# Submission by the Australia Council to the Senate Inquiry into the Indigenous Visual Arts and Craft Sector

November 2006

## EXECUTIVE SUMMARY

The Australia Council is the Australian Government's national arts funding and advisory body. It is a service organisation with a mandate to enrich the life of the nation by supporting and promoting the practice and enjoyment of the arts.

The Australia Council, in line with its National Aboriginal and Torres Strait Islander Arts Policy and its underpinning principles, delivers programs that enable Aboriginal and Torres Strait Islander people to claim, control and enhance their cultural inheritance. Support is provided to individual artists, arts workers and organisations to develop and promote traditional arts practices, as well as the generation of new forms of artistic expression among Aboriginal and Torres Strait Islander people in urban and regional areas, and in all artforms.

In making this submission the Australia Council has taken account of its experiences working with the sector, and recent work undertaken by a range of experts in the field.

The Indigenous Visual Arts and Crafts sector has grown greatly in size and importance both nationally and internationally in recent years. Over the past 30 years, the Indigenous art movement has led to a genuine recovery of Aboriginal cultural heritage and has also created knowledge of Indigenous Australian culture internationally. Indigenous art has played an important role in cultural and social sustainability and self-determination. Indigenous artists sustain and nourish their cultures. Indigenous art has always been used in the inter-generational transfer of sacred and secret lore. Indigenous art is also used to address contemporary issues such as social justice, health, poverty, land rights, and urban issues.

Indigenous art enriches Australian culture because non-Indigenous Australians can deepen their understanding and appreciation of Indigenous culture. Australia was the first nation in the world to embrace its Indigenous art for cultural rather than ethnographic reasons. Australia now has sizeable Indigenous curatorial expertise in its state and national galleries.

Internationally the sector has had a highly positive effect on Australia's artistic and cultural reputation, attracting artists, curators, tourists, collectors and arts students to the country. Indigenous art has been exhibited internationally within the contemporary art sector for two decades. Recent achievements such as the Musée de Quai Branly can be used to build further opportunities in the international market for Australia's Indigenous visual arts.

Accurate estimates of the size and value of the sector are difficult to make, but there can be no doubt about the burgeoning growth in production and sales of Indigenous visual arts and crafts.

This growth is partly attributable to government's provision of infrastructure and funding support. Art Centres, which facilitate artists to create their works, are one of the great success stories of the last thirty years. Art Centres have given communities a sense of pride, coherence and a degree of economic benefit. Art Centres are growing in number and are considered to be the cornerstone of future economic growth and international market development for the sector.

This success has occurred, however, within a broader national context where Aboriginal socio-economic status is perceived to have either stagnated or declined.

The Australia Council's key concern is the extent to which the growth and development of the sector has occurred with little benefit to artists themselves. A sector, which is generally perceived to be flourishing, has not improved the economic and social position of Indigenous artists and their communities. Income levels for Indigenous artists remain extremely low. Even the most inflated estimate of the sector's economic value, when divided by conservative estimates of the number of artists within the sector, shows that the economic value of the sector to individuals is minimal. Artists are vulnerable to exploitation. There can be unconscionable inflation of prices between the point of creation and the point of sale. The prevalence of fakes and foreign-produced work in 'Aboriginal style' flood the market and undermine the authenticity of the sector. There is potential for significant Indigenous works of art to be moved overseas despite the *Protection of Moveable Cultural Heritage Act*. The complexities of protecting Indigenous intellectual property make it difficult in practice to do so.

It is clear that the Indigenous art and craft sector is unique, fragile and evolving. It faces particular hurdles due to a combination of socio-economic disadvantage and its geographical and institutional fragmentation. It is dependent on government support and will remain so. Substantial ongoing funding and infrastructure are needed to meet the demands for growth. It is also essential that works purchased are genuine and that artists have received appropriate payment for their products.

**RECOMMENDATIONS**

The Australia Council supports initiatives and strategic interventions that will ensure the financial and social benefits arising from the sector are felt by Indigenous artists and their communities. It is critically important to ensure that profits from sales are returned and reinvested in the Indigenous visual arts sector, and that the sector is protected from unscrupulous, unethical and unfair practices.

The Australia Council notes that responsibility for managing many of the issues confronting the sector is with Commonwealth agencies. There is a real opportunity for the Australian Government to take a lead role in facilitating partnerships and cooperation between agencies at all levels to improve the level and nature of support available to the sector, by facilitating inter-agency cooperation. The Commonwealth has the capacity to institute change.

The following initiatives are proposed:

- **Strong inter-agency co-ordination**. A large number of agencies provide support and services to the sector, and there is potential for confusion and lack of clarity for providers and recipients. In line with the National Aboriginal and Torres Strait Islander Arts Policy, the Australia Council supports the principle of Indigenous involvement in decision-making and funding processes. In line with COAG principles for streamlining and reducing duplication, there should be strong co-ordination between these agencies, to improve service delivery.

