



16 October 2017

Committee Secretary  
House of Representatives Standing Committee on Indigenous Affairs  
PO Box 6021  
Parliament House  
Canberra ACT 2600

**Re: UMI Arts Submission**

Dear Committee Secretary,

As the peak body representing Aboriginal and Torres Strait Islander artists residing in Cape York Peninsular and regional areas of Far North Queensland, UMI Arts are keenly aware of the negative impact that fake imported products have on our local tourism retail market. It greatly reduces the income opportunities available to our local artists and exploits the cultural integrity of Indigenous communities.

Removing the fake or inauthentic work from the market will:

- Protect the culture of Aboriginal and Torres Strait Islander people
- Secure income and financial opportunities for Aboriginal and Torres Strait Islander artists and cultural practitioners
- Protect consumers who purchase Aboriginal and Torres Strait Islander art

The Fake Art Harms Culture Campaign has brought attention to an issue which is important and impacts of the livelihoods of the artists and art centre we represent.

We ask for commitment and support to ensure legislative amendment to the Competition and Consumer Act.

We would like to make a few comments in relation to the standing Committee inquiry.

- **Sale of artworks and products by Non-Indigenous art organisations**

We note with concern an ever increasing number of Non-Indigenous art organisations exhibiting and offering for sale so-called Aboriginal artworks. There does not appear to be any policing in this area as to the authorising of the genuineness of the artworks or products on sale. Except to say advice is taken at face value by the buyer as to the authenticity of the artworks and products.



It does beg the question that some buyers and sellers are none the wiser if not legally challenged or informed by some proper authority. There is a need for some form of policing body to ensure exhibitors/sellers conform to a code of conduct.

- **Indigenous Product Development Information Workshops**

UMI would be heartened to see workshops that are designed to create an awareness with Aboriginal and Torres Strait Islander artists in using a well-known and accepted branded authentic alternative to fake products. Anti-dotal information suggest that over 80% of Indigenous tourism retail merchandise available for sale in Australia today is inauthentic.

Key stakeholders such as Arts Law, Terri Janke and others could provide insightful knowledge to artist of the pitfalls and benefits of authenticating their art work under a common code of practice. A lot of artist have difficulty in getting their products to market due to the influx of low cost fake Aboriginal Art. Also a lot of Indigenous have trouble in differentiating the difference between royalties and commission.

There is a desired need for providing artist with information regarding Commercial Law and Indigenous Cultural and Intellectual Property rights (ICIP). Our organisation would fully support an initiative like this if funding was made available to conduct such workshops, which we feel will be beneficial to Indigenous artist.

- **Public awareness campaign**

There needs to be a community engagement strategy to capture the awareness of not only the Australian public but the overseas tourist trade by ensuring that they are buying authentic Aboriginal artworks and products in local shops. There also needs to be a campaign to ensure locally made Aboriginal Art products are displayed in retail shops and tourist venues.

It is not a good look to sell products and souvenirs to visiting overseas tourists that are not made by Australian Aboriginal artist. Souvenir traders must display distinct signs that ensure that their products are genuinely made by Aboriginal artist.

This strategy should extent to engaging with souvenir shops and lane traders with the view of changing attitudes in ensuring financial entitlements flow onto their fellow Australians as well as traders being recognised for selling authentic Aboriginal Art and products.

The prospects of creating a reasonable income stream for Indigenous artist through regular product sales, may have an impact on the possibility of reducing welfare dependency.





- **Aboriginal Artist Register**

Whilst we see a clamp down at many high profile Aboriginal Art Fair around the concerns of the sale of Fake Art, of which many if not all Indigenous artist readily confirm too. Unfortunately this does not extend to the souvenir shops and lane traders. There should be a register set up of all Indigenous artist similar to the Supply Nation framework that can:

- verify the works of the artist and;
- confirm that the artist is registered as a bono fide Indigenous art supplier.

So that when local tourist traders send a call out for genuine Indigenous artworks and products, the registrar management can refer them to a number of locally registered artist. This could possibly eliminate non-Indigenous artist masquerading under bogus Aboriginal names from entering the Indigenous artist space.

There are numerous antidotal stories of dubious operators setting up sweatshops in hiring overseas backpackers in replicating Indigenous art and flooding the market, thus having an impact on reducing pricing due to oversupply. This scenario seriously effect the market balance in terms of quality verses quantity where buyers are subjected to making uninformed decisions based on budget rather than authenticity.

- **Indigenous Art Representative Body**

For too long we have seen an ever increasing of Non-Indigenous people invading Indigenous art policy space. It is becoming more apparent that too many Non-Indigenous people who under the guise of promoting Indigenous art often tend to feel that they have inalienable rights to speak on behalf of Indigenous artist without properly consulting with them.

There must be some protection offered by Federal, State and Territory Governments to ensure that Indigenous rights are protected, and not be subjected to a process whereby Non-Indigenous people feel compel to speak on behalf of other who they don't seem to legitimacy represent.

To end this, it is recommended that all State and Territory Governments take the necessary steps to establish Indigenous Art Representative Bodies to provide policy and funding advice to government. The role of the Indigenous Art Representative Body would be but not limited to identify priorities, table concerns and put forward initiatives pertaining to the Indigenous art portfolio.

Governments need to engage with the respective State based Indigenous Art Representative Bodies in not only designing and developing appropriate strategies on combating the influx of Fake Art. But also provide feedback on the effectiveness of these strategies on an annual base.



Please contact us if you would like to discuss the matter further and we welcome the opportunity to contribute to future discussion and debate on this matter.

Yours sincerely

**Leo Akee**  
**Chairperson**