

## Submission to the House of Representatives Standing Committee on Indigenous Affairs

### Inquiry into the growing presence of inauthentic Aboriginal and Torres Strait Islander “Style” art and craft products and merchandise for sale across Australia

#### The Indigenous Art Centre Alliance – IACA

##### Background

The Indigenous Art Centre Alliance IACA is the peak body that supports, advocates, provides professional development and promotion for the 14 Remote community run and owned Indigenous art centres across Far North QLD.

Our vision is to *support culturally strong best practice Indigenous art enterprises.*

There are approximately 500 Indigenous artists in the IACA membership and many produce authentic merchandise and souvenirs that are not able to get a space on the shelves of shops across Australia due to the prevalence of Fake products throughout Australia. Authentic Indigenous Art products could well replace these fakes, and offer domestic and international tourists authentic Australian Aboriginal products for purchase.

IACA is situated in Cairns QLD a popular tourism destination it is estimated that 90% of souvenirs sold as Aboriginal Art are fake believed to be the highest concentration in Australia.

IACA is a member of the Indigenous Art Code and the IACA CEO is a director on the Indigenous Art Code Board of Management.



*The map to the right shows the location of IACA member art Centres*

#### 1. What is “authentic Aboriginal and Torres Strait Islander art”?

Authentic Aboriginal and Torres Strait Islander art is art works or products made or designed by an Australian Indigenous person or people. The Indigenous Art Code (IAC) supports the concept that to be considered ‘authentic’\*products should either be made by, or under licence from, Indigenous artists. Authentic Indigenous art works should come with an authenticity certificate with details of the artists name, date, country,

type of materials used, size, title and the story behind the work. Merchandise and souvenirs that are authentic will have a tag attributing the work to the artist(s) that created the art work. Many of the fake items simply say made in Australia or simply claim to be authentic Aboriginal art with no artist acknowledged as the maker of the art work or object. The image below illustrates this general labelling that deceives the purchaser into thinking this boomerang is made by Australian Indigenous people when it is not.



These Boomerangs were photographed in Kuranda and are found in large quantities in many shops in Kuranda QLD and tourist souvenir outlets in Cairns including the airport, along the Cairns Esplanade and in the Cairns Night Markets. They are labelled as Australian made with no artist attribution and replicate (poorly) Aboriginal art Styles. Please refer to the **Indigenous Art Code Submission to the House of Representatives Standing Committee on Indigenous Affairs** for further explanation of the definition of authentic Indigenous Art.



## 2. What are the current laws/arrangements for licensing and selling authentic products?

If an artist's design is to be used on products, souvenirs or merchandise then correct practice is to licence the use of the design with payment to the artist for the initial use and restrictions on the number of reproductions permitted written into the licence agreement. Unauthorised and misuse of any artwork comes under copyright law in Australia. However this is not being policed and fake art is about creating fakes and claiming them to be authentic so copyright and intellectual property laws do not always apply.



### EXISTING consumer Laws are inadequate

The current laws focus on whether the consumer is being misled or deceived and are not concerned with whether Indigenous culture is unfairly misappropriated for commercial gain.

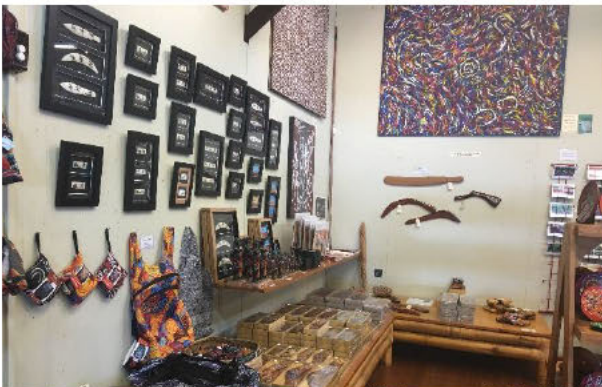
### 3. How prevalent is fake art?

In the Cairns region where IACA is based it has been estimated that 90% of Indigenous or Aboriginal merchandise sold is of at best dubious and at worst fake. In and around Cairns QLD Fake Indigenous art is prevalent in shops at the Cairns Airport, many souvenir shops in Kuranda, Cairns, Port Douglas and surrounding tourist destinations, as it is throughout Australia but as mentioned above Cairns is a “Hot spot” for quantities and number of outlets supplying fake art due to the high tourist presence in the area.

Across Australia it is estimated that 80% of art in shops claiming to be Aboriginal or Indigenous is fake and very often produced overseas. (China and Indonesia often)

This fake art gains profit and sales that rightfully should go to the makers of authentic Australian Indigenous Art.

See photographs below from Kuranda in Far North QLD where an hour walking into shops revealed shelves and shelves of fake Indigenous Art.



**4. How could authentic product be promoted for the benefit of artists and consumers?**

Having authentic product on the shelves replacing the fake products, with a media campaign exposing the fake art and announcing that it's been replaced by authentic product. Delivery of an education program to inform consumers of the need to check where items come from who is the artist and that the artist does receive fair remuneration.

Making it illegal to misrepresent indigenous art work will be a massive start then if the stock is replaced with authentic product then it will sell. Several IACA member QLD indigenous artists and art centres are producing licensed merchandise to provide authentic products at competitive prices.

**5. How can fake art be restricted?**

Make it illegal to misrepresent inauthentic copies as authentic Indigenous art, Laws need to change so that it is illegal to sell or supply fake Indigenous art in Australia and these products are removed from the shelves making room for higher quality authentic product produced by Indigenous artists. Please refer to the more comprehensive submission by the indigenous Art Code for more detail addressing the terms of reference.

*More blatant Fake art below, these coasters display copies of Indigenous Style art with no reference to an artist.*