- **Statistical research.** Accurate assessments of the size and scale of the sector are almost impossible to make. The Australia Council would like the Australian Bureau of Statistics to be resourced to undertake more comprehensive research into the Indigenous visual arts sector in Australia, through its next Commercial Art Galleries survey, as part of their Service Industries Survey program.

- **Resale Royalty.** Current Australian Government policy does not include a resale royalties regime. However the Australia Council has advocated such a scheme in the past and continues to support its introduction for the indigenous sector. The degree of economic and social disadvantage experienced by indigenous artists is very significant. The disparity between the high prices paid on the secondary market, and the low initial fees paid on the primary market is perpetuating this long-term disadvantage. A resale royalty scheme would do much to redress this.

- **Prevent importation of Fakes**. Low-end or tourist imports that resemble Indigenous art and crafts undermine the authenticity of legitimate artworks and flood the market with fakes. The Australia Council would support a ban on these imports and recommends that the Australian Competition and Consumer Commission investigate this practice, with a view to prohibiting the use of the term 'Aboriginal Style' by producers and merchants.

- **Regulation**. Legislative protection from fake Indigenous art, from 'carpet-bagging' and from unethical commercial dealers is desirable. In addition, the Australia Council would like all government agencies to promote the acceptance of voluntary codes of practice, which also strengthen the sectors capacity to resist unethical and unscrupulous conduct.

- **Export classification scheme**. The Australian Customs Service to introduce a classification scheme so that exports of visual arts and related products are noted as being either Indigenous or non-Indigenous

- **Permit system**. Access to artists by unscrupulous or exploitative dealers can be contained by retaining the permit system, which restricts access to Aboriginal or Torres Strait Islander land.

- **Intergenerational transfer**. The sustainability of the sector depends on ensuring that cultural information is passed from the custodians of one

generation to the next. The Australia Council supports strategies that enable the intergenerational transfer of arts and cultural knowledge and understanding from respected elders and community leaders to the next generations of Indigenous Australians

- **Strengthen Arts Centres.** Art Centres are the cornerstone of the economic development of the sector. They need a significant injection of funds for Capital works, support for staff to receive training and skills development, and at least one urban based Art centre should be established in each capital city.
- **Curatorial leadership**. The state and national art museums should supported to ensure that Indigenous Arts Curators are given the opportunity to meet regularly and maintain and develop the leadership they are currently demonstrating.

## INTRODUCTION

The Australia Council is the Australian Government's national arts funding and advisory body. It is a service organisation with a mandate to enrich the life of the nation by supporting and promoting the practice and enjoyment of the arts, and it directly or indirectly has an impact on the lives of many Australians.

The Australia Council is known for its grants, and strategic interventions and advice to Australia's artists and arts organisations. The agency's governing body is made up of 10-14 members, drawn from a mix of arts, business and community interest backgrounds and appointed by the Minister for the Arts. There are six artform Boards, comprised of 'peers' who assess grant applications. The Chairs of these six Boards are also members of the governing body.

*Aboriginal and Torres Strait Islander Arts*

The Australia Council has made it a priority to deliver programs that enable Aboriginal and Torres Strait Islander people to claim, control and enhance their cultural inheritance. Support is provided to individual artists, arts workers and organisations to develop and promote traditional arts practices, as well as the generation of new forms of artistic expression among Aboriginal and Torres Strait Islander people in urban and regional areas, and in all artforms. The Council's Aboriginal and Torres Strait Islander Arts Board is comprised only of Indigenous people and is supported by a primarily Indigenous staff.

The Australia Council's National Aboriginal and Torres Strait Islander Arts Policy requires that the following principles underpin the work of the Council[1], and these are the principles which inform this submission:

*Respect*

- We acknowledge and respect the Aboriginal people and Torres Strait Islanders of Australia as the traditional owners and custodians of Australia and its territories.
- We acknowledge and respect the essential connection between the arts, culture, heritage, land, sea and (customary) law in Aboriginal and Torres Strait Islander society.
- We will encourage the awareness and maintenance of Aboriginal and Torres Strait Islander cultural protocols throughout the arts.

*Authority*

- We recognise that Indigenous authority and self-determination are essential in relation to the arts.
- We recognise the rights of Indigenous people to claim, control and enhance their cultural development and cultural maintenance through the arts.

[1] Australia Council, *National Aboriginal and Torres Strait Islander Arts Policy*, Australia Council, Sydney, 2002.

- We endorse the right of Aboriginal people and Torres Strait Islanders to own and control their cultural and intellectual property.

*Rights and Responsibilities*

- We endorse the rights of Aboriginal people and Torres Strait Islanders to fully express their spirituality, integrity and authority through the arts.
- We accept the responsibility of representing the rights and aspirations of Aboriginal and Torres Strait Islander artists and artsworkers.

*Diversity*

- We acknowledge Aboriginal and Torres Strait Islander cultural diversity and cultural pluralism
- We acknowledge Australia's cultural diversity and embrace cultural cooperation."

