

25th April 2007

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

Dear Dr Holland,

I would like to thank you for the opportunity to submit my views to this enquiry involving the industry of which I am an eager participant.

This document will list some concerns, frustrations and hopefully some positive ideas that may have a small impact or offer some incite: all have been formed from my experiences over the past 16 years. I was also fortunate enough to be introduced to Aboriginal Culture as a child and have been involved with Aboriginal people throughout my life.

The matters of interest to this enquiry are very broad and my ability to articulate my views and all the complexities will be tested. I am therefore happy to discuss or expand on any items raised at your request, if you felt it could benefit the enquiry. My intention is to assist the enquiry within the provided terms of reference; however, if I depart on tangents here and there, I apologise, but will only do so if I feel there is some relevance to the matter.

I also observe the difference between Desert Aboriginal Artists, Urban Aboriginal Artists, Aboriginal Enterprises and the protection of intellectual/cultural property. My efforts will remain focused on the Central Desert Aboriginal Artists as that is where most of my knowledge exists and others would be more informed to speak on other related issues.

I am also concerned that the process of this Senate Committee has been initiated for reasons other than the Art Industry, I truly hope this not be the case, but cannot discount the wonder I have for the concentration on this area of Aboriginal Culture that is generally a roaring success whilst nearly all other areas of Aboriginal existence are pathetically incapacitated.

Initially I would like to very briefly explain my understanding of Aboriginal Culture that affects the Art community that I have personally learnt over time, both through my relationships and my research. I do not wish to undervalue the reader's knowledge on these matters; I only include this information as reference to the content supplied and to add some understanding to my recommendations and thoughts.

This quote is from Douglas Lockwood's book, *The Lizard Eaters* 1964. pg 8

"Few of the people living at Papunya and Yuendumu have seen any European Society. They cannot therefore be expected to understand the incentives which activate Europeans in economic matters. The majority have been in contact with white society for a very short time indeed; people who have never lived with a roof over their heads are still arriving".

“The concepts of work and competition are quite foreign to Aboriginal thought. They have no application to a nomadic system of life. To men who have hunted and eaten all their food as soon as it is caught the idea of making provisions for the future is incomprehensible.”

The last sentence in this reference is by my experience in most cases, a statement of fact and should be remembered whilst digesting the contents of my document. Many Central and Western Desert Aboriginals have no concept of keeping for tomorrow; they rarely make decisions based on any long term proposals or potential benefits to themselves.

This cultural attribute makes it very easy for some people to take advantage of Aboriginal Artists. The operational integrity of the dealer/art centre is virtually the only factor that determines if a deal was conducted within a mutually beneficial relationship or a case of exploitation.

The Aboriginal Artists I deal with are generally wonderful, peaceful people with their major focus on their family members. The families in most cases are very broad, they include relationships such as Aboriginal daughters/sons (in western terms- nieces/nephews -children from an elder brother or sister or even a cousin in some cases). This scenario is always highly active (or more evident) when a leading Artist or income producing Artist is involved. The numbers of family members appear to escalate with an artist's success and the reliance on the artist becomes extreme and many financial burdens develop. Clifford Possum Tjapaltjarri was a great example of this development and a living artist such as Ningura Napurrula is a current example. The increase in the artist's stature increases pressure on this cultural responsibility and in some cases leads to easier exploitation and poor or illegitimate works being traded more often.

TERMS OF REFERENCE.

a. The current size and scale of Australia's Indigenous visual arts and craft sector.

I am led to believe the Australian Aboriginal Art Movement may be generating in the region of \$500 Million annually, it is the most significant art movement in the world today and arguably the most significant in modern history. The growth of this sector has dwarfed the growth of any other Australian art sector. I believe that the nature of the rapid growth of this industry should be given great consideration, as I would suggest that this industry with its flaws has handled such a high level of growth exceptionally well to date (see Figure 1.1). I also believe that the current level of growth is likely not only to continue but to escalate in the short to medium term.

Australian Aboriginal Art is currently totally unknown to more than half of the earth's population but broader participation is consistently increasing. I recently exhibited Aboriginal Art at the Shanghai Art Fair, which was the first time Aboriginal Art had been exhibited there; I have recently been involved in several exhibitions in South Korea and active displays in Chile, SA and supplied works to over 20 countries. With continued rapid growth it would therefore be prudent to expect the industry problems to increase and that is of great concern and I agree that some changes do have to be made. Like any other sector, consistent fast growth will change the mechanics and operational requirements of an industry, and I support the Senate Committee's intention to define these improvements.

