



Association of Central Australian Aboriginal Art & Craft Centres

Desart Inc.

Submission To:

**The Senate Environment, Communications,
Information Technology and the Arts Committee**

**Inquiry into Australia's Indigenous Visual Arts and
Craft Sector**

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Separate Attachments:

1. Desart Infrastructure Needs Assessment Report Revised December 2005
2. Desart Training Book

Introduction

The submission is based on widespread discussions with Desart stakeholders and the Desart Executive Committee.

Desart is the Association of Central Australian Art and Craft Centres. Desart members are required to be Aboriginal owned and managed by Aboriginal executives. The Desart executive is made of Aboriginal representatives elected from Art Centre member artists. A current list of Desart members forms Appendix 1 of this submission and a list of Desart Executive Members forms Appendix 2.

In this submission we address industry wide issues but with a particular focus on Central Australia and the Aboriginal people and organisations that we represent.

We believe this Inquiry is both apt and timely. The Indigenous art and craft sector represents a burgeoning industry with demonstrated growth in an environment where there is a significant national interest.

But, more importantly, the sector represents many of the aspirations of Aboriginal people. These have to do with promotion and protection of culture, the future of families and communities and much needed opportunities for engagement in the national economy.

This submission addresses each of the Inquiry Terms of Reference and we submit a number of recommendations for the Committee's consideration.

We also submit attachments concerning Art Centre infrastructure needs and training issues.

Summary of Recommendations**Recommendation 1.**

A detailed and wide ranging national study should be undertaken to assess the value of Indigenous art to the nation including relevant industry statistics to inform orderly development of the industry.

Recommendation 2

DCITA should consider alternative concepts of sustainability in the context of revisions to the Indigenous Art Centre Strategy and Action Plan.

Recommendation 3

Both the Commonwealth Government and the NT Government should strongly pursue the release of Aboriginal Benefit Account funds and make any such funds available for capital works in NT Art Centres.

Recommendation 4

There should be a dedicated long term funding program for the development of Art Centre capital works – including improvements to staff housing. This program should be administered by DCITA and be valued at least at \$20m.

Recommendation 5

DCITA should re-examine guidelines for the cultural Gifts program with a view to tightening the guidelines so that works of questionable origin and provenance are examined more closely.

Recommendation 6

All Australian Governments should take formal action to endorse the Indigenous Art Commercial Code of Conduct following its release.

Recommendation 7

The Australia Council, DCITA and NAVA should consider ways to promote the Indigenous Art commercial Code of Conduct so that it becomes the national standard for conduct in the Indigenous art industry.

Recommendation 8

DCITA should establish a national licensing system for dealers in Indigenous art.

Recommendation 9

A more effective program of Governance training should be extended nationally to all Indigenous owned arts organisations.

Recommendation 10

Universities should develop Arts Management courses and qualifications relating specifically to Indigenous art as a training ground for Art Centre Managers.

Recommendation 11

DCITA should adopt minimum operating requirements for Art Centres by including these as benchmark standards in revisions to the Indigenous Art Centre Strategy and Action Plan.

Recommendation 12

Commonwealth funds should be allocated to allow an annual release of at least \$8m. in the NACIS program.

Recommendation 13

DCITA should make relevant revisions to the Indigenous *Art Centre Support Strategy and Action Plan*. Revisions should be made with reference to:

- The outcomes of this Inquiry
- The Indigenous Art Commercial Code of Conduct.
- Art Centre development needs

This action should see this document established as the primary policy for Art Centre development. It should be consistent with DCITA funding programs as the primary delivery platforms for Art Centre recurrent and development funding.

Recommendation 14

DCITA needs to consider guidelines for NACIS that are more inclusive of emerging Art Centres.

Recommendation 15

Encouragement should be given through DCITA, The Australia Council for the Arts and State Government arts departments so that peak representative bodies may become more firmly established as professional associations representing the interests and aspirations of Indigenous artists and Art Centres operating in the not-for-profit sector.

Recommendation 16

Austrade and The NT Government should continue to support a program of inbound trade missions to develop specific and planned development of foreign markets in Indigenous art.

Recommendation 17

Department of Foreign Affairs and Trade should conduct a well orchestrated and targeted campaign to promote Indigenous art through overseas trade missions and embassies.

Abbreviations

ANKAAA	Association of Northern Kimberley and Arnhem Aboriginal Artists Inc.
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSIS	Aboriginal and Torres Strait Islander Services
DESART	Desart the Association of Central Australian Aboriginal Art and Craft Centres Inc.
DEWR	Department of Employment and Workplace Relations
DCITA	Department of Communications, Information Technology and the Arts
ICC	Indigenous Co-ordination Centre
KU ARTS	Ananguku Arts and Culture Aboriginal Corporation
NAVA	National Association for the Visual Arts
NACIS	National Art & Craft Industry Support program – also referred to as NACISS – National Art & Craft Industry Support Strategy
ORAC	Office of the Registrar of Aboriginal Corporations *****

Some Useful Definitions

Art Centre

We use this term to refer to an Indigenous owned and operated entity, generally located on an Indigenous community. Art Centres are typically managed by a board comprising local Indigenous people and operate as not-for profit entities distributing benefits to stakeholders. Usually they act as an agent for the production and sale of art works for community members. Stakeholders are local Indigenous artists.

Art Centre Manager

Most Art Centres employ managerial staff to operate their Art Centre. Other terms for these staff positions include Art Coordinator and Art Advisor.

Dealer

A dealer is a person who purchases art work with a view to on-selling it for a profit. A dealer may or may not operate a commercial gallery outlet.

Backyard Dealers

This term refers to dealers in art operating from private premises without setting up accountable legitimate businesses. Payments are often made to artists in cash or in kind often without compliance with tax and other laws. (Refer also to Carpetbaggers below)

Carpetbagger

This is a pejorative term describing dealers involved in exploitation of Indigenous artists. The term Carpetbagger can be applied to certain dealers, backyard dealers, commercial gallery owners, private agents, or persons operating other legitimate businesses such as car yards or motels. Carpetbaggers in this sector are essentially non-Indigenous law breakers dealing in unconscionable conduct, duress and misrepresentation as defined by the Trade Practices Act.

The term has been more clearly defined by Neil Bell:

“.. a person, usually not an Indigenous person, who seeks to obtain art from an artist under a disability (in particular of age and/or language and/or cultural orientation and/or poverty) at a price well below what that person knows or ought to know is a reasonable market price, with the intention of selling it on at a substantial profit.”

Commission

That component of a sale transaction directed to the running costs of the business managing the sale. For example commercial galleries dealing in Indigenous art generally deduct a commission of 40% from the retail sale price of an art work. Art Centres operate on an average commission rate of 30% – 40%. This amount contributes to the running costs of the Art Centre and needs to be seen as an investment by artists in the ongoing operation of their community Art Centre.

Database

Most Art Centres recognise the importance of documenting art works in terms of recording traditional culture and authenticate works for the market. Art works are recorded on local databases using specialized IT software such as the Artist Management System (AMS).

Section A: The current size and scale of Australia's Indigenous visual arts and craft sector.

