

**Senate Environment Communications Information Technology
and the Arts Committee**
Inquiry into Australia’s Indigenous visual arts and crafts sector
Northern Territory Government submission

1 INTRODUCTION

- 1.1 For a variety of historical and structural reasons, the Aboriginal visual arts and crafts industry in the Northern Territory is the strongest and most highly developed in the nation, and has been so for half a century.
- 1.2 The Northern Territory Government is immensely proud of the Aboriginal visual arts and crafts industry, and the achievements of the artists that have contributed to one of the Territory’s most important industries. It is an industry that enriches the cultural life of the Northern Territory, and indeed the nation. It has done much to promote Australia internationally.
- 1.3 The Northern Territory Government is strongly committed to support to the industry. Such support, however, is not limited to financial support. It extends to activities across the work of all government agencies in both their support to, and treatment of, the Aboriginal visual arts and crafts industry. A vital component of this latter approach is a commitment to treating the work of all artists ethically and equitably in all its dealings.
- 1.4 In this submission, the Northern Territory Government necessarily and largely limits itself to consideration of Territory issues, though with respect to the work of Desart and ANKAAA this includes “tri-state” matters. Obviously, consideration of issues surrounding ethical behaviour in the marketplace and legislative changes will also have broader implications. This submission also largely limits itself to consideration of the position of Aboriginal visual artists and craftspeople who work through Aboriginal-owned and controlled art centres, rather than those working independently of the centres¹.
- 1.5 Uniquely within the arts world, and from its inception, Aboriginal visual arts and crafts in the Northern Territory have been perceived as having both economic *and* community development attributes. Ethnographic and, far more recently, fine art, factors have certainly played a part but

¹ There is no real data on Aboriginal artists working independently from art centres in the Northern Territory, and can be assumed to form a very small part of the industry. Some from bush communities operate under the aegis of art centres while out bush, and then independently during periods spent in towns. Independent artists, mostly town-based, are able to—and do—access mainstream Australia Council and Arts NT funding streams and programs.

have by no means been central to the story of an industry that is now measured in production valued at tens of millions of dollars a year.

- 1.6 Initially through missionary organisations such as the Church Missionary Society (CMS) at Oenpelli (now Gunbalanya) and Groote Eylandt; Methodists at Yirrkala and Milingimbi; and Catholics on the Tiwi islands, and later within government-established communities, the production of art and craft was seen as an important vehicle for establishing economic self reliance and a work ethic, particularly on remote communities. Significantly, of the myriad activities established and promoted on these communities designed to engender employment and economic self reliance such as horticulture, pastoralism, fishing, forestry, only Aboriginal visual arts and crafts has survived the long haul as viable economic enterprises.
- 1.7 Assimilationist and welfarist initiatives in economic and community development have risen and fallen, and have been highly dependent on external support and assistance. Uniquely, investment in the Aboriginal arts and crafts industry has proved far more resilient and successful. There is nothing curious or surprising in this. As an industry, Aboriginal visual arts and craft has always primarily depended on its existence on Aboriginal tradition and knowledge and not external inspiration or guidance. From its beginnings the industry has reflected local and regional cultural knowledge, and has resisted becoming homogenised. Its capacity for development and transformation in materials, techniques and styles has reflected the dynamics of continuity as well as change across a diverse range of cultural backgrounds.
- 1.8 Support to the industry, and its growth, has often been ad hoc and at varying levels at different stages over the years. Significantly it has been the Commonwealth, especially after the establishment of the Aboriginal Arts Board of the Australia Council in 1973, that has provided the most consistent support. As well as directly funding remote-area Aboriginal arts and crafts organisations, it also established Aboriginal Arts and Crafts Pty Ltd as the first attempt at building a nationally organised market, and the Aboriginal Artists Agency as the first body to deal, *inter alia*, with copyright issues. Arts Board support began to be augmented from about 1980 by the then Department of Aboriginal Affairs (DAA), and later ATSIC, along with sporadic support from other agencies. The federally-funded Australian Institute for Aboriginal and Torres Strait Islander Studies has also been a significant resource to the industry.
- 1.9 Most importantly, Federal support to the Aboriginal visual arts and crafts industry led to the development and expansion of an industry that is, certainly at the level of art centres on Aboriginal towns and communities, Aboriginal-controlled and owned.

- 1.10 Since self-government, the Northern Territory Government has provided some assistance to the Aboriginal visual arts and crafts sector, though until very recently this support has been desultory and haphazard. The Museum and Art Gallery of the Northern Territory, has made significant purchases; carried out limited research and curatorial initiatives; and hosted the successful Telstra National Aboriginal and Torres Strait Islander Art Award. The Araluen Centre has built a significant collection of Aboriginal visual art and craft, and has hosted the Desert Mob annual exhibition since 1990. Only these organisations can be said to have been government-funded mainstays of the industry.
- 1.11 However, more recently, the Northern Territory Government has been more active in its support to the industry, particularly with the establishment in 2003 of Australia's first comprehensive Indigenous arts strategy, *Building Strong Arts Business*, shortly to move towards the second part of a six year program. The new policy acknowledged and promoted Aboriginal visual arts and crafts as having *economic* as well as *community* development strands. For the first time—and it was no accident the policy was launched by the Chief Minister in an Aboriginal language as well as English²—the new policy also recognised the primacy of *cultural development*.
- 1.12 A central thread of the history of the Indigenous visual arts and craft industry is the story of the Aboriginal arts and crafts centres themselves. When a comprehensive narrative of Aboriginal economic enterprise in the Northern Territory is written, these centres will be seen as the earliest and most successful exponents of economic independence. A similarly thorough treatise on Aboriginal cultural history will afford them similar status as custodians of tradition and ongoing cultural development. It has not been an easy history: much of it has been, and continues to be, a hand-to-mouth existence highly dependent on the energies and commitment of the artists and the people they have employed.
- 1.13 Since at least 1979, and the first meeting in the Top End of Aboriginal arts and crafts advisers, the art centres have sought to represent the Aboriginal visual arts and crafts practitioners in their interface with the marketplace as well as government. It is perhaps not surprising that the 1979 meeting, and those subsequent, discussed issues such as funding; infrastructure; marketing; data collection; the role of the industry in economic and community development; and intellectual property issues: much the same sort of issues that are the focus of the current Inquiry. The establishment of Association of Northern and Central Australian Aboriginal Artists (ANCAAA), later transformed to Association of Northern, Kimberly and Arnhem Aboriginal Artists (ANKAAA) and the

² *Building Strong Arts Business*, Chief Minister Clare Martin, Garma Festival, August 2003

Association of Central Australian Aboriginal Art and Craft Centres (Desart), has been an important milestone in the development of the industry. As well as sponsoring early and significant victories in the development of copyright law in relation to Aboriginal art, these organisations have also developed as major contributors to a rapidly expanding industry. In a sense, these organisations are the logical successors to the beginnings and principles of Aboriginal-controlled organisations first promoted by individual Territory art centres and the Aboriginal Arts Board.

- 1.14 It is no accident that ANKAAA and Desart go beyond “whitefella” borders, operating in three states and territories, and influencing activity in others. The Northern Territory Government recognises these organisations as peak industry bodies, and is the only jurisdiction to give such a broad recognition to the Aboriginal-controlled sector. The Northern Territory Government sees ANKAAA and Desart as primary sources of advice to government on the Aboriginal visual arts and crafts industry. Indeed, the holding of the current Senate Inquiry into the Indigenous visual arts and craft sector is in no small part due to the work of ANKAAA and Desart and their successful representations made to the current Federal Minister for the Arts. This is not the first national investigation or inquiry into the sector nor will it be the last³, however it has the potential to be the most important.
- 1.15 It is the view of the Northern Territory Government that support to the Aboriginal visual arts and crafts industry is a vital element in the advancement of Aboriginal Territorians, and for this reason the Northern Territory Government welcomes and strongly supports the work of the current Senate Inquiry.
- 1.16 The Northern Territory Government believes a key to understanding the Aboriginal arts industry, and the reason why governments should support it, is that it is an important investment in our people, and in our community. As it has from its beginnings, the industry embraces *economic* as well as *community* and *cultural* development.
- 1.17 The notion that support to the industry is a “subsidy” and not an investment is erroneous. This is no better summed up than by the actions of Aboriginal artists themselves, and the Aboriginal art centres they support. These artists, over many years, have *re-invested* many millions of dollars from profits of their sales into these centres, indeed many more millions than have been received as so-called “subsidies”.

