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23 November 2006

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

Dear Dr Holland

**Submission by the Australian Indigenous Art Trade Association to the
Senate Environment, Communications, Information Technology and the Arts Committee
Inquiry into Australia's Indigenous visual arts and craft sector**

Thank you for your invitation to contribute to the inquiry. This submission is made on behalf of the members of the Australian Indigenous Art Trade Association ("Art.Trade") with the approval of the Association's Board.

Art.Trade was established in 1998 as a national body to set standards of excellence in all dealings within the industry. Our Members are bound by our widely recognised and accepted Code of Ethics. A copy of the code of Ethics is attached (Attachment A).

Significance of Aboriginal art

Contemporary Aboriginal art is a vital cultural expression for the artists – as well as an important source of income for them, their families and community. For many artists, particularly in remote communities, it is their only form of independent income.

The proper functioning of the market for indigenous art is therefore a matter of cultural and economic significance to those artists and communities.

We are not aware of any accurate estimates of the current size or scale of Australia's indigenous visual arts and craft sector. Nevertheless, our involvement in the market leads us to believe that the sector is financially viable under its current structure (noting however that some individual community art centres are probably not viable in the longer term without continued government subsidy).

The Market for Indigenous art

A properly functioning, ethical market for Indigenous art requires:

- fair treatment, decent conditions and proper reward for the artists
- a properly integrated system including community art centres, dealers and galleries
- well informed buyers who have confidence in the operation of the market.

The Aboriginal art market currently consists of artists and their communities, community art centres, dealers, galleries and buyers. This system generally works well, although occasionally there are tensions

between the roles of art centres, dealers and galleries, in particular when the art centres act as retailers as well as wholesalers.

Art.Trade considers that the existing multi-component market system overall is efficient and effective and should be supported by any Government strategy for promoting Aboriginal art and the interests of artists. Such a system is able to provide for community based artists as well as those who choose to work independently or are more mobile.

Regardless of Government policy, some Aboriginal artists will continue to deal with art centres, as well as commercial dealers, private agencies, and even public institutions. This choice on the part of the artists is their right. However, they may appreciate support in their dealings in the form of information and codes of practice.

Recently there have been media reports of mistreatment of artists in central and northern Australia. Any successful industry will attract a small number of unethical operators, and these need to be discouraged. But it is important to recognize that the vast majority of people within the Industry are behaving ethically and are driven more by their love and respect for Aboriginal art and culture than by any other reasons.

Exploitation and fraud harm everyone associated with Aboriginal art and it is essential that all interested parties work together to address these important issues. This requires a wide and inclusive process of consultation with artists, community art centres, dealers, galleries and experienced buyers, looking at the main issues as an interacting system and not considering particular issues (such as authenticity) in isolation from the whole system.

Issues for the Indigenous Art Market

Art.Trade has consulted its members about the most significant issues facing the Aboriginal art market. We consider the most important actions for the industry, working with government, to take would be to develop or promote:

- an information package for buyers
- information for artists in a culturally useful form
- a detailed code of ethical conduct for dealers/resellers and galleries
- guidelines for direct dealings with artists
- a voluntary standard for documentation of art works
- increased funding for community art centres

Specific proposals for government policy dealing with these issues are outlined in the following table.

Art.Trade has considered whether an industry accreditation or licensing scheme might be established to advance the Code of Practice currently being developed by the Australia Council with the National Association of Visual Artists (and which we are contributing to). We are doubtful of the value of a compulsory accreditation scheme and oppose a formal licensing system for dealers in Aboriginal art. However, we can see that there could be some benefit from a voluntary accreditation system in which dealers or galleries could apply for accreditation of their performance and behaviour measured against the Code of Practice.

A system of voluntary accreditation could bring benefits, but without a careful analysis of the costs it is not clear that there would be substantial benefits nor whether such accreditation would be feasible. Art.Trade is willing to take part in any investigation, which would need to have proper input from artists and agents *on the ground* as well as community centre advisors, gallerists, collectors and academics.

Martin Wardrop .

Dr Martin Wardrop

Vice President
Australian Indigenous Art Trade Association

Art.Trade Proposed Responses to Key Aboriginal Art Market Issues

Issue	Buyers better informed about the art they are buying
Background	There is evidence that buyers are uncertain about the way that artists work, the role of art centres and private dealers and how to be more confident about authenticity. Desart and ANKAAA have responded to this by producing a brochure which focuses on their role. Art.Trade has prepared a set of questions to ask when buying indigenous art. However, there is still a need for widely available information about the main aspects of the industry from a purchaser's point of view.
Proposal	Provide information to purchasers in a widely accessible and useful form
Action	Commonwealth government, art centres and industry bodies to fund preparation of: <ul style="list-style-type: none"> - information brochure - advertising in main tourist magazines and art publications - distribution through other channels (e.g. free postcards)
Benefit	Better informed market will lead to greater demand for work provided through ethical channels. Ultimately this benefits artists and ethical dealers.

Issue	Information for artists in a culturally useful form
Background	Artists generally understand well their local market circumstances but may not have a wider appreciation of the way the market works (the "money story" as it is known in more remote communities). Bodies such as NAVA have protocols for dealing with indigenous artist but these are in a form that is inaccessible to many. For many artists there is a real barrier of language and communication.
Proposal	Prepare information about market issues, including copyright, in an accessible form.
Action	Commonwealth Government and the Australia Council to fund preparation and dissemination of an information package developed through cooperation with art centres and industry bodies
Benefit	More informed artists will be better able to protect their own interests.

