

Question taken on notice: Geoff Henderson, Aboriginal Art Association of Australia (Hansard of hearing 6 November 2019, p. 9)

Senator URQUHART: ...Do you support the development of standalone legislation to address the broader harms related to the exploitation of Indigenous cultural expression beyond the Australian consumer law? Again, that probably goes back to your 80-20 point. Is that something that you would look at—standalone legislation?

Mr Henderson: We support those matters being referred to an appropriate body for discussion. They are so nuanced, they're so complex and there are so many different opinions. Frankly, I'm not sure that any of us can sit here at the moment and say that any piece of legislation will ever be able to address all of that. Again, I'm banging the drum here. Let's address the ones that we know, but let's not disrespect the hurt that's out there and those cultural issues from your first question by ignoring those other issues and putting them in the too-hard basket.

Senator URQUHART: So what does this 'appropriate body' look like?

Mr Henderson: For example, the National Indigenous Arts and Cultural Authority—

Senator URQUHART: Okay, so that—

Mr Henderson: or some such body. We're not wedded to or rusted on with any one solution. That body needs to be focused, though, on culture.

Senator URQUHART: Is that body up and running at the moment?

Mr Henderson: No, it's not. There's still a whole consultation process happening. I think the next major thing is in February. There's another gathering to happen.

Senator URQUHART: In terms of that body, are you satisfied that the representatives on that body will cover the appropriate issues that you're talking about?

Mr Henderson: That is to be determined. That's one of the challenges. I think everyone here sees it in Indigenous issues. Sometimes everyone wants to save it. It's not really necessary. It's great that you have a say. It would be like my being on the cultural council. I'd love to have a say, perhaps, but it's not for me. It's not where I should be. So my concern, and our concern as an association, is really that we do get that right—that we do have the right people at the table, so that it's not too broad and not too narrow.

Senator URQUHART: From your association's point of view, what does the make-up of that board or that body actually look like? What's the perfect mix? Is there a perfect mix? If you want to, take it on notice—it's a pretty big question.

Mr Henderson: Yes, if you don't mind. And here am I—I'm a whitefella. It's not for me to say. Charmaine would give her own answers to that. I think that's something to be referred to the cultural council—

Senator URQUHART: I am happy for you to take that on notice, because I'd be interested to see what, from your organisation's point of view, you see as that body's role.

ANSWER: received 18 December 2019

The Association's Aboriginal Cultural Council (ACC) has discussed the matter and their view and guidance is that matters involving culture, in particular sacred objects, should be considered under the remit of the proposed National Indigenous Arts and Culture Authority (NIACA) or a sub-committee of that body. That body, if properly representative of Indigenous Arts and Culture with all relevant stakeholders having a proper say, will be in the best position to provide governments with guidance on the cultural matters currently included in Senator Hanson-Young's draft legislation.

The information we have as regards the establishment of NIACA is that discussions are ongoing as to its makeup and remit. Those discussions are being led by a number of Indigenous stakeholders and a summit to progress the matter is proposed for the second half of 2020. This summit will hopefully lead towards a final proposal for what the NIACA will look like and who should have a seat at the table in that body.

The ACC sees no point setting up a parallel body to consider the issues relating to culture that are raised in Senator Hanson-Young's legislation as that would involve duplication, lead to confusion and be counterproductive right at the time when Indigenous people are trying to work to come up with an overarching body that considers all this.

The ACC and the Association hopes this is of assistance and we remain at your disposal.