³ Interestingly, this year is the 25th anniversary of the first comprehensive investigation of the Aboriginal visual arts and crafts industry, the Pascoe Report, sponsored through the Australia Council; and the 20th anniversary of the first parliamentary inquiry that considered the Indigenous visual arts sector—the Homeland Inquiry.

The artists have invested in their future, not subsidised it, and we should all learn from this.

2 CONSIDERATION OF THE TERMS OF REFERENCE OF THE SENATE INQUIRY

2.1 The current size and scale of Australia's Indigenous visual arts and crafts sector

2.1.1 There has been a strongly perceived need for accurate and timely data for the Aboriginal arts industry for much of the past 30 years: indeed collection of data in the sector in the Northern Territory preceded that for the overall arts sector in Australia. Accurate data has been seen to be necessary in the past in order to justify government investment in the industry particularly as the sector has historically been such an important, and enduring, part of the Aboriginal economy in remote areas.

2.1.2 Since 1981 there have been a number of attempts, using various methodologies, to describe the size and scale of the Aboriginal visual arts and crafts sector. Most have focused on the Northern Territory, largely using data from Aboriginal art centres. Enumerating the number of artists working independently of the art centres has largely been guesswork, particularly in major towns such as Alice Springs and Darwin. National figures have often been extrapolated from the Northern Territory.

2.1.3 The Northern Territory Government believes an important outcome of the current Inquiry would be to develop an accurate picture of the current size and scope of the sector, with recommendations for more consistent, ongoing data collection into the future.

2.1.4 With respect to the Northern Territory, the consensus appears to be that there are around 5,000 practising Aboriginal visual artists and craftspeople in the Territory, in a range from 4,000-6,000. This is an increase on estimates of about 2,500 in the 1980s which implies participation industry has matched population growth. The current figures indicate that between 6-11 per cent of Aboriginal Territorians currently participate as visual artists and craftspeople. In any case, the number of Aboriginal visual artists and craftspeople in the Northern Territory constitutes a very high percentage of all Australian practitioners.

2.1.5 The growth in number of artists over the last 25 years may not be entirely connected to population growth: the number of art

centres has also grown over that period, particularly in central Australia. Desert and ANKAAA currently represent 51 art centres in the Northern Territory. However, there is strong evidence that there is still unmet demand for art centres with the result, at least, that a number of Aboriginal artists are not counted, or have yet to become participants in the industry. An audit of employment opportunities in 51 remote Indigenous communities in the NT, commissioned by the Department of Employment and Workplace Relations and completed in 2006, found 23 of these communities had an arts centre. The audit identified a strong upsurge of interest in the area of art and craft⁴ and a number of communities identified this as an area of interest and expressed a desire to get art centres established.

2.1.6 There is a widespread, and no doubt accurate, assumption, based on art centre data, that the great majority of Aboriginal artists in the Territory live and work in remote towns and communities. Given that some 72 per cent of Aboriginal Territorians live on towns and communities in these remote areas of the Territory, largely on Aboriginal-owned land, the high participation rates noted in 2.1.4 are likely to be higher out bush than in towns.

2.1.7 This has significant policy implications for the future of remote communities, and indeed the state of the Aboriginal arts industry. Recent suggestions that such communities be “done away with” may have the consequence of destroying the vitality, if not the validity, of artistic production in the Northern Territory and beyond. To the contrary, Northern Territory Minister for the Arts, Marion Scrymgour, has pointed to the outstations as the bulwark of artistic production, and hence the industry. Describing the relationship between caring for country on outstations, and creative production, she has said “it has created what I like to call a ‘virtuous circle’ (where) people ... care for country; the country which in turn is at the heart of their creativity”⁵.

2.1.8 The scale of Australia's Indigenous visual arts and craft sector in the Northern Territory can be illustrated through the range of

⁴ Local Government Association of the Northern Territory, *Audit of Employment Opportunities in Remote Communities in the Northern Territory, August 2006*, Darwin: DEWR, 2006, 29.

⁵ Desert Mob Symposium 2006: drawing a line in the sand, Marion Scrymgour, Minister for the Arts, Araluen Centre for Arts and Entertainment, Alice Springs, 11 September 2006. See also, Cosic, M, “Managing the land that inspires”, *The Australian*, 28 August 2006

collections and exhibitions, both commercial and non-commercial that it supports.

- 2.1.9 The annual Telstra National Aboriginal and Torres Strait Islander Art Award is the premier national event on the Indigenous visual arts calendar, and aims to raise awareness and appreciation of contemporary Indigenous artistic practice in Australia. The Award was initiated in 1984 by the Museum and Art Gallery of the Northern Territory and provides \$56,000 in prize money (which is the highest amount offered in Australia for any Indigenous art award). The Award attracts more than 400 entries from throughout Australia each year; of which approximately 120 works are short listed for judging and exhibition. For a decade, key works from the Telstra Awards have toured city and regional galleries around the nation.
- 2.1.10 The Telstra Award has become a major contributor to tourism, in particular Indigenous tourism. In conjunction with the Telstra Award, there now exists a “festival” of Indigenous art in Darwin. In 2006, this “festival” saw a total of 18 exhibitions held in private galleries and other spaces throughout Darwin featuring the work of individual artists, and selling collections from individual community art centres. A bus shuttle, operated by Larrakia people, serviced the myriad of openings during this period. A number of visitors to Darwin for the Telstra Award also arrange buying trips to community art centres in the Top End.
- 2.1.11 There are significant collections of Aboriginal art in the Museum and Art Gallery of the Northern Territory [MAGNT], the Araluen Galleries and the Strehlow Research Centre. The former two organisations have received a large number of touring programs of Aboriginal art, as well as curating exhibitions that have toured elsewhere. Both have contributed loan works for major national and international exhibitions. Since the beginning of this year, MAGNT has had an Indigenous senior curator and the Araluen Galleries an Indigenous trainee curator.
- 2.1.12 The Araluen Centre for Arts and Entertainment has a strong visual arts program that contributes to Indigenous visual arts and crafts development in the Central Desert region and has a commitment to offering cadetship opportunities to Indigenous visual arts curators. The Araluen programming policy provides for individual Aboriginal artists or Aboriginal art centres to be showcased through specific exhibitions, underpinned by a

policy that Aboriginal artworks are always on display at the Araluen Centre within its exhibition program.

2.1.13 The Araluen Centre also presents the Desert Mob selling exhibition, an annual Indigenous arts event showcasing works from Aboriginal art centres in Central Australia since 1990. The exhibition now includes visual art and craft from more than 30 Aboriginal art centres, with strong increases in the number of works sold in recent years. The annual Desert Mob marketplace allows art centres to present the works of emerging artists and also caters for other than the top end of the market.

2.1.14 Araluen also houses the archival and/or reference collections of many Aboriginal art centres for safekeeping, display and interpretation, under formal loan arrangements. There are few art centres with the facilities and resources to maintain their own collections.

2.1.15 The Charles Darwin University (CDU) maintains very strong links with Aboriginal artists from throughout northern and central Australia through the operation, since 1993, of its University Print Workshop. The Print Workshop has produced the nation's largest output of Indigenous printmaking, marketing work through individual artists, art centres and its marketing arm, Northern Editions. The CDU also holds the Territory's third largest collection of Aboriginal art, which constitutes around two thirds of its overall collection, and 90 per cent of its print collection.

