

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Supplementary Budget Estimates Hearings October 2016

Communications Portfolio

Department of Communications and the Arts

Question No: 40

Program 2.1

Hansard Ref: Pages 98-99, 18/10/2016

Topic: Fake or non-authentic Indigenous arts and craft

Senator Bilyk, Catryna asked:

1. There is a large amount of what we could call fake or not authentic Aboriginal style arts and craft available for sale in arts and crafts outlets primarily directed at the tourist market in Australia. You see it everywhere. You see it in The Rocks. You see it in big markets and you see it in all the main tourist precincts. These products are harming Aboriginal and Torres Strait Islander cultures and their incomes by misappropriating or exploiting Aboriginal and Torres Strait Islander culture, violating their stories, the imagery, the knowledge and heritage which is embodied in authentic works. What steps are being taken to address this problem, including through action by the ACCC—I am not sure if you are aware of what they are doing—and consideration of strengthening current laws?
2. So what form does that (consumer education) material take? I would be really interested in what it is, where it is and how people access it. Do you have to go online to be able to find out about it?
3. Do you already have those conversations with (the ACCC) in regard to this area?

Answer:

1. The Australian Competition and Consumer Commission (ACCC) has commenced an initial assessment of the suspected inauthentic objects purchased for use in the *Fake Art Harms Culture* campaign initiated by the Indigenous Art Code and the Arts Law Centre of Australia. The assessment will determine if the objects' marketing falls within the misleading or deceptive conduct or misrepresentation provisions of the Australian Consumer Law, and action will be taken as appropriate. Consideration of strengthening Australia's consumer laws is a matter for the Treasurer.
2. Please see QoN 56 for the answer to this question.
3. Yes. The Department regularly consults with the ACCC on consumer law matters relating to the sale of Aboriginal and Torres Strait Islander art.