Current estimates

The size and scale of Australia's Indigenous arts and craft sector has been variously estimated to value between \$200m and \$500m annually. These estimates vary widely for reasons including lack of clear definition of the types of products under consideration; Aboriginal artists without literacy and numeracy skills fall outside the normal data gathering process; a substantial cash economy in the industry; and thus data collection derived through organisations such as the Australian Bureau of Statistics has proved to be completely unreliable.

We need to understand that average individual earnings by Aboriginal artists are very low. Jon Altman has suggested individual artists have average income of less than \$2000 p.a. Artists generally speaking live in poverty. The high earning artists are the exception rather than the rule.

National importance

This sector has national importance. Currently there is an exhibition of Australian art running in connection with the Japan-Australia Year of Exchange. It is a survey show of Australian visual art and has been reviewed as follows:

“The quality of the show Prism: Contemporary Australian Art now running at the Bridgestone Museum of Art near Tokyo Station and the focus of its makeup make this much more than just a sampler of the contemporary Australian art scene put together as an exchange year event. The 32 artists represented are all among the most celebrated in Australia and represent the great diversity to be seen in Australian art and society today.

Roughly half of the artists selected are of Aboriginal descent, which is a statement in itself considering the fact that the indigenous Aborigines make up only 2 percent of Australia's population today. It reflects the tremendous impact of Aboriginal art on contemporary Australian art as a whole, and its increasing recognition as one of the most powerful and meaningful art movements of the latter half of the 20th century.”ⁱ

Comparative analysis

Perhaps more instructive is a comparison the Central Australian Aboriginal art sector with other local industries such as the central Australian cattle industry.

The NT Cattlemen's Association estimates that central Australia cattle provide 20% of a \$151.8m total in flow to Gross State Production in the NT. The cattle industry

ⁱ Robert Reed, The history and modernity of Australian art. The Daily Yomiuri, Osaka Japan 28/10/2006

can be estimated to create value of \$30m in central Australia. It further points to employment of 1600 people across the Territory.ⁱⁱ

We know that Indigenous Art Centres in central Australia generate sales of \$12m and this does not account for very substantial non-Indigenous art businesses sales from the region. Desart would suggest industry sales value in the order of \$25m - \$30m annually. Desart represents some 3,000 jobs for artists in Central Australia alone. We would argue and NT the Government agrees that these are now comparable industries.

Mainstream industry

Indigenous art is no longer a low level cottage industry. This industry can be genuinely compared with other mainstream industries and needs to attract attention and industry support accordingly.

Need for research

It is of great concern, therefore, that meaningful estimates of size, scale and value have not been seriously calculated. It means that policy makers, compliance authorities (such as the ATO) and industry associations do not have the information they need to be effective.

It would be of particular benefit to know the value contributed to the Gross State or Territory GDP. Our data is raw sales data and is unable to calculate gross value creation including the value of on flows in employment, investment and national consumption.

It would also be very beneficial to determine the proportion of actual market returns to Indigenous art makers and the value of the industry to non-Indigenous players. We believe there is a significant gap between what Indigenous artists are earning and the value derived by the non-Indigenous participants in the industry.

This apparent gap provokes moral indignation by people who observe the conditions that remote Aboriginal people live in, but these fail to understand the living conditions of Aboriginal artists are determined not by individual earning power but by community-wide factors such as the effective provision of housing and health services.

Section A – Recommendation

Recommendation 1.

A detailed and wide ranging national study should be undertaken to assess the value of Indigenous art to the nation including relevant industry statistics to inform orderly development of the industry.

ⁱⁱ NT Dept. of Primary Industry, NT Cattlemen's Association website:
http://www.ntca.org.au/assets/NTCA_Brochure_0601_pdf accessed 20/11/06

Section B: The economic, social and cultural benefits of the sector.**Cultural maintenance benefits**

It is recognised that Aboriginal art is founded on a rich cultural tradition and that the maintenance and promotion of traditional culture is inextricably linked with the health and sustainability of the industry. People often talk about the elders passing away and the culture being lost. Aboriginal people are very distressed about the loss of culture and it is always a priority for Central Australian Aboriginals that the young people be trained in their own culture. Art Centres have a pivotal role in the practice of culture and the recording of culture. (refer Appendix Two)

Social benefits

It is well understood that the role of an Art Centre goes far beyond the production of artworks, and exercise a charter that amounts to a social responsibility in their own communities. They are a place where issues of health, family, education, transport, communication, IT awareness, training and financial management are dealt with as well as providing safe havens for people suffering the effects of dysfunctional communities. They are often the only well-managed communal spaces in communities, and provide social and supportive functions for artists and their families.

There are examples at Yuendumu, Kintore, Balgo, Blackstone and other communities with successful Art Centres where substantial contributions have been made to community facilities and programs such as dialysis units, swimming pools, dog health programs, youth programs, local festivals and sports events.

Economic benefits

Artists often are the only people engaging in any kind of enterprise on a remote community. In smaller communities for example Nyapari, there is no school, no shop, no clinic, the office is rarely open and the ONLY thing for people to do there is visit or work in the Art Centre. Although the economic return may be quite low (as the average earning is less than \$2000 pa) the cumulative effect on the community can be important. People have a little extra discretionary income. There are also key artists earning higher incomes. Because of the communal nature of Aboriginal culture their earnings are distributed widely according to family and cultural custom.

National benefits

Aboriginal art makes a significant contribution to the culture of the nation. Australia is increasingly defined and promoted internationally in terms of Indigenous art and culture. It provides the nation with a rich cultural foundation and contributes to the cultural fabric in this country where we value many diverse heritages.

Aboriginal visual art iconography is omnipresent. Aboriginal imagery is instantly recognisable and is used constantly in everything from our money, our national architectural icons, and in corporate identity and advertising. This art and culture formed the centrepiece of the Opening Ceremony at the 2000 Sydney Olympics and most recently has graced the most important new public building in France. We submit this is a national treasure which must be nurtured and supported.

Section C: The overall financial, cultural and artistic sustainability of the sector.

In this section we address in particular the role of Art Centres as sustainable enterprises, particularly in Central Australia. We submit that sustainability relies on continued investment. There is also some discussion of the importance of training in a sustainable industry

Are Centre success

There can be no doubt that Art Centres have been one of the great success stories in Indigenous communities. There are few other successful examples of enterprise development in remote Australia at community level.

We submit that Art Centres are successful and sustainable enterprises because:

- They are a manifestation of Indigenous empowerment and self determination
- They are multi-faceted organisations dealing not just with art, but also a full range of issues that present on communities such as health and aged care
- They return economic benefits into communities
- They have developed models with tested practices and systems for sustainable business
- They have developed infrastructure such as software packages that are industry specific
- They have developed strong markets and distribution networks
- They are now supported by professional associations such as Desart and ANKAAA.

We need to understand Art Centre values. When art is produced on community, in a community Art Centre, there are three intrinsic values:

- The art is authentic
- All financial returns go to the community and its members
- The Art Centre promotes professional arts practice

Authentic art

The art produced on community is of undisputed origin and this is verified by the Art Centre. The reason that this is important is two fold. For Aboriginal people there is a communal moral right vested in the story of art and there are obligations around the use of such stories, imagery and relationship to country. In an Aboriginal owned Art Centre there are further intrinsic controls at work. An artwork produced in an Art Centre is both made by an Aboriginal person and is genuine expression of culture.