Figure 1.1

Australian Aboriginal Art 1994 - 2005
Australian Art Auction
Sales

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Aboriginal vs Australian Results for the Past 10 Years

YEAR	Australian \$000's	Australian Aboriginal \$000's
1994	\$ 22,638.00	\$ 619.00
1995	\$ 23,676.00	\$ 1,239.00
1996	\$ 33,327.00	\$ 1,357.00
1997	\$ 25,357.00	\$ 3,818.00
1998	\$ 36,397.00	\$ 5,171.00
1999	\$ 56,539.00	\$ 4,687.00
2000	\$ 68,379.00	\$ 6,123.00
2001	\$ 59,629.00	\$ 5,965.00
2002	\$ 67,370.00	\$ 6,567.00
2003	\$ 76,929.00	\$ 9,823.00
2004	\$ 65,631.00	\$ 11,742.00
	Growth Rate over 10 Years	
Australian Artists	289%	
Australian Aboriginal Artists	1896%	

It is important to mention that we essentially haven't witnessed the emergence of the secondary art market for Aboriginal Art. Auction houses are the only contributor to this sector and the future will require dozens of galleries selling secondary market artworks, as occurs in most other Art Sectors. Auction houses may contribute approx \$10 Million (growing rapidly as well) or more to the secondary market now, but this market will eventually support a considerably higher volume. Disappointingly, in a secondary market, essentially no benefit is provided to Aboriginal Australia, in its current form.

b. The economic, social and cultural benefits of the sector

There are remarkable benefits brought to the Aboriginal population and communities via this industry. There are also some very negative impacts.

Some benefits are significant; a great example would be the projects Papunya Tula has been able to finance through their art centre sales, including the donations to the Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation and the establishment of this Dialysis Clinic. Although, it is my opinion that these projects should have been government funded in any case. The fair wages of Artists have been used in the place of government funds, no disrespect to Papunya Tula as I would have done the same, if in their position, but they should not have to do so.

Communities like Manningrida, NT which has a population of approx 2500 people. Within that population there are approx. 750 artists. The centre is providing social and cultural activity to community members and an income to approx.30% of the population. This is an amazing story of success.

Some Art Centres are funding life saving operations for Artist's, including eye operations that dramatically improve a recipient's quality of life. However, although this is a sensational result, why isn't the government funding these sorts of activities and allowing the revenue's generated, be paid as wages for hard work well earned.

The most disappointing issue to me is that there is no doubt that the Aboriginal Art Industry is currently subsidising the Governments responsibilities for Australian Aboriginals, providing money and resources that the government of the day should be responsible for.

An example is Manningrida, reportably the 5th largest city in the NT, a population of approx. 2500 and no useable Swimming pool, whilst being surrounded by Crocodile and Shark infested waters (with recent deaths reported) and 30 plus degree conditions. There are towns in NSW and Victoria and all other states with populations under 150 people with Government funded swimming pools. This is a national disgrace and more effort should be used in these areas. Why Should Papunya Tula have to raise money for a Pool at Kintore? THAT PUTS PRESSURE ON WHAT THEY ARE ABLE TO PAY THEIR ARTISTS AND AN ARTIST MAY GO SOMEWHERE ELSE FOR HIGHER REMUNERATION.

Ethically, Aboriginal people are a sovereign nation living well below the poverty line. The graph below demonstrates that Aboriginal Median Wages are under 1/3 of Non- Indigenous Wages. This inequality is only one of the factors that have a direct effect the art market, but an important one.

The below graph's (Figures 1.2 and 1.3) illustrate the staggering fact that nearly half the Aboriginal population in the Northern Territory earn a mere \$120-\$199 per week. And most of these figures are also affected by the CDEP (Community Development Employments Program).

Keep in mind that in the areas that these people live, prices for all items are inflated in comparison to Melbourne/Sydney or regional prices. i.e Petrol \$1.50+ per litre. Community store prices are often very expensive due to distribution / storage / wage costs, and in some instances inflated just because they can be.

