and non-Indigenous arts or community organisations;
- Local government organisations.

Applications will only be considered if the applicant (or participating key artists) has received at least three Australia Council grants during the five years before the application date. Applicants must be able to demonstrate, through submission of a copy of their previous year's audited financial statement, that at least 30% of their income is derived from sources other than the Funds or the Aboriginal and Torres Strait Islander Arts Board of the Australia Council. Since this is a new requirement, the Board may consider requests from applicants in 1997 who are not fully able to meet this requirement.

Fellowships:

The purpose of this category is to provide financial support for two years to Aboriginal and Torres Strait Islander artists to enable them to undertake a major creative project or program in any artform.

This category is open to Aboriginal or Torres Strait Islander artists who can demonstrate at least five years experience as a practising artist.

For visual artists: applicants must have a record of solo and group exhibitions.

For writers: applicants must have at least two books published by reputable, established publishers or two works performed by reputable playhouses.

For performing artists: applicants must have a proven track record as a professional performer.

Partnerships:

The purpose of this category is to support the development of strategic partnerships between artists and other arts and non-arts organisations. This is activity that does not aim for a public outcome, but which improves the resources and opportunities for artists in a particular field.

The Board encourages proposals which include processes to assist the recovery and restoration of disrupted, stolen or repressed cultural practices. The Board may also initiate strategic partnerships with cultural institutions, community organisations and State, Territory or local government organisations.

This category is open to:

- Aboriginal and Torres Strait Islander artists and community organisations;
- Aboriginal and Torres Strait Islander and non-Indigenous arts organisations (including publishers) and other organisations to engage Aboriginal and Torres Strait Islander artists and artworkers.

Resources provided by the organisation proposing the partnership must be from sources other than the Australia Council.

Commissions:

The purpose of this category is to encourage arts and non-arts organisations to become involved in supporting the development and presentation of work by Aboriginal or Torres Strait Islander artists.

This category is open to Aboriginal and Torres Strait Islander and non-Indigenous arts or community organisations. The Board expects Aboriginal and Torres Strait Islander organisations to provide 30% of the cost of the proposal. Non-Indigenous organisations are expected to make a more substantial contribution of 50% of the cost of the proposal. In both cases, this must be from sources other than the Australia Council. While a proportion of this may be in-kind, a substantial cash contribution is expected.

ATTACHMENT
National Aboriginal and Torres Strait Islander Arts Policy (Hardcopy in
mail.)