2.1.16 The Supreme Court of the Northern Territory has a large and significant collection of art, much of which is Indigenous. Unique to any jurisdiction in the nation, it has a focus on ways in which Aboriginal art expresses elements of customary law. Included in the collection is the Dhakiyarr memorial, which commemorates a land mark case in the clash between Aboriginal and non-Aboriginal law. It also houses an exhibit that displays one of the carpets at the root of one of Australia's most significant copyright cases involving Aboriginal art.

2.1.17 A small number of Aboriginal art centres have also established museum collections of art and material culture, as well as historical records and other archival material from their regions.

2.2 The economic, social and cultural benefits of the sector

2.2.1 The economic benefits of the Aboriginal visual arts and crafts industry have been notoriously difficult to quantify, especially

when moving up the distribution chain from initial producer to markets interstate and internationally.

- 2.2.2 The matter is further complicated when endeavouring to take into account the production and sale of manufactured items from the low-end tourist market to high-end designer goods.
- 2.2.3 An additional problem arises when attempting to calculate induced effects, such as that on the tourist industry, within the Northern Territory as well as internationally. These effects might include direct sales from Indigenous-owned tourist operations, including galleries, through to survey-based “perceptions” of the desire and actuality of “the Indigenous experience”.
- 2.2.4 The final bedevilment is in the dark areas of the production of items that are introduced into the marketplace as a result of unethical practices; outright fakery and forgery; or mere commercial deceit. Is the sale of 1,000 didgeridoos produced by backpackers in Darwin using breach of copyright, or fake Aboriginal imagery a good thing, because it satisfies 1,000 happy tourists who genuinely desire “an Aboriginal experience”? Clearly not, but it is inevitable that such sales may well end up appearing in calculations of the “economic benefits” of the Aboriginal visual arts and crafts industry. Similarly, the undoubtedly sizeable quantity of “carpet bagged” work is just as likely to form part of a hidden segment of the Aboriginal visual arts and crafts industry. It is certainly a new interpretation of the term “the black economy”.
- 2.2.5 There have been many attempts, using widely differing methodologies and data sources, to calculate the size of the market. In his *Issues Paper* prepared for the Northern Territory Government in 2002, Jon Altman cites studies ranging from \$100-300 million as the value, nationally, for the Aboriginal visual arts and crafts industry⁶. There has been a more recent estimate of \$400 million⁷. Whatever the accurate figure, a substantial portion of the total is likely to have ultimately derived from art produced in the Territory.
- 2.2.6 This confusion also remains within attempts to analyse the economic benefits of the industry at a Territory level with a mass of different statistics on sales figures ranging from

⁶ Altman, J, *Developing an Indigenous Arts Strategy for the Northern Territory: Issues Paper for Consultations with Practitioner, Organisational and Bureaucratic Stakeholders*, April-May 2003.

⁷ *National Indigenous Art Commercial Code of Conduct*, Discussion Paper, 2006

\$6.9m - \$12 million in direct sales from NT art centres to a gross sales figure of \$50 million⁸. Desart has claimed recently that the art centres and related retailing of Aboriginal visual art and craft in central Australia equals or exceeds the value of the local pastoral industry.

- 2.2.7 One thing that is clear is that the economic benefits that arise from the Aboriginal visual arts and crafts industry are by no means limited to Aboriginal Territorians. Indeed the Aboriginal “share” is arguably commensurately low when compared to the amount of effort expended. Non-Aboriginal people across the visual arts and crafts industry, along with other related business sectors, such as tourism, retailing and publishing, are significant beneficiaries in terms of jobs and profits: a point often ignored in the debate over government investment in Aboriginal visual arts and crafts.
- 2.2.8 Again, it is the view of the Northern Territory Government that an important outcome of the current Inquiry would be to develop an accurate and consistent methodology for assessing the economic benefit of the Aboriginal visual arts and crafts industry, with recommendations for more consistent, ongoing data collection into the future.
- 2.2.9 Whatever the case, the Aboriginal artists and craftspeople on the ground earn a small part of the overall “take”, despite the fact they are the obvious lynch pin of the industry. Altman estimates that the per capita income is around \$1400 per annum, and that this figure has remained largely unchanged over many years despite considerable inflation. Of course Altman’s “average” is not intended to be an entirely satisfactory figure: it would be useful to know what proportion of artists earned at higher income levels (say, \$20,000-\$39,999; \$40,000-\$59,000; \$60,000+, for example).
- 2.2.10 Altman also makes the point that although arts and crafts income to Aboriginal people in the Northern Territory is a very small portion of overall income, it is nevertheless an important one, especially in very remote areas where there is far less access to discretionary cash incomes. At least one outstation established in the last half a dozen years, for example, has been funded entirely from income from art and craft production, and land management skills and labour, without any government

⁸ Altman, J, *Developing an Indigenous Arts Strategy for the Northern Territory: Issues Paper for Consultations with Practitioner, Organisational and Bureaucratic Stakeholders*, April-May 2003.

financial input. A more detailed account of individual incomes as outlined in 2.2.9 might give greater insight into the significance of art and craft at local and community levels.

- 2.2.11 In terms of government *investment* in the industry, Altman makes the important point that government operational investment in the art centres in ratio to artists' recorded income generates a positive return on that investment of around 3.2:1. This figure is remarkably similar to estimates calculated by Regional Arts Australia for investment in the arts in the regions more generally of a 3.3:1 return in attracting further economic activity⁹.
- 2.2.12 Altman reiterates the very strong case which is raised at 1.15 in this submission. On the data he analysed, Aboriginal artists re-invest in their art centres at the rate of 40 per cent. This is significantly higher than the level of government investment in the industry.
- 2.2.13 The social and cultural benefits of the industry are even more difficult to quantify, though no less real. Importantly, these benefits accrue to non-Indigenous Australians as well as Indigenous peoples.
- 2.2.14 In the case of longer-established art centres, it is increasingly common for a third generation of artist to be working through operations established by their grandparents, as artists or employees (or both). The longevity of the art centres as Aboriginal-owned and controlled business enterprises (as outlined in 1.3-1.4) is of considerable value as a model of economic sustainability and development.
- 2.2.15 These centres are also very often closely associated with artistic activities in the non-visual arts and crafts fields such as dance and song; in language and other cultural maintenance activities, including return to country trips; as well as programs associated with health and well-being.
- 2.2.16 In short, the Aboriginal visual arts and crafts industry is one of the few areas of economic, social and cultural activity in which Aboriginal people have a natural competitive advantage. This is why the practices of unethical dealers, let alone fakers and other fraudsters, represent a particularly insidious threat to the future of the industry and its practitioners.

⁹ *Regional Arts: a national focus*, Regional Arts Australia, 2006.

- 2.2.17 The growth in popularity and perceived importance of Aboriginal visual arts and crafts has undoubtedly added to the social status of Aboriginal people within the Northern Territory and nationally, particularly for leading practitioners.
- 2.2.18 The establishment of ANKAAA and Desart, and the Northern Territory Government's Indigenous Arts Strategy, *Building Strong Arts Business*, has seen an increasing emphasis on good governance and more generalised training and employment programs designed towards greater sustainability for the industry. Just as importantly it is designed to increase the potential social and cultural benefits that can accrue to Aboriginal people. The Strategy also supports artistic development through project rounds, exhibition development and presentation skills development for artists.
- 2.2.19 There have been considerable social and cultural benefits for the Northern Territory population as a whole as a consequence of the increased prominence of Aboriginal visual arts and crafts, with that prominence being seen as a distinctive social and cultural marker for all Territorians. This has had consequent economic benefits in providing particular market differentiation for the tourist industry.