*The Indigenous visual arts and crafts sector*

While determining the size of the sector is difficult, it includes artists who work through Arts Centres (an Art Centre is "any organisation owned and controlled by Indigenous people, where the principal activity is facilitating the production and marketing of arts and crafts"[2]), and artists who work with the commercial galleries sector; and rural and urban artists who operate outside both of these sectors, due to the stage of their career, their remoteness, and a range of other factors.

The industry comprises four recognised artist-owned peak bodies:

1. the Association of Northern, Kimberley and Arnhem Aboriginal Artists (ANKAAA) – working with the Tiwi Island, Darwin/Katherine, Arnhem Land regions of the Northern Territory and Kimberley region of Western Australia;
2. Desart – working with the Central Desert in the Northern Territory and into Western Australia);
3. Ku Arts – working with Anangu Pitjantjatjarra Yunkatjatjarra (APY) lands in South Australia; and an incipient body,
4. UMI Arts – working with Far North Queensland and the Torres Strait.

In March 2006, these four organisations together estimated that they provide services to about 6,000 Indigenous artists in over 80 remote Indigenous communities and 77 Art Centres distributed over about two-thirds of Australia's total land mass.[3]

The 2001 census estimated that there were 514 commercial galleries operating in Australia, with total sales of artwork of $218 million in 1999-2000. Of this, $35.6m was sales of indigenous artworks. $12.6 million of this were secondary sales, and thus did not contribute to the income of the indigenous artists.

[2] F. Wright, *The Art and Craft Centre Story: A Survey of Thirty-Nine Aboriginal Community Arts and Craft Centres in Remote Australia*, Volume 1: Report, ATSIC, Canberra, p7.
[3] Australia Council, Visual Arts Board. Report of the Visual Arts and Craft Sector meeting in Adelaide, March 2006 (Unpublished), p15.

*Funding*

The primary source of funding for the Indigenous Arts and Craft sector is from the Australian Government, through the Department of Communications, Information and Technology and the Arts' National Arts and Craft Industry Support Strategy (NACIS) and Indigenous Culture Support (ICS) programs. Up to $8 million is allocated through these programs each year.

The Visual Arts and Craft Strategy, which resulted from the recommendations of the Contemporary Visual Arts and Craft Inquiry in 2002 delivers $1.8 million annually to the Indigenous visual arts sector, of which $845,000 is Australian Government funding (including annual funding to ANKAAA and Desart of $125,000 each).

A further $3.7 million of Australia Government funding was distributed by the Aboriginal and Torres Strait Islander Arts Board of the Australia Council in 2004-2005. Of this sum, approximately $1 million was distributed to Art Centres across Australia.[4]

In addition, the Department of Employment and Workplace Relations indirectly supports the production of art when Community Development Employment Program (CDEP) (which has a $570 million budget in 2004-2005 to fund 39,000 participants.[5]) because the funds are devolved to Indigenous small to medium enterprises including art centres.

*This submission*

The following pages address each of the Committee's terms of reference. While this has led to some overlap and repetition, it has been assumed that a complete response to each separate Term of Reference will assist the Committee's deliberations.

The document has three attachments:

Attachment 1: AUCTION SALES DOCUMENT

Attachment 2: Janke, T (20 October 2006) *The social and cultural benefits of Indigenous visual arts as per section (b) of the Inquiry into Australia'a Indigenous visual arts sector' terms of reference*

Attachment 3: Janke, T & Quiggin, R (10 May 2006) *Indigenous cultural and intellectual property: the main issues for the Indigenous arts industry in 2006*

[4] Australia Council, *Australia Council Annual Report 2004-2005*, Australia Council, Sydney, p91 – 94.
[5] Australian Council of Social Service, "Principles for Reform of the Community Development Employment Program (CDEP) – to promote workforce participation among CDEP participants & Indigenous Job Seekers"; *ACOSS Info 370 – April 2005.*

**TERMS OF REFERENCE**

## (A) The current size and scale of Australia's Indigenous visual arts and craft sector

It is difficult to accurately determine the current size and scale of Australia's Indigenous visual arts and craft sector. Statistics are limited and open to question and valid methods of measuring and defining the sector are debatable. Census data, albeit flawed and somewhat dated, can tell us the number of Indigenous Australians employed mainly in a visual arts and craft occupation, how many are involved in the sector in a paid and unpaid capacity and the income earned by artists in the sector. Other surveys provide a guide as to the sales of Indigenous art through the commercial gallery sector and Art Centres and by way of auction.

It is possible however, to be confident that there has been a highly significant increase in sales of Indigenous art at auction in recent years, and that the income levels of many Indigenous artists are extremely low. These two issues underpin the Australia Council's principal concern – that the benefits of the burgeoning sales are not being felt by Indigenous artists themselves.

An additional concern is that Indigenous artworks are exported from Australia without appropriate recognition.

