



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

**SUBMISSION:**

**The growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia**

To Whom It May Concern,

Martumili Artists make this submission on behalf of Martu artists working across 7 communities in the East Pilbara of Western Australia.

The Martu are the traditional owners of a vast area of the Great Sandy, Little Sandy and Gibson Deserts. Many Martu people ceased living a Pujiman (entirely traditional, desert) life only in the 1960s. After spending some years on missions and stations, most Martu are now based in remote desert communities and regularly visit regional centres such as Newman and Port Hedland. The Martu are one people, encompassing Manyjilyjarra, Kartujarra, Putijarra and Warnman language speakers.

Martumili Artists is an Aboriginal art centre established by Martu people in 2006. As an organisation, Martumili act as agents of behalf of Martu artists, facilitating the production, exhibition and sale of artworks and merchandise.

Martumili Artists is pleased to be able to make a submission on this important issue. The growing trend of inauthentic Aboriginal and Torres Strait Islander (ATSI) 'style' art is adversely impacting Martu people and Martumili Artists.

We hope that the following submission is useful to the Committee's work.

- **The definition of authentic art and craft products and merchandise;**

Establishing a definition of authentic ATSI art and craft is an important act of recognition of the unique and valuable Indigenous cultures of Australia. Recognising authenticity supports the agency of ATSI peoples to determine and produce works occupying a distinct category unlike anywhere else in Australia, unlike anywhere else in the world.

Authentic ATSI art and craft must be understood in certain and clear terms. Central to authentic art and craft is: creation by ATSI peoples, acknowledgment of the involvement/ input of ASTI peoples, and/or authorised by ATSI peoples. Furthermore, it is to be sold and distributed transparently and ethically, with clear reference of who is benefiting.

Paramount to authentic ATSI art and craft is the inextricable link with the culture of the artist. Martu artists make art imbued with the living culture to which Martu people belong. Subsequently Martu culture is nourished by the making of art and crafts. The relationship between art making and culture



for Martu is integral to the art itself, therefore 'Aboriginal-Style' art and craft produced without the input of ATSI people is cultural theft.

Within the Aboriginal Art industry, integrity and equity is paramount. Through the work of the Indigenous Art Code, industry dealers and creators are held to a standard of ethical trade, transparency of promotion and representation of ATSI Indigenous Cultural and Intellectual property (ICIP). Through IAC certification, dealers and creators are acknowledging the importance of ATSI sovereignty and recognition within the Aboriginal Art industry. There is no reason why this standard of business could not be adopted more widely, throughout the national art, craft or souvenir/tourism market.

As long as inauthentic ATSI 'Aboriginal-Style' art and craft is marketed and sold alongside the authentic, without differentiation, the authentic is being marred and cultures harmed. Inauthentic art and craft diminishes the sovereignty of ATSI peoples to create and share art and craft that represents their cultures. Inauthentic representations of ATIS cultures are unavoidable with the proliferation of inauthentic arts and crafts. To this end ATSI cultures are harmed, this harm deeply impacts ATSI people and their communities.

For consumers, seeking to support and appreciate ATSI art and craft, it is essential to promote authenticity so to ensure the integrity of the market and consumer confidence.

- **Current laws and licensing arrangements for the production, distribution, selling and reselling of authentic Aboriginal and Torres Strait Islander art and craft products and merchandise;**

Regarding licensing; Martumili Artists has been doing its own licensing for its member artists for some time. That gives it greater control over the type of licensing arrangements that the artists' work is used in, opportunities to earn additional income for project management and to negotiate different rates for different circumstances which take into consideration the benefits to the profile of the artists and art centre from certain licensing opportunities. It has also found that licensees feel much more comfortable dealing with the organisation that directly represents the artists. The art centre can package licensing arrangements with opportunities to meet the artists and can provide photo opportunities, artist biographies and suggest creative licensing strategies.

Martumili Artists uses the best practice licence agreements developed by Arts Law, which ensures fair pay and recognition for artists. With such processes in place there is little excuse for inauthentic 'Aboriginal-Style' art and craft to be produced.

