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

Submission to Fake Art Harms Culture Committee of Inquiry

Dear Secretary

I write as small business owner within the creative industries and as someone active within Indigenous business sector development. I have been a board member of Viscopy for the past 18 months and will remain until its intended merger Copyright Agency this week. I am also President of the South East Queensland Indigenous Chamber of Commerce, and represent Queensland on the First Australians Chamber of Commerce and Industry. I attended the delegation to Parliament House with the Indigenous Art Code and ArtsLaw, and Viscopy earlier this year to discuss the issue and for the first presentation of the issue in the House of Representatives.

In our discussions on this issue, it's clear that Fake Art impacts a specific portion of the market. This issue tends not to impact Aboriginal and/or Torres Strait Islander fine artists, or individuals whose work appears in major galleries or with major collections. These include artists such as Julie Gough, Gordon Hookey, Judy Watson, and Richard Bell. As creators, they are named as individuals, generally have a body of work that is unique and/or distinctive. Their work is rarely reproduced on merchandise. Any infringements are relatively easily identified and can be addressed under existing Australian Copyright law.

The issue is most prevalent when we see "Indigenous style" works where there is no clear provenance of the design. The artist is identified as coming from a region, or works are created by an artist who has no profile. In our discussions earlier this year at Parliament House, the concept of a label of authenticity was raised as an historical attempt to address the issue. We know that this initiative, while a good idea struggled to be implemented.

I believe that we do have a system that is currently working that could be used to identify authentic works. The already established definition of an Indigenous business, is one which is 51% owned, managed and controlled by Aboriginal and/or Torres Strait Islander people. Individuals (even as sole traders) can meet this definition, as well as partnerships (an Indigenous person/business partnering with a non-Indigenous person/ business).

In using this definition, and existing infrastructure, we can create certainty around who is properly producing works. One of the common complaints from the retail industry is that they don't know who to buy from or where they can easily source stockists. Using these existing directories – that already have a process of checking validity of identification – will enable retailers to source properly authenticated stock.

The most heavily supported directory is Indigenous Business Direct maintained by Supply Nation. However, I believe that more support should be given to local / regionally based networks that are better able to work with locally-based crafts-people and makers around Australia. Having a local focus that aims to support micro- and small-businesses is something that Supply Nation, with its focus on large corporate buyers, is unable to deliver.

Regionally based local Indigenous business networks include, the South East Queensland Indigenous Chamber of Commerce (SEQICC), Townsville Regional Indigenous Business Network (TRIBN), the Northern Territory Indigenous Business Network (NTIBN), the New South Wales Indigenous Chamber of Commerce (NSWICC), and the First Australians Chamber of Commerce and Industry (FACCI),

In addition to exploring how we can use existing minority business infrastructure, training and development must continue to be provided. I am currently working with Yolla Consulting, as part of a project initiated by the Office of the Commonwealth Games and TAFE Queensland, in working with micro business owners – many of whom are artists and craftspeople in Brisbane, Gold Coast, Stradbroke Island, Cairns, Townsville, and Palm Island. In all our workshops delivered thus far, there are common issues around capability, including knowledge about finance, legal, marketing, etc, as well as distribution. Professional development around small business development as well as intellectual property matters needs to continue to be supported across Australia.

Another professional development opportunity is the Bachelor of Contemporary Australian Indigenous Art at the Queensland College of Art - Griffith University. For over a decade the Contemporary Australian Indigenous Art program at QCA has worked with emerging Indigenous artists to ensure that their practice is authentic. CAIA's development came out of work done by the Queensland Aboriginal arts sector to ensure that Aboriginal artists did not themselves 'break' protocol and appropriate the work of other Aboriginal artists. This aspect of the Fake Art Harms campaign has been overlooked, but is still vital.

In summary, I propose that the Committee of Inquiry utilise existing definitions and infrastructure of Indigenous business, while at the same time, work to strengthen local Indigenous business networks and local business and creator capabilities.

Thank you for your consideration.

Kindest regards

Leesa Watego
Managing Director