The information that can be provided to scope the size and scale of the sector is outlined below.

### *A.1 Limitations*

Researchers have attempted over many years to estimate the economic value of Australia's Indigenous visual arts and craft sector. In some cases, the value has been based on estimates of sales of visual art and craft products. In other cases, alternative measures have been used.

Currently, statistics are only available from sources which are limited in accuracy in various respects. Moreover, many of the global estimates are aggregates of values from dissimilar entities.

Individual estimates are available in relation to the following data:

- employment of artists (as defined in the 2001 *Census of Population and Housing* as 'main job' employment)
- paid and unpaid involvement of Indigenous people in the making of Indigenous art or crafts
- sales of Indigenous visual art and craft through the commercial art gallery sector
- numbers of Indigenous visual art and craft outlets across Australia
- sales of artworks through Indigenous Art Centres
- auction sales of Indigenous artworks
- purchases of Indigenous artworks by international visitors

- domestic art and craft purchases
- value of Australian exports of all (Indigenous and non-Indigenous) visual arts products from Australia.

The ability to collect data on the Indigenous visual arts and crafts industry is constrained in many ways. Some of the constraints are identified by Altman[6] and Guldberg.[7] Altman suggests data collection is restricted by the absence of an instrument to measure the industry. He contests definitions of what is included in the industry, including the definition of 'Indigenous art', "the ethnicity of the producer or the cultural form of the product" and 'art' itself – 'fine art' at one extreme and 'tourist art' at the other"; and the array of outlets involved.[8] Altman suggests "there are no comprehensive data on the Indigenous arts industry as a whole, and the limited statistical data that do exist are too incompatible to provide the basis for an accurate understanding of the market."[9] Altman also makes the point that "there is no instrument that is appropriately structured to collect such data on the Indigenous arts industry."[10]. Guldberg suggests that the constraints include uncertainty as to the commercial galleries' share in total retail sales, unidentified wholesale links, and difficulty with the concept of 'cultural experience'.[11]

Given the difficulties that have been identified, it is not surprising that attempts to measure the value of the sector produce wide ranging results. In 2002, Guldberg estimated that the Indigenous visual art and craft market to be worth $100-$120 million, while Altman concluded that the total figure is somewhere between $100 and $300 million.

A further complicating factor is the lack of any commonly accepted definition of what constitutes an 'Art Centre'. Art Centres may have very little in common; they may be primarily a place where artists create work, they may be primarily warehouses or trading posts. They may be small sheds in impoverished communities or they may be well managed, well equipped financially successful centres with modern facilities. Felicity Wright defines an Art Centre as "any organisation owned and controlled by Indigenous people, where the principal activity is facilitating the production and marketing of arts and crafts."[12] This broad definition means that discrepancies arise when comparing the data published about Art Centres in Australia by the Australian Bureau of Statistics (ABS), and information reported by the Aboriginal and Torres Strait Islander Commission (ATSIC), the Department of Communications, Information Technology and the Arts (DCITA) and the peak Indigenous bodies.

However many prominent Indigenous artists do not work through Arts Centres. Artists such as Tracey Moffat, Judy Watson, Yvonne Koolmatrie, Gordon Bennety, Darren Siwes, Christian Thompson and Richard Bell (to name a very few) operate

[6] Altman, Hunter et. al. *Some competition and consumer issues in the Indigenous visual arts industry*. Discussion paper No. 235. Australian Competition and Consumer Commission. 2002. p 3.
[7] H Guldberg *The Indigenous Art and Craft Market: A Preliminary Assessment for The Cultural Ministers Council Statistics Working Group*. 2002. p5.
[8] Altman,p. 4.
[9] Altman, p 3.
[10] ibid.
[11] Guldberg, p5
[12] F Wright, , p.7

outside of the Arts Centre infrastructure and often but not always will primarily interact with urban based Australian and international galleries.

ATSIC, and now DCITA, publish lists of Art Centres that are eligible for support through the National Arts and Craft Industry Support Strategy (NACIS) and Indigenous Culture Support (ICS) programs. Analysis of these lists gives the following state by state breakdown:

**Figure 1: Number of Indigenous Art Centres in Australia**

| State or Territory | 2000* | 2006** |
|---|---|---|
| New South Wales | 21 | 15 |
| Victoria | 3 | 7 |
| Queensland | 13 | 14 |
| South Australia | 2 | 10 |
| Western Australia | 10 | 15 |
| Tasmania | 3 | 3 |
| Northern Territory | 54 | 42 |
| ACT | 0 | 0 |
| **Total** | **106** | **116** |

* ATSIC 2000 ** DCITA 2006

While this data suggests that the total number of Art Centres around the country has risen since 2000, the variations indicated in the table above should be interpreted with caution since a number of Centres in northern South Australia and far eastern Western Australia were classified as being located in the Northern Territory in 2000 (as postal addresses rather than actual addresses were used).

