

Monday 27 November 2006

Dr Ian Holland
Secretary
Environment, Communication, Information Technology
and the Arts Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Dr Holland,

Re: National Parliamentary Inquiry into Australia's Indigenous Visual Arts and Crafts Sector – Environment, Communications, Information Technology and the Arts Committee

As Indigenous curators of Aboriginal and Torres Strait Islander art working in major state and federal fine art institutions, we are collectively writing in response to your letter dated 15 September 2006 seeking submissions to the National Parliamentary Inquiry into Australia's Indigenous Visual Arts and Crafts Sector (hereafter referred to as the NIVAC Inquiry).

On 23 September 2006 we, the undersigned, participated in a round-table discussion at the Art Gallery of New South Wales in Sydney, which was supported by the Australia Council. A major focus of our discussion was the NIVAC Inquiry and any consequences and outcomes from decisions made as a result by the Environment, Communications, Information Technology and the Arts Committee.

Firstly, we warmly welcome a national inquiry into the Indigenous visual arts and crafts sector, which many of us have called for during previous discussions with Minister Kemp and other government representatives. However, we believe that the manner in which the current consultation process is being undertaken is limiting in its processes and timeframe. Without the benefit of more rigorous consultation with as diverse a range of key Indigenous arts professionals as possible, the Inquiry may be construed as being tokenistic.

As a collective of professionals with many years experience in all areas of the industry across Australia (community-based organisations, art centres, commercial galleries, freelance, state and federal fine arts institutions), we are concerned that the existing parameters of the Inquiry will miss a key opportunity to address issues seminal to the ongoing healthy cultural, social and economical growth of this burgeoning industry. It is well known and demonstrated by published statistics (provided by the ABS and the Australia Council), that the Indigenous visual arts and cultural industry is the largest employer of Indigenous people in Australia.

The *Inquiry into the Australian Contemporary Visual Arts and Craft Sector (Myer Inquiry)* 2001 involved lengthy and extensive consultation throughout all areas of the industry across the country and many of us participated in that Inquiry. Of course, it would be imprudent to merely repeat those findings from five years ago as much has changed in that time. Yet the model may be a useful one gauging by the success of the Myer Inquiry and the wealth of material in existence concerning the Indigenous arts sector. Rupert Myer stated in the Myer Inquiry that he felt he could not

adequately address the issues facing the Indigenous visual arts and crafts industry due to its unique concerns and complexities. He believed the Indigenous industry required and would benefit from its own comprehensive and dedicated inquiry.

In our view, therefore, it is imperative that;

- An issues paper be developed and circulated for discussion in a similar vein to the procedures of the Myer Inquiry
- The deadline for the completion of the report should be extended until August 2007 to allow adequate time for the key issues affecting this complex and multi-faceted industry to be addressed
- A key person with the relevant experience, networks and support in the industry be appointed to conduct the Inquiry

Further to the current terms of reference we consider that the NIVAC Inquiry should consider the following points.

1. Differentiation between fine arts and low-income end/tourism sectors:

- Further and urgent investigation is needed into the issues surrounding fair trade and what we consider quite serious infringements of Indigenous intellectual property rights by non-Indigenous 'Aboriginal style' produced tourist items on the market. Currently we see commercial retailers financially benefiting from the sale of these items that have either been imported offshore or created and produced by non-Aboriginal and Torres Strait Islander people. How do Indigenous people producing authentic Indigenous tourism products compete against this unethical practice? We encourage the introduction of fair trade legislation to facilitate the competitiveness of authentically produced Indigenous product to the tourist market and protect against the importation, creation and sale of items that infringe on the rights of Aboriginal and Torres Strait Islander people to financially benefit from the sale of tourist product. A national strategy to educate consumers, including the broader art world and the general public (national and international) on ethical practices and avenues for acquiring art and accessing legitimate cultural enterprises would effectively address this issue.

2. Intellectual Property, Copyright and Moral Rights:

- Local cultural knowledge and intellectual property (particularly of elders) in communities should be recognised and respected.
- More effective policing of the protective legislation for Indigenous artists should be implemented to keep abreast of changes in information technology and the growing commercial market.
- Greater scrutiny of the practices of commercial operators in regards to the intellectual property rights of Indigenous artists must be more effectively addressed to bring them in to line with State and or government institutions practice.
- Further discussion about the recognition of communal rights to Indigenous artworks is needed at a federal level and should be reflected in copyright law. There is a government perception that the difference between individual and communal Indigenous artists' rights is purely monetary. Often the story or narrative of Indigenous artworks are jointly 'owned' under customary law by a number of people, with corresponding moral obligations, which has not only legal but financial and cultural implications for the artist, their family and entire community.

3. Professional development for Indigenous people working in the sector:

- Some Australian art institutions have yet to create dedicated permanent staff positions for Indigenous art specialists. In addition, many Indigenous curators are currently employed on contract rather than as permanent staff in fine art galleries and museums. An audit of art institutions would be useful in determining the existence and autonomy of such positions and support for Indigenous arts workers.
- The appointment of more Regional Indigenous Arts Officers within all states and territories on an equitable basis would address the deficit in many regional areas. Surveys in New South Wales demonstrate the critical link between arts worker support and artistic activity.
- Training, mentoring and employment for Indigenous staff in art centres and in other community organisations fosters greater artistic expression and provides employment opportunities in remote and regional areas.
- Curatorial and gallery staff positions in regional gallery spaces for Aboriginal and Torres Strait Islander people must be funded on an equitable basis. At present there are high concentrations of artists practicing within the locale of regional galleries but few opportunities for local training or dedicated long term employment in administrative or curatorial positions,.