Recording of the narrative connected with many Aboriginal paintings is proving to be critical to cultural maintenance.

For the market it is important that each artwork has been properly recorded and Art Centres have developed best practice recording systems using sophisticated databases such as the Artist Management System ('AMS'). The value of this has to do with provenance and market confidence.

Financial returns to community and its members

Transactions through an Art Centre, if the Centre operates as an agent for its artists, is a transaction directed immediately to Aboriginal people. The benefit goes directly to individuals and the commission goes directly to their own art organisation. As incorporated bodies these associations are required to maintain audited accounts and submit these to regulatory authorities. Members can view their own transaction history, financial statements of their organisation and transparency is a fundamental value

Professional arts practice

Art Centres are managed, on the whole, by professional staff who have the opportunity to access professional associations, best practice systems and professional training. The role of an Art Centre manager is well understood. There are model job descriptions, contracts and obligations. These are particularly important in relation to matters of conflict of interest, loyalty to employers and community interests, and market confidence.

Strong Art Centres

We also need to understand that ‘performance’ in this industry is not all about sales and generated income. Strong Art Centres exhibit common success factors:

- Active Indigenous governance
- Commitment to Indigenous culture
- Production of authentic and quality product
- Professional management and professional development of artists
- Providing a range of community services and benefits in addition to art production

At the same time not all Art Centres are perfect organisations. Many suffer genuine difficulties because of remoteness, low levels of understanding about governance issues, community dysfunction, low level management skills and poor resources.

Artist investment in the industry

In Central Australia artists contribute in the order of \$4 million per annum into their own enterprises and into their own industry through the payment of commission on sales. The Government support for these same Art Centres barely amounts to \$1 million annually. The turnover of these same Art Centres is approximately \$12 million per annum, and the artists share of this (approx \$8 million) goes straight back into the local economy.

Financial sustainability of the sector

We need to think differently about sustainability. There has been a prevailing view in Government based on fairly narrow economic rational arguments that Indigenous enterprises including Art Centres need to prove their sustainability by doing enough business to get them off the Government funding cycle.

Alternative understandings

We argue that enterprises are sustainable when they can prove their capacity to exist – rather than focus entirely on the bottom line. This means that Art Centres are sustainable when they can demonstrate:

- A working governance structure
- A cohort of artists and other stakeholders working consistently in their organisation
- A definable arts product
- A presence in the market
- Sound business practice
- Appropriate infrastructure
- History of success in attracting additional support for a range of projects

We argue that the Government needs to continue its support of this sector into the future in the same way as it supports mainstream education and health.

It is well understood, for example, that schools serve a public good and the national interest. Schools require ongoing Government support. At the same time schools are required to develop their own income generation.

We make the same case for Government support for Art Centres.

The reasons for this are:

- There is a significant national interest because of the contribution to national culture
- Art Centres are primary venues of cultural transmission
- Art Centres contribute more than art services to communities
- There is a significant effect on local health and social well-being
- There is a significant contribution to local economies
- Art Centres are the training ground for the next generation of Indigenous artists
- Art Centres are training local people in business skills, IT, and provide exposure to the mainstream economy through exhibitions in capital cities
- Art Centres provide self esteem, pride and opportunities for people to take responsibility both for their own art production and for their own enterprises
- Artists invest in their own Art Centres

This position needs to inform the development and delivery of Government programs across the board.

Need for increased funding

In 2005-06 only 17 Desart member Art Centres received NACIS operational funding, in total approximately \$950,000. (refer attached Infrastructure Needs Assessment report)

There are currently 42 members of Desart. Of these:

- Twenty six have important capital infrastructure funding needs
- Sixteen Art Centres currently without NACIS operational funding would be strengthened if they were to receive it.

In addition we know of four further communities who are keen to open an Art Centre in the near future.

Artistic and Cultural Sustainability

We believe this sector is artistically and culturally sustainable. It is founded on a rich cultural tradition that goes back 40,000 years. This is a rich source of inspiration. Artists continue to be inspired and we see new artists coming on all the time. There are new painting genres but we also see the development of art in new media such as printmaking jewellery bush toys, fabrics, glassware and sculpture. This work demonstrates genuine high quality advancement of the sector.

In order to nurture new talent we need continued investment in the industry through:

- Training
- Exposure to contemporary art practices from other sectors nationally and internationally
- Quality representation
- Access to markets
- Solid sales of art product
- Strong industry associations

These factors are further reasons the Government needs to sustain and increase its support for the sector.

Training

Ongoing training is critical sustainability factor in this industry.

The Desart Training Book is provided as an attachment to this submission. The book was developed as a training research project completed early in 2006. Its purpose was to examine the needs, aspirations and delivery of training to Aboriginal people working in Art Centres in Central Australia.

In this project artists talked about two areas of skill development:

- The **first** was their own development as artists
- The **second** was developing skills, in promoting, representing and selling their art.

Artists would very much like to learn more about:

- Managing the Art Centre as executive members; and
- Office management skills and Art Centre business.

The book talks about what is needed to deliver successful training. It particularly addresses the need for national training packages to be more relevant and more flexible to cater for remote area needs.

Section C – Recommendations

We make recommendations elsewhere about the future level of funding required to support a sustainable industry.

Recommendation 2

DCITA should consider alternative concepts of sustainability in the context of revisions to the *Indigenous Art Centre Strategy and Action Plan*.

Section D: The current and likely future priority infrastructure needs of the sector.

We attach a revised Desart *Infrastructure Needs Assessment Report* December 2005 which deals with this matter in detail. We briefly highlight a few of the critical issues.

Poor infrastructure

Art Centres have traditionally sprung up out of women's centres and used whatever building that might have been made available in under developed communities. They are rarely purpose built structures. Over the years these buildings that were fundamentally unsuitable at the outset have further deteriorated because of limited maintenance resources. For example at Ali Curung the women's centre which is used as the local Art Centre has been condemned because of its asbestos content.

Staff Housing

Current Art Centre staff housing is generally very poor and there is a complete lack of staff housing on many communities. Recruitment and retention of staff is fundamentally important to the industry. Art Centres are finding increasing difficulty in recruiting quality, experienced staff. This is not surprising when all they can offer as housing is a low quality, uncooled transportable, shared accommodation – or even a swag in the bush experienced by one Art Centre Manager recently.

Aboriginal Benefit Account

On 22 September 2004, Senator Amanda Vanstone stated in a press release:

“In the Northern Territory, in consultation with the Aboriginal Benefit Account Advisory Committee, funds will be released from the NT Aboriginal Benefit Account for a comprehensive Indigenous art development strategy.”

Excerpt from Media Release VPS57i.04

Much of the infrastructure assessment work undertaken by Desart over the past two years has been in response to requests from the NT Government in this context. There has been no visible movement on this matter.

Quantifying the need

We offer the attached report as an indication of the categories and scale of the task. This situation has fallen into disrepair over a long period and it now requires decisive and properly targeted action.

