

24 April 2007

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

By Email: ecita.sen@aph.gov.au

Dear Dr Holland,

**Inquiry into the Indigenous Visual Arts and Crafts Sector:
Submission from the Australian Commercial Galleries Association**

The Australian Commercial Galleries Association

This submission is made in my capacity as National President of and on behalf of the Australian Commercial Galleries Association (ACGA). The ACGA was established as an incorporated association in 1976 and became a company limited by guarantee in 2000. It is a not for profit body. The ACGA currently has around fifty members Australia wide, with State and Territory chapters working in conjunction with a National Board.

In 2007 the ACGA is a strong industry association whose members are amongst the most important and exciting galleries in Australia with a commitment to professional and ethical practice in the primary visual art market.

The ACGA exists to represent, promote and further the interests of Australian commercial galleries whose *core business is the ethical representation of living Australian artists*. A corresponding aspect of the Association's mission is to develop Australian artists' livelihood and reputation while contributing to an enhanced public understanding of contemporary Australian art in the primary market.

The ACGA seeks to contribute to the visual arts in a way that enhances understanding of and support for the primary market while cultivating sound entrepreneurial ethics and an ever-strengthening national and international market for Australian art.

The ACGA's Goals are:

- To promote and develop entrepreneurial practices and commercial opportunities in the visual arts;
- To maintain professional and ethical standards for the primary market;
- To represent the interests of the primary market to the government, non-government and private sectors;
- To provide services, advice, networks and support to members; and
- To maintain organisational strength and relevance.

The ACGA and its members are bound by the ACGA Code of Ethics and committed to the 'Code of Practice for Australian Galleries and the Artists they Represent', a 'best practice' document which was developed in consultation between the ACGA, the National Association for the Visual Arts (NAVA) and the Australia Council for the Arts. Copies of both of these documents are included with this submission and can also be found at our website: <http://www.acga.com.au>

Representation in the Primary Market

Membership of the ACGA is dependant on a gallery having as its core business the ethical representation of living Australian artists in the primary market.

The 'primary market' is where artworks created by the artists our members represent are offered for sale for the first time. In practical terms, this means that artworks travel from the artist to the representing gallery to be offered for sale. In most instances the artworks are held by the gallery on consignment, and, as such, remain the property of the artist until such time as the gallery sells them.

This is to be distinguished from the 'secondary market' where dealers or auction houses re-sell artworks, which are owned by secondary or subsequent owners of the artwork.

Whereas our members have a strong and ongoing commitment to the relationship between gallery and artist the secondary market dealers or auction houses have a commitment to their (buying and selling) clients and to their own businesses and do not have any or any direct relationship with the artists who created the artworks.

ACGA member galleries seek to directly represent artists by building long term relationships of mutual benefit. This means that when a gallery exhibits and otherwise promotes the work of a particular artist, it does so on behalf of that artist and with that artist's best interests uppermost in mind.

This is the ACGA's preferred model for the representation of both indigenous and non-indigenous artists. However variations on this model have also been adopted due to the special circumstances of indigenous artist's who may work through a community art centre. Where this occurs it is imperative that gallery and art centre both recognize and respect the particular duties and responsibilities that each one carries in the development and care of artists and their careers.

It needs to be emphasized that a gallery that represents an artist who does not work through an arts centre can still provide the nurturing, support and care that in other circumstances may also be offered by an arts centre. In each case it is the commitment of the gallery and, if applicable, the arts centre, to act ethically and in accordance with mutually agreed standards that will ensure that the best interests of the artist are upheld and furthered.

The ACGA and the Indigenous Arts Sector

The number of galleries exhibiting and selling indigenous art has grown dramatically over recent years, and those operating outside of the umbrella of the ACGA or some other reputable industry body do so without the benefit, guidance or constraint of an appropriate set of industry standards such as a Code of Practice.

Since its inception ACGA members have been actively involved in the indigenous arts sector. Early pioneers such as the late Gabrielle Pizzi grasped the significance and importance of the Australian indigenous arts movement and promoted its artists and their extraordinary work within Australia and overseas whilst maintaining ethical and professional practices and the highest standards of curatorship and academic rigour.

Today a great number of our member galleries carry on business within the indigenous arts sector, whilst a great many others regularly include indigenous art within their overall compliment of exhibitions.

As with non-indigenous artists, these galleries all undertake significant efforts to promote the artists which they represent by developing relationships with collectors, public and private galleries and museums, and other institutions and cultural bodies, both within Australia and overseas.

The ACGA has a representative (Victorian State Chair, Beverly Knight) on the NAVA Reference Group for the National Indigenous Art Commercial Code of Conduct and Ethical Trade Strategies which is chaired by Aden Ridgeway. With the assistance of Jill Gientzotis (a NAVA engaged consultant), and input from ACGA members, the reference group is formulating a Code of Practice which the ACGA believes should be adopted by all participants within the indigenous art sector. It is envisaged that ACGA members will adopt this Code of Practice and promote it vigorously to our clients, artists and communities.

Remote Community Artists and Art Centres

For many indigenous artists, especially in remote areas of Australia, the community art centre is the vehicle through which the artist's work may be accessed. Galleries working through the art centre may either represent the art centre artists as a group, or specific individual artists. The representation of those artists may be exclusive to that gallery within a particular area, such as a State or Territory, or may consist of the conferring of a preferred status, where that gallery will have first choice to select and exhibit works by those particular artists.