4. Professional development for Indigenous artists:

- There is a need for greater enrolment and retention of Indigenous arts students at tertiary levels through targeted recruitment and mentoring/partnerships with established artists in specific regions.
- Support is required for national workshops for Indigenous artists regarding taxation, copyright, intellectual property, marketing, documentation, promotion, funding support and so forth, in order to achieve best practice models.
- Greater funding for artist-run cooperatives and resource spaces, particularly in regional areas, will encourage emerging artists and foster contemporary culture.

5. Maintaining and supporting current Indigenous and non-Indigenous arts workers

- The high turnover of staff due to heavy workloads, generally after 3 years, leads to loss of corporate memory and art centres and communities suffer as new employees have to bring themselves up to speed. This has often resulted in the breakdown of long-term beneficial professional relationships between artists, communities and commercial and public galleries and can undermine the art centre and the artist(s) professional development and sustainability.
- The introduction of a code of practice and guidelines would greatly benefit new employees coming into the industry, who often have minimal if any experience or understanding of the complex diversities of the industry.
- There is a need for more formalised Indigenous arts networks, both at a state and national levels. We propose a model of biennial Indigenous Visual Arts and Crafts Conferences to be held in different states and locations, and in conjunction with major cultural events which draw large attendances.

6. Financial and legislative issues:

- Due to shrinking annual budget allocations and strict acquisition procedures state institutions generally cannot compete with wealthy private collectors, which the industry is increasingly attracting.
- The protection of Movable Indigenous Cultural Heritage and the role of the National Cultural Heritage Commission would benefit from regular appraisal

and formal consultation processes with traditional or customary cultural authorities.

- Income generation and distribution – analysis required into the establishment of ‘community-focus’ funding distribution, which denies the rights of individual artists to determine;
- The dissatisfaction of artists, or their families, with the re-sale of works on the secondary market continues to be on the rise with auction houses now effectively being de facto exhibition spaces. Many of the artists whose works are shown are living and the works are often only a couple of years old, with prices often much higher than when they were previously sold on the primary market.

7. Government, corporate and philanthropic support:

- Congested channels of communication currently exist between government departments and bodies which have crossover funding responsibilities, eg DCITA, Australia Council, DEWR. This creates instability for art centres and other sectors of the industry as funding is uncertain and often overly bureaucratic.
- Funding from a diversity of state/federal bodies for smaller artist-run spaces in particular are problematic; draining limited in-house resources and staff time in having to acquit grants to numerous and multiple deadlines.
- The Aboriginal and Torres Strait Islander Arts Board of the Australia Board is comprised of Indigenous people with expertise in specific art forms from each state and territory and we consider that it would be more appropriate that the funding for the NACIS program in DCITA – which is not assessed by Indigenous people with knowledge of the field – to return to the Australia Council, where it was previously distributed (before being allocated to the now defunct ATSIC).
- Clarification and consultation is required regarding the dissemination of the former ATSIC Collection as this is a public collection and there has been minimal consultation with Indigenous people with expertise in the industry as to its future. This is in contradiction to recommendations of the *Our Culture*, *Our Future* and *Continuous Cultures, Ongoing Responsibilities* reports.
- Due to shrinking budget allocations, development strategies for partnerships between government and corporate sectors, encouraging philanthropy in Indigenous arts and culture, as facilitated by Arts Business Australia Foundation (ABAF), are a growing necessity.
- It is absolutely essential that there is certainty of recurrent funding and a consistent long-term approach for sections of the arts industry which are important development areas for art and craft practice but will never be fully self-sufficient. Similarly, it is critical that successful Indigenous arts enterprises not be ‘punished’ for their success but are allowed to expand their operations to fulfill meet market demands and community priorities.

8. International representation:

- More effective and structured liaison is required between government departments with expertise eg, Australia Council/ATSI Arts Board, DFAT, and overseas embassies, which often unintentionally facilitate or promote artists and projects that are ethically questionable.
- Greater government strategic and financial investment should be initiated to promote the international profile of Indigenous art and capitalize on the growing interest in Indigenous art around the world.

As a group of dedicated and highly experienced Indigenous arts professionals, we welcome the opportunity to discuss the issues raised above further and support the work of the Environment, Communications, Information Technology and the Arts Committee. We trust that the NIVAC Inquiry will seize this opportunity to emphatically address the key issues which are threatening to undermine Australia's greatest asset - our cultural heritage. A full-scale, comprehensive, consultative inquiry will only benefit our national development and ensure that sustainability of the world's oldest continuous cultural tradition.

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Yours sincerely

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Clotilde Bullen, Associate Curator, Indigenous Art, Art Gallery of Western Australia

Brenda L Croft, Senior Curator, Aboriginal and Torres Strait Islander Art, National Gallery of Australia

Jonathan Jones, Indigenous Education Programs Officer, Art Gallery of New South Wales

Bruce McLean, Associate Curator, Indigenous Art, Queensland Art Gallery

Keith Munro, Curator, Aboriginal and Torres Strait Islander Programs, Museum of Contemporary Art, Sydney

Hetti Perkins, Senior Curator, Aboriginal and Torres Strait Islander Art, Art Gallery of New South Wales

Cara Pinchbeck, Assistant Curator, Aboriginal and Torres Strait Islander Art, Art Gallery of New South Wales