Figure 1.2

AUSTRALIAN BUREAU OF STATISTICS 2001 Census of
Population and Housing
Northern Territory (STATE 7) ,
1352212.4 sq. Kms

I29 SELECTED AVERAGES(a) BY INDIGENOUS
STATUS

	<i>Indigenous</i>	<i>Non-Indigenous</i>
Median age	21	34
Median monthly housing loan repayments	\$800 - \$999	\$1,000 - \$1,199
Median weekly individual income	\$199 - \$400	\$500 - \$599
Median weekly family income	\$499	\$1,200 - \$1,499
Mean household size	4.6	2.7

Figure 1.3

AUSTRALIAN BUREAU OF STATISTICS 2001 Census
of Population and Housing
Northern Territory (STATE 7) , 1352212.4 sq. Kms

I08 WEEKLY INDIVIDUAL INCOME BY AGE BY SEX
Indigenous persons aged 15 years and over

	<i>Total</i>
Negative/Nil income	1,872
\$1-\$119	2,212
\$120-\$199	16,197
\$200-\$399	5,745
\$400-\$599	1,834
\$600-\$799	1,120
\$800-\$999	488
\$1,000 or more	416
Not stated	2,649
Total	32,533

Many Aboriginal people obviously including Artists live in unhygienic third world conditions in a completely tribal society that has little intention of assimilating with the mainstream white culture. The statistics below taken from Figure 1.2, illustrates the Northern Territory Aboriginal Mean Household size is nearly twice the Non Indigenous, in reality and from experience I personally know that most senior Aboriginal Artists live in household's with more than 10 to a dozen people with overnight numbers often swelling to the 20's or 30's.

Mean household size

4.6

2.7

ABORIGINAL ARTIST'S LIKE ALL OTHER ABORIGINALS ARE EXPECTED TO LOOK AFTER FAIMILY MEMBERS AND OTHERS, it is not a choice in most cases.

Aboriginal Artists all support many other people, family members and young children, these children have needs that are immediate and this very successful art market has provided an avenue for a semi-reasonable existence for many people. Any negative trends or publicity on the art market have, and will continue to impact many people.

There are also many regressive impacts of this successful art market on Aboriginal people. Due to the success of individual Aboriginal Artists, there develops a reliance on these people to support an extended network and the pressure on some artists is extreme, I know in some cases this leads to very poor health and sadness. As many of these artists are elderly this cultural methodology can have very serious effects.

Another major problem with this market is the attraction for artists and families to travel to town (Alice Springs) for work. This often introduces younger family members to alcohol and unstable town camp environments, as they most likely would have arrived from Dry Communities. This problem was partly created by the art community itself and is a detriment to the industry.

I believe there was an industry related stance to stop/complicate the approval of permits to dealers for Aboriginal Land entry to Art producing communities, which effectively reduced the supply of money to the Aboriginal Artists and community. I believe this was one factor in many artists moving into town to paint and being exposed to drinking, and some of their younger families drinking for the first time. I do understand the thought process behind these actions, as historically too many unprofessional operators were accessing the communities. My recommendation would be that, it should have been made harder to get permits, long standing people with good reputations and existing artist's relationships. A possible solution in my opinion is that the artist and not the buyer who should be the one who applies for the permit for his/her buyer to attend.

Culturally this Art Market is also missing a big opportunity in fostering younger artists by the non-allowance and/or deliberate hiding of collaborative works, I know this practice goes on in some art centres and is usually denied. Yet some carpet baggers are said to be the only ones who allow this to happen. The reality is that collaborative works have been happening for years. In the early seventies the men started painting, in the eighties in many instances the men would start the paintings and the women finished them, then the women started doing complete works, when the men were either too tired or too old. This is all to do with two issues: one being in most cases they didn't feel they were doing anything wrong; and, then the increasing commercial pressures on families for the much needed income. Many of the works (certainly not all) by artists such as the late Turkey Tolson, Mick Namarari and many others were assisted by their wife's and/or siblings. This is a beautiful part of Aboriginal Art that should have been allowed to blossom and aid in the passing down of the stories from elders to younger family members. Collaborative works are deliberately hidden by the entities that most newcomers to this industry consider the most ethical or most important. A protective mechanism that I simply do not understand.

c. The overall financial, cultural and artistic sustainability of the sector;

Many of negativities associated with our industry often published in News Articles about exploitation were significantly more prevalent in the early nineties than the market today. 10 years ago many artists were often getting \$500 for artworks worth several thousand dollars, but in defense of buyers and sellers then, works were often not easy to sell and like any new industry margins are usually a lot higher than an established industry. I do feel to some extent that much of the negativity associated with this industry currently has been derived from the past rather than the now or the future. With the industry's growing popularity and competition increasing rapidly, it is the Aboriginal Artists who in many cases now hold the power, not the buyer; a pleasant and exciting turnaround which is the most important benefit derived from the industry's growth. Financially, the market will face some challengers if the high quantity of low quality work continues to increase, however there will always be a secure and growing market for high quality works from both leading and emerging Aboriginal Artists.