2.3 The overall financial, cultural and artistic sustainability of the sector

- 2.3.1 The future sustainability of the Aboriginal visual arts and crafts sector is a complex question. Financial, cultural and artistic factors are inextricably linked. Obviously, the sector is closely tied to the range of current and future challenges and forces operating across all Aboriginal communities. The health and viability of those communities will have an inevitable effect on the arts sector. However, *because* the sector *also* interacts with external forces of a marketplace often very distant from the place of production, it faces markedly different challenges to other economic activities within Aboriginal communities.
- 2.3.2 In particular, because the core of the visual arts and crafts business is so highly dependent on Aboriginal cultural strength, any forces that work to diminish such strength will have disproportionate effects on the arts and crafts sector. This includes, among other things, de-funding of homelands and outstations; withdrawal of language services; diminution of traditional authority structures; and the undermining of CDEP as a community development vehicle.

- 2.3.3 At the heart of sustainability for the sector is the extent to which Aboriginal artists have the “space”, physically as well as in economic and social terms, to transmit cultural knowledge and skills to future generations. This is no mere technical or mechanical issue and it is by no means limited to the physical production of, say, a painting. Song, dance, language, knowledge of country and traditional law are deeply embedded in much artistic production.
- 2.3.4 There is a clear link here, as well, in terms of artists’ relationship to country. Increasingly, issues to do with land management and visual arts and crafts are connected in economic and financial terms, as well as spiritually. The Western Arnhem Land Fire Agreement, a greenhouse gas replacement project involving traditional fire management, has been instituted by outstation populations that are also intimately involved in the production of Aboriginal visual arts and crafts. The new wing at Yirrkala’s Buku Larrngay was funded from the profits of an exhibition focusing on traditional ownership of marine estates and marine management issues.
- 2.3.5 Efforts across government, and indeed the private sector, to foster and support strong Aboriginal cultural practices can only assist in sustaining both artistic and cultural practices so important to the future of the industry. This includes a strong commitment to respecting intellectual and moral rights of Aboriginal artists.
- 2.3.6 Major disruptions in the marketplace, such as an economic shock or downturn, particularly in the tourism industry, are likely to have significant effects on the Aboriginal visual arts and crafts sector, with consequent effects on rural and remote economies; leading to population and service pressures on regional centres and potential increased urban drift to major towns and cities.
- 2.3.7 In a sense, it is impossible to know what the future financial sustainability of the Aboriginal visual arts and crafts sector might be, given the uncertainties of the marketplace. The relative strength of the Australian and international economies over the past 15 years has undoubtedly assisted in the overall health of the market for Aboriginal visual arts and crafts, though there is the suspicion that this has had more limited benefit at the grassroots. The lack of re-sale royalties, for example, has done very little to directly benefit artists despite a burgeoning auction marketplace.

- 2.3.8 This is why there is such an important role for government, at local, territory and national levels, in adopting and maintaining consistent, long term policy and resourcing to the Aboriginal visual arts and crafts sector. This should not be viewed as special pleading: governments routinely provide industry support programs, inside and outside the cultural domain. The Aboriginal visual arts and crafts industry clearly falls into both.
- 2.3.9 This involves a commitment to continuing support to an industry through economic downturns (as it the case with other industries). This should be through a thorough going approach to building sustainability for the industry over the long term.
- 2.3.10 An essential component in ensuring, at least, the best chances possible for future sustainability of the sector is ongoing support to its representative bodies, from the art centres themselves through to ANKAAA and Desart. In each case, this involves government at all levels approaching these bodies in the same way and with the same respect it treats other industry representative bodies.
- 2.3.11 As an industry, this implies a cooperative relationship across agencies and not limited to those that would more routinely deal with “the arts”. It should also include agencies dealing with employment, education and training; business development and support; legal affairs; land management and heritage issues; tourism; and planning.
- 2.3.12 There is at least some guidance as to future sustainability for the Aboriginal visual arts and crafts industry and that lies in its history. As was noted in 1.3-1.4, Aboriginal visual arts and crafts operations have by far the most consistent track record of any Aboriginal entrepreneurial endeavours in the nation. That track record has been dependent, to a greater or lesser extent, on what have at times been inconsistent resourcing from government; and changing marketplace conditions. They have survived, nevertheless, because of the considerable support they have received from the artists themselves over those years.

2.4 The current and likely future priority infrastructure needs of the sector

- 2.4.1 The Aboriginal visual arts and crafts industry, certainly in the Northern Territory, has never been adequately resourced in terms of infrastructure. In the last ten years this situation has deteriorated overall as new art centres have been established, particularly in the central desert regions and the Kimberley.

- 2.4.2 With very few exceptions, art centres and related physical facilities have not been purpose built: in many cases they are “recycled” buildings. In a large number of cases they are woefully inadequate. This has the potential for a direct effect on the efficiency and effectiveness of the art centres both as work spaces, and as places where art can be properly stored, documented, conserved and marketed.
- 2.4.3 Housing for art centre staff, local recruits as well as staff recruited from outside the community, is rarely adequate, and in some cases non-existent. Prioritising allocation of housing on remote communities is a complex issue due entirely to a massive, and growing, shortfall. Current estimates, in the Northern Territory alone, document the need for around 4,000 dwellings at a cost of \$1.2 billion including land servicing costs. Whilst Government Employee Housing (GEH) is available for most externally recruited public service staff, and there are allocations for externally recruited local government staff, in general there is little if any housing routinely available to locally recruited staff.
- 2.4.4 Housing for staff, local or external, involved in enterprises such as art centres that are directly engaged in employment and wealth creation on remote communities is by no means guaranteed and, where supplied, is often at the expense of locals facing severe housing shortages. There is a certain irony in this in the face of the widespread calls for skills and jobs creation on these communities. There’s a moral question here, as well. Is it better to provide housing to reduce massive overcrowding, or to house staff employed to increase capacity for income and job creation? The conundrum posed is all the more germane considering the demonstrated positive track record of the Aboriginal visual arts and crafts industry.
- 2.4.5 Desart and ANKAAA have developed detailed submissions on a range of physical infrastructure needs of the Aboriginal visual arts and crafts industry in the “tri-state” area of their respective jurisdictions. These were developed in response to the discussions surrounding the Art Schedule of the Overarching Agreement between the Australian and Northern Territory Governments signed in April 2005.
- 2.4.6 The two organisations will no doubt bring these requirements to the attention of this Inquiry. However, the estimates attached to these identified infrastructure needs have not been independently costed and, given rapid escalation in building

and constructions costs, are likely to under estimate the quantum of need—a factor that should be taken into account by the Inquiry.

2.4.7 Historical responsibility for capital infrastructure costs for the Aboriginal visual arts and crafts sector has been an Australian Government responsibility. During its existence, ATSIC was primarily responsible, with occasional inputs from the Aboriginal Benefit Account (ABA) and its predecessors. Allocations to the arts industry by ATSIC were by no means adequate, equitable or made on the basis of any long term planning for the industry. Some capital allocations, indeed, were only really available as end of financial year “underspends”, rather than through rational, industry-wide policy development.

2.4.8 While DCITA has responsibility for industry development through capital infrastructure allocations, there is little obvious approach to long term planning and prioritisation, particularly in light of the unmet need for the establishment of new art centres. While it is arguable that there is nothing philosophically or intrinsically wrong with waiting to see if new centres can demonstrate viability before allocating resources for infrastructure, there is no apparent process for capitalising those new centres that *do* prove viability, let alone the significant number of long and well-established art centres that are demonstrably under-resourced.

2.4.9 There is a clear need for long term planning for all aspects of the Aboriginal visual arts and crafts industry, and not only in the area of infrastructure requirements. At the very least there should be a commitment to:

- a) a comprehensive, fully costed assessment of all infrastructure requirements across the industry, including the development of standard methodologies for determining minimum requirements, and formulae for calculating costs for new entrants to the art centre network;
- b) a structured and timetabled approach across, say, five years to meet identified infrastructure needs; and
- c) in consultation with ANKAAA and Desert membership, a planned approach to prioritising infrastructure needs for the art centres over that five years.