Since the report was prepared there have been upward pressures on the cost of buildings and it is likely the \$ amount of this need will increase.

The report indicates \$7m. in capital works needs.

We anticipate similar needs in northern Australia and this would indicate the need for a national Art Centre capital works program in the order of \$20m.

Section D - Recommendations

Recommendation 3

Both the Commonwealth Government and the NT Government should strongly pursue the release of Aboriginal Benefit Account funds and make any such funds available for capital works in NT Art Centres.

Recommendation 4

There should be a dedicated long term funding program for the development of Art Centre capital works – including improvements to staff housing. This program should be administered by DCITA and be valued at least at \$20m.

Section E: Opportunities for strategies and mechanisms that the sector could adopt to improve its practices, capacity and sustainability, including to deal with unscrupulous or unethical conduct.

In this section we examine some of the elements of unscrupulous and unethical conduct at work in the sector. We then propose a number of strategies:

- A strategy to strengthen the Indigenous arts and craft sector as a whole. This is substantially about industry regulation.
- A strategy to strengthen Indigenous Art Centres

Understanding unscrupulous or unethical conduct

There are two main reasons for the spread of unscrupulous conduct in this sector.

- The role of Indigenous artists and the economic and social position in which they operate
- The ad hoc nature of the rise of the sector and its development without any formal regulation and the profits that can be made in some sections of the industry

Artists

It is understood that artists operating in the mainstream economy have an accepted system of doing business that Indigenous artists do not have. Mainstream artists are generally educated, literate and operate in a reasonably well define gallery system involving representation, career development and well established business practice.

Indigenous people, and particularly those in remote areas (the majority), often suffer legal disability that has to do with age, language, cultural orientation and poverty among others. This means they are genuine targets for actions by others involving unconscionable conduct and duress.

The majority of Indigenous artists in remote areas do not speak English as a first language and many do not speak English at all. For example, when Desart conducts regional meetings interpreters are often required to enable the most elementary business to be conducted. This means that when artists operate outside the Art Centre system there is widespread inability for artists to understand the fundamental nature of contracts and there is the potential for unconscionable dealing.

At the same time Indigenous people are often very poor. They often have sick families. They are commonly welfare recipients. Travel and food are far more expensive than for other Australians. This means that artists will often accept a quick cash payment under duress at a price well below reasonable market value.

Galleries, dealers and carpetbaggers

(See definitions of these terms on Page 7)

It is understood that there are many fine commercial galleries which have made an outstanding and positive contribution to Indigenous people and to this industry by developing and promoting artists' careers and serving a general public eager for information and access.

But the ad hoc nature of the way the industry has developed has given rise to a category of opportunistic dealers known as Carpetbaggers operating on the fringes of the industry in much the same way as shonky car dealers. In fact there are a number of operators that combine Indigenous art dealing with trade in low price motor vehicles. Paintings are often traded for motor vehicles of questionable quality and price as well as other “in kind” trading that includes drugs and alcohol.

Unethical practice fuels adverse speculation about the industry. It has these characteristics:

- Carpetbaggers poach artists. They target artists at reputable mainstream exhibitions and then approach the artists to accept cash and coax them to move from their community into a regional centre, such as Alice Springs.
- Carpetbaggers often operate sweatshops. Artists are congregated into painting sheds, for example, in the industrial areas of Alice Springs or into work spaces at private houses and motels.
- Often works are not properly authenticated or documented and released for sale to galleries in capital cities, regional centres or cheaply on EBay.

It is almost impossible to collect actionable evidence about such practices. Artists are generally unaware of their rights. They often have a reluctance to deal with police and there are few paper trails supporting transactions. Artists often find themselves in circumstances where they are culturally and personally shamed by their situation, and in the local culture ‘shame’ is a debilitating condition, and for these reasons they are reluctant to come forward.

We estimate there about 20 main dealers operating like this in Alice Springs.

Accommodation in a place like Alice Springs is often very difficult for Indigenous artists. Many find their way to a network of motels where they are required to produce paintings to pay for accommodation. In some small outstations or communities where there is no store artists often trade artworks for food and supplies and ‘book up’ is involved. Arrangements are such that these Indigenous artists are trapped in a cycle of debt so they remain captive to the system. Artists have approached Desart to complain of these arrangements.

Appendices three, four and five describe examples of such practices. In these we have deleted the names to protect the informants because there is a genuine fear of reprisals. Informants are suspicious that there are principals involved in organised crime that would threaten their families.

Anecdotal evidence suggests that the going rate of payment to artists by non-Indigenous commercial dealers is about 10% of retail.

For example early in 2005 a renowned Indigenous artist was commissioned by an Alice Springs gallery to produce two works for a reported initial cash payment in the order of \$3,000 - \$5,000. One of the works was sold at auction in Sydney some weeks later at a price of \$36,000. Another was hanging in the Alice Springs gallery with a price tag of \$40,000.

By contrast the accepted industry standard for non-Indigenous artists in a gallery relationship is 50% of retail. Art Centres operate on an average return to Indigenous artists of 60% of retail.

The effect of these unethical practices is to:

- Seriously exploit the artists who fall prey to these activities.
- Undermine the market position of reputable artists. The gallery price of works is undermined when carpetbagged work is flooded onto the market at undercut prices.
- Undermine the reputation of reputable artists. Often carpetbaggers provide lesser quality paints and canvas, and urge the artists to churn out works at speed rather than the artists produce lower quality works.
- Undermine the efforts of reputable commercial galleries. City galleries often have fair arrangements in place giving them exclusive representation of an artist through an Art Centre. This representation is undermined when work from other less reputable sources is released in competition through other dealers.
- Threaten investments made in good faith by purchasers.
- Undermine Indigenous communities by drawing their leaders, elders and commercial principals away from their communities.
- Undermine the work of community Art Centres who have nurtured artist careers and built their position in the market
- Undermine financial viability of Art Centres when their leading artists are lured away
- Draw senior artists into difficult accommodation circumstances where they are poorly treated, threatened and/or kept in debt

It is instructive that both the Australian Commercial Galleries Association and The Australian Indigenous Art Trade Association (Art Trade) have substantial clauses in their published Code of Ethics and Code of Business Practice that prohibit members from exhibiting works in conflict with the artist's existing representation as one of the most fundamental tenets of sound trading. It is unfortunate that membership of these associations is comparatively low and that many non-member galleries are either unaware of such codes or are unwilling to comply with their principles.

Other Behaviours

Desart has been alerted to allegations of some roting of the Cultural Gifts Program. Works by well known artists are sourced by collectors through Carpetbagger networks at rock bottom prices. The works are then valued more highly by independent valuation and donated to a public institution. The collector receives a tax deduction to the value of the independent valuation.

We submit that independent valuers and public institutions should be alerted to these practices and guidelines applying in the Cultural Gifts Program should be tightened.

Industry Regulation

The National Indigenous Art Commercial Code of Conduct

Desart has been one of the key catalysts in the development of a national Indigenous Commercial Code of Conduct ('the code') currently being developed through NAVA. It is expected the code will be released early in 2007.