The industry must stop poisoning its own market place for continued success. It is healthy for the Artists to have the right to choose who they paint for. In some ways it is good for the art centres too. Like any industry, competition will keep them on their toes and the artists will be the winner in a competitive environment. This is not a defense for crooked dealers, I am referring to private dealers with integrity, and they do exist.

Some artists have not painted for art centres for many years. Some artists have never painted for art centres. Some artists couldn't paint for an art centre if they wanted to as there are no centres located in or representing their community or area. These artist's (example Gloria Petyarre) are being significantly affected in the market place, as they do not paint for a Community Art Centre, due to industry self generated negative publicity – makes no senses at all.

Constant negative speculations also have the ability to push some high quality participants away from the industry and also deter some valuable people from entering into the industry in the first place, both these effects can have significant economical costs in the long term.

Culturally, the work may suffer slightly as the last generation of non-western influenced Elders passes. I am not entirely confident that in some cases the full understanding of the stories has been passed to the next generation, the younger generations in some cases have too many distractions from culturally important concepts and although in some cases inevitable, is very disappointing. I feel that there is a very real possibility that Aboriginal generations of the future will need to refer to many important artworks to understand the visual representations of many stories and although it may disappoint the market place, significant Aboriginal Artworks should not receive export permits for this reason alone.

Many younger Aboriginal Artists are becoming collectable just on sheer talent and originality, that is a great transformation that should be welcomed. People are starting to purchase beautiful artworks in some cases without even knowing the artist was Aboriginal, just because the work was beautiful. A simple fact is that Aboriginals can paint; they paint beautiful images, unbelievably contemporary works that are fresher than anything else in the world and relatively affordable. I am constantly surprised by some artist's ability to reinvent themselves over and over again with very marketable works, so I am very bullish about the future and the artistic sustainability.

d. The current and likely future priority infrastructure needs of the sector;

Completion and introduction (and accountability) of the industry specific Code of Conduct, Currently in progress.

More Art Centres to fill the current holes of support, higher wages to attract the right staff to Art Centres.

Desart needs to start holding art centres accountable. THIS IS ESSENTIAL FOR THE INTEGRITY OF THE INDUSTRY! All Art Centres should be audited yearly and given a tick of approval by the governing body. As a year in an artists career is a long time. I do not just refer to a financial audit, but systems, stock and management process audit. This is essential for the industry to achieve a best practice standard. All Art Centre staff require regulation as to the way they accumulate and acquire artworks whilst employed by the Centre. I will continue to support art centres where I am comfortable with their management and operational structures.

Industry acceptance that not all non-community art representatives are dodgy or Carpet baggers and that there is a place for operators with integrity. No one ever consults the artists about what they think? Some 'defined' industry carpet baggers live with or near their artists and provide for them on a day to day and as-needs basis, like a Community Art Centre would do. Also do not discount the industry promotion that the dozens of private dealers have done for Aboriginal Art over the last 20 plus years, the hundreds of international trips, the thousands of exhibitions and magazine advertisements. I would dare say the 'defined' carpet baggers contribution to the growth of the industry and the development of many artists is very significant.

Early in the industry some Art Centres like Papunya Tula used to work with some private dealers to best suit the needs of artists and/or their clientele. I see no reason why in some cases a private dealer and an art centre should not work together with a certain artist to achieve great results collaboratively and most importantly provide the greatest possible outcome for the artist.

I honestly belief that if the government really wants to help this sector it needs to acknowledge that many factors effect the performance of this industry. More efforts should be made on improving the whole community infrastructure. For example:

Every item Aboriginal people require in remote areas is so expensive, limited pension funds and poor wages guarantee monies dry up very quickly and people turn to the art community or an artist for deficiencies.

