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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

Dear Committee Secretary,

Thank you for the opportunity to contribute to this inquiry.

Bits of Australia is a gift store that specialises in Australian made and crafted gifts and souvenirs. Launched in 2014 as an online store it now has a showroom in Balmain Sydney and an increasing number of Aboriginal art and gift items.

With our core focus on being a business that supports Australian makers and manufacturers the growing presence of inauthentic Aboriginal and Torres Strait Island products is a major concern.

As an organisation that purchases products to sell in the retail marketplace and endeavours always to communicate accurately and openly with our customers, we see the following areas as major issues that require focus in terms of laws and oversight-

- There is no clear reference point to check claims by makers that royalties are paid to the artist and the artists community. In addition, where such claims are made there is little information of how much is paid and the terms of these agreements and whether these are fair and inline with best practices, or what best practice would be.
- Likewise if a maker claims to own the copyright to use an Artist's designs, information is not readily available to assist in verifying this, understand if the terms in place are being met and again were fair to the artist at the time of agreement.
- There is no overall definition of what is authentic Aboriginal and Torres Strait Islander art and crafts; art and crafts that have been influenced by this genre; and art and crafts that are counterfeits.
- In defining the above, the origin must also be considered. Is Aboriginal and Torres Strait Islander merchandise that is designed in Australia but made overseas still authentic?
- An approach to defining and then promoting authentic products needs to be done alongside the existing logos of the Federal Government (Australian Made & Product of Australia) to help consumers quickly and accurately identify the origin of products.

Introducing another mechanism will only confuse consumers in an already complex system.

- There are gaps in the existing country of origin definitions, its implementation and management. Fixing these gaps and adding a definition on what is authentic Aboriginal and Torres Strait Islander product will benefit all Australian consumers and businesses trying to support the growth and sale of Australian goods.
 - 1) It is now mandatory for food products to have country of origin labelling however the labelling is a little different to that for all other classes of goods and so requires additional interpretation. This doesn't help consumer education.
 - 2) Food producers do not have to pay to use the origin labelling or to use it in promotions because it is now mandatory. Producers of all other classes of goods have to pay licence fees to use the logos. The licence fees are used to promote the logos across all product types including food.
 - 3) There is a prevalence of products designed in Australia but made overseas in the gift and souvenir marketplace. There is a gap in recognising Australian merchandise including Aboriginal and Torres Strait Islander products, that doesn't quite meet the definition of "Australian Made". These are products we at Bits of Australia refer to as being "crafted" or "created" in Australia. This is because a lot more than mere designing has occurred in Australia. For example, if an Aboriginal and Torres Strait Islander artist has used an imported component such as a plain linen tea towel (it is difficult to source Australian cut and sewn tea towel blanks) and then individually hand screen printed individual colours from their art onto it, there is the potential that this product would not be termed as Australian Made. Yet isn't this product more authentic than a product that was designed in Australia but manufactured entirely overseas?
- If the above gaps aren't fixed and separate licencing, promotion and compliance mechanisms are introduced for Aboriginal and Torres Strait Islander products this could add more complexity and more costs. We need to have an approach that removes complexity so that there is less opportunity for inauthentic products to remain in the marketplace.

In summary we are fully supportive of the introduction of a definition for authentic Aboriginal and Torres Strait Islander art and craft products and merchandise. We strongly recommend however that this review is not done in isolation of the broader Country of Origin definitions and legislation.

Given recent changes in Federal laws on how country of origin labels are used for some products over others, now is the time to encapsulate Aboriginal and Torres Strait Islander art,



craft and merchandise and deal with the other gaps impacting Australian producers of goods that aren't food.

We need to make it simple for Australian and overseas consumers so they can enjoy all Australia has to offer.

We would be happy to discuss our views on these points further.

Yours Sincerely

Micaela Smith
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