The code will provide a fundamental description of good practice for all industry participants and will describe fair and ethical trade practices based on principles of justice, respect and reasonable care. The code addresses issues and players in the following categories:

- Community and Cultural Environment
- Artists, Art Centres, Agents and Dealers
- Exhibiting and Selling Artwork
- Copyright and Other Protection
- Protocols for the Indigenous Art Industry and Tourism, Buyers of Indigenous Art, Commissioners of Indigenous Art, Auction and Export

It is intended, in the first instance, that this will be a voluntary code. It needs to be promoted nationally as a descriptor of fair and ethical trading and it needs to be accepted as a national standard for conduct in the industry. But more than that, there needs to be concerted action to leverage compliance.

We support a recent statement by Marion Scrymgour, the NT Minister for the Arts, made on 11 September 2006. In reference to the code and industry regulation in general she said:

"If you are not prepared to take the road of self regulation to sustain the Aboriginal arts and crafts industry; the road to external regulation is on the cards. I go further than that. This is my line in the sand. I would be prepared—in conjunction with my state and federal counterparts—to name and shame under the protection of parliamentary privilege the carpetbaggers whose actions clearly threaten to destroy the industry."

We support 'naming and shaming' but submit that there first needs to be national action by both Government and non-Government agencies to leverage widespread buy-in to the code by industry participants across the nation.

Licensing Indigenous Art Dealers

We make the case that dealers in Indigenous art need to be licensed.

It is well understood that where there is a significant public interest at stake – and that means that the public's interest is at risk – then there ought to be regulation. We have a regulated car industry, regulated antique dealers, a regulated real estate industry and many other examples.

There is now a case to be made that because of the high volume of Indigenous art for sale, because of the high value of some sales, because of increased questioning in the market about integrity in the industry, and because of the poor circumstances in which

many Indigenous artists find themselves – there is a significant public interest to be protected in this industry.

The purpose of licensing is four fold:

- Improved conditions for artists
- Regulation of industry operators
- Widespread compliance with the Code of Conduct
- Increased confidence for consumers that the industry operates to defined standards.

We propose a simple “License to Operate” with similar mechanisms that apply to a Licensed Motor Vehicle Dealer. In order to obtain a license a person or organisation would need to comply with the new Code of Conduct.

This needs to be a national licensing system, established by the Federal Government, to cope with the cross border nature of the industry and the difficulties associated with achieving consistency with legislation at state level.

In such a system we need to recognise that there will always be operators on the margins and such a licensing system will not stamp out unethical behaviour completely. However, where dealers cannot comply with basic standards their operations will be pushed out of the mainstream economy and their business will be reduced in value and will likely attract the attention of regulators including the Australian Tax Office and the ACCC. This system will also support those mainstream operators who do act ethically.

Strengthening Art Centres

Desart submits there should be drivers in place that strengthen and promote Indigenous owned and operated enterprises.

This position can be seen to support a moral rights and communal property rights perspective about ownership of art and culture. But it also involves a business perspective. Remote Indigenous communities have a need to develop sustainable enterprise and generate income. Indeed they are increasingly expected to do so by Government, under new funding arrangements.

As stated previously Art Centres have developed a well defined way of doing good business with artists. There are strong practices in place involving artist consultation, documentation of art works, industry education, well accepted processes for determining rates of commission and artist payments. And the use of interpreters is widespread.

But Art Centres are under threat from a variety of market and other forces and their position needs to be strengthened.

Desart proposes the following strategies to strengthen Art Centres:

- Governance
- Indigenous arts worker training
- Recruitment and retention of professional staff
- Professional development for employed staff
- Adoption of minimum standards for Art Centres
- Support services for Art Centres from professional associations and State and Territory arts departments

Governance arrangements

Informed and effective governance is at the heart of strong and robust organisations. Attention needs to be paid to incorporation of organisations to establish their independence and to other mechanisms such as registration of business names.

Many Art Centres grow out of local government (small community councils) and social support organisations such as women's centres. In order for an Art Centre to develop it must, at the appropriate time, become separately incorporated, so it can protect its interests.

Governance training

There can be no doubt that some of the strongest performing Art Centres are also those that have engaged in major programs of Governance training. We point to examples at Warlayirti Artists, Balgo and Tjala Arts at Amata where long term engagement of stakeholders in a genuine commitment to lifting the involvement and the knowledge of Indigenous people about governance has been channelled into increased performance. It has also minimized the kind of dysfunction that often interrupts Art Centre activity from time to time in other places.

A program of Governance training should be extended nationally to all Indigenous owned organisations. At present this matter is addressed in piecemeal fashion and Art Centres are required to access funding for governance training through ORAC, the Australia Council and other business development project grants which are subject to the pressures of competitive funding rounds.

Indigenous Artworker training

At present there are very few Indigenous artworkers in the industry. In Central Australia there are only some 10 Indigenous people involved in genuine employment as artworkers. These people operate in support roles undertaking tasks such as canvas preparation, paint mixing and some low level administration.

Most Indigenous artworkers are employed under CDEP on low level wages and in temporary employment. Art Centres often do not have the cash flow required to cover additional wages for people in genuine paid positions. The difficulty is not generally the availability of training, but rather the availability of a real job when training courses have been completed. We estimate that an Art Centre would need to generate \$50,000 in sales to generate enough income through a 40% commission to provide a part time salary of \$20,000.

Art Centre Managers

The role of strong and competent Art Centre Managers can not be underestimated. They occupy a critical position at the interface between artist and the market. They are often required to work in challenging circumstances and have a wide range of responsibilities.

Art Centre Managers need to be supported in two main areas. They need the opportunity for relevant training and they also need genuine professional support on the job. There should be additional Indigenous streams in current Arts Management tertiary courses. For example Graduate Diploma in Arts Management (Indigenous Art) should be developed as a discrete qualification.

Minimum standards

Desart is moving towards establishing a set of ‘minimum standards’ that would apply to Desart membership. The purpose is to ensure that Art Centres apply the new Code of Conduct and strengthen the reputation and performance of Central Australian Art Centres. Standards will apply in areas of

- Governance
- Financial management
- Human resources
- Fair trading

Art Centre Minimum Operating Requirements

Desart submits that for Art Centres to be viable the following minimum requirements need to apply. We submit that Federal, State and Territory Governments should recognise these requirements in relation to their funding regimes.

Minimum infrastructure

1. Functioning governance (usually a committee, either separate from or complimentary with local community governing structure)
2. Documented Memorandum of Understanding defining relationships with local community.
3. Art Centre premises including:
 - Painting areas – likely to be separate spaces for men and women on cultural grounds (approx. 3m² per working artist)
 - Insulated work areas – canvas preparation, paint and other materials preparation, packing areas, tables, benches, shelves etc. including wet area, small kitchenette and bath room facilities
 - Air conditioned, insulated and secure office x 2 workstations.
 - 2 x IT packages (2 computers, printer, scanner) art management database software, office and accounting software, digital camera
 - Internet connection, telephone, website
 - Storage area – materials
 - Storage area – completed art works
 - Storage area –collection/exhibition stock
 - Overall building security for protection of staff and stock
 - Compliance with OH&S standards including disabled access.

