

STANDING COMMITTEE ON INDIGENOUS AFFAIRS

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

The Hon Mr Snowden, Deputy Chair, asked the following question at a public hearing on 24 May 2018

Mr SNOWDON: That is important, so licencing is good. I just want to ask you one question. We just had some evidence given to us by Tourism Australia, which frankly was underwhelming. I notice you talk about Destination New South Wales' Aboriginal tourism toolkit. I am assuming this, but you might tell me I'm wrong. Have you or do you know if Destination New South Wales has been involved with Tourism Australia, advising them on their content relating to first nations people, their arts and authenticity?

Mr Barakat: We don't have that information but we can certainly reach out to destination, find out for you and come back to the committee on notice.

Ms Madeleine King MP asked the following question at a public hearing on 24 May 2018

Ms MADELEINE KING: You mentioned in your submission and also when you were speaking earlier about the international approaches to these issues. We will no doubt do a bit of research on that separately from this hearing today. Are there any facets in those approaches that you would recommend in particular that we look into that you think are working well, given the nature of your work and your experience?

Ms O'Mara: We can come back to you on that. I don't have any further information with me at the moment. But we can certainly come back to you with some information.

Mr Barakat: Are you after some information on what aspects of those international strategies might be useful to take on-board or to delve a little bit deeper into for application here in Australia?

Ms MADELEINE KING: Yes, that is right.

Mr Barakat: Sure.

Ms MADELEINE KING: Don't overcook it or anything.

Ms O'Mara: The other reference I have is the lessons from the Australian National Indigenous Arts Advocacy Association—the boomerang tick. I don't know if anyone has given you evidence on that. we think that that is also a good model.

CHAIR: I don't think we have had any evidence. It has come up in discussion and everyone wonders why it didn't work. So I don't know that we have explored that yet. If you have any thoughts on why it didn't, we would be happy for you to share that with us.

Ms MADELEINE KING: Or how it could work.

Ms O'Mara: Yes. Okay, I'm happy to do that.

Mrs Ann Sudmalis MP, Chair, asked the following question at a public hearing on 24 May 2018

CHAIR: When you were talking about career development, I was very excited because you mentioned that you were doing \$75,000 employment opportunities.

Ms O'Mara: Yes.

CHAIR: Is that something you are doing already or is that too recent?

Ms O'Mara: We have done that for the first time as part of our arts and culture development program, a funding round called Creative Koori, which Tarek might want to talk to you about.

Mr Barakat: You are right. It is recent. It is a new fund. It was announced in March 2018. It offers individuals and organisations up to \$25,000 towards projects and employment that supports a vibrant Aboriginal arts and cultural sector in New South Wales. The program supports projects that increase employment opportunities for Aboriginal people at all stages of their artistic practice. It seeks to build capacity and sustainability of New South Wales' Aboriginal arts and cultural organisations. It increases professional skill development opportunities of regional artists and arts and cultural workers in New South Wales.

So individuals and organisations were invited to apply to deliver projects and employment that afford Aboriginal people greater opportunities to participate in, share and strengthen their culture through art practice and develop careers and businesses in the arts and cultural sectors. Priority in this program is given to Aboriginal people and Aboriginal land organisations. The key projects must include Aboriginal practitioners and or art workers in key creative roles and incorporate Aboriginal culture as a focus of the project. The projects must engage Aboriginal artists and cultural workers either through direct employment or the development of strategies to improve opportunities.

CHAIR: That is brilliant, Tarek.

Mr Barakat: It is a brand new program and we are actually in the middle of assessing our applications at the moment. So there is not too much more information I can give you. But we are really proud of this program. We think it will provide great opportunities for Aboriginal people.

Ms O'Mara: I think it kind of flows out of the Aboriginal arts and culture strategy in New South Wales. We are in the process of updating that. Stage 2 is in place at the moment. That went from 2015 to 2018. One of the things it was focused on was how to build employment capability in a strong, contemporary, multidisciplinary Aboriginal arts and culture sector. As a direct action out of that strategy. As I said, we are looking to update that this year to stage 3 of the strategy.

CHAIR: I think that is great. I just want to throw in two relevant questions. Has that application process closed yet.

Mr Barakat: Yes, Creative Koori has closed.

CHAIR: How far into the regions in New South Wales did it go?