In 2006, the four recognised artist-owned peak support bodies for community-based Indigenous artists[13] reported that together these bodies provide services to an estimated 6,000 Indigenous artists in over 80 remote Indigenous communities and 77 Art Centres distributed over about two-thirds of Australia's total land mass.[14]

### *A.2 Employment of artists*

The 2001 *Census of Population and Housing*[15] collected information on employment in the person's 'main job'. It is important to note that the statistics are incomplete in relation to those people working in arts occupations because many artists work part-time.

According to the 2001 Census, around 800 Indigenous people were employed in a visual arts and crafts occupation as their main job.[16]

[13] The Association of Northern, Kimberly and Arnhem Aboriginal Artists (ANKAAA) – working with the Tiwi Island, Darwin/Katherine, Arnhem Land regions of the Northern Territory and Kimberley region of Western Australia; Desart – working with the Central Desert in the Northern Territory and into Western Australia); Ku Arts – working with Anangu Pitjantjatjarra Yunkatjatjarra (APY) lands in South Australia; and UMI Arts – working with Far North Queensland and the Torres Strait.
[14] Report of the Visual Arts and Craft Sector meeting in Adelaide, March 2006
[15] Australian Bureau of Statistics, *Aboriginal and Torres Strait Islander Australians: Involvement in Arts and Culture*, ABS cat. No 4721.0. ABS, Canberra, 2001, p12.
[16] Australian Bureau of Statistics *cat. no.*. 4721.0, p27

**Figure 2: Indigenous artists: Census data (2001)**

| Artform | Male | Female | Total |
|---|---|---|---|
| Painter (visual arts) | 85 | 142 | 227 |
| Sculptor | 4 | 4 | 8 |
| Potter or ceramicist | 10 | 35 | 45 |
| Visual arts and craft professional nec* | 117 | 230 | 347 |
| Visual arts and craft professional nfd* | 13 | 34 | 47 |
| Artists and related professionals | 55 | 57 | 112 |
| **Total visual artists and related professionals** | **284** | **502** | **786** |

* Not elsewhere classified ** Not further defined

### *A.3 Paid and unpaid involvement*

In 2002, the ABS conducted a major survey to measure the involvement of Indigenous Australians in arts and cultural activities, including paid and unpaid work.[17] This survey shows a much higher participation rate as compared with the 2001 Census.

**Figure 3: Paid involvement in making visual art or craft**

| | Estimated Indigenous population | Participation rate (%) | Estimated number of persons |
|---|---|---|---|
| Female | 147.0 | 6.0 | 8,820 |
| Male | 135.2 | 3.8 | 5,138 |
| Aged 15-34 | 153.9 | 4.3 | 6,618 |
| Aged 35-54 | 96.2 | 5.7 | 5,483 |
| Aged 55 + | 32.2 | 5.7 | 1,835 |
| Remote | 77.1 | 9.9 | 7,633 |
| Non-remote | 205.1 | 3.1 | 6,358 |
| **Total** | **282.2** | **5.0** | **14,110** |

**Figure 4: Unpaid involvement in making visual art or craft**

| | Estimated Indigenous population | Participation rate (%) | Estimated number of persons |
|---|---|---|---|
| Female | 147.0 | 19.2 | 28,224 |
| Male | 135.2 | 12.9 | 17,441 |
| Aged 15-34 | 153.9 | 16.6 | 25,547 |
| Aged 35-54 | 96.2 | 15.5 | 14,911 |
| Aged 55 + | 32.2 | 16.3 | 5,249 |
| Remote | 77.1 | 19.1 | 14,726 |
| Non-remote | 205.1 | 15.1 | 31,970 |
| **Total** | **282.2** | **16.2** | **45,716** |

The above figures indicate that about five per cent of the estimated Australian Indigenous population (or about 14,000) were paid for making Indigenous visual arts and crafts, and another 16 per cent (or about 45,000) were not paid for their involvement in making Indigenous arts and crafts.

### *A.4 Artists' income*

Data from the 2001 Census shows that Indigenous people employed in a creative arts occupation as their 'main job' have, on average, a lower gross individual weekly

[17] Australian Bureau of Statistics. 4721.0.

income than non-Indigenous people employed in a creative arts occupation as their 'main job'. In 2001, 71% of Indigenous people employed in creative arts occupations received less than $500 per week compared with 33% of non-Indigenous people. Differences in the type of creative art occupations may account for some of the difference in income. A greater proportion of non-Indigenous people are employed in relatively high income occupations, for example graphic design and architecture, while a greater proportion of Indigenous people are employed as an arts and crafts professional, an occupation with a relatively lower average income.[18]