The roads to the communities are so bad that the cars do not last long regardless of how well they are treated. Most roads are a disgraceful. Many Aboriginal drivers in Alice Springs don't have a license or the skills to drive. Why there isn't a well publicised free compulsory and fun driver training/licensing program running?

Why is there such a shortage of doctors/ dentists and other required practitioners, another reason to come to town and drive another 400km's and damage another car on the way and come up with another \$300 or \$400 for fuel and food, not including one or two probable tyre blow outs, there's another \$200- \$300. The basic of all facilities are very poorly provided and my genuine opinion is that if the overall community standards significantly improved to the standard that any other modern Australian centre enjoys many of the art Industry problems would solve them self.

I could write another 20 pages on similar deficiency's but will leave them out of this submission, although relevance could be argued in most cases.

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

Firstly I would like to point out that there are several reasons why a person may become a participant in the Aboriginal Art Industry. This is relevant because there can be a mix of motivations for that participation.

Artistic Background

Some people have began their involvement, as they were already and active participant in an Art Market, such as a Gallery Owner and correctly observed the opportunity that Aboriginal Art offered.

Cultural Background.

Some people have began their involvement as they were already professionally associated with Aboriginal People in another area and were in a position to observe and become involved with a very exciting project. Geoffrey Bardon – Would be a great example.

Personal Background.

Some people have began their involvement, as they were just friends of Aboriginal people, and started by just helping a friend/s and may have evolved into a business.

Paid Employment

Some people have began their involvement because they have some knowledge in some area of running an Aboriginal Art enterprise and are participants just to earn a wage and get by in life.

Financial Reward Only.

Some people have become involved just because they see large financial gains in the industry and often try to make a lot of money as quickly as possible.

Importantly, some people may be a combination of any of the above. The reason for my highlighting the above, is that there is currently a bias of industry support towards the Artistic Background participants, in the form that anyone who hasn't run a gallery for 20 years may not be worthy of Art Centre Support and is often labeled a Carpet Bagger. I personally originally entered this industry via points 2 and 3 as I was a State sales agent for the Cherbourg Aboriginal Community (near Murgon QLD) when my commercial interest in the art started.

A small minority of galleries with long established art centre relationships are given preferential treatment and even exclusivity in some cases. Although I respect the business practices of loyalty and strategic alliances, this practice is a form of protectionism and doesn't permit other galleries to operate as a perceived ethical gallery regardless of the integrity of the Curator. If you cannot procure the Community works then you may be considered a carpet bagger. This also slows the possible growth of the industry and also reduces the possible returns to the artists; the mere fact of limiting the number of outlets reduces further possibility of increased exposure. Again, I am not saying it should be a free for all, but new/maturing high quality participants are a reality in all industries and some level of support should be afforded to them.

My personal frustration to the above statement is that I do not believe the above mentality is keeping up with the growth of the industry and some artists have and are suffering and I believe many artists' prices are lower than they should be.

My philosophy with regards to Art Centre support is simple. I will always prefer to purchase from an Art Centre, I will support Art Centres that support me. I will only support Art Centres that I believe are operated in a professional/fair manner and with integrity. I will only deal direct if an artist is not represented by an Art

Centre or the Artist makes it clear to me or the general industry that they choose to work outside the community art centre **regularly**. If I purchase from a third party, I will only do so if I believe the relationship between that party and the artist is a mutual consented relationship and the artists is genuinely committed to that party and the above rules also apply. I also actively encourage artists to paint for their Art Centre and do whatever I can to promote this choice. Art Centre's who work with artists I have dealt with should verify my stance in this regard.

Some galleries have a limited and/or protected ability to purchase artworks from major Art Centres. In some cases for example, an art work could be originally purchased for \$5,000, it would not be unusual for a Gallery to resell that work at a minimum of twice but up to 3 – 4 times or even higher than the original price paid. I have observed many examples of this in the past. My argument would be that a work such as this example should have been more expensive at the Art Centre initially, with more funds going to the artist; this would occur if more galleries were able to participate in such purchases. The margins in Galleries dealing in high quality Art Community work have historically been very high. The combination of the growth of the market and the artists now having the ability to choose another supply mechanism is changing these dynamics, in many cases to the benefit of the artist's cash flow. But I do agree that this also leads to some of the problems currently being raised through this Senate Committee.