2.4.10 There is also a “second level” to capital requirements to the industry, which are not ordinarily included in the term

“infrastructure”, but which are no less critical. This includes information technology and other office requirements; digital recording equipment for documentation, as well as appropriate technology and associated technology for e-marketing. Some art centres may also require specialised equipment and safety requirements with respect to art forms such as printmaking.

2.5 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

2.5.1 Since the earliest days of Aboriginal artists’ involvement in the art marketplace, unscrupulous and unethical practices have been common. Whilst underpayment, or payment in goods such as alcohol were an obvious feature of this early history, unacknowledged use of Aboriginal artists’ imagery, especially by the design industry, has been a continuing feature of unethical conduct at least as far back as the 1950s.

2.5.2 Unscrupulous and unethical behaviour in the marketplace does not just represent theft from the artists involved. It can also cause deep personal distress. The first Territory Chairman of the Aboriginal Arts Board (1976-80), the late Wandjuk Marika, was so profoundly upset by the illegal use of one of his paintings on a tea towel he refused to paint for some years. There have been documented instances where the illegal reproduction of art work has led to potentially serious consequences for artists under traditional law.

2.5.3 From the lead up to the Bicentenary in 1988, despite warnings¹⁰, there has been an escalation of breach of copyright of Aboriginal art; an increase in fakery and forgery of Aboriginal art; and widening unethical practices in relationship to the production and sale of Aboriginal art. Defamation laws have by and large prevented detailed allegations of these practices to be examined in the media; and police responses have been limited and unsuccessful.

2.5.4 ANCAAA¹¹, funded by the then-Department of Aboriginal Affairs and subsequently by ATSIC, mounted a series of successful copyright actions in the late 1980s and early 1990s which established important principles that have benefited Aboriginal artists, especially at the “fine art” end of the market.

¹⁰ See, for example, *Land Rights News*, December 1987, Central and Northern Land Councils.

¹¹ Later ANKAAA and Desart.

- 2.5.5 Nevertheless, the problems continue with respect to breach of copyright in general, and in particular through the mass production of design items, often manufactured overseas and imported, of works produced, for example, “in the style” of Aboriginal art. It must be acknowledged that there are a number of instances where traditional work is subject to exploitation, if not forgery, by Aboriginal people of the work of other Aboriginal artists from remote areas of the Northern Territory and elsewhere.
- 2.5.6 In more recent times, particularly in the context of central Australia, but certainly not limited to that region, there have been more widespread and serious allegations of the activities of “carpetbaggers” in the industry. These allegations have included, at best, underpayment for work; at worst, payment for work in alcohol and drugs; second hand cars and the like. There have been allegations of unscrupulous operations involving sweat shops; faking authorship of artworks; and forgery. There have also been suggestions that the industry has been used for money laundering.
- 2.5.7 Quite correctly, these allegations are at the heart of the reasons for the establishment of the current Senate Inquiry.
- 2.5.8 Establishing the truth behind these allegations has proved difficult, not least, as has been noted, due to defamation laws and problems in gathering evidence of criminality from artists, many of whom do not speak English.
- 2.5.9 The current Inquiry, if it hasn’t been approached to do so already, should consider taking confidential submissions and in camera evidence on this issue.
- 2.5.10 Responding to the ongoing problems of criminality, not to mention problems with breach of copyright, has sparked calls for litigation and legislative action through the Copyright, Customs and Trade Practices acts among others. There have also been calls for a system of licensing for people trading in Aboriginal visual art and craft, on either a voluntary or statutory basis.
- 2.5.11 In response, ANKAAA and Desert have looked to the establishment of a Code of Conduct for the industry, the development of which has been auspiced through the National Association for the Visual Arts [NAVA]¹². It is intended that

¹²

National Indigenous Art Commercial Code of Conduct, Discussion Paper, NAVA, 2006

responses to the Discussion Paper developed by NAVA be finalised and released in early 2007. The Discussion Paper has adapted conduct codes it has developed for the visual arts generally, to the more specific challenges facing the Aboriginal visual arts and crafts industry.

2.5.12 A central thesis of the Discussion Paper is that Aboriginal artists, particularly those from remote areas, are more vulnerable to exploitation due to issues such as lack of English language skills, low literacy and numeracy leaving them far less aware of their rights as consumers.

2.5.13 General research in this area would appear to support this notion. Results of a literature search to identify and review relevant Australian and overseas research that is of relevance to Indigenous competition and consumer protection matters undertaken by Altman, Macdonald and Ward published in 2002 suggest that most research to date has concentrated on issues associated with Indigenous community stores and consumer banking and not on protection against unscrupulous or unethical conduct in the visual arts and crafts sector.¹³

2.5.14 The study found that whilst the number of publicised investigations about Indigenous consumers and the Trade Practices Act is limited, those that do exist indicate that the law can work to protect Indigenous consumers against breaches of the *Trade Practices Act*.¹⁴ In practice, however, current consumer protection legislation does not deal adequately with unscrupulous and unconscionable conduct. Indigenous artists are vulnerable to exploitation by unscrupulous dealers/buyers on the one hand, and on the other are vulnerable to pressures related to cultural responsibilities.

2.5.15 In the literature there is a general view that Indigenous people and in particular those in remote communities are not aware of their consumer rights. Arts NT's experience in the provision of advice and information to the sector is that the lack of awareness of consumer rights and responsibilities makes the legislation ineffective in providing protection. Consultation with the ACCC and with state and territory consumer affairs bodies demonstrate that whilst complaints may be lodged the mechanisms for proving them are cumbersome. Investigations

¹³ JC Altman, S McDonnell and S Ward, Indigenous Australians and competition and consumer issues: A review of the literature and an annotated bibliography, 12 November, 2006, anu.edu <http://www.au/caepr/>

¹⁴ Altman, McDonnell, Ward, vi.

undertaken by the ACCC indicate that Indigenous people in remote communities may be particularly vulnerable to misleading practices.

- 2.5.16 Part IV A of the *Trade Practices Act* deals with unconscionable conduct. Under s.51AA dealings will be held to be unconscionable if one party is at a special disadvantage with respect to another party and the other party takes advantage of this.¹⁵ Indigenous people are not considered to constitute a particular class of “special disability” with respect to unconscionable dealings despite the culmination of factors such as low levels of education, poor English language skills, poor literacy skills and low levels of consumer awareness. Artists with financial pressures are at greater risk of exploitation.
- 2.5.17 This situation is at odds with the agreed national recognition of the risks to indigenous consumers through affirmative action plan published by the Ministerial Council on Consumer Affairs specifically *National Priority 7 – Arts Industry of the Taking Action, Gaining Trust – A National Indigenous Consumer Strategy Action Plan 2005-2010*.
- 2.5.18 It’s a complex area. As noted, in adopting and promoting a voluntary Code of Conduct for the industry, due to be released in early 2007, Desart and ANKAAA have taken a deliberately conciliatory approach. It is to be hoped that this strategy will go a long way towards cleaning up the industry through this voluntary mechanism. Suggestions have been made in the NAVA document with respect to enforcement of the Code, at least to the extent possible through auditing of organisations who subscribe to it through a process of endorsement/disendorsement of participants.
- 2.5.19 There is a tacit realisation, at least on the part of Desart, that a voluntary code may not be wholly effective. Desart has also proposed a system of licensing various participants in the industry such as agents and galleries, and indeed art centres themselves.
- 2.5.20 The initial conciliatory approach of Desart/ANKAAA is strongly supported by the Northern Territory Government. It would clearly be to everyone’s benefit if this were to work.

