

## National Cultural Policy Submission

This submission is **on behalf of a not-for-profit arts organisation.**

Indigenous Art Code Limited has focussed on challenges and opportunities relating to the commercial relationships artists have with the art market, as is in line with our organisational remit.

### 1. First Nations

**We do not honour Aboriginal and Torres Strait Islander art and culture if we allow fake art to be sold in Australia.**

The suggested measure of mandatory labelling for inauthentic Indigenous-style souvenir products to address the pervasive and longstanding problem of fake art recommended in the recent *Aboriginal and Torres Strait Islander Arts and Crafts Draft Report, July 2022*, Productivity Commission, is not acceptable. Instead, legislation must be introduced to ban sales of inauthentic Aboriginal and Torres Strait Islander *style art*.

The draft report also states that around \$41-\$54 million worth of inauthentic Aboriginal and Torres Strait Islander art was sold in 2019-20. In other words, this is a \$41-\$54 million economic opportunity being denied to Aboriginal and Torres Strait Islander artists and communities, which they should rightly be benefiting from.

*“There is so much talk in the sector about decolonising spaces and stories, but what are we really telling First Nations people by having fake art on shelves?”*

- Savannah Travia-Dann, Nyul Nyul Artist and Artist Member Services, Indigenous Art Code

### Indigenous Cultural and Intellectual Property (ICIP)

The establishment of standalone ICIP laws in Australia must be developed.

#### Self-determined engagement in the market

Artists having access to all information about the exhibition and sale of their artwork should be the rule, not the exception. Self-determination for Aboriginal and Torres Strait Islander artists cannot be achieved without artists having accessible, transparent and readily available information. Whether working independently or through an art centre model, artists must have access to independent advice (not only from the business they are dealing with) to have agency, be well equipped to navigate the market, freely raise questions and speak about their concerns without fear of being reprimanded or coerced by those with a commercial interest in their art practice. This is necessary for artists to make informed decisions on how they wish to participate in the art market.

#### Aboriginal and Torres Strait Islander arts practice is diverse, as are the channels through which artwork enters the market.

There have been significant outcomes for artists over the last two decades from Government investment in remote, Aboriginal and Torres Strait Islander-owned and governed art centres and the major art fairs and events they and their member artists have access to participate in. Artists working outside the art centre model often miss out on access to this level of culturally appropriate arts development support and pathways to participation in the art market. We are also observing a divisive culture within the commercial sector of art dealers and businesses who support and acquire artwork from art centres and those who sell the work of artists working outside of the art centre model.

Art centres are collectives, established, controlled and governed by their member artists, who retain their autonomy and agency within this model. All art centre profits benefit the collective; this includes younger and emerging artists whose work might not yet be commercially successful, as well as supporting projects and initiatives that are not only about commercial outcomes, including; return to Country trips, artistic skills development, training and employment opportunities, documentation and archive development. Art centre staff are employed to facilitate the role of the art centre as a conduit between artists and the art market, helping to navigate the often-tricky side of the art business, including negotiating with dealers and administration and pursuing and securing relevant opportunities that benefit artists' careers. There is a reason the art centre model is

often preferred by the consumer, as they provide a clear link from the artist to the market, clear provenance, and accountability. Increased investment in art centres is needed, and further support needs to ensure Aboriginal and Torres Strait Islander people are supported in management roles within the art centre model.

Not all Aboriginal and Torres Strait Islander artists are creating work through an art centre or in remote parts of Australia. Still, all artists should have the opportunity for professional and cultural development and pathways to accessing the art market. Artists working outside of the art centre model are often missing out on the benefits and support art centres provide for the development of their practice and pathways for access to opportunities, both commercial and non-commercial. This is especially necessary for young, emerging and unrepresented artists. Significant, targeted and accessible investment in independent artists who work outside the art centre model is needed.

**To create a fair and inclusive marketplace, Aboriginal and Torres Strait Islander peoples must be represented in every part of that marketplace.**

According to figures published in *the Aboriginal and Torres Strait Islander Arts and Crafts Draft Report, July 2022*, in an industry valued at \$250 million in 2019-2020, the return to artists was only 10-15% of the total value of sales across all markets. This percentage needs to shift; Aboriginal and Torres Strait Islander artists, families, and communities must be the primary economic beneficiaries of an industry profiting from their culture.

There needs to be more significant support for Aboriginal and Torres Strait Islander employment in the Arts- as artists and arts workers and as cultural mentors, administrators, curators, gallerists, managers, business owners, retailers and manufacturers. This is not limited to the public sector, but greater representation in the private, for-profit sector is needed. The barriers to this should be investigated and targeted strategies developed.