4. Staff housing for two persons
5. One Vehicle

Minimum Staff:

- 1 x Art Centre Manager
- 1 x Art Centre Assistant

Section E – Recommendations

Recommendation 5

DCITA should re-examine guidelines for the cultural Gifts program with a view to tightening the guidelines so that works of questionable origin and provenance are examined more closely.

Recommendation 6

All Australian Governments should take formal action to endorse the Indigenous Art Commercial Code of Conduct following its release.

Recommendation 7

The Australia Council, DCITA and NAVA should consider ways to promote the Indigenous Art commercial Code of Conduct so that it becomes the national standard for conduct in the Indigenous art industry.

Recommendation 8

DCITA should establish a national licensing system to license dealers in Indigenous art.

Recommendation 9

A more effective program of Governance training should be extended nationally to all Indigenous owned organisations.

Recommendation 10

Universities should develop Arts Management courses and qualifications relating specifically to Indigenous art as a training ground for Art Centre Managers.

Recommendation 11

DCITA should adopt minimum operating requirements for Art Centres by including these as benchmark standards in revisions to the Indigenous Art Centre Strategy and Action Plan.

Section F: Opportunities for existing government support programs for Indigenous visual arts and crafts to be more effectively targeted to improve the sector's capacity and future sustainability.

We have made the case that Government needs to continue its support for this sector to ensure its continued sustainability. (Refer Section C)

Art Centre Funding Programs

Commonwealth Government funding for Art Centres comes predominantly through DCITA and The Australia Council.

DCITA

DCITA now manages NACIS and the recently renamed Indigenous Culture Support (ICS) program following the demise of ATSI/ATSIS. There have been some important developments in the past two years that have made these programs more effective. However, some intrinsic problems remain.

In recent years NACIS has injected around \$4m annually across Australia. We note earlier (reference) that in 2005/2006 only \$950,000 of went to Central Australian Art Centres. This amount has never been enough to meet demand in a growing industry. In the past two years the Government has recognised this and provided an additional \$1m annually over three years as well as Special Initiative funding of a further \$1m. annually to meet specific training, marketing and infrastructure development. But this funding has rarely found it way to new Art Centres because NACIS management has demonstrated a commitment to historical funding. DCITA needs to consider guidelines for NACIS that are more inclusive of emerging Art Centres.

We submit that this important program needs to be expanded to a base figure of around \$8m. annually to meet current need.

Indigenous Art Centres Strategy and Action Plan

This document ("The Strategy") was developed by DCITA as a guiding strategy for Art Centres. We recognise the importance of the document and support its strategies defined in the following areas:

- Stabilised funding
- Business management
- Employment and training
- Professional art practice
- Community capacity and maintenance of culture
- Data collection and research

Implementation of The Strategy has been problematic. For example initiatives in Business management remain largely unmet presumably because resources have not been allocated to delivery in this area. (Refer Business Development Programs – below). Funding for business plan development and other business development projects have not been met through The Strategy which is surprising considering a business plan is one of the basic requirements to qualify for NACIS funding.

At the same time The Strategy makes no reference to infrastructure development and we submit that in the current industry context this is a substantial omission.

We submit that The Strategy needs to be revised both in terms of the outcomes of this Inquiry and as the primary policy document for Art Centre development.

Business Development Programs

Art Centres regularly attempt to lift their business performance by developing quality business and marketing plans, engaging in governance training and by seeking business mentoring. They often attempt to do this by accessing DEWR's Indigenous Small Business Fund (ISBF) and related programs. There have been a number of examples where ISBF has been sceptical of applications because Art Centre business development has been viewed as the province of DCITA.

We submit that Art Centre business development should be ramped up as a DCITA program in the context of The Strategy.

The Australia Council

The Aboriginal and Torres Strait Islander Board (ATSIAB) of the Australia Council has been a valued supporter of this sector by providing project funds particularly for artist development.

In addition it has delivered funds through the Visual Arts and Craft Strategy (VACS) resulting from the Myer Inquiry of 2002. In the current triennium ending in 2007 VACS has helped to stimulate the sector by supporting artists training and underpinning key organisations such as Desart and ANKAAA. We argue that VACS needs to be continued for a further three years to consolidate important gains that will assist key organisations develop into genuine professional associations for Art Centres alongside commercial associations such as ACGA and Art Trade.

We submit that Art Centres represent a significant proportion of the sector and they would be well served by professional associations that would promote improved performance and greater regulation than currently exists where key organisations are acting primarily as advisory groups.

NT Indigenous Arts Development Strategy

The Northern Territory Government has been active in its support to the industry through its 2003 Indigenous arts strategy, *Building Strong Arts Business*. It has delivered crucial support to Desart and ANKAAA by directing VACS funds to those organisations. In addition it continues to provide generous support for the Desert Mob Show which has continued to develop as the major annual survey of Indigenous art in Central Australia.

Arts NT's Indigenous Arts Development Unit also has the potential to deliver industry leadership and promote key initiatives.

Section F – Recommendations

Recommendation 12

Commonwealth funds should be allocated to allow an annual release of at least \$8m. in the NACIS program.

Recommendation 13

DCITA should make relevant revisions to the *Indigenous Art Centre Support Strategy and Action Plan*. Revisions should be made with reference to:

- The outcomes of this Inquiry
- The Indigenous Art Commercial Code of Conduct.
- Art Centre development needs

This action should see this document established as the primary policy for Art Centre development. It should be consistent with DCITA funding programs as the primary delivery platforms for Art Centre recurrent and development funding.

Recommendation 14

DCITA needs to consider guidelines for NACIS that are more inclusive of emerging Art Centres.

Recommendation 15

Encouragement should be given through DCITA, The Australia Council and State Government arts departments so that peak representative bodies may become more firmly established as professional associations representing the interests and aspirations of Indigenous artists and Art Centres operating in the not-for-profit sector.

Section G: Future opportunities for further growth of Australia's Indigenous visual arts and craft sector, including through further developing international markets.

In this section we consider the development of new business and exports.

New Business

Traditional this sector has conducted business in paintings and other art works predominantly through well established gallery relationships. While this will remain an important focus there is a more diverse range of products gaining acceptance. These require new business arrangements that may involve joint ventures, trusts, private investment and better opportunities for philanthropy. These kinds of business elements are not well understood in the industry and will require access to sound advice involving the development of new relationships with the business sector.

In this context Desart will move to establish a formal Advisory Board in 2007 with appointments sourced from arts, law, marketing and philanthropy backgrounds.

Export

Desart has been engaged in a number of export related projects particularly over the past two years. They are:

- Hosting inbound trade missions in partnership with Austrade, The NT Government and ANKAAA
- Conducting an Austrade research project with ANKAAA identifying export pathways for Indigenous art.
- Hosting a research project with the University of Sydney International Entrepreneurship business course to consider pathways and opportunities for new products.

Export of Indigenous art and the development of international markets have been growing slowly. We understand there is keen international interest in Aboriginal culture generally, in particular parts of the world, and especially in western Europe. And there is a more focussed interest in Indigenous art in a number of hot spots.

