



**Australian Government**

**Department of Communications,  
Information Technology and the Arts**

our reference

Senator Alan Eggleston  
Chair  
Senate Standing Committee on Environment, Communications,  
Information Technology and the Arts Committee  
Parliament House  
CANBERRA ACT 2600

Dear Senator Eggleston

At the Tuesday 10 April 2007 hearing of the Senate Standing Committee on Environment, Communications, Information Technology and the Arts the Department was asked to provide additional information on a range of issues. The Department also took a number of questions on notice.

Enclosed are responses to requests for information on the following matters:

1. Arnold Bloch Leibler's submission on behalf Jirrawun Arts Corporation (refer page 18 of proof Hansard);
2. Training of art centre coordinators and Indigenous youth (refer page 22 of proof Hansard);
3. Unmet demand in capital works (refer page 22 of proof Hansard); and
4. Indigenous art labelling systems in Canada and New Zealand (refer page 26 of proof Hansard);

Responses to questions taken on notice are also enclosed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lynn Bean'.

for Lynn Bean  
A/g Deputy Secretary  
Arts and Sport  
23 May 2007

## **1. Submission from Arnold Bloch Leibler and Jirrawun Arts Corporation**

**Senator Ian Macdonald asked:** As I asked of the previous witness, I wonder if you could have a look at the submission made by Arnold Bloch Leibler on behalf of the Jirrawun, I think it was, and see whether you think it is something the department should perhaps have a close look at.

### Arnold Bloch Leibler submission overview

The submission from Arnold Bloch Leibler and Jirrawun Arts Corporation made recommendations regarding the specific role of the Australian Taxation Office (ATO) in relation to the Indigenous visual arts sector.

The submission references a number of ATO initiatives including the 2004 guide *How tax applies to Indigenous artwork*, the Indigenous Tax Advisory Group and the 1998 launch of a newsletter to assist Indigenous organisations with their business tax obligations.

It states that these initiatives "...have not resolved the serious lack of understanding amongst Indigenous artists of their tax obligations." The authors argue that this low level of taxation awareness has created an environment fostering carpetbagging, due to the lack of documentation, paper trails or scrutiny of unscrupulous purchases and recommends the introduction of a certificate of authenticity for all Indigenous artwork which specifies the price paid to the artist upon the initial sale of the work.

The submission also calls for an independent report to be commissioned to investigate the effectiveness of the ATO's current and planned initiatives in the sector and to make recommendations on improvements.

### DCITA's comment

As these proposals relate specifically to initiatives and issues under the responsibility of the ATO, the Department of Communications, Information Technology and the Arts (DCITA) considers that these issues should be referred to the ATO for consideration and comment. The ATO would need to decide whether such proposals are workable and enforceable.

In this regard, DCITA has an interest in ensuring that the Indigenous visual arts industry is supported to be sustainable into the future. The administrative impact of any new measures would need to be carefully considered, in particular the additional compliance burden to be managed by art centres and artists.

As we have previously stated, DCITA has established an interdepartmental committee (IDC) to discuss current issues relating to the Indigenous visual arts and craft sector. The Treasury is represented on the IDC and the Department has forwarded the Arnold Bloch Leibler submission for its information.

DCITA is aware that customised certificates of authenticity have been discussed in a number of submissions and testimony to the Inquiry. Most of these discussions have focussed on demonstrating the provenance of an artwork rather than the approach in the Arnold Bloch Leibler submission which seeks the introduction of a legislative requirement for a certificate of authenticity to accompany every initial sale of Indigenous artwork and stipulating the price paid for that work. The Department's view on the Arnold Bloch Leibler submission is that the introduction of such an arrangement would not necessarily guarantee that an artist is remunerated appropriately for his or her work or is treated fairly during the transaction. The Department's view on the introduction of a certificate of authenticity more generally is under section 4: *International models for labelling systems of Indigenous art*.

## **2. Training for art centre coordinators and Indigenous youth**

**Senator Kemp asked:** I wondered if the department could just take on board whether there was anything they could add for us on the training of arts centre coordinators and on the training or bringing on of younger Indigenous artists [...] I am not talking of a significant submission, but, to be quite frank, a few thoughts from the department may be a help in those areas as well in considering the recommendations that we should make.