**The importance of art for culture's sake**

The visual arts market presents commercial opportunities for Aboriginal and Torres Strait Islander artists are significant. Although, it must be acknowledged that artists need the opportunity to develop and explore their artwork safely and not always conditional on its sale, but rather for cultural continuation. Art centres simultaneously facilitate and nurture culture preservation to their commercial objectives, creating and housing invaluable cultural databases. Therefore, the continuation of funding for art centres to meet this objective is vital, along with supported opportunities for Aboriginal and Torres Strait Islander artists who do not work within an art centre model.

## **2. A place for every story**

**Celebrate the diversity of Indigenous cultures in Australia, and educate the general population**

In our consumer research for the Fake Art Harms Culture campaign, we heard a lot of misinformation from retailers selling fake products saying things to the effect of 'all Aboriginal art is dot painting'. There is not one homogenised Indigenous culture in Australia. The Indigenous visual arts sector is one of the most tangible ways we see the diversity of Aboriginal and Torres Strait Islander cultures represented in this country and is a great strength. Aboriginal and Torres Strait Islander artists are storytellers, and these diverse stories, representing various languages, Country, cultural knowledge, and lived experiences, should be honoured and respected equally.

Embedding First Nations history and stories, past, present and future, in Australian culture is vital- in our schools, local communities and councils, understanding and promoting First Nations histories and concepts of place, and in the content we see on television and streaming services.

## **3. The centrality of the artist**

**Increased respect for artists and recognition of the artist as a worker**

Respect in the first instance means that Aboriginal and Torres Strait Islander artists can access information to make informed choices regarding their participation in the art market. Far too many people operating businesses involving commercial arrangements with Aboriginal and Torres Strait Islander artists still do not think the artist is central to their business.

Artists are workers. Their families and communities see them as bringing in an income and often play a crucial role in financially supporting an extended family network. We must recognise and respect that contributing to a workforce does not only look like a traditional 9-5 job with an employment contract and that this workforce participation needs to be safe for artists. We also need to find ways to recognise and remunerate Aboriginal and Torres Strait Islander peoples and communities for the unpaid and underacknowledged work they do in a cultural and community context that supports governance, arts development, intergenerational education etc.

#### **4. Strong Institutions**

##### **Strong institutions are safe institutions.**

Safe, respectful workplaces for Aboriginal and Torres Strait Islander peoples is imperative, regardless of the entity type. Irrespective of how it is funded to operate and whether it is a public institution, an art centre, or a commercial gallery, ethical treatment and respect of artists and arts workers is a baseline expectation. This includes cultural safety- cultural awareness and mental health first aid training with a First Nations lens should be mandatory for all institutions and businesses working with Aboriginal and Torres Strait Islander peoples. Healthy and safe workplaces make for a more vital, robust marketplace.

##### **Recognition of the systemic power imbalances that exist and how they are exploited in the Indigenous Visual Arts Industry**

A lot of the issues faced by Aboriginal and Torres Strait Islander artists are symptomatic of systemic social problems many First Nations people face in this country, and arts and cultural policy alone will not address this. While artists have cultural authority, the person or business holding the money usually holds the economic bargaining power. This is generally not First Nations people in the arts industry.

“...it’s important to acknowledge that exploitation of artists occurs. Colonisation has created a power imbalance between Indigenous and non-Indigenous people, and that power imbalance still impacts Indigenous lives and communities. Indigenous people, particularly in remote areas, have poorer health, shorter life spans, and lower incomes than non-Indigenous people. Two hundred and forty years of colonisation has caused intergenerational inequality and intergenerational trauma has impacted the ability some people have to navigate relationships.”

- Claire G Coleman, Noongar Writer and Arts Advocate, excerpt from *Seven Stories About You*.

#### **5. Reaching the audience**

##### **The consumer as a change agent**

We must not overlook the role of the consumer as an industry change agent in the Indigenous Visual Arts. There needs to be more significant investment in campaigns that empower and educate current and potential art buyers to make ethical and fair choices from the artist's point of view.

Where consumers spend their money makes a powerful statement and guides business practice. Indigenous Art Code (IartC) has received anecdotal reports from many Dealer members that the Fake Art Harms Culture campaign and advocacy of IartC broadly has shifted consumer behaviour. They are asking questions such as who is the artist? Where is the artist from? How did the artwork get to your gallery/store? How was the artist paid? Dealers should be able to answer these questions honestly and without hesitation. This is a positive shift; broader marketing campaigns could achieve much more.

“Buyers have an important role to play in ensuring fair and ethical transparent trading between Dealers and Aboriginal and Torres Strait Islander artists. As consumers you play an important role in not only supporting artists directly, but also the families and communities within which those artists live and work”

- Stephanie Parkin, Quandamooka, Chair of the Indigenous Art Code