The market appears to develop through the work of particular galleries and collectors rather than development of broad market appeal. We note that:

- Interest in the US and Europe has been lead significantly by individual collectors such as the Kluge – Ruhe Collection and Thomas Vroom among others.
- There appears to be significant further opportunity in Europe and the USA.
- Some burgeoning markets in Bahrain and Singapore rely heavily on particular galleries supplying a market largely made up of expatriates.
- There is a developing opportunity in China focussed on the Shanghai Art Fair which is still largely unexploited.

The current export market is focussed almost entirely on fine art. Given that the supply of fine art cannot meet current market demand the likely effect of new exports will be to drive up prices in the short to medium term.

We contend that there is a largely untapped supply of lower value Indigenous products that has the potential to develop in the international market. Prints, fabrics, glassware, ceramics, wood sculpture and a range of licensed products all have some potential to appeal to markets in the interior design and home wares sectors. In this area we think there needs to be more focus in developing opportunities because there is potential to derive benefits for a wider group of artists.

Development of export markets is inextricably linked to the promotion and dissemination of Indigenous culture. Where there is understanding about culture then there is genuine interest in related art products.

Bringing potential purchasers to Australia with inbound trade missions has been successful. The 2006 mission produced direct sales in excess of \$100,000 and set up as many as 7 overseas exhibitions planned for 2007. This return relates to Central Australia only and does not consider similar opportunities developed from northern Australia.

We also need to consider the very positive contribution made by some Australian missions and embassies overseas. Some embassies have been very active in promoting Indigenous art and have demonstrated that they can be an important catalyst for arts exports.

We submit that there would be great benefit for the industry from a concerted program of activities sponsored by the Department of Foreign Affairs and Trade through overseas trade missions and embassies.

Section G - Recommendations

Recommendation 16

Austrade and The NT Government should continue to support a program of inbound trade missions to develop specific and planned development of foreign markets in Indigenous art.

Recommendation 17

Department of Foreign Affairs and Trade should conduct a well orchestrated and targeted campaign to promote Indigenous art through overseas trade missions and embassies.

Appendices

Appendix One – list of Current Desart Members

Desart Membership at November 2006

FULL MEMBERS

Ali Curung Women's Centre
 Alpururulam Arts
 Hermannsburg Potters
 Ikuntji Artists
 Imanpa Arts
 Irrkerlantye Arts
 Irrunytju Arts
 Iwantja Arts and Crafts
 Julalikari Arts
 Kayili Artists
 Keringke Arts
 Maruku Arts
 Mimili Maku Arts
 Ngurratjuta Iltja Ntjarra Art Centre
 Ninuku Artists
 Nyinkka Nyunyu Cultural Centre
 Papulankutja Artists
 Papunya Tjupi
 Papunya Tula Artists
 Spinifex Art Project
 Tangentyere Artists
 Tjala Arts (Amata)
 Tjanpi Aboriginal Baskets
 Tjarlirli Arts (Tjukurla)
 Tjungu Palya (Nyapari)
 Walkatjara Art Uluru
 Warakurna Artists
 Waralungku Arts
 Warlayirti Artists
 Warlukurlangu Artists
 Watiyawanu Artists of Amunturrng
 Yaruman Art & Culture Centre

ASSOCIATE MEMBERS

Ernabella Arts
 Greenbush Art Group
 Kaltjiti Arts & Crafts
 Mimili Maku Arts
 Ntaria Arts Centre
 Titjikala Art Centre
 Tjuwanpa Resource Centre
 Warburton Arts Project
 Yarrenytye Arltere (Larapinta Valley)

INDIVIDUAL MEMBERS

(working with Mwerre Anthure Artists)
 Billy Benn
 Adrian Robinson
 Seth Namatjira
 Billy Kenda
 Lindsay James
 Connie Brown
 Aileen Oliver
 Amy Scobie
 Nannette Campbell
 Kukula McDonalds
 (Working independently)
 Deborah Dodd

Appendix Two – List of Desart Executive Members and comments offered by the Desart Executive

Executive Member	Roles and Representation
Mr. Ivan Shepherd	Chairperson. Member artist at Warakurna Artists representing the Ngaanyatjarra Region
Daisy Jugadai	Deputy Chairperson, Member artist at Ikuntji Artists representing the North West Region
Patricia Ellis	Treasurer, Member artist at Keringke Arts, representing the Central Desert United Region
Mr. Nyakul Dawson	Member artist at Irrunytju Arts, representing the Ngaanyatjarra Region
Jimmy Frank	Member artist at Nyinkka Nyunyu Culture Centre, representing the Barkly Region
Valerie Martin	Member artist at Ngurratjuta Iltja Ntjarra Art Centre, representing the Central Desert United Region
Molly Miller	Member artists at Ninuku Artists, representing the PY South Region
Maureen O'Keefe	Member artists at Ali Curung, representing the Barkly Region
Sadie Singer	Member artist at Iwantja Arts & Crafts, representing the PY South Region
Kathleen Whisky	Member artists at Watiyawanu Artists, Amunturrng, representing the North West region.

Executive Comments

The Executive made the following comments at a meeting on October 13, 2006

Making money from art

Making money is important for shopping, food, tucker, buying more canvas and more paint and fixing vehicles.

Roads are rough and we have to travel a long way.

Sometimes our kids are sitting down hungry.

MR Dawson said; "Getting money from art is better than getting money from the pension."

Community and art

Artists are developing skills for business and telling young kids about this so they understand this as well.

Problems like sniffing petrol and drinking happen when there's nothing to do.

There are no other jobs on our communities.

Culture and art

Some communities are losing their culture and we want to keep our culture strong.

WE WORRY FOR CULTURE - if we lose all that what are we going to do?

We need to keep painting in our communities so we can have money to keep doing ceremony to keep culture strong. When painting 'story', this is also good for educating kids about culture and helping to keep it strong.

Its good for future, everybody painting together.

The Future

We need younger people to take on roles and learn about business and people doing training and workshops.

We need proper buildings.

Artists need more understanding of their own business - where their paintings go to be sold.

We also want to know stories about people not doing the right thing in Aboriginal art...

'Backyard dealers' are profiting 'big money'

In Tennant Creek someone buys canvas and gives to artists; they/she paints it up, he buys it, then she might get \$200-\$300 but it might be sold for \$1000. There's a lot of work involved in painting.

Tourists might act badly if they go into communities. Then maybe sell to galleries for big money. This is why permits need to stay.

There are only a few outlets or no places in town or opportunities to sell.

We are looking overseas to sell more art.

Appendix Three – Deposition

This is an unsolicited deposition submitted by ----, a former employee of a motel in Alice Springs. The deposition was taken as a record of conversation on 16/8/2006.

---- was directed to Desart by the office of the NT Ombudsman

Many artists are being abused at the XXXX motel. This is the place just over the railway line on the west side of town.
Health and hygiene is very low
Police have been called many times
Residents have complained
Artists fall into the debt trap where they incur debt for accommodation and receive minimal payments for paintings in lieu of payment for accommodation.

Artists involved:

(The names of 11 artists have been deleted)

These are the main artists but many more come from Kintore, Mt. Liebig and Papunya.

These people do paintings and are on the dole. There are no receipts for paintings.

Residents are required to pay \$500/week for accommodation.

B_____ is an artist – M_____ and his other daughter do the paintings.