### Introduction

The Department is aware that there are a number of areas in which art centre coordinators and young Indigenous artist require further support and training. It is generally agreed that the most effective training solutions are those that are flexible and allow for tailoring of training packages to the needs of the particular art centre or community<sup>1</sup>. This is due to the diverse nature of the Indigenous visual arts sector and the varied operational requirements of art centres across regional, remote and urban Australia.

Art centre managers and artswokers have a diverse range of responsibilities from managing the financial aspects of the art centre business through providing artistic advice and technical support. Given this diversity, it is not unusual for artswokers to have very strong skills in some areas, but to require additional support and training in others. Key challenges for artswokers in accessing the support and training they need include resources and time. That is, it can be expensive and difficult for an art centre worker to either travel to training courses from a remote location, or to bring additional expertise or support into a remote community.

Training options for emerging Indigenous artists, particularly in remote communities, need to take into account traditional acquisition of knowledge through intergenerational transfer and 'side-by-side' learning.

It is important to acknowledge that there are currently a number of formal training options in the tertiary sector available in the area of Indigenous visual arts and craft. These are set out at Attachment A.

While the training needs are diverse and challenging, and quite specific to this sector, there are a number of strategies which have been raised in the department's consultations with the sector which could be developed further.

### *Internships for emerging artswokers*

Currently many art schools and universities which offer degrees or diplomas in curatorship or other related professional art practice have arrangements with other institutions such as public galleries to offer an internship each year to a small number of later-year students.

It might be possible to include some of the more established art centres in this or a similar system, so that instead of work experience at a public gallery, students would have the opportunity to have work experience in an art centre.

There are a number of potential benefits: students would learn about the Indigenous arts industry, how art centres operate, and get hands-on experience with the day to day management of an arts centre. The art centre could benefit through the additional resources of a trained artswoker, the increased awareness in the broader arts sector about art centres and

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<sup>1</sup> See for example Jill Gjenzotis' paper *Two Way Learning* ([www.icvet.tafensw.edu.au](http://www.icvet.tafensw.edu.au)) which highlights the importance of establishing the relevance and value of training to the community.

the Indigenous arts industry, and the further development of networks and connections within the broader industry.

This also has the potential to over time build and develop art centre management as a profession, and to develop a broader pool of skilled and experienced potential art centre managers.

There would be a number of challenges, for example, art centres would need appropriate accommodation to house the visiting intern, and there would be associated costs that would need to be met. Further consultation would be required to develop the details of this sort of program.

### *Artists-in-Residence and artists exchanges*

The creative development of artists is a key element in a sustainable future for the Indigenous visual arts industry.

An artists-in-residence and artists exchange program is one of the possibilities that has been raised with the Department. Under such a program, experienced professional artists or curators could take up residence at remote community art centres for an agreed (usually short) period. The visiting artists could undertake specialised workshops, sharing their knowledge of art and artistic techniques and providing variety and stimulation to Indigenous artists in remote communities. There would be opportunities for them to mentor practitioners artistically and contributing to the development of their creative practice.

The arrangement could also work in reverse, with Indigenous community artists undertaking residencies at public galleries, art schools or urban/regional community art centres.

Such residencies or exchanges would not work in all circumstances, as it would depend on the artist/community involved; however this kind of targeted support has the potential to provide a valuable sharing of creative knowledge and experience.

### *Mentoring programs*

A mentoring program could be established for art centre coordinators, art workers and Indigenous artists.

Mentoring programs can provide coordinators and art workers with the opportunity to learn from other experienced people and can provide a pool of specialists who are able to assist when required. A mentoring program would ideally be able to offer specialist support in all areas in which art centre coordinators and art workers are required to operate, including marketing, technical art training, cultural, finance etc.

Similarly, within rural and remote communities a mentoring system for younger artists could be implemented to assist the continuation of cultural transfer. Mentors might consist of senior artists and cultural leaders who could provide a focus for younger members of the community and encourage them to learn cultural practices. In addition, through the program urban artists could have access to Indigenous mentors either within their own urban environment or from remote communities.