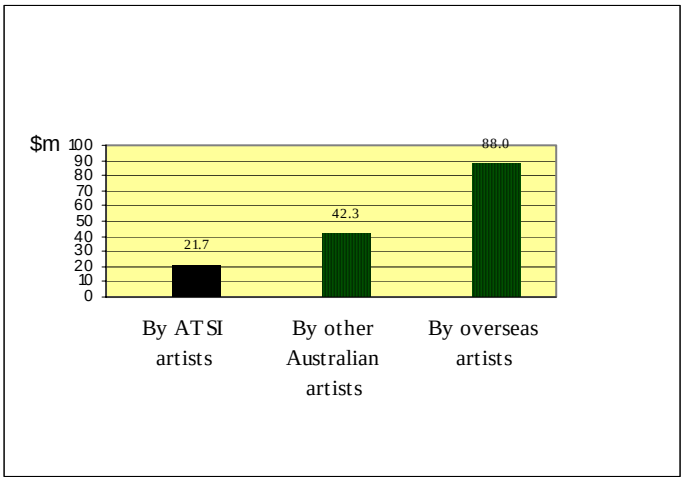
### *A.5 Sales of Indigenous art through the commercial art gallery sector, including Art Centres*

In 2001, the ABS published the results of a survey of Australia's commercial art galleries, including data on Art Centres (as defined by the ABS), *Commercial Art Galleries Australia 1999-2000*. As part of this survey, the galleries and Art Centres were asked about their sales of Indigenous artworks.

**Figure 5: Commercial art gallery sales (including Art Centres) 1999-2000**[19]

| | $ million | Percentage |
|---|---|---|
| Sold on commission: ATSI artists: first sales | 12.6 | |
| Sold on commission: ATSI artists: secondary sales | 1.2 | |
| Sold by the gallery business: ATSI artists | 13.8 | |
| Total by ATSI artists | 21.7 | 14.3 |
| Total by other Australian Artists | 42.3 | 27.8 |
| Total by overseas artists | 88.0 | 57.9 |
| **Total all sales** | 152.0 | 100 |

**Figure 6: Australia commercial art gallery sales 1999-2000**




In 2006, the four peak support bodies for community-based Indigenous artists estimated that their role in providing enhanced programs and services to the Art

[18] Australian Bureau of Statistics cat. no. 4721.0

[19] ABS. *Commercial Art Galleries 1999-2000*. Available online Australian Bureau of Statistics, *Commercial Art Galleries 1999-2000*, ABS cat. no. 8651.0, Canberra, 2000, p6..

Centre, supported a 25% growth in the Art Centres' annual sales of artists' work, thereby generating $28 million worth of sales in that year 2006.[20]

### *A.6 Auction sales of Indigenous artworks*

Statistics on the sales of works of art through auctions in Australia are collected and published in the *Australian Art Sales Digest.*[21] Statistics are available for works by Australian Indigenous artists, other Australian artists and overseas artists. These show the number of works sold and the prices paid.

**Figure 7: Australian art auction sales ($m)[22]**

| Year | Indigenous artists | Other Australian artists | Overseas artists | Total sales |
|---|---|---|---|---|
| 1988 | 0.666 | 34.4 | 3.5 | 38.474 |
| 1989 | 0.527 | 35.2 | 2.2 | 37.952 |
| 1990 | 0.169 | 15.3 | 1.3 | 16.729 |
| 1991 | 0.181 | 18.2 | 1.9 | 20.231 |
| 1992 | 0.157 | 27.1 | 1.6 | 28.907 |
| 1993 | 0.315 | 17.7 | 1.4 | 19.394 |
| 1994 | 0.619 | 22.6 | 2.8 | 26.067 |
| 1995 | 1.239 | 23.7 | 2.2 | 27.109 |
| 1996 | 1.357 | 33.3 | 3.1 | 37.796 |
| 1997 | 3.818 | 25.4 | 4.3 | 33.511 |
| 1998 | 5.282 | 39.1 | 5.8 | 50.120 |
| 1999 | 4.299 | 57.0 | 6.9 | 68.840 |
| 2000 | 6.437 | 67.9 | 3.7 | 78.063 |
| 2001 | 6.049 | 59.7 | 5.2 | 70.935 |
| 2002 | 6.699 | 68.0 | 5.2 | 79.815 |
| 2003 | 9.780 | 77.8 | 5.0 | 92.488 |
| 2004 | 13.946 | 66.8 | 9.3 | 90.035 |
| 2005 | 13.205 | 71.5 | 8.8 | 93.472 |