An interesting observation is that most individuals who have made the most personal wealth from this industry are long term supporters of Community Art Centres not so called carpet baggers. The reality is that some so called carpet baggers are great industry participants and some are a disgrace. This can also be said for some art centre staff and management over the years.

I am a major supporter of Art Centres and see them as an absolute necessity in this industry, but I believe it is for different reasons than most. Art Centres are a place where people, not just artists can go to try something new, entertain themselves, learn about their culture, paint artworks, socialize and ideally receive an income. They are essential and every community should have access to a centre. They exist to support the people and the artists associated with the centre. They are mostly not for profit centres, and redistribute the proceeds of sales to the artists. They are also used to support emerging artists which is obviously vitally important.

One issue I have is that some ill-informed promoters of Aboriginal art that suggest an artist is always paid more through an art centre than a private dealer. This can be impossible in some cases. The Art Centre has staff, many expenses, emerging lower selling price artists and a certain amount of unsaleable/discounted works. These are all supported by a certain number of popular or well selling artists. The profit distribution or the amount paid to an artist must take all these other items into account and therefore could be a lot lower than the works eventual sale price. Obviously, this process does however facilitate major benefits to the community. In some cases a leading artist or a group of artists is subsidising the art centre when they should be rewarded for their own contribution as accurately as possible. I believe Art Centre's should be Government funded to ease these pressures, even if they are generating profits. Why should Aboriginal people have to forgo wages for personal works to satisfy a unique community program that offers major social benefits? Many Art Centre activities and projects would be government funded if they took place in the wider Australian Community. They should not be penalized because an individual or group of artists is successful in their own right.

If an artist is community based then monies paid from a private dealer and a community art centre are equally injected in the community and both provide a community contribution. I would definitely prefer an artist to be community based where ever possible but am also conscious of their right to choose where they live. I believe the environment in Alice Springs is declining rapidly and will continue to get progressively worse and I do believe the Arts Industry is a major contributor to this decline.

The other issue with some Galleries who get preferential treatment is that they often expect to receive the finest works from Art Centres each year, leaving new comers to the market without any quality options. Some Galleries will not purchase the lower ranked artists or even slightly lesser quality works from the leading artists, yet pressure the art centre co-coordinators not to sell to other competitive Galleries. They may have an emerging artist's exhibition once a year but the sheer volume of art being produce often needs significantly more support. I am not saying that an element of this scenario isn't to be expected and in some cases is understandable, just stating that this situation is one of the driving forces behind some galleries buying direct or from other private dealers.

There are some shining examples of art centres, such as Papunya Tula, Manningrida and Yuendumu. Warlukurlangu Artists and Manningrida Arts & Culture are operated in a professional manner, with no market manipulation and provide quality works and fair process with very reasonable access to people / organizations wishing to purchase works.

It must also be noted that some Art Centres are not always fulfilling the needs of all artists; this can be due to a lack of funding, general resources and other matters. (Not that I expect them to be 100% perfect). This does however create an appetite in the market place that in many cases is being catered for by private dealers. Examples could be:

Painting facilities unavailable on certain days or weekends, as leading artist have serious pressures from their families, and they may not wish to stop painting on a certain day.

This could also be said about extended breaks over periods like Christmas, although it's generally accepted to close down or minimise operations at such times, however financial pressures are often more intense in these periods and the possibility of some exploitation is more prevalent in these periods.

Art Centres having too much stock from a certain artist and encouraging them to take a break and not to paint when the artists financial pressures remain.

Certain Subsections or Artists from different area's being expected to paint in the same area as artists from another area that may have cultural reasons for them not wanting to do so.

There also must be commonsense and opportunity applied to the situation where an artists simply doesn't like an Art Centre or Art Centre staff and therefore chooses not to support the Art Centre, the market currently deals harshly with an artist who may take this approach, which is disappointing, as it can be a normal situation that occurs in all walks of life. The other reality is that some private participants have equal or in some case may offer better facilities, support and/or resources than the relevant Art Centre. The practice of art centres being negative towards an artists work or career for no other reason than the artist is making his/her own decision to paint elsewhere needs to be deterred.