Again, further development of this strategy would be required, including consideration of likely costs and how it would most effectively be managed.

### *Relief support for art centre managers*

As has been highlighted in several submissions to the Inquiry, the management of many remote Indigenous art centres is undertaken by one person. Their responsibilities are diverse, from managing the core business of the art centre (professional artistic support, financial, promotion, marketing, distribution) to supporting artists and the community more broadly. The considerable responsibilities of an art centre manager have been associated with a high turnover in the role across the industry. There is a clear need to provide appropriate relief support for art centre managers as these people are often the key to the success or failure of an arts centre's operations.

One possibility to deliver this relief support would be the establishment of a roving art worker system. A roving art worker could provide support to art centre coordinators on a short term basis, rotating between a number of art centres. This support could be in any field: it could for example be focussed on developing artists' skills in different media, freeing the art centre manager to focus on other administrative tasks, or, it could provide administrative support, allowing the art centre manager to provide additional artistic support to the artists, or progress marketing initiatives, or whatever is most needed at the time.

A roving art worker could also provide relief support when art centre managers take leave, or are otherwise away from the community.

In the short term, this enhanced administrative, management and creative development support provides practical and immediate assistance to arts centre coordinators. In the longer term, it contributes to capacity building in the Indigenous visual arts industry, particularly for smaller centres. This is because of the critically important role art centre coordinators play in each art centre and targeted support will therefore keep art centre managers in their positions for longer, expand the skills set at the local level and contribute to the continued growth and success of the industry as a whole.

In progressing this option, it would be important to ensure that art centres have the appropriate accommodation for the roving art workers. The details of how a roving art centre worker would be employed, or by whom, would need to be considered carefully, to ensure sustainability. For example, it would be important to consider whether the workers were employed on a permanent basis, or whether it would be better organised as multiple short contracts – for example short term artworkers could be sourced from a register of appropriately qualified and experienced personnel, effectively providing a form of 'locum' service to remote Indigenous art centres.

### *New media training*

Evidence provided to the Committee during the Inquiry has noted that arts and cultural activity can be a useful way to transfer cultural knowledge from one generation to another, however, for various reasons it is sometimes difficult to engage Indigenous youth.

Training in new media technologies could be one pathway to encourage young Indigenous Australians to participate in the arts and develop their skills. This could be one of the alternative media for which training and support is provided through workshops, mentoring, or exchanges.

## ATTACHMENT A

### Current formal training options – Indigenous visual arts and craft

Numerous courses in or about Indigenous art are currently available. It is likely that there would be greater benefit to the industry and its participants from the development of complementary training offerings rather than duplication of existing resources. Current courses include:

- Studio based study of contemporary Indigenous art (e.g. Queensland College of the Arts). These courses are delivered by Indigenous staff for Indigenous students;
- Arts training delivered “on community”. For example, Leon Stainer has delivered printmaking training to bush communities on behalf of Northern Editions (Australia’s largest publisher of Indigenous prints) as part of one of Charles Darwin University’s Indigenous art course.
- Art historical studies in the practices and work of Indigenous artists;
- The Victorian College of the Arts also offers a Graduate Certificate course in Indigenous Arts Management targeting artists, art workers, managers and Indigenous cultural workers.

Vocational Education and Training (VET) also delivers courses in or about Indigenous art as illustrated by the table below.

Institution	Description
TAFE	<ul style="list-style-type: none"> <li>▪ State based TAFEs offer various Certificate courses in Indigenous visual art and craft.</li> </ul>
Batchelor Institute of Indigenous Tertiary Education (BIITE)	<ul style="list-style-type: none"> <li>▪ Certificate course in art and craft specifically for the Indigenous art industry.</li> <li>▪ BIITE has campuses in Darwin, Alice Springs, Nhulunbuy, Katherine and Tennant Creek.</li> </ul>
Charles Darwin University (CDU)	<ul style="list-style-type: none"> <li>▪ Delivers Indigenous art VET courses across four campuses – Darwin, Alice Springs, Nhulunbuy and Katherine.</li> <li>▪ CDU offers online courses in Indigenous art and offers a VET program which is delivered both in studio and remotely.</li> </ul>
Institute for Aboriginal Development (IAD)	<ul style="list-style-type: none"> <li>▪ Located at Tennant Creek and Alice Springs, IAD conducts adult education for the Indigenous communities of Central Australia.</li> <li>▪ The courses include literacy, numeracy, language, culture, VET courses and higher education courses.</li> </ul>

### 3. Unmet demand for capital works funding

**Senator Kemp asked:**

I would also appreciate any thoughts that they may have on the unmet demand, particularly in the capital area. I am not talking of a significant submission, but, to be quite frank, a few thoughts from the department may be a help in those areas as well in considering the recommendations that we should make.

