# Enquiry Into FAKE ART Submission

**Cairns – Pullman International** **Saturday 14th July 2018**

## Terms of Reference

**The definition of authentic Arts & Crafts products and merchandise:**

- Art & Crafts that have been made and produced by First Nations people ie Aboriginal & Torres Strait Islander people indigenous to this country
- Art & Crafts that have been authenticated by the First Nations people from its Indigenous country of origin
- Arts & Crafts that have been tagged with the established 'Label of Authenticity' approved by the relevant policing authority eg **NIACA** – The National Indigenous Arts & Cultural Authority

**Current laws & licensing arrangements for the production, distribution, selling and reselling of authentic Aboriginal and Torres Strait Islander art & craft products and merchandise:**

- Aboriginal & Torres Strait Islander **'LORE'** should give precedence over Australian law in all things relating to cultural practices and traditions of our First Nations peoples
- Australian Government in consultation with the Aboriginal & Torres Strait Islander Arts community develop an Arts Act of Parliament that would be recognised in Australian Law
- Enshrined in law that only authentic art & craft can be produced, distributed, sold or resold in Australia
- Laws should include artists having/ providing proof of their connection to country duly endorsed Elders/ Custodians a reputable Aboriginal & Torres Strait Islander organisation of which they are a member
- Given that Australia has a large representation of Aboriginal and Torres Strait Islander groups in this country, it is imperative that respect for each individual group is recognised in law
- The DRAFT Arts LORE/ Law should be widely consulted and endorsed by First Nations Peoples

**An examination of prevalence of inauthentic Aboriginal & Torres Strait Islander style art & craft products & merchandise in the market:**

- Prevalence of inauthentic arts & crafts creeping into markets eg Cairns Night Markets
- Some overseas visitors have also been making 'Islander combs' and selling these in the street
- Arts & Crafts Centres/ businesses requesting inauthentic art to be copied and mass produced overseas for sale in Australia
- Arts & crafts being sold by businesses, and unscrupulous art centres wanting to make quick sales and or selling cheap items for dear prices
- Businesses removing **'made by'** stickers and inserting their own or that of Aboriginal & Torres Strait Islander artists
- Safe-guarded and protected by an Act of Parliament ( eg Import Act) and enshrined in relevant policies to stop inauthentic arts & crafts being imported into the country

**Options to promote the authentic products for the benefit of artists and consumers; and**

- Included in the promo messages/ brochures/ Ads ie 'Australia prides itself in producing, distributing, selling and reselling authentic Aboriginal and Torres Strait Islander Arts & Crafts in this country'.
- Compulsory for Art Centres/ businesses markets etc to have the **'First Nations Art Code'** displayed wherever Aboriginal & Torres Strait Islander Arts is being produced, sold or resold in this country
- Federal & State Government should invest in UMI Arts by creating an Indigenous Arts Hub in Cairns to support local and regional artist in providing a venue to market their artworks and products.
- The Indigenous Arts Hub will be the centrepoint for local, regional and remote artist which can authenticate and market the artist works as genuine Indigenous art.
- The UMI Arts brand is well known both locally and regionally. UMI Arts is on the cusps of signing a Memorandum of Understanding with the Torres Straits Regional Authority where the two organisations will agree to work better together in supporting our local regional artist and art programing.

- As an investment measure UMI Arts will be best placed to police all forms of artworks coming from the region through our regional networks and membership base. Thus UMI Arts will be able to guarantee all forms of souvenirs and Indigenous artworks if they come through a certified regional hub such as UMI Arts.

- This model can be replicated around the country with well-known Indigenous art centres becoming official authenticators of Indigenous art. This will assist with policing the Fake art trade.

**Options to restrict the prevalence of inauthentic Aboriginal & Torres Strait Islander style art & craft products and merchandise in the market:**

- The creation & eventual Act of Parliament to protect the **First Nations Bill on Arts & Culture**

- Australian Government/ States & Territories (COAG) to provide the seed funding towards the creation of the **National Indigenous Arts & Cultural Authority (NIACA)** whose major role would include protecting/ preserving and policing the Aboriginal & Torres Strait Islander Arts Act in this country

- It is expected that this body will be managed by Aboriginal & Torres Strait Islander people who would also be the decision makers of this new entity
- Introduce the **'First Nations Art Code'** into Parliament and making it an Act of Parliament

- Situation occurred in the Blue Mountains of a non-Indigenous lady erecting a 'Quinkin' (unique to Custodians in Far North Queensland) stature in her front yard to promote her gallery. The Australia Council of the Arts which I served on contacted the local government council of the inappropriateness of the matter and she was quickly ordered to remove it for insulting the First Nations People of Country. Policing this could be a role for local government councils to enact as an 'Introduced By-Law

- This would mean that it would become Mandatory for agencies, shops, art centres etc to sign up to the Indigenous Art code

- The Australian Government would also be asked to create a 'Label of Authenticity' that could be policed also from law

- Making it mandatory for art centres/ agencies/ businesses to produce and attach a 'Label of Authenticity' to the arts & crafts being sold

- Another option is to include a component into the 'compulsory reporting FORMS' being filled by visitors when entering into Australia eg 'Are you carrying any FAKE Art/ Craft into this country?; or

- To be included in the 'Import regulations' for businesses bringing products into the country for resal

# 'Label of Authenticity'

## EXAMPLE

### Label of Authenticity

- Label specific to support the arts industry
- Stops eg carpet baggers
- Stops unscrupulous arts operators taking advantage of our people
- Registered with Indigenous Art Code
- Protects genuine Indigenous arts & crafts from FAKE art
- Company logo printed on the label
- Coded Label: [illegible]
- Identifies the country of origin
- Identifies the city of origin
- Identifies the organisation
- Identifies the artists
- Identifies the genre whether painting (Pa), carving (Ca), weaving (Wg), photography (Ph) etc
- Identifies the Number of the work by the artists