My view is that Art Centres should receive more funding, there should be more Art Centres established to fill current voids in the industry. All Government endorsed Art Centres should be shining examples of Artistic production, they should have excellent facilities and professional organisation structures, they would then become deservedly known as the bench mark for the industry. This process would have multiple effects: Firstly it would lift the bar of our industry, it would apply pressure to private operators and it may steer artists back to a community environment. I do not believe community art centres should encourage artists to paint in town (Alice Springs) and the establishment of in town art centres is in my view a backward step although I understand why the decision may have been made to establish them.

The Art Community should also welcome back the right of high quality private dealers to access the Aboriginal Community for transactions with artists who choose to deal with them in a fair and reasonably manner.

The Art Centre and Private sector should work together more in limited cases to get the best result for an artist and the industry. There is some scope for a combined representation to best suit an artist's needs in some cases.

One very personal but still important negative impact on becoming a 100% Community Art Centre operator in the current environment is the reduction of interaction between myself and Aboriginal people, as this is a prime motivator for my industry involvement, I would welcome a more open door approach to some Art Centres which allow the gallery owner to interact with supported artists more.

A reduction in negative publicity which in some cases is instigated by very small minded self interested parties over a very minor matter, as the effects are felt world wide, as many very tedious but negative articles are well circulated internationally. Many negative news articles are generated by what could be considered as an overzealous cartel whose attempts to corner financial advantage are using thinly disguised moral issues that reek of conflict of interest and a misrepresentation of the truth.

The industry desperately needs more news articles and examples published both nationally and internationally on the abundant positive success stories generated by this industry continuously.

The industry needs to find a method to deal with dealers who operate in a fashion that is not in the best interests of the Industry. There are many areas where poor operational standards apply but there are so many grey area's within each situation that problem identification and enforcement will prove very difficult. Examples below:

Purchase and Selling Prices of Artworks.

Selling prices and purchase pricing can be a grey area. The relationship with the artist has some real importance, some people may have dealt with an artist for 10+ years and receive different treatment to a industry new comer, also, some operators have significantly higher or lower overheads, some do more promotion than others and payment methods can differ enormously, and post-deal payments in the future for artists needs occurs regularly. Quality of artworks also varies enormously and possible resale values can be broad.

Ownership of the artwork/story Queries? Collaboration etc

What does the industry do when a Master Artist does the Story/background and the daughters/sons do the fill in – is its still a work of that artist? What does the industry do when a Master Artist does the Story and *non-family* do the fill in etc. These scenarios sometimes occur in this industry. The reality is that all of the above should be deemed acceptable if documented with each artwork where relevant. However, this is not observed by some community Art Centres and is not an expectation in the non-indigenous art market, I know many well respected non-indigenous artists who have, 1, 2, 3 or even up to 6 staff assisting with the creation of their artworks, with industry knowledge yet know provenance issues are ever associated with work completed in that environment.

Artist's Behavior

A problem this industry faces is that it can be the artist him/herself that damages the industry, with offers to sign their name, or bring a non authentic artwork to a buyer inappropriately attributed, allow photography of non-authored works. A newcomer to the industry might not be in a position to identify this situation and proceed whilst believing he/she is doing the right thing. I know of one of Australia's most eminent deceased Aboriginal Artists when painting for his/her Community Art Centre was regularly helped by another artist and I am aware of individual cases where other artists did complete works. These works however sold under a community banner were considered authentic for provenance, while others that may have been 100% genuine are not? There are many issues in this area that the Industry Code of Conduct once completed, should clarify and protect.

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

The Government should act aggressively on individuals/organizations that import Aboriginal inspired/copied products. These products are rampant and totally visible at many major markets in the country and even more disappointingly available in many ABORIGINAL OWNED TOURIST OPERATIONS. These products should be banned and include significant penalties to abusers. The obvious exception, relates to products that are developed and/or marketed by an Aboriginal Corporation, JV or with appropriate approval. Products of this nature could have some type of Approved/Endorsed/Aboriginal seal or a Government authenticity method. The Australian Government should investigate the registration/protection of the words 'Aboriginal Art', (there may be a possibility of ownership and influence as to what is allowed to be identified as 'Aboriginal Art') as the French have done with several alcohol beverages.

The below graph (Figure 1.4) illustrates the enormous differential in the unemployment rate between indigenous and non indigenous people. It would be reasonable to assume that the significant proportion of employed Aboriginals are involved in the arts community and this demonstrates the importance of the industry and the severity of the employment issues in Aboriginal Australia and highlights the value of this industry and why it must not only be protected but fostered.