The Department of Communications, Information Technology and the Arts (DCITA) is aware that many submissions to the Inquiry have raised this issue. It is also an issue that has been raised with DCITA in our consultations with the sector.

DCITA is able to provide statistics on the level of demand for capital funding to the relevant DCITA programs since 2004, when the Indigenous visual arts programs were transferred from the former Aboriginal and Torres Strait Islander Services.

The table below provides an overview of requests for support for capital funding to the National Arts and Crafts Industry Support (NACIS) program and the Indigenous visual arts special initiative from 2004-05 to 2006-07, together with capital funding outcomes.

The figures in the table below should not be used to extrapolate capital funding requirements across the sector. This is because applicants to the NACIS program are not likely to seek substantial funds for capital items as they are aware that NACIS funds are limited and requests for operational support (to cover art centre salaries, for example) often present the most pressing need. This is made clear to applicants in the NACIS program's published guidelines. Further, potential NACIS clients who are not successful in securing operational funds are less likely to apply to NACIS for capital funding. If an applicant does apply for capital funds through NACIS, this is a 'one-off' and for its highest priority among many capital items required such as a new kiln, printing press or an upgrade to its current centre.

<b>Program 2004-05</b>	<b>No. of capital funding requests</b>	<b>\$ Requested</b>	<b>No. of capital projects supported</b>	<b>Funding</b>
NACIS and Special initiative*	23 for NACIS First year of special initiative. Projects to be supported were taken from relevant applications from the NACIS round	\$4.34m	7	\$1.0m
<b>Program 2005-06</b>				
NACIS	58	\$11.17m	3	\$103,000
Special initiative	18	\$ 1.90m	9	\$925,000
<b>Program 2006-07</b>				
NACIS	24	\$2.06m	6	\$138,010
Special initiative	22	\$1.63m	13	\$849,200
<b>TOTAL</b>	<b>145</b>	<b>\$21.10m</b>	<b>45</b>	<b>\$3.02m</b>

\*The Indigenous visual arts special initiative provides \$4m over 4 years (2004-05 to 2007-08) as a complement to the core operation support provided through the NACIS program

The Department is also aware that capital needs assessment reports have been prepared on behalf of ANKAAA and Desart. These reports reflect a substantial demand for capital development in their member Indigenous art centres in the Northern Territory, South Australia, Western Australia and Kimberley Region. As at February 2005, this capital needs audit suggests that there is an unmet demand of over \$14 million in their member art centres alone.

In this regard, the Government's 2004 election policy statement *Indigenous Australians—Opportunity and Responsibility* included a commitment to utilise funds from the Aboriginals Benefit Account (ABA) for investing in the Indigenous arts industry to maintain and enhance production and quality of Indigenous art in the Northern Territory. In keeping with this commitment, the 2004 election policy *Strengthening Australian Arts* also states that funds will be released from the ABA account for a comprehensive Indigenous art development strategy. The ABA is a Special Account of the Australian Government established for the receipt of statutory royalty equivalent monies generated from mining on Aboriginal land in the NT and the distribution of these monies. The ABA has been a source of project funding for NT Indigenous communities and organisations for nearly 30 years.

The ABA comes under the portfolio responsibilities of the Minister for Families, Community Services and Indigenous Affairs. The allocation strategy and amount of funds to be released through the ABA are determined by the Minister following the advice of the ABA Advisory Committee. The Department has commenced discussions with the Department of Families, Community Services and Indigenous Affairs (FACCSIA) on opportunities for Indigenous visual arts projects in the NT to be supported through the ABA.