Martumili Artists produce merchandise on behalf of Martu artists, the sales of which both benefit artists directly (through reproduction licence fees) and indirectly, with sales strengthening the sustainability of the organisations operations.

- **Options to promote the authentic products for the benefit of artists and consumers;**

Promotion of authentic arts and crafts by way of labelling would allow the consumer the required knowledge to make an educated choice when engaging in the ATSI art and craft market.

Labelling would directly benefit ATSI peoples economically by distinguishing the product and therefore ensuring accessibility to the consumer. This is ideal for ATSI people as it protects the integrity of the market.



The integrity of the ATSI arts and craft market is of high importance to many Martu, living remotely participating in this market as a means of economic security.

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

As demonstrated successfully in the Aboriginal Art Industry, a pro-active approach towards educating consumers about the importance of a product's governance, with customers demanding a higher standard of transparency and integrity, can shape industry-wide best-practice.

Restricting the production of inauthentic ATSI art and craft carries the potential risk of over-restricting access and therefore limiting participation. This is to be avoided. ATSI art and craft is a dynamic expression, limitations may have unintended impacts upon its evolution. The best way forward is to ensure that authentic ATSI art and craft can be acknowledged and labelled as such.

We would like to highlight that there are many other Aboriginal Art Centres operating in this space and therefore holding the valuable views and experiences of those most impacted by the subject of this Parliamentary Inquiry. We hope that a process of consultation will be carried out to hear these voices.

Aboriginal and Torres Strait Islander peoples have the answers and solutions needed to best address this issue.

Best regards,

The Artists and Staff of Martumili Artists

#### **Martumili Artists**

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Martumili is proudly hosted by the Shire of East Pilbara

Martumili 

**APPENDIX A**

**MERCHADISE PRODUCED BY MARTUMILI ARTISTS**



Martumili HEADSOX, produced in collaboration with HEADSOX, through reproduction licensing agreements with Martu Artists.

**MARTUMILI ARTISTS**  
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Martumili 



Martumili T-shirts, created through reproduction licensing agreements with Martu Artists, and available for sale through Martumili Artists.

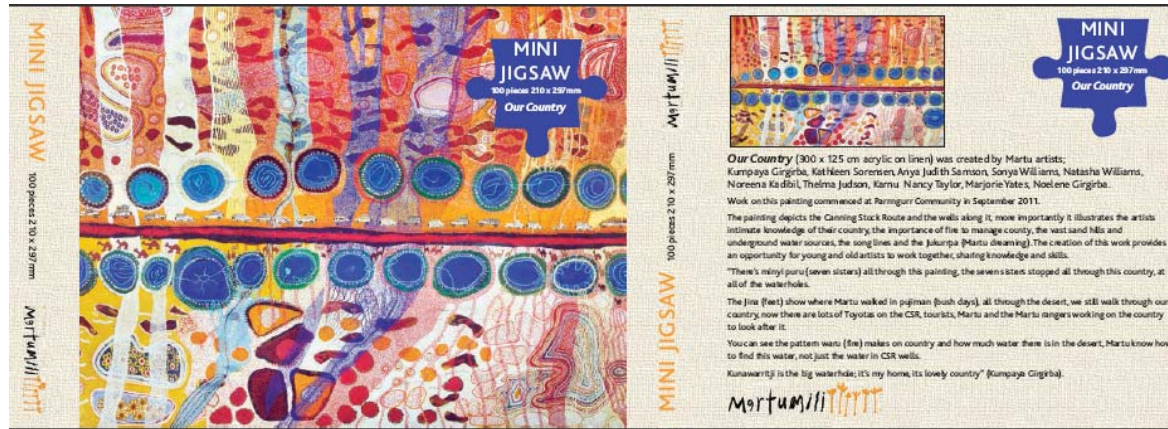
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Martumili T-shirts, created through reproduction licensing agreements with Martu Artists, and available for sale through Martumili Artists.

Martumili 



Martumili jigsaws, bags, badges and teatowels, created through reproduction licensing agreements with Martu Artists, and available for sale through Martumili Artists.

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Martumili 



Martumili artists are proud to produce retail products, ensuring fair pay and clear provenance for artists.