

Introduction

- 1.1 Art and craft is integral to the cultural identity, stories and history of First Nations peoples and communities. Different communities have different stories and artistic styles, which only that community is allowed to produce. The art of our First Nations is not simply a collection of design elements in some artistic media presentation, they are in fact a representation of cultural songlines.
- 1.2 When non-Indigenous people copy an artwork without permission or attribution, this has a profound and harmful effect on First Nations peoples and cultures, denigrating the meaning of the imagery and its cultural significance. Consequently, this inquiry has not just been about art, but also about culture.

General observations

- 1.3 A number of themes clearly and consistently emerged during the inquiry. Broadly summarised, these are:
 - Art and craft is integral to the cultural identity, stories and history of First Nations peoples;
 - Most souvenirs sold in Australia that appear to be Indigenous in style are in fact inauthentic and have no connection to First Nations peoples. Most buyers of these products are probably unaware of this;
 - Most non-Indigenous Australians and foreign tourists could not tell whether a First Nations art and craft item is authentic or not;
 - Current Australian consumer and copyright laws are not fully suited to protecting First Nations cultural expressions;

- The continuing prevalence of inauthentic products is denying First Nations artists and artisans the chance to earn a living from their own culture; and
 - Inauthentic art and craft products have a profound and harmful effect on First Nations peoples' culture and heritage. Beyond the immediate consequences, this has a negative impact on Australia's image abroad.
- 1.4 Discussions of these central issues and possible responses are discussed in the remaining chapters. It would be fair to say that almost all of the First Nations individuals, organisations and communities that spoke to the committee during the inquiry are deeply hurt by the sale of inauthentic art and craft. Many regard this as stealing both their culture and potential earnings.
- 1.5 The committee agrees that this misappropriation of culture is unacceptable and should not be allowed to continue unchecked. These imitation products exist solely to make money but they cheapen the rich and ancient history of Australia. These items have no cultural value and therefore do not serve to teach or preserve First Nations culture and history.
- 1.6 It is clear that the increasing prevalence of inauthentic art and craft products indicates a market demand for these items, particularly in the souvenir trade. This demand should be met by the production and sale of art and craft products by First Nations communities, and wherever possible, those items not produced with cultural sensitivity should be labelled accordingly.
- 1.7 Educating the general public about authenticity and creating opportunities for Indigenous artists and artisans to enter these markets are among the recommendations discussed in this report.
- 1.8 The recommendations of this report are intended to start an earnest conversation among both Federal and State policymakers about the harm caused by inauthentic Indigenous art and craft. They are also intended to chart a path forward to foster and preserve authentic First Nations cultural expressions for the benefit of all Australians.

Referral of the inquiry

- 1.9 On 26 July 2017, the Minister for Indigenous Affairs, Senator the Hon Nigel Scullion, referred an inquiry into the growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia to the committee.
- 1.10 The committee adopted the inquiry on 10 August 2017.

Objectives and scope

- 1.11 The following terms of reference were specified by the Minister in referring the inquiry:
- the definition of authentic art and craft products and merchandise;
 - current laws and licensing arrangements for the production, distribution, selling and reselling of authentic Aboriginal and Torres Strait Islander art and craft products and merchandise;
 - an examination of the prevalence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise in the market;
 - options to promote the authentic products for the benefit of artists and consumers; and
 - options to restrict the prevalence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise in the market.

Conduct of the inquiry

- 1.12 The inquiry received 161 submissions and 14 supplementary submissions (including 14 responses to questions taken on notice), and 32 exhibits. Of note, 19 submissions and 19 exhibits were provided by video. The committee accepted contributions in this way to ensure that a wide body of evidence could be received.
- 1.13 The committee also consulted widely with other key stakeholders including Indigenous peak bodies, art galleries and other businesses in the art trade, and both State and Federal government agencies as indicated in the appendices.
- 1.14 The submissions are listed at Appendix A and the exhibits at Appendix B.

- 1.15 The committee also held 26 public hearings in Canberra, Sydney, Melbourne, Brisbane, Cairns, Perth, Broome, Newman (WA), Warmun (WA), Darwin, Alice Springs, and Hermannsburg (NT). These hearings are listed at Appendix C.
- 1.16 The committee had the pleasure during this inquiry of speaking with numerous Indigenous art centres and representative organisations from around Australia through site visits and public hearings. A list of these organisations is at Appendix D.

Report structure and style

- 1.17 The report contains four principal content and analysis chapters as follows:
- Chapter 2 provides an overview of the role and cultural significance of First Nations art and craft and its contribution to Australia and the definition of authenticity.
 - Chapter 3 discusses the current commercial marketplace for First Nations art and craft and the different parts of the art market. It also explores the reasons behind the increasing number of inauthentic Indigenous ‘style’ products for sale in Australia that are not produced by Indigenous artists or connected in any way to First Nations peoples.
 - Chapter 4 focuses on the need to better educate the wider Australian population about genuine Indigenous art. The effectiveness of current protections for authentic art and artists under existing Australian law are also discussed here.
 - Chapter 5 outlines recommendations aimed at curtailing the sale of inauthentic products, and creating opportunities for First Nations artists and communities to compete effectively in the marketplace.
- 1.18 In developing this report, the committee carefully considered all of the evidence it received and would like to acknowledge everyone who contributed to the inquiry. However, in the interest of brevity and readability, not all of the artists, art centres and peak organisations that submitted to this inquiry and spoke to the committee are quoted in the text.