There are many mutually rewarding relationships between galleries, art centres and artists however the professionalism and expertise of art centres varies widely and this can be the cause of a number of problems in dealings between galleries and art centres:

- In some art centres the personnel may have difficulties in dealing with galleries who have a greater level of experience and sophistication. The dramatic turnover of art centre personnel also means that both Gallerists and art centre managers must re-establish relationships and modes of dealing time after time.
- Direct relationships between remote indigenous artists (both old and young) and Gallerists may be discouraged by some art centres. This can mean that the development of the artist's career, especially internationally, can be ad hoc. Gallerists need to be able to develop relationships with artists, so that their representation of those artists reflects an understanding of their community and its future needs and aspirations, both social and economic.
- Art centres and artists sometimes compete directly with the galleries who are representing them by offering works for sale to third parties. Where an artwork is sold directly by an artist or an arts centre the artist does not pay GST and, in effect, an automatic 10% discount is therefore received. On top of this they may also offer work for sale at a further discount, thus undermining the market prices being established by the gallery.

The ACGA believes that the implementation of a Code of Practice for the industry as a whole and a Set of Governance Standards for organisations such as arts centres would assist in alleviating these difficulties and establishing common ground.

Urban-based artists

There are a number of urban-based artists who enjoy successful relationships with commercial galleries and there are also several urban-based organisations such as Boomalli in Sydney, Koorie Heritage Trust in Melbourne and Artsource in Perth whose role is to support and nurture urban based artists.

The ACGA supports an expansion of the funded art centre or co-operative approach, to attract, develop and promote the visual arts as a career pathway for urban artists who may then continue their career with the assistance of the art centre, or go on to develop a fully fledged representative relationship with a commercial gallery.

If it was desired by the urban art centres the ACGA would be available to mentor these organisations, especially in the current climate, where business is interested in providing pro-bono services to indigenous people. The ACGA members could strengthen the artists' (and arts centres') interests with the government and not for profit sectors.

We would encourage indigenous people to be actively involved in the long-term development of the art sector and such organisations.

However, we re-iterate that a Code of Practice for the industry as a whole and a Set of Governance Standards for organizations is important for the long-term prospects of these organisations, their employees and the artists they are set up to assist.

Disabled Artists

A significant omission from the submissions received by the Senate to date concerns an appreciation of the needs of artists with disabilities. This growing sector in indigenous Australia needs nurturing and funding. Artists' co-operatives such as Bindi Inc in Alice Springs should be supported without constraints that may jeopardize the organisation because some of its participating members are artists.

Bindi Inc is a cross-cultural Human Rights Organisation providing support in lifestyle and employment options. In 2000 Bindi supported the creation of *Mwerre Anthurre Artists*, an artists' collective which focuses on encouraging the promotion of culturally relevant work options and art skills development for a number of employees who display a genuine interest in arts career development.

Mwerre Anthurre means 'beautiful art' and art made 'proper way' in the Arrernte language of Central Australia. We would strongly urge the Senate Committee to visit Bindi Inc before this inquiry concludes.

Responses

ACGA members have a number of ideas on specific responses to the various issues raised within this paper and the other submissions which have been received by the Senate. We do not pretend that any of these responses will provide the 'silver bullet' to alleviate the myriad of problems affecting the Indigenous arts sector, however we hope that they will assist the Senate in formulating its own response to this vitally important enterprise.

Proposal 1.

The ACGA supports the development and implementation of a Code of Practice for the industry as a whole and a Set of Governance Standards for organizations such as arts centres. We believe that the Code of Practice currently being developed by the NAVA Reference Group for the National Indigenous Art Commercial Code of Conduct and Ethical Trade Strategies could be the model which should be adopted by all participants within the indigenous art sector. It is envisaged that ACGA members will adopt this Code of Practice and promote it vigorously to our clients, artists and communities.

We also support the development of a Set of Governance Standards which could be supplemented by a practical handbook which sets out how those standards should be implemented. This would assist in informing and educating existing management and staff and also with the induction of new personnel.

Proposal 2.

The ACGA supports the establishment of a peak body that would have the task of 'mapping' the industry. A National Indigenous Art Industry Development Authority could, over say a two year period, establish and identify the full range of participants in the indigenous arts sector and address the inquiry's most important Terms of Reference. Participants are known to include Government State and Federal funding bodies, commercial and public galleries, dealers, art centres, universities, technical colleges and schools.

This body could identify where and how government funding is currently directed, good and bad practices amongst all participants, evaluate successful and unsuccessful business models and consider appropriate means of educating indigenous and non-indigenous people in the arts sector as well as consider the issues associated with remote living and urban survival. Marketing, both within Australia and overseas, the current state of and requirement for appropriate material infrastructure and a consideration of disability organisations would also be fruitful fields of inquiry.

Conclusion

We emphasise that the ACGA is ready and keen to assist in disseminating and encouraging the adoption of strategies which will help to protect, consolidate and develop, in an ethical and professional manner, the artistic, cultural and economic elements of the indigenous arts movement.

The Australia wide scope and combined wealth of experience of the ACGA membership makes it an ideal organisation to promote a set of standards, with an appropriate level of program targeted funding, in a timely, efficient, effective, and far reaching manner.

The Australian indigenous art movement is one of the most important art movements to emerge in the world over the past century. Its diversity and vitality is remarkable.

The opportunity that now resides with this Senate Committee is to acknowledge the movement's success to date, to acknowledge that it now faces some great and grave challenges, and to commit the Federal Government to supporting the indigenous art sector with the guidance, the structures and the funding which will ensure that this artistically and culturally unique movement continues and flourishes, bringing with it the cultural and economic benefits that our indigenous Australian community so genuinely deserves.

Yours Sincerely,

Guy Abrahams
National President
Australian Commercial Galleries Association