



Dr Ian Holland
C/-Australian Senate
Environment, Communications, Information Technology and the Arts
PO Box 6100
Parliament House
Canberra ACT 2600

23 November 2006

Re: Inquiry into Australia's Indigenous visual arts and craft sector

Dear Dr Holland,

We write to you as the Secretary of the Senate Standing Committee on Environment, Communications, Information Technology and the Arts and would like to take this opportunity to introduce our company, The Rainbow Serpent. A family owned and operated business which has been trading successfully as a specialty retailer of authentic Aboriginal art, craft and design for 16 years. We have six Aboriginal art and craft stores located at Sydney and Brisbane International Airports and an office and warehouse in Marrickville, Sydney.

We are continually advised that Indigenous Australians experience greater levels of social and economic disadvantage than non-Indigenous Australians and that the Australian Government is committed to addressing this disadvantage and providing Indigenous people with the same opportunities as other Australians.

The Rainbow Serpent provides many opportunities for Indigenous Australia through a significant market for artists and craftspeople as well as a venue for employment. However, our industry is being undermined by cheap, unauthentic product, sourced both domestically and internationally and without government support either financial or regulatory the authentic craft market may cease to exist.

There is a proliferation of aboriginal art and craft produced by non aboriginal peoples but being sold as the genuine article. Many stores which were selling authentic Aboriginal art and craft have ceased trading or only deal in fine art as they can't compete with these fakes.

Since the demise of the National Indigenous Arts Advocacy Association (NIAAA) it seems as though nobody cares that this is occurring and Aboriginal people are being robbed of work that should be exclusively theirs.

We need an advocacy to represent the rights of artists and police these producers and retailers that are flagrantly flouting the law. The ACCC is concerned that Aboriginal artists lose income they might have earned if producers and retailers falsely present items as authentic.

Many of our artists complain that their market is shrinking and if it continues they will be forced to look at other employment rather than producing Aboriginal art and craft. If this were to happen, skills, culture and spirituality would not be passed down to the next generation and possibly lost forever. We need to promote and sell authentic Aboriginal art and craft throughout Australia and ensure that Australia's Indigenous art and craft sector continues to flourish and excel. Aboriginal people would benefit most through employment and training opportunities and maintaining and strengthening cultural values.

We work at a grass roots level with Aboriginal artists and Indigenous family businesses as well as community art centres from all parts of Australia and it has been our long term vision to ultimately establish an even more significant partnership with Indigenous Australia by establishing a national brand.

Aboriginal people would benefit most from a potential joint venture through employment and training opportunities, maintaining and strengthening cultural values and ensuring that Australia's Indigenous art sector continues to flourish and excel.

Attached please find our submission for the inquiry into Australia's Indigenous visual arts and craft sector and we would be happy to offer more information if required.

Yours faithfully

Brad Parnes
Director

The Rainbow Serpent Pty Ltd
Sydney International Airport, Brisbane International Airport
PO Box 206 Marrickville, Australia, NSW 2204
Tel +61+2+ 85775300 Fax +61+2+ 95547299
www.rainbowserpent.com.au Email: sales@rainbowserpnt.com.au

Company Background

- The Rainbow Serpent (TRS) has been operating since 1991, as specialist retailers of authentic Aboriginal art, craft and design.
- The company has turned over in excess of \$50,000,000 in 16 years
- Pays wages in excess of \$1,250,000 per annum.
- The company has an Aboriginal employment policy.
- Pays in excess of \$420,000 per annum directly to Aboriginal suppliers.
- Ensures that all commercial products stocked are authentic with royalties paid to the artist.
- Currently operates six Aboriginal art and craft stores at Sydney and Brisbane International Airports.



Gallery section of Rainbow Serpent, Fox Studios.



Rainbow Serpent Store, Landside B, Sydney International Airport

Opportunities for future growth of Australia's arts and craft sector

- Develop a nationally / internationally recognised retail chain selling authentic art and craft.
- Develop an awareness of authenticity and ethical branding.
- Develop a strong web presence promoting Aboriginal art and craft and artists.

Opportunities for existing government support programs

The below mentioned plans and strategies need to be promoted and enforced so that artists and consumers are informed.

- **A National Indigenous Consumer Strategy**
National Priority 7, Arts Industry
The focus of this priority is to ensure Indigenous artists have an understanding of their rights, that the industry understands its fair trading obligations, and consumers are protected from misleading representations about the authenticity of art works and souvenirs.
- **Artists in the Black**
The main aims of the Artists in the Black project are to increase access by indigenous artists, art organisations and Indigenous communities to legal advice on arts law issues
- **Indigenous Arts Centres Strategy and Action Plan**
This plan encourages labelling systems to provide assurance to buyers about the authenticity of indigenous artworks.