¹⁵ Altman, McDonnell, Ward , 9

However, this must be regarded as the industry's "last chance", as the Northern Territory has noted¹⁶:

What the industry is saying to the less scrupulous parts of the industry—and this has my wholehearted support—is that this is your last chance to get your act together. 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.

So none of you can say—at some later stage—you have not been given notice, this would be my intention if people do not clean up their act.

2.5.21 Regulation, such as licensing of the industry, is a potential next (or associated) step. The Northern Territory Government is not averse to such regulation but has to be convinced of its efficacy. Any proposals for legislative change or regulatory control must show it has some real prospect of success and does not prove onerous for the industry, especially the art centres, to support. In any case it is suggested that, subject to the Inquiry's views, such a move must be approached at a national level. It certainly would not work at the level of a single jurisdiction, and should be referred to the Cultural Ministers' Council and the Standing Committee of Attorneys General, along with appropriate business regulatory bodies for consideration. Certainly there is no case for such regulation to be established solely at the Territory level.

2.5.22 There are other issues that should be addressed by the Senate Inquiry, particularly with respect to Commonwealth legislative mechanisms such as Customs and Trade Practices legislation. In the case of the former, this should address issues such as the lack of capacity to prevent the import of items masquerading as Aboriginal art through artifices such as descriptions of items as being "Aboriginal style" and the like. In addition, there needs to be appropriate methods and mechanisms for recording export of Aboriginal arts product to assist with the measuring of the impact of the industry on the economy. Similarly, there may be

¹⁶ Marion Scrymgour, Desert Mob Symposium 2006: drawing a line in the sand, Araluen Centre for Arts and Entertainment, Alice Springs, 11 September 2006

scope in a similar vein under the Trade Practices Act related to issues of “passing off” that should be addressed.

- 2.5.23 The current Inquiry should also consider the role the Australian Tax Office might take with respect to the less reputable elements of the industry who deal in cash; payments in kind; and potentially involve themselves in money laundering.
- 2.5.24 The Northern Territory Government is not convinced that proposals relating to so-called Indigenous Community Moral Rights, as they are currently framed, will provide the kinds of protection for Aboriginal visual arts that its proponents claim. On the contrary, there are arguments that such legislation has the potential to promote division amongst and between Aboriginal groups, for no real benefit to artists, especially individual practitioners.
- 2.5.25 Strong partnerships with ANKAAA and Desart have been developed through the Northern Territory Government’s Indigenous Arts Strategy in delivering support and development opportunities to Indigenous art centres and artists in the areas of Indigenous intellectual property support and resourcing of the *Consumer Guide to Purchasing Australian Aboriginal Art* (with ANKAAA) and participation in the development of the *National Indigenous Art Commercial Code of Conduct*.
- 2.5.26 The *National Indigenous Art Commercial Code of Conduct* is potentially a strong guide to governments and their agencies, as well as the private sector generally, in dealing with Aboriginal visual art and craft. Although governments would not necessarily be regarded as “dealers” in a commercial sense, they are often, and increasingly, involved with the use of Aboriginal intellectual property.
- 2.5.27 On this basis, and subject to its final form, the Northern Territory Government would be prepared to sign up to the *National Indigenous Art Commercial Code of Conduct* in its dealings with the sector, and would encourage other governments and their agencies to follow suit. Indeed, there seems little point in attempting to regulate the industry if government is not prepared to be bound by the same principles.
- 2.5.28 Finally, it should not be supposed that regulation will solve unethical or unscrupulous conduct within the industry, even using existing instruments. The vast majority of people purchasing Aboriginal visual art and craft do so, at least in part, trusting that real benefits will flow to the artists. Most would

be appalled that this might not be occurring. Education in the marketplace about legitimate sourcing of art; and ethical dealing, among dealers, agents and galleries, is a first step, and the *Code* points in this direction. Proper resourcing of the art centres, especially in infrastructure and training, is the other key objective.

2.6 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

2.6.1 Over the past thirty years there has been a multiplicity of resource agencies with varying areas and levels of responsibility for supporting the Aboriginal visual arts and crafts industry. This is not necessarily a bad thing: different agencies have different areas of expertise and skills that can be useful to art centres and other recipients of artistic support.

2.6.2 However, the good that agencies can do can be undone by a lack of proper coordination.

2.6.3 The Commonwealth has always had principal responsibility for resourcing the industry, primarily through the Australia Council and through Aboriginal-specific agencies (DAA, ATSIC and then ATSIIS). Since the abolition of ATSIC, Commonwealth funding to the sector has mainly been through the Australia Council and DCITA.

2.6.4 However, as noted elsewhere, the sector has been characterised by considerable confusion and lack of over arching policy direction. The transfer of funding from the now defunct ATSIC to Australian Government agencies means that funding is theoretically delivered on a whole of government basis. This is more in name than reality.

2.6.5 Previously, the most important capital and recurrent programs for the visual arts sector: CDEP, land rights support, the National Arts and Crafts Industry Support Strategy (NACISS) and the Regional Arts and Culture Strategy (RACS) were all managed by the one agency. The current situation is that CDEP is administered by DEWR; land rights support by the Office of Indigenous Policy and Coordination (OIPC); legal issues relating to IP by Attorney General's; and NACISS and RACS by the Department of Communications, Information Technology and the Arts (DCITA). Each of these agencies has a view on how its programs should be run *but little corporate*

*knowledge or agency history dealing with the sector,*¹⁷—let alone a proper “whole of government” approach.

- 2.6.6 The Aboriginal Benefits Account (ABA) in its varying forms over the years has been a source of capital funding for art centres for 25 years. During the 2004 election the Australian Government committed to releasing funds into the arts sector, but nothing has eventuated despite a substantial level of proposals submitted. The delay in announcing any release of funds, let alone a total lack of clarity as to how these funds might be allocated, not only delays possible projects, but also adds to the lack of clear policy in the area from which other funding sources might take guidance.
- 2.6.7 There is a strong case for consolidation of funding sources and policy approaches. It is not unknown, for example, for an art centre to be required to coordinate and access up to ten different agencies and organisations in pursuit of a single project, at substantial costs in time and effort. It is a patently absurd and wasteful system.
- 2.6.8 Again in theory, facilitation of “whole of government” approaches to service delivery, industry support, and economic development is supposedly guided with particular reference to the *Overarching Agreement on Indigenous Affairs between the Commonwealth and the Northern Territory of Australia – Schedule 2.2: Strengthening and Sustaining the Indigenous Art Sector*. However, outcomes from this process have been slow, if not illusory.
- 2.6.9 The result is that pre-existing programs of support have fallen between the cracks and new programs have been adopted in an uncoordinated fashion, with scant attention to overall policy.
- 2.6.10 A “mapping exercise” carried out under the umbrella of the Arts Schedule of the Overarching Agreement has found there has been negligible overlapping or duplication of funding between the Australian and Northern Territory governments. At the same time, however, it has provided little joy in terms of Federal intentions in the areas of their responsibility.
- 2.6.11 There is an overwhelming need for far better policy and funding coordination at the national level: in particular between the departments that have inherited former ATSIC funding streams.