Figure. 1.4

AUSTRALIAN BUREAU OF STATISTICS 2001 Census of Population and Housing						
Northern Territory (STATE 7) , 1352212.4 sq. Kms	Persons aged 15 years and over	I13 SELECTED CHARACTERISTICS BY INDIGENOUS STATUS BY SEX (SECOND RELEASE PROCESSING)				
	<i>INDIGENOUS</i>			<i>NON- INDIGENOUS</i>		
	<i>Males</i>	<i>Females</i>	<i>Persons</i>	<i>Males</i>	<i>Females</i>	<i>Persons</i>
In the labour force:						
Employed: CDEP(a)	3,151	2,006	5,157	288	184	472
Employed: Other	2,231	2,503	4,734	43,654	33,747	77,401
Employed: Not stated(b)	161	123	284	915	735	1,650
Unemployed	935	659	1,594	2,476	1,593	4,069
<i>Total labour force</i>	<i>6,478</i>	<i>5,291</i>	<i>11,769</i>	<i>47,333</i>	<i>36,259</i>	<i>83,592</i>
Not in the labour force	8,263	10,525	18,788	11,713	15,437	27,150
Unemployment rate	14.4%	12.5%	13.5%	5.2%	4.4%	4.9%

It would be worth considering the introduction of regular group education presentation's to artists in all productive communities to inform them of the state of the market, even their own role in that market. This process would help them identify with values and create better understanding of the path of their artworks once completed and sold. An attempt to equip Artists, in the best possible way to self exist in a very dynamic and constantly changing market place. An example of relevance is that if an Artist wins an award or achieves a higher than expected private sale or auction success, they should be informed that their work is likely to be worth more. The market can change so quickly that Artists are often unaware of trends even if they are directly affected.

If the government doesn't establish and support more art centres the private sector will soon enter the Art Centre Market, this has already happened at one significant, successful and Desert affiliated Art Centre.

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

I believe that the market is healthier internationally than it is nationally and with the right industry participants will continue to grow without any external factors or incentives; this is not to say that they wouldn't help.

More aggressive funding, financial assistance and promotion of the Aboriginal Art Scene Internationally, with a focus on new markets such as Asia.

More traveling Aboriginal Art Exhibitions, i.e NGV Collection and other Government Collections.

More Art Awards servicing our sector, on volume it's amazing that we essentially have only one Major Aboriginal Art Award per year.

Other matters

I would be grateful if the Enquiry could endorse further research on the possible instruction of a *droit de suite* based system for resale royalties to Aboriginal Artists. This would benefit many of the Aboriginal population significantly, the families of the current and past artists are large, the value of sales now and in the future are massive and a small percentage back to artists' families would change the world of many people. This has specific relevance to many of the deceased founders of this Art Movement where many of their families are destitute whilst their artworks that were originally sold for around 100 dollars are now selling for 10's and 100's of thousands. I believe that these works will eventually be sold in the millions and a great benefit could be gained without a major addition to the cost for future investors.

The results of this enquiry and any recommendations and the "in progress" Industry Code of Conduct should be translated into Aboriginal languages and circulated appropriately. i.e Pintupi and other languages.

In Summary.

The industry is not in as poor a state as many people like to suggest and is often reported. I have identified some of the many issues in this document and will continue to do what I can to improve the industry. Essentially the industry is still very dynamic and many artists are now in a position of strength to deal with whom ever they choose. There is still a solid and growing market for good quality works. Artists are importantly satisfying a vital cultural role of supporting their families and communities.

This industry is injecting million into the NT and Australian Community, largely without any Government support, the Government of the day needs to do more to assist in the preservation of the most identifiable success story in Aboriginal Australia's history.

A great and most valuable resource for further information on the development of this Industry is Daphne Williams, former manager of Papunya Tula Artists. She is intelligent, culturally aware and educated, and honest in her communications.

I endorse the concept of establishing a formal mechanism to create a set of ethical and practical guidelines for all industry parties. i.e Industry Code of Conduct.

The results of this enquiry and any recommendations (at least in summary) and the Industry Code of Conduct (once finalised) should be translated into Aboriginal Languages. i.e Pintupi and others.

I look forward to any resolutions that may benefit the Aboriginal Arts Industry and will continue to monitor the progress of the Senate Committee.

Yours Sincerely,

Adam Knight