The Department is also aware that the Department of Transport and Regional Services, through its Regional Partnerships Program, has provided funding of \$2.92 million towards 14 Indigenous arts infrastructure projects since July 2003.



#### **4. International models for labelling systems for Indigenous art**

**Senator Eggleston asked:** I believe that both Canada and New Zealand have some sort of government-administered labelling system of Indigenous art. I wonder whether you are able to comment on those systems in any way. Is it possible that you could have a look and provide us with a note about it?

The Department of Communications, Information Technology and the Arts (DCITA) is aware of the labelling systems in existence in Canada and New Zealand, and these are summarised below.

##### Canada

In 1958, the Government of Canada registered the symbol of the Igloo as a trademark that identifies Inuit artwork of the Dene, Métis and Inuvialuit peoples as authentic. The trademark is intended to protect Inuit artists and buyers. Only Inuit artists or their agents can acquire the trademark Igloo stickers or tags and there are terms and conditions of use. The Department of Indian and Northern Affairs Canada (INAC) administers the Igloo trademark.

INAC has advised that the Igloo tag has recently been reviewed by INAC, with the review report available in the coming months.

##### New Zealand

In 2002, the *toi iho* Maori made mark was launched in New Zealand. *toi iho* is a registered trade mark used to promote and sell authentic, quality Maori arts and crafts. *toi iho* has also been designed to authenticate exhibitions and performances of Maori arts by Maori artists. The *toi iho* Maori made mark is accompanied by two companion marks known as the 'mainly maori mark' and the 'maori co-production mark'. Applications to become a licensed user of *toi iho* are made to the administrator of the *toi iho*, Te Waka Toi, the Maori Arts Board in Creative New Zealand.

DCITA is unable to comment on the success of the above systems, both in terms of the level of support from Indigenous artists in attaining and utilising the marks and also in protecting Indigenous art and craft from fraudulent activity. In this regard, it will be valuable to see the review of the Igloo mark when it is released.

As the Committee is aware, the National Indigenous Arts Advocacy Association developed a national authenticity label in Australia in 1999. The label was not successful for a number of reasons, including being expensive and administratively complex and not distinguishing between fine art and manufactured tourist art. As such it did not have broad support across the sector.

If a national Indigenous art label was to be introduced in Australia, significant research and consultation would be necessary to ensure that it was developed appropriately and was supported by Indigenous artists and art centres. Australia's Indigenous peoples live in a diverse range of locations, from the Central Desert to the Top End, with the majority in urban Australia. Their circumstances are very different from the Indigenous peoples of Canada and New Zealand, and this would need to be recognised in considering any national authenticity label for Indigenous art and craft.

**Topic:** Indigenous visual arts and craft sector—governance training.

**Hansard Page:** Pages 23-24 of Proof Hansard

**Senator Moore asked:**

[...] have you, as a department, looked at specific governance training [... ]?

**Answer:**

The Office of the Registrar of Aboriginal Corporations (ORAC) provides a range of training programs for members of governing committees/boards of Indigenous corporations about their obligations under the *Aboriginal Councils and Associations Act 1976* (the ACA Act) (and its replacement, the Corporations (Aboriginal and Torres Strait Islander) Act 2006, effective 1 July 2007) the corporation's constitution and other aspects of effective governance. ORAC falls within the Families, Community Services and Indigenous Affairs portfolio

ORAC provides a range of training programs including:

A) one and two-day information sessions. These informal and non-accredited sessions are targeted to corporations that are incorporated under the ACA Act and are designed for governing committee/board members, members and key staff of Indigenous groups and corporations. They are run by request all over Australia, usually at the corporations premises or within their community. The different types of information sessions provided under this program, include:

<[http://www.orac.gov.au/training\\_information\\_sessions/information\\_sessions.aspx#1](http://www.orac.gov.au/training_information_sessions/information_sessions.aspx#1)>  
Information and advice before incorporating (pre-incorporation doorway service). This is for groups thinking about becoming incorporated and looks at the benefits, challenges and legal responsibilities of a corporate body.

<[http://www.orac.gov.au/training\\_information\\_sessions/information\\_sessions.aspx#2](http://www.orac.gov.au/training_information_sessions/information_sessions.aspx#2)>  
Assistance with constitution design or redesign - this workshop is designed to provide advice on what is required by law and provides examples of good corporate governance structures.