**Figure 8: Auction sales of Indigenous art in Australia ($m)[23]**

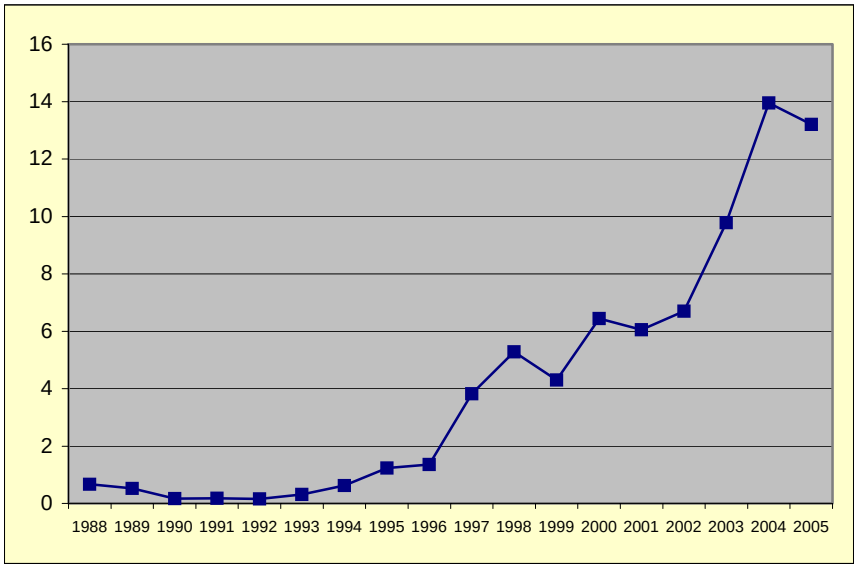
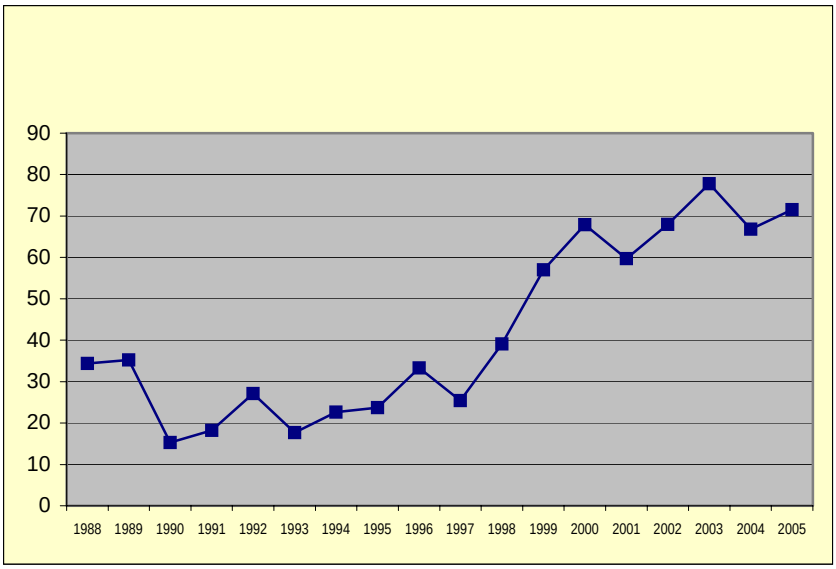


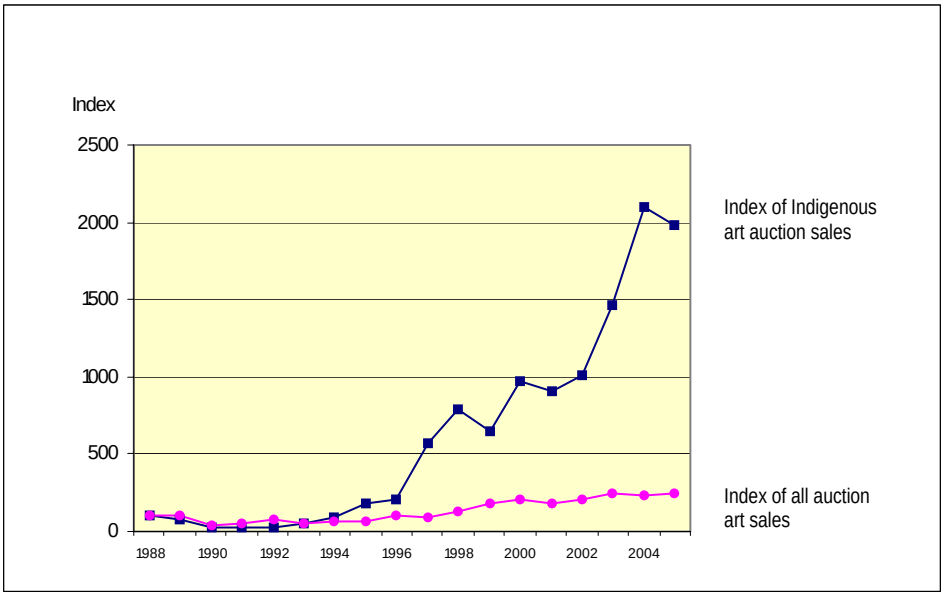

**Figure 9: Auction sales of art by other Australian artists ($m)[24]**

[20] Australia Council Visual Arts Board, Report of the Visual Arts and Craft Sector meeting in Adelaide, March 2006, p16.
[21] John Furphy Pty Ltd, "Australian Art Auction Sales By Artist Source" *Australian Art Sales Digest* 2006 available online www.aasd.com.au/artistsourcetotals.cfm Accessed 22.11.2006.
[22] ibid.
[23] ibid.