Issue	Code of ethical conduct for dealers/resellers and galleries
Background	There are allegations that some participants in the indigenous art market are behaving in a way which exploits artists. These concerns have been widely reported in the media over the last six months. Art.Trade has a Code of Ethics for its members which provides a good starting point and the Australia Council has funded NAVA to develop a code of practice for commercial dealings.
Proposal	Develop a voluntary code of conduct which applies to the behaviour any person or body buying art works directly from artists.
Action	Commonwealth government, through the Australia Council, to develop a code of ethical conduct for commercial dealings with Aboriginal artists.
Benefit	Voluntary adoption of a code of ethical practice should help to reduce the number of exploitative operators and increase the overall understanding of what constitutes ethical behaviour in the industry. More ethical behaviour by purchasers will lead to greater demand for work provided through ethical channels. Ultimately this benefits artists and ethical dealers.

Issue	Guidelines for direct dealings with artists
Background	One particular issue has been where individuals or intermediaries have been buying paintings directly from artists and there has been a significant amount of barter payment in the form of food, accommodation and used cars. While there is not necessarily anything wrong in principle with such payments, they can (and have been) misused to the cost of the artists.
Proposal	Develop information for artists on fair payment practices.
Action	Commonwealth government to investigate development, in consultation with artists and industry groups, of guidelines or other suitable mechanism on direct dealings with artists and their payment.
Benefit	Greater fairness to artists and transparency of transactions.

Issue	Documentation of art works and authenticity
Background	Buyers of art works wish to be confident about the authenticity of the work they have purchased. Certificates of authenticity, with or without photographs or other records, are the usual method of documenting a work and of providing assurance of authenticity. However, there have been cases of fraud involving fake or misattributed Aboriginal art works although overall the problem is limited. Recently there have been proposals for technology-based authentication systems for Aboriginal art to increase the security of the existing paper and photograph based system. It is not clear that this method is needed for Aboriginal art any more than other Australian art. Nevertheless, technology-based marking schemes if linked to a strong and ethical authentication process and well-maintained records system could be a useful extension of the methods currently used by art centres, dealers and galleries.
Proposal	Investigate whether there is demand in the Australian fine art market for a more uniform standard of documentation of art works and encourage art centres, dealers and galleries to use improved marking, authentication and recording systems.
Action	Australia Council to investigate whether there is demand in the Australian fine art market for a more uniform standard of documentation of art works, and whether there are particular issues relating to Aboriginal art that warrant guidelines for documentation. Private sector advocates of technology-based marking and authentication systems should be encouraged to present their solutions to art centres and galleries on a fully commercial basis without support from government.
Benefit	Greater confidence about the authenticity of art works sold in the market.

Issue	Greater support for Aboriginal community art centres
Background	Community owned and controlled art centres are a key and essential part of the Aboriginal art market. Without centres such as Papunya Tula Artists, Warlukurlangu Artists and Warlayirti Artists the market for Aboriginal art would not exist as it does today. Many art centres have limited resources and are not capable of nurturing all the artists within their region. Because of the wide demands on them, centre advisors may not be able to deal with all the issues and the complex community and cultural politics. Until recently, many have not had commercial or marketing experience, yet have been pressured to increase art centre income and to become increasingly involved in retail activities (beyond the more traditional wholesaling role to galleries).
Proposal	Increase government support to art centres with the aim of placing the centres on a more secure financial basis and to support the development of artists within the community.
Action	Commonwealth government to increase the funds available to Indigenous art centres through the Indigenous art Centres Strategy and action Plan.
Benefit	Increased development and professionalism by Aboriginal artists working with art centres, ultimately leading to greater self sufficiency for those artists and centres.

Code of Ethics

Responsibility to the artists, the art and the community.

A member of the Australian Indigenous Art Trade Association (AIATA) must:

- Conduct its affairs in an exemplary manner and with regard to the Indigenous arts industry and the Indigenous artists it represents;
- Foster the arts in Indigenous communities through community authorised bodies, recognising and respecting the cultural integrity while linking arts projects wherever possible to current community objectives;
- Work toward offering high quality uniform documentation in association with community authorised bodies;
- Treat all artists fairly and ensure equitable and timely returns to artists;
- Exhibit honesty and integrity in its dealings with the public, artists, other dealers and other industry organisations;
- Refuse to deal with anyone who violates Indigenous copyright or improperly appropriates Indigenous imagery;
- Be responsible for the proper disclosure of information relating to the authorship and provenance of any work exhibited

Code of Business Practice

A member of AIATA must not:

- Approach any artist to exhibit his or her work if this would be in direct conflict with that artist's existing representation;
- Hold out itself as representing an artist without an agreement with that artist or the artist's agent;
- Act in any way that may undermine exhibitions at another member's gallery;
- Make any inflammatory or potentially damaging public comments against any other members of AIATA without having first explored all avenues through the dispute settlement provisions of the Association;
- Enter Aboriginal land without following the appropriate protocols;
- Act in any way that will bring discredit on AIATA.