<[http://www.orac.gov.au/training\\_information\\_sessions/information\\_sessions.aspx#3](http://www.orac.gov.au/training_information_sessions/information_sessions.aspx#3)>  
Post-incorporation information sessions. These workshops are designed to establish good governance practices and to assist with specific governance issues the corporation may be facing.

B) Three-day Introductory Corporate Governance Workshops. These workshops are targeted at highest need sites and groups. Interested boards, members and key staff go through an application and selection process to this fully funded program. Participants sign joint learning agreements prior to commencement. Upon completing the

workshop, participants are awarded a statement of attendance that makes them eligible for enrolment into ORAC's accredited training program, the Certificate IV in Business (Governance). The Diploma in Business (Governance) is being developed.

C) The Certificate IV in Business (Governance) is a nationally recognised accredited training program developed specifically for Indigenous corporations from the "Managing in Two Worlds" project. People who wish to attain recognised competencies in corporate governance and management, who have successfully completed the three-day introductory corporate governance workshop are eligible to apply for this fully funded program.

Support for training is available under the Department's Indigenous Visual Arts Special Initiative program (\$4million over four years 2004-05 to 2007-08) for the training of young and emerging Indigenous artists and art centre workers. There is limited call on funds for governance training under this program with six projects funded in 2006-07 including a training component. Two of those contained a specific governance training element.

The Australian Government's *Indigenous Art Centres Strategy and Action Plan* includes business management as one of its key result areas and identifies business planning, governance and accountability as important elements in building a strong and sustainable Indigenous visual arts sector.

Also within the arts portfolio, the Australia Council's Aboriginal and Torres Strait Islander Arts Board provides funding under the category of Skills and Arts Development to assist Aboriginal and Torres Strait Islander artists and arts organisations to develop ideas and skills. Applications might include support for arts workshops, professional development projects, conferences or seminars, management planning and development.

Training for business skills development is also delivered through the Australian Business Arts Foundation (ABaF). Funding of \$0.5 million per annum has been provided to develop a tailored training package for individual visual artists to enhance their engagement with the commercial arts market, including tax management, marketing strategies and building business skills. While not directed specifically towards Indigenous artists, they will be able to access the program.

**Topic:** Indigenous art centre staffing

**Hansard Page:** Page 25 Proof Hansard

**Senator Moore asked:**

How many of the current list of art centres have Indigenous art centre managers?

**Answer:**

In 2006-07, the National Arts and Crafts Industry Support (NACIS) program is providing operational funding to 55 art centres. While the employment and training of more Indigenous employees is an objective of the *Indigenous Art Centres Strategy and Action Plan*, recruitment decisions are the preserve of the funded organisation.

As a result of a telephone survey conducted in April 2007, NACIS-funded art centres have reported that:

- 3 art centres employ an Indigenous Manager
- 4 art centres employ an Indigenous Assistant Manger
- 13 art centres employ a total of 37 Indigenous staff in general administration, arts worker and trainee positions.

**Topic:** Indigenous visual arts industry issues - research capacity

**Hansard Page:** Page 27 of Proof Hansard

**Senator Moore asked:** I have one question on notice. We asked earlier about your research capacity and you said that you were working on it. Can we find out what the research capacity is—your staffing level and that kind of stuff?

**Answer:**

Within the Department's Arts and Sport Group, the Indigenous Arts and Training Branch has an Indigenous Visual Arts (IVA) section. This section currently has an average staffing level (ASL) of 4.4. IVA section manages the National Arts and Craft Industry Support program and the Indigenous arts special initiative. The section also provides the Government with information and advice on a range of sector issues.

The Department also has a Research, Statistics and Technology Branch that serves the whole Department and covers all outcomes, including information and communications technology, infrastructure, sport, arts and culture. The Branch includes the Departmental library and currently has a staffing of 28. Main services to programs and policy are economic analysis, evaluation, statistical support, survey support, qualitative analysis, mapping and modelling. Staffing is on the basis of research skills related to the above services, not on the basis of specific subject knowledge.