

Key Recommendations

Recommendation 4

The committee recommends that the Commonwealth establish a new infrastructure fund to assist Indigenous visual arts and craft; that this fund complement existing NACIS program funding; that this infrastructure fund be for a sum of the order of \$25 million, made available over a period of five years; and that the fund be administered by DCITA.

Recommendation 6

The committee recommends that the Commonwealth further expand funding under the existing NACIS scheme and consider revising its guidelines to confine its use to non-infrastructure projects.

Recommendation 8

The committee recommends that, in light of the special circumstances facing Indigenous artists in the Alice Springs area, a proposal be developed, including a funding bid, for an art centre in Alice Springs that will cater for artists visiting the town from surrounding settlements.

Recommendation 15

The committee recommends that, as a matter of priority, the ACCC be funded to increase its scrutiny of the Indigenous art industry, including conducting educational programs for consumers as well as investigation activities, with a goal of increasing successful prosecutions of illegal practices in the industry.

Recommendation 17

The committee recommends that that Indigenous Art Commercial Code of Conduct be completed as soon as possible.

Recommendation 18

The committee recommends that, once completed, all Commonwealth, state and territory agencies apply the Indigenous Art Commercial Code of Conduct where appropriate, including when purchasing Indigenous art (see also recommendations 23, chapter 10 and 28, chapter 14).

Recommendation 20

The committee recommends that, once completed, all stakeholders in the industry examine, disseminate and adopt where relevant the Indigenous Art Commercial Code of Conduct.

Recommendation 21

The committee recommends that the industry be given the opportunity to self-regulate. If after two years persistent problems remain, consideration should be given to moving to a prescribed code of conduct under the Trade Practices Act.

Recommendation 24

The committee recommends that as a matter of priority the government introduce revised legislation on Indigenous communal moral rights.

Recommendation 29

The committee recommends that the Commonwealth support increased efforts to showcase Indigenous visual arts and craft internationally.

Other Recommendations

Recommendation 1

The committee recommends that Australian Customs Service and DCITA initiate a review of the feasibility of Customs further classifying exported art into Indigenous and non-Indigenous categories, to assist future market analysis.

Recommendation 2

The committee recommends that, to increase the skills base of art centre managers and prospective managers, DCITA, in conjunction with DEST, initiate discussions with selected tertiary institutions on the feasibility of introducing courses on art centre management and cross-cultural issues.

Recommendation 3

The committee recommends that DCITA, in co-operation with the Office of Indigenous Policy Coordination, ensure that art centres in the Northern Territory are aware of opportunities to apply for funding from the Aboriginal Benefits Account, and that ANKAAA and Desart assist art centres to apply for funding from this source. The committee encourages the ABA Advisory Committee to support applications from art centres, noting the competing demands on the ABA from different types of funding requests.

Recommendation 5

The committee supports the roles of DEWR and Indigenous Business Australia programs in assisting where appropriate the transition to economic independence for art centres, and recommends that these initiatives be further promoted by DEWR and IBA and utilised by art centres.

Recommendation 7

The committee recommends that the Commonwealth consult with stakeholders in the industry, particularly Desart and ANKAAA, on reforms to NACIS funding criteria, so that funding decisions are guided in part by the aim of ensuring operation of art centres in accordance with best practice principles.¹ These standards may include (but not be confined to):

- staffing requirements that meet the operational needs of art centres, and ensure flexibility to accommodate any particular requirements of such centres;
- governance and reporting systems; and
- training commitments, including financial, management and art education components.

Recommendation 9

The committee recommends that DCITA, the Australia Council, and state and territory funding bodies review their documentation and processes for Indigenous visual arts funding to ensure urban Indigenous artists will not be discouraged by the language or objectives expressed for those programs.

Recommendation 10

The committee recommends that DCITA implement triennial operational funding for art centres as an option for projects seeking support under the NACIS program.

Recommendation 11

The committee recommends that the Commonwealth pursue the conversion of CDEP-funded positions in art centres into properly funded jobs, taking an approach similar to the 2007-08 Budget initiative in other portfolio areas; and that this initiative be independent of future NACIS program funding.

Recommendation 12

The committee recommends that future editions of the Indigenous Visual Arts and Craft Resource Directory only include entries for entities that maintain appropriate compliance with the Indigenous Art Commercial Code of Conduct.

Recommendation 13

The committee recommends that DCITA, in consultation with DEST, develop programs to deliver education and training in the sector particularly in relation to:

- governance and business planning and management;

1 On this subject, see in particular Desart, *Submission 49*, pp 24–25.

- **artists' rights and responsibilities;**
- **artistic development for artists; and**
- **education of the market.**

Recommendation 14

The committee recommends that, subject to the acceptance of its recommendation in chapter 4 for an expansion of NACIS scheme funding, the Commonwealth review the relevant funding guidelines to ensure governance and business management training activities are supported.

Recommendation 16

The committee recommends that DCITA analyse the failure of the NIAAA label of authenticity, and examine the reviews of labelling schemes in Canada and New Zealand. The Department should then, in consultation with key stakeholders, commence planning for a new Australian scheme.

Recommendation 19

The committee recommends that the NAVA Reference Group and other stakeholders include input from experts on industry codes of practice, particularly the ACCC, during and after the preparation of the Indigenous Art Commercial Code of Conduct.

Recommendation 22

The committee recommends that all public and private collecting institutions implement the Indigenous Art Commercial Code of Conduct as appropriate, and that all such institutions aim to purchase from dealers and art centres that have adopted the Code.

Recommendation 23

The committee recommends that, once the Indigenous Art Commercial Code of Conduct has been developed, the Commonwealth undertake a project examining and making recommendations regarding further initiatives to enhance the integrity of the Indigenous art market. This work could include, but need not be confined to considering:

- **what role governments might play in giving effect to an industry code of conduct; and**
- **whether further steps should be taken toward a system of dealer accreditation.**

Recommendation 25

The committee recommends that, recognising the complexity of the issues in this area, the Commonwealth introduce appropriate legislation to provide for the protection of Indigenous cultural and intellectual property rights, that the

legislation be drafted to ensure prosecutions of breaches will have a realistic chance of success, and that the Australian Customs Service be given an appropriate role in assisting the protection of these rights in relation to imported and exported goods.

Recommendation 26

The majority of the committee recommends that a resale royalty scheme not be introduced at this time, because of the lack of benefit to most artists, and in particular Indigenous artists, and the lack of new evidence to the contrary.

Recommendation 27

Given the importance of and growing interest in Australian Indigenous arts and craft internationally, the committee recommends that the Commonwealth examine the feasibility of compiling industry statistics to record international exhibitions, sales and exports of Indigenous arts and craft, including, where possible, their value in dollar terms.

Recommendation 28

The committee recommends that, once the Indigenous Art Commercial Code of Conduct is introduced, Austrade consider a policy of only providing assistance to businesses that have agreed, either directly or through an industry association membership, to abide by the Code.