Strategies to improve practices, capacity and sustainability

- ACCC to be more proactive in administering the TPA particularly regarding country of origin claims and misleading and deceptive conduct.
- Australian Customs Service to police a mandatory labelling requirement at the point of import.
- Introduction of label of authenticity.
- Prohibit the importation of fakes
- Copyright protection for Aboriginal art and craft

Priority infrastructure needs

- A trademark to authenticate Aboriginal and Torres Strait Islander art and cultural products.
- Policing of fakes and addressing the problems of authenticity and copying
- Protection of cultural icons including didgeridoo and boomerang
- The establishment of a national Aboriginal art and craft chain that promotes and sells authentic art and craft and has very strong branding.



The Label of Authenticity was Launched by NIAAA in 2000 to promote and Protect Authentic Aboriginal art and collaborative products.

The project did not receive support from the indigenous arts Community as paper work and administration of the Label was too cumbersome.

The Label failed and with it NIAAA which had been representing Aboriginal artists legally and in management prior to the Labels Launch.

Financial, cultural and artistic sustainability

- There are numerous threats to the sustainability of the sector including
- Proliferation of unauthentic art and craft in tourist areas sourced both locally and overseas.
- Multiple store closures of ethical retailers and manufacturers of authentic product.
- Aboriginal artists and craftspeople leaving the industry due to being outpriced by cheap fakes.
- The Government's position on Free trade means that it is unable to stop imports of unauthentic Aboriginal product.
- Demise of National Indigenous Aboriginal Art Advocacy (NIAAA) and failure of the National Label of Authenticity.

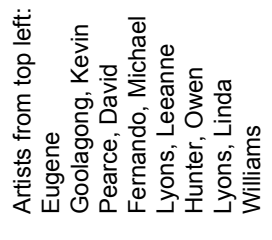
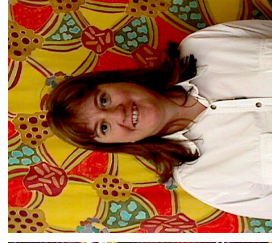
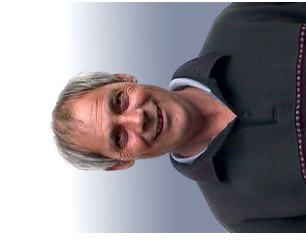
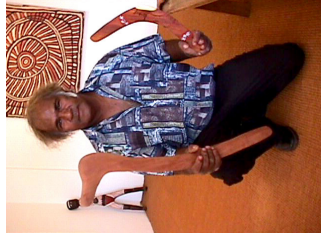


45 cm boomerangs from Bali landing in Australia for US\$1.30 wholesale – image from www.paradisedriveinn.com

Economic, Social and Cultural Benefits

We all recognise the profound cultural and economic contribution Indigenous art makes

- TRS pays in excess of \$420,000 pa directly to Aboriginal suppliers and in excess of \$100,000 pa indirectly through royalties
- TRS works with over 70 Aboriginal artists and Aboriginal family businesses as well as art centres.
- Employment opportunities exist through both the sale and creation of the art.
- Art and craft is one of the few ways that Indigenous people living in remote areas have to engage in meaningful work and enhance cultural practice.
- The production and sale of art and craft allows for the sharing of knowledge and culture; and nurturing and maintaining cultural traditions and practices.



Artists from top left:
Eugene
Googagong, Kevin
Pearce, David
Fernando, Michael
Lyons, Leeanne
Hunter, Owen
Lyons, Linda
Williams

Size & scale of the Indigenous visual arts sector

- The Cultural Tourism in Regions of Australia report released last year by Tourism Research Australia found that over 410 000 visitors, or 10 per cent of all visitors to Australia, said they experienced Aboriginal art and crafts and cultural displays and around 200 000 tourists visited an Aboriginal site or community
- In 2006 16% of international visitors participated in Indigenous tourism experiences.
- In the March 2006 quarter alone, international visitors spent \$11 million on purchasing indigenous art and craft. (Source Tourism Australia)
- Aboriginal art auction sales increased from \$5.2 million per year to \$13.2 million in eight years between 1998 and 2006. (BRW July 20-26, 2006 Bidding War by John Kavanagh)
- The Rainbow Serpent turned over in excess of \$4,750,000 last financial year
- New forecasts issued by the Tourism Forecasting Committee (TFC) indicate that the value of inbound tourism is forecast to increase at an average growth rate of 6.4% a year from \$18.4 billion in 2005 to reach \$32.1 billion in 2014. (Tourism Talk Australia 04/10/2005)