¹⁷ JC Altman *In Search of an Outstations Policy for Indigenous Australians*, 12 November, 2006, <http://www.anu.edu.au/caepr/>, 13 - 14

- 2.6.12 Of particular concern is that funding through NACISS has been effectively frozen, if not deteriorated in real terms, over the last decade. The result is that currently around half of the art centres receive no Federal funding at all, whilst the value of funding to existing centres has clearly been eroded. Whilst the current Inquiry limits this term of reference to “existing” programs, it is difficult to gauge the effectiveness of these outlays when the resources available to them have been so devalued over time. While there was an inferred increase in the May Budget for 2006-2007 in NACISS funding to the Northern Territory of around \$646,000, nine months on there is no indication as to whether this resource increase is to be ongoing, let alone how the increases and allocations are to be applied.
- 2.6.13 The diminution of NACISS support is particularly acute, as noted above, in the area of infrastructure available to art centres.
- 2.6.14 The Northern Territory Government, on the other hand, has considerably increased its funding to Aboriginal arts since 2001. Prior to that time, funding to Indigenous projects as a proportion of total NT arts sponsorship ran at about 11 per cent (2000-2001); this jumped to 16 per cent, or \$425,000 the following year¹⁸. Commitments under the Indigenous Arts Strategy, *Building Stronger Arts Business* [BSAB], are currently \$1.09 million per annum¹⁹.
- 2.6.15 The BSAB acknowledged that the Northern Territory benefits from an exceptionally rich and cultural heritage and that the cultural practices of Indigenous Territorians reflect the ongoing and unbroken traditions of many millennia—as well as dynamic and changing approaches to artistic practices.
- 2.6.16 It takes the position that Aboriginal arts and heritage industries are a significant part of the Northern Territory’s economy, directly through employment, marketing and sales, and indirectly in terms of societal well-being, cultural strength and support for tourism.
- 2.6.17 The BSAB also works from the stance that the arts sector is a significant employer and source of income, particularly in regional and remote areas where opportunities for market

¹⁸ Altman, J, *Developing an Indigenous Arts Strategy for the Northern Territory: Issues Paper for Consultations with Practitioner, Organisational and Bureaucratic Stakeholders*, April-May 2003.

¹⁹ This figure also includes outlays for performing arts programs, but excludes remote area festivals and film funding, much of which also benefit Aboriginal arts outcomes.

engagement are scarce. The sector supports a range of positive cultural and social outcomes through income generation, educational and training opportunities, and allowing people to remain on country to work together, engage in customary economic activity and to share customary knowledge.

2.6.18 In summary, the BSAB includes three pathways for the future development of Indigenous Art in the Northern Territory: Negotiation and Partnerships – *Talking Arts Business*; Service Delivery – *Doing Arts Business*; and Showcasing Opportunities – *Sharing Arts Business* as follows:

- a) *Talking Arts Business* includes the need to develop strong and strategic partnerships with Indigenous arts practitioners, and Commonwealth and Territory Government sector organisations to ensure the sustainable growth of the sector.
- b) *Doing Arts Business* includes the provision of strong and culturally appropriate services to encourage arts development and to provide Indigenous arts practitioners with advice, support and opportunities for training and employment in the arts.
- c) *Sharing Arts Business* includes creating opportunities to promote and showcase the Territory’s Indigenous arts sector to local, national and international markets to maximise cultural and economic returns and to encourage respect and understanding of Indigenous culture.

2.6.19 The BSAB will shortly be entering its second stage, after a review completed early this year.

2.6.20 The portion of the Visual Arts and Crafts Strategy (VACS) that is allocated to Indigenous visual arts and crafts is administered by yet another organisation, the Australia Council, which operates independently of DCITA.

2.6.21 VACS is a national partnership between state, territory and Commonwealth governments following outcomes of the national (Myer) review. VACS provides strategic support to Indigenous and non-Indigenous visual arts and crafts organisations and individual artists, and complements targeted visual arts development and support programs.

2.6.22 Specific Indigenous outcomes under VACS are delivered in the Northern Territory through direct funding support to peak Indigenous advocacy and support organisations, Desart and ANKAAA. Desart and ANKAAA provide business training

and development; skills development for artists; protection of artists' Intellectual Property Rights; and advocacy and support services to arts centres and their member artists. MAGNT also receives assistance to showcase the Telstra Award.

2.6.23 Continuation of the VACS program in maintaining support to the Aboriginal visual arts and crafts sector is essential. However, significant injections of funding into either the VACS or NACISS programs is necessary to meet the needs of emerging centres and those communities not currently receiving any funding and therefore not in a position to grow visual arts and crafts activity.

2.6.24 There is a clear case for enhanced coordination for Aboriginal visual arts and crafts between state/territory and Australian government agencies. In this context, it is critical that such coordination be closely linked to a strong relationship with Desert and ANKAAA as industry representative bodies.

2.6.25 There is also need for a *genuine* approach at all levels of government between agencies as a whole of government effort in the field of Aboriginal visual arts and crafts. At the Federal level, there have been encouraging initiatives from AusTrade and Tourism Australia. The latter is supporting biannual Indigenous tourism trade delegations to major overseas tourism source countries, and the former is supporting incoming delegations to a number of Northern Territory art centres.

2.7 Future opportunities for further growth of Australia's Indigenous visual arts and crafts sector, including through further developing international markets

2.7.1 As has been noted by Altman²⁰, the size of the Northern Territory's population means that we cannot sustain a locally viable market for the high level of production. This applies to the whole Northern Territory arts scene and is not limited to Aboriginal visual arts and crafts. In response this has meant, simply, that the Aboriginal visual arts and crafts industry has *always* been an export industry, as far back as the 1960s.

2.7.2 It's an aspect of the industry that has rarely been commented on compared to "real" export industries such as beef and minerals. For Aboriginal arts and crafts centres it has meant taking on a wide variety of options in the freight sector alone: barges;

²⁰ Altman, J, *Developing an Indigenous Arts Strategy for the Northern Territory: Issues Paper for Consultations with Practitioner, Organisational and Bureaucratic Stakeholders*, April-May 2003.

aircraft from single engine Cessnas to Boeing freighters and road transport from 4WDs to road trains. In the current climate of rapidly rising fuel prices, governments listen to the more prominent exporters such as the farmers and miners. Scant attention, if any, is placed on the extra burdens this places on the Aboriginal visual arts and crafts industry: freight subsidies are unheard of.

- 2.7.3 This has been a problem for the Aboriginal visual arts industry, in terms of having direct access to customers as well as having to bear high costs. Nevertheless, from the outset it has had the advantage of orienting the industry to operating within the parameters of working with a distant marketplace. Even for those few art centres that have direct access to an urban retail outlet (for example, Maningrida in Darwin and Papunya in Alice Springs), this accounts for only a fraction of necessary sales volumes. Interstate and more recently, international, export is an obligatory marketing mode.
- 2.7.4 This issue is also strongly affected by communications problems. It is only 11 years ago, for example, that major arts organisations such as Maruku Arts at Uluru moved from radio telephone to having access to “normal” telephony. Until the arrival of technology such as fax machines many art centres were dependent on weekly, even fortnightly, mail planes. Clearly the advent of the Internet has the potential, already being realised by some of the more established art centres, of overcoming some of the problems of distance from the marketplace. As outlined previously in reference to the need for “soft” capital infrastructure, considerably more resources should be made available to the industry to realise more of this potential (along with the training required to take advantage of the new technologies).
- 2.7.5 The traditional model of exporting involves despatching consignments to dealers, or undertaking exhibitions in the export market of choice. Taking the art to the market and introducing it to potential buyers is time consuming and costly. Day to day operational activities in art centres means exporting can become a low priority or at least suffer.
- 2.7.6 In 2005 the Northern Territory Government tested the concept of inbound buyers’ missions with a target group of art gallery owners, private collectors and buying agents. The primary purpose was to escort and introduce international buyers to art centres, both community and town-based, and to give them the

opportunity to meet with commercial galleries. Support from Austrade allowed three inbound missions from Europe to be supported. Export opportunities were also supported through direct intervention and funding through the Indigenous Arts Strategy underpinned by the Indigenous Art Strategy and the Northern Territory Government International Trade Strategy.