B_____ is very old and can't do his own paintings. He is on dialysis 3 days per week and he can't keep up with the rent.

XXXX is the owner of the XXXX motel. XXXX is the manager.

XXXX motel is a hell hole at night. Family members bring in grog
There have been 5 evacuations because of fire in 11 months. There is violence and humbug from family members against artists. There have been a number of bashing. One woman was punched in the mouth and another kicked in the head.

Artists are suffering. They sell a bit of art to survive from day to day and they can't get out because they are kept in debt. XXXX motel catches them when they are vulnerable – when they are in town with no money.

M_____ 's brother, R_____, died from alcohol abuse at XXXX motel and they just let it happen.

A lady artist from Papunya was in a room for two days at XXXX motel. She did a large painting 3m.x3m. and got paid \$200.

XXXX deals in the paintings from XXXX motel and boasts about making a lot of money.

XXXX (Manager) buys art supplies from Leaping Lizard Art Supplies Canvas is stretched on a wooden stretcher. When they are finished they are rolled up and put in post containers (tubes). I have seen about 60 or 70 in storage. XXXX takes a photo of the painting and puts them on Ebay. This involves a breach of copyright

Issues of safety. There are too many people in one room. Often a 2BR room has 5 people staying. XXXX (Manager) says it's ok for people to be overcrowded. There is lots of alcohol abuse.

On Saturday of the Finke Desert Race 2006 the Police Tactical Response Unit was called to a disturbance involving knives and nulla nullas. Bricks were thrown through windows and lots of women were bashed.

There are often a lot of young girls bouncing from one room to the next. There are no kids going to school.

Staff at XXXX motel are told not to say anything.

This employee would often call the security company (Talis Security). He was told to stop calling security because the call outs were exceeding the security budget of \$40/week.

No food is provided at XXXX motel. Residents have to find their own food and usually get take away pizzas. People on dialysis suffer badly in this situation. Quality of life and treatment is very poor.

Police were usually called every day and they regard it as a hot spot.

The worst thing that happened was the death of R____, the brother of M____ and husband of D____. Management was told about the problem. Staff were told it was the blackfella way and to leave it alone.

Residents are presented a bill for accommodation and are required to pay for all of the unauthorized people/ family members that stay there.

There is a network of motels used by artists in Alice Springs. They include YYYY motel and the ZZZZ Motel. When artists owe too much back rent at XXXX motel they move out into one of the other motels. XXXX and XXXX (The manager) go and find them and keep getting paintings from them.

Appendix Four – Deposition

This is an unsolicited deposition provided by _____ a former employee of a Motel in Alice Springs on 24/11/2006.

_____ was directed to Desart by the office of the NT Ombudsman

I am a person of Aboriginal descent.

I have worked at the Motel at the bottom end of Gap Road. I worked there a number of times. My last employment there lasted two to three months.

I stopped working there because I was stressed out about the racial and unethical things going on.

There is segregation between whites and blacks. They have a certain area for blacks and they don't let one side of the motel out to Aboriginals. Sometimes Aboriginal people or the people they work with on communities book in by phone and the managers don't know they are Aboriginal and they get a room on the white side. This makes the managers very cranky.

There have been lots of staff complaints about art and equal opportunity because there is Third World abuse going on.

A lot of artists stay at the motel and they are abused physically and mentally. Artists have to work night and day

They have to do paintings to pay for their rent. This is a Catch 22. They have to paint to pay rent. They can't get out of debt and are chained to the motel.

L_____ comes in every couple of days and collects art for about \$50. There are top name artists and they get \$50 for big paintings.

The people running the motel have hundreds of paintings and they paid \$40 each for them.

Artists pay a nightly rate for their room.

The managers force several people into one room to save on cleaning and because they all pay individually for the room. Usually three ladies stay in one room. The managers use one person to pay the rent and this appears in the books. The others also pay for the room but it goes into the pocket and is used to buy art supplies.

M_____ goes down and gets lots of canvas from Leaping Lizard (Art materials supplier)

(Name deleted) is one of the famous artists there and she has an old lady artist with her who is dying of cancer. They are forced into one room with another woman.

The conditions are disgusting. The motel puts black plastic on the floor to save the carpets and people live on black plastic. The rooms get cleaned once or twice a week

In about 17 days the motel will be handed over to new Owners and they are trying to keep the carpets clean.

The staff is not happy and someone got sacked because they got angry about this.

M_____ and B_____ are the managers of the motel.

Three women stay in one room and sometimes their extended family comes to stay with them. Some are looking after children and grandchildren. This means there are often 5 to 10 people staying in one room. Once we saw about 20 people in one room. When the managers find them there they make the artists pay extra rent for each individual.

The owner of the Motel also owns a motel in Adelaide. (Name deleted) and the old woman have been moved down there. (Name deleted) has been taken down to do a painting for a car company.

M_____ and B_____ have a large book showing different art works. They show this to the artists and ask them to paint the same as the paintings in the book. They have to reproduce art works they are shown in the book.

M_____ and B_____ have been collecting art for years I suspect they have over \$1m. worth of art in their possession. They sell art on EBAY.

M_____ and B_____ earn \$6 per hour as managers. Their boss is the owner who also owns the _____ motel in Adelaide. (Name deleted) is another famous artist who has been taken to Adelaide with (name deleted) and the old woman. They are poor. They have got nothing and they are sick.

These famous artists are known to sell works in the top bracket of prices.

P_____ owns _____ Motors in Alice Springs. He has artists staying at the Motel. He picks them up every morning and he takes them to his car yard. They are chained in with a padlock and their family are locked out. They are locked away to paint away from their families. There is a cook at _____ Motors. They don't run much on motor cars but on the slavery of black artists caught up in the system. He is well known for selling cars at royalty times when artists get some money. The cars don't even make it out bush because they break down.

My relative works as an interpreter and is aware of lots of other backyard slave labour art operators.

This is all about segregation, health issues and human rights abuse.

Appendix Five – Incident Report

Incident involving Amata artists at the Larapinta Lodge Motel – August 2005

On or about 12 August 2005 I was informed by the Art Centre Manager at Tjala Arts (Sara Twigg Patterson) of a matter concerning artists from Amata.

It was reported to me that:

A bus driver operating a bus based in Alice Springs travelled to Amata (some 450 km. from Alice Springs) to invite a number of female artists to get onto his bus in Amata and travel to Alice Springs for a shopping trip. One of them was a well known, highly reputable artist. These ladies were told their accommodation would be paid for.

On arrival in Alice Springs they were taken to the Larapinta Lodge motel. They had no money.

After a number of days the motel management asked them to pay their bill which they were unable to pay.

The ladies were presented with painting materials and told they could pay off their debt by doing some paintings.

Following receipt of this information I visited the ladies at the motel. They were obviously under some stress and were very embarrassed and shamed.

I met with the motel manager who I understand to be Karl Zustra. He told me that a man from Perentie Motors had made arrangements for art materials and payments for the paintings.

He advised me that the outstanding accommodation bill amounted to \$700.

I made arrangements with the Art Centre at Amata to pay this amount on behalf of the artists and arranged for their transport back to their community.

John Oster
Executive Officer