Mr Barakat: It was open across the state. I don't actually have the information here about how many applicants we received from regional New South Wales or Western Sydney. But I am sure I could find that out if that is of interest to the committee.

CHAIR: It is to the chair.

Mr Barakat: Sure. No worries.

Ms O'Mara: We will come back to you.

CHAIR: Great. I have a whole bunch of Saltwater People. I am from southern New South Wales. I have a whole stack of Saltwater artists and I would imagine they would jump at an opportunity like this.

Ms O'Mara: We were really excited by the level of interest so it is something that we would really like to do again.

CHAIR: Okay. Good to know. Thank you so much. What a great contribution.

Create NSW response follows



Planning & Environment Arts, Screen & Culture Division

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Inquiry into the growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia

Thank you for your email of 31 May 2018 following the Inquiry's teleconference held on 24 May 2018, at which it was agreed to provide further information on the following issues.

The regional spread of applications to our Creative Koori fund

Of the 60 Creative Koori Fund applications received, 35 were from regional NSW, eight were from Western Sydney and 17 were from the Sydney Metropolitan area. Applications were received from 12 different regions including the Richmond Tweed, Northern NSW, Southern NSW, the Central West, mid North Coast and the Illawarra.

International strategies referenced in the Create NSW submission

Create NSW's submission to the Inquiry referred to the United States of America's *Indian Arts and Crafts Act* of 1990. The *Indian Arts and Crafts Act* is a truth-in-advertising law that makes it illegal to offer or sell within the United States any art or craft product in a manner that falsely suggests it is Indian produced, or an Indian product. Penalties of up to \$250,000 or five years imprisonment apply to a person, while corporations can be fined up to \$1 million for offences under the Act.

The Act applies to all Indian and Indian-style traditional and contemporary arts and crafts, such as jewellery, pottery, baskets and clothing produced since 1936. This means that products that are marketed as being 'Indian jewellery' would be in breach of the Act if the jewellery was produced by someone other than a member of an Indian tribe or a certified Indian artisan. Difficulties around compliance have led to a range of proposed reforms including strengthening requirements for country of origin labelling, sellers' obligations and enforcement.

The Create NSW submission also referenced Toi Iho, which is the registered and globally recognised trademark of quality and authenticity of Maori art and artists. The Toi Iho was established in 2002 and developed by Creative New Zealand's Maori Arts Board. There are three classes of Toi Iho, which cover all art forms. The *Maori* trademark is designed for artists and groups of artists of Maori descent. The *Mainly Maori* trademark is for groups of artists, most of whom are Maori, who collectively produce and perform work across a variety of art forms. The *Maori Coproduction* trademark acknowledges collaboration between Maori and non-Maori artists.

The trademark is now operated by the Toi Iho Charitable Trust, a Maori owned entity established after transfer of the trademark from Creative New Zealand in 2010. The aim is for registered Toi Iho artists to display the trademark on their work and for retailers to promote the trademark and Maori artists.

Boomerang Tick Program

The Boomerang Tick program was established in 1999 and administered by the National Indigenous Arts Advocacy Association (NIAAA). NIAAA had registered two certification marks, an authenticity mark and a collaboration mark. It is understood that the Boomerang Tick Program was discontinued for several reasons, including the complexity of the scheme and the test for Aboriginality. The low take-up of the scheme has been partly attributed to lack of promotion and the fact that the onus was on the artist to secure certification, which did not consider the lack of resources available to many Aboriginal artists, particularly those in remote communities.

Aboriginal tourism experiences

In relation to Aboriginal tourism experiences in NSW, Destination NSW has published its Aboriginal Tourism Toolkit which is available at <https://www.destinationnsw.com.au/about-us/strategies-and-plans/aboriginal-tourism-action-plan/nsw-aboriginal-tourism-toolkit>. The Toolkit, which was released in December 2017, is a valuable resource for the tourism industry to connect with NSW Aboriginal tourism operators.

Also enclosed are suggested minor corrections, that have been made in track change mode to the transcript from the 24 May 2018 teleconference.

Should further information be required, please contact Mr Barakat on [REDACTED] or by email at [REDACTED]

Yours sincerely

[REDACTED]
Alex O'Mara
Deputy Secretary

15/6/18