- 2.7.7 The results from the first mission included immediate purchases of \$50 000 with a further \$30 000 under consideration. The cost was \$20,000, coming equally from the Northern Territory Government and Austrade Germany. The results from the second mission included immediate purchases of \$200,000 and an additional \$50,000 was spent in the weeks following the mission. Total cost was \$24,000: \$8,000 each from the Northern Territory, Western Australian and Australian governments. The success of these missions indicates that a program of relatively low level investment has the potential to increase dramatically the international market for Indigenous visual arts and craft. It should be noted, however, that the fine art end of the market is extremely robust with demand for work from better known artists outstripping supply. Opportunities to explore and develop alternative markets at the mid to low end art market such as the interior design industry should be explored.
- 2.7.8 Export opportunities were also supported through direct intervention and funding through the Indigenous Arts Strategy underpinned by the Indigenous Art Strategy and the Northern Territory Government International Trade Strategy.
- 2.7.9 Maningrida Arts and Culture this year was supported by Austrade and the Northern Territory Government in mounting an exhibition and promotional sales venture in Bahrain—the first planned export mission to the Middle East. It was extremely successful, with a near sell out of the exhibition.
- 2.7.10 The Northern Territory's export strategy has demonstrated the value of bringing international buyers to Australia to establish links with individual arts centres however this also places demands on the sector that cannot necessarily be met, especially in the smaller, newer, art centres which are currently inadequately supported.
- 2.7.11 The Aboriginal visual arts and craft industry has a 50-year track record as exporters, interstate and internationally, but this aspect of the industry has been largely unremarked, and rarely supported. Recent activities by Austrade in conjunction with

the Northern Territory Government and individual art centres have demonstrated the beginnings of a model which should be expanded.

2.7.12 In a sense, the establishment of a growing international export trade, with art centres marketing directly into these markets, is a fulfilment of the historic task of the Aboriginal visual arts and craft industry: it has always embraced *economic*, *community* and *cultural* development. It is an industry that is now taking these ideas on to the world stage.

3 Conclusion

- 3.1.1 The Northern Territory Government supports the Aboriginal visual arts and crafts industry as a vital investment in the people of the Territory, and acknowledges its critical role in economic, community and cultural development.
- 3.1.2 Whilst it acknowledges that the industry, in and of itself, will not provide all the solutions to Aboriginal impoverishment and disadvantage, it plays an important part within the Aboriginal and wider economies of regional and remote Australia.
- 3.1.3 There should be a re-think of the role the Aboriginal visual arts and crafts industry plays and indeed has played over at least thirty years. The industry is the only one that has survived and strengthened despite many other attempts to establish economic activity in remote areas. It is now increasingly linked to land management and sustainable harvesting programs that also use traditional knowledge systems on Aboriginal land.
- 3.1.4 It should also be acknowledged that the industry has operated successfully as an export industry, interstate and internationally, for many years.
- 3.1.5 It is an industry, moreover, that utilises Aboriginal competitive advantage in the cultural sphere of the economy, as evidenced by the dramatic expansion of the industry over the past thirty years.
- 3.1.6 Rather than seeing the resourcing of the Aboriginal visual arts and crafts industry as a form of “subsidy”, with all its connotations of welfarist hand outs, thinking about the industry should be re-cast as an approach to rational and sensible investment.

- 3.1.7 However, such investments should not be seen as investments in the mere nuts and bolts of running art centres and marketing programs, but should also be understood as investments in community and cultural development, with concomitant dividends in Aboriginal health and well being.
- 3.1.8 The Aboriginal visual arts and crafts industry is currently under-resourced, and suffers from a lack of cohesive national planning; and a lack of proper coordination with state programs.
- 3.1.9 The industry faces considerable threats from unethical and unscrupulous dealing, which including payment in drugs and alcohol, as well as breaches of Aboriginal copyright through forgery, fakery and illegal copying of work.
- 3.1.10 These matters should be addressed at a national level through current regulatory controls and legal tools, and consideration should be at least given to investigation of further controls such as licensing dealers.
- 3.1.11 Subject to its final form, the *Code of Conduct* should be adopted by governments and their agencies in their dealings with the Aboriginal visual arts and crafts industry.

4 Recommendations arising from this submission

- 4.1 The Aboriginal arts industry should be approached and seen as an important investment in our people, and in our community, and that the industry should be acknowledged as embracing *economic* as well as *community* and *cultural* development.
- 4.2 An important outcome of the current Inquiry should be to develop an accurate picture of the current size and scope of the sector, with recommendations for more consistent, ongoing data collection into the future.
- 4.3 An important outcome of the current Inquiry should be to develop an accurate and consistent methodology for assessing the economic benefit of the Aboriginal visual arts and crafts industry, with recommendations for more consistent, ongoing data collection into the future.
- 4.4 Government, at local, territory and national levels should adopt and maintain consistent, long term policy and resourcing to the Aboriginal visual arts and crafts sector. This should not be viewed as special pleading: governments routinely provide

industry support programs, inside and outside the cultural domain. The Aboriginal visual arts and crafts industry clearly falls into both.

- 4.5 Vital for future sustainability of the sector is ongoing support to its representative bodies, from the art centres themselves through to representative bodies such as ANKAAA and Desart. In each case, this involves government at all levels approaching these bodies in the same way and with the same respect it treats other industry representative bodies.
- 4.6 Whilst Desart and ANKAAA have identified considerable shortfalls in infrastructure for the art centres, it appears likely these costs have been underestimated, and should be independently assessed as part of the capitalisation of the art centres.
- 4.7 There is a need for long term planning for all aspects of the Aboriginal visual arts and crafts industry with regard to infrastructure requirements. At the very least there should be a commitment to:
 - a) a comprehensive, fully costed assessment of all infrastructure requirements across the industry, including the development of standard methodologies for determining minimum requirements, and formulae for calculating costs for new entrants to the art centre network;
 - b) a structured and timetabled approach across, say, five years to meet identified infrastructure needs; and
 - c) in consultation with ANKAAA and Desart membership, a planned approach to prioritising infrastructure needs for the art centres over that five years.

There is also a “second level” to capital requirements to the industry, which are not ordinarily included in the term “infrastructure”, but which are no less critical. This includes information technology and other office requirements; digital recording equipment for documentation, as well as appropriate technology and associated technology for e-marketing. Some art centres may also require specialised equipment and safety requirements with respect to art forms such as printmaking.

- 4.8 The current Inquiry should investigate and make recommendations on the apparent anomaly between the Trade Practices Act and the views of the Ministerial Council on Consumer Affairs on the relative capacity of Aboriginal people to deal with unconscionable conduct under the TPA.

- 4.9 The issue of licensing of dealers should be considered by this Inquiry, with possible reference to the Cultural Ministers Council and Standing Committee of Attorneys General for a possible national approach to such a scheme.
- 4.10 The current Inquiry should consider ways in which the Trade Practices Act and the Customs Act might better be able to strengthen the Aboriginal visual arts and crafts industry.
- 4.11 The current Inquiry, if it hasn't already done so, should consider taking confidential submissions and hearing in camera evidence on unethical and unscrupulous behaviour in dealing in the Aboriginal visual arts and crafts industry.
- 4.12 The current Inquiry should consider referring matters and suggestions to the Australian Tax Office as a means of dealing with unethical and unscrupulous behaviour in dealing in the Aboriginal visual arts and crafts industry.
- 4.13 The Aboriginal Benefits Account should move as a matter of urgency to release funds to the Aboriginal visual arts and crafts industry as promised in 2004, at the same time clarifying the kinds of projects it will fund.
- 4.14 There should be a consolidation of funding sources at the Federal level to reduce the administrative burden on art centres applying for resources. There is an overwhelming need for far better policy and funding coordination at the national level: in particular between the departments that have inherited former ATSIC funding streams.
- 4.15 Significant injections of funding into either the VACS or NACISS programs is necessary to meet the needs of emerging centres and those communities not currently receiving any funding and therefore not in a position to grow visual arts and crafts activity.
- 4.16 There is a clear case for enhanced coordination for Aboriginal visual arts and crafts between state/territory and Australian government agencies. In this context, it is critical that such coordination be closely linked to a strong relationship with Desert and ANKAAA as industry representative bodies.
- 4.17 The work of Austrade in conjunction with state and territory governments and art centres should be strongly supported and expanded.