The strong growth in the values of auction sales of Indigenous art, compared with the growth in the values of all auction sales in Australia, is shown in the following graph.

**Figure 10: Comparison of values of auction sales of Indigenous art with values of total auction sales**[25]




Index of 100 for sales values in 1988

The total value of all art auction sales in Australia grew by about 140 per cent in the period 1988 to 2005. In the same period, the increase in the value of Indigenous art sales at auction was about 1900 per cent. The total number of auction sales of Indigenous artworks increased from 778 in 1998 to 1600 in 2004 and 1416 in 2005. Rover (Julama) Thomas has achieved the top sale price for 4 years between 1998 and 2006 (to September 30, 2006) [See Attachment 1].

However, while auction sales have increased, the Australia Council's concern is that it has all been through the secondary market. It is possible that interest in purchasing

[24] John Furphy Pty Ltd. <www.aasd.com.au/artistsourcetotals.cfm>
[25] ibid.

Indigenous art has increased through the secondary market and this may have had a positive impact on the primary market. However it is also possible that none of this increased financial input into the sector has benefited Indigenous artists**.**

*A.7 Purchases of Indigenous artworks by international visitors*

The Australian Customs Service collects statistics on the number and value of goods exported permanently from Australia. At present, the statistics on the export of Indigenous visual arts and craft objects are not separately recorded, so the published figures are for all such products (Indigenous and non-Indigenous).

Using these statistics and the figures from the sales of Australian art via auction and the data from the ABS Commercial Art Gallery survey, it is possible to estimate the value of the Indigenous component of these statistics. The Indigenous proportion of the auction sales in 2005 was 14.1 per cent, and the Indigenous proportion of the commercial art gallery sales in 1999-2000 was 14.3 per cent. Applying the average of 14.2 per cent to the export total in 2004-2005 indicates a notional estimate of approximately $9 million.

**Figure 11: Value of exports of visual arts (Indigenous and non-Indigenous) from Australia in 2004-2005***

| Classification used by Customs Service | $million |
|---|---|
| Paintings, drawings and pastels, executed entirely by hand | 44.5 |
| Collages and similar decorative plaques | 2.0 |
| Original engravings, prints and lithographs | 4.1 |
| Original sculptures and statuary, in any material | 11.9 |
| **Total** | **62.5** |

* In addition to the export of artworks reported here, other artworks would have been taken out of Australia by travellers in their baggage (ABS)

The Australia Council recommends that the Australian Bureau of Statistics be requested to give high priority to analysing the Indigenous visual art sector in the next commercial art galleries survey, as part of their Service Industries Survey program and that the Australian Customs Service be requested to classify the exports of visual arts and related products as being either Indigenous or non-Indigenous.

## (B) The economic, social and cultural benefits of the sector

The Contemporary Visual Arts and Craft Inquiry recognised that:

> the contribution of Indigenous artists and craftspeople to both the social and economic well being of the Australian community is extremely significant and should be valued accordingly [and that]… the Indigenous arts and crafts industry… has also had many additional social benefits including an increased understanding and respect for the strength and complexities of Aboriginal and Torres Strait Islander cultures.[26]

The economic benefits that the Indigenous visual arts sector bring to the community are difficult to measure. It is estimated that the sector self-generates somewhere between $100 and $300 million per annum.[27] However, the success of Indigenous art does not necessarily translate into better living standards for the producing artists. Jon Altman suggests that perhaps eighty per cent of this sum is generated by tourist art, not necessarily made by Indigenous artists and almost certainly very little of the funds find their way back into Indigenous communities.[28]

Even if the highest estimated value of the total Indigenous visual arts market is accepted, a simple calculation shown in the table below, demonstrates that the self-generated benefit to individual artists per annum is very small.

**Figure 12: Hypothetical estimate of financial return to individual artists**

| Formula | $3 million market | | $1 million market | Legend | Notes |
|---|---|---|---|---|---|
| | $300,000,000 | | $100,000,000 | **estimated total market** | **1** |
| **divide by:** | 80% | | 80% | | **2** |
| **equals:** | $240,000,000 | | $80,000,000 | **tourist market** | **3** |
| **remainder** | $60,000,000 | | $20,000,000 | **artists market** | **4** |
| **divide by** | 60% | | 60% | **returns to artists** | **5** |
| **equals** | $36,000,000 | | $12,000,000 | **$ returned to artists** | **6** |
| **divide by:** | 5,000 | | 5,000 | **estimated total artists** | **7** |
| **equals:** | **$7,200** | | **$2,400** | **$ per artist per annum** | |

Notes to Figure 12:
1 – Column 2 and 4 refer to the disparate figures available regarding total market value.
2 – Altman estimates 80% of the total market is Indigenous in name only and does not benefit Indigenous artists (refer to discussion in TOR E)
3 – total hypothetical $$ value of tourist market (ie. non-Indigenous benefit)
4 - $$ market of Indigenous created works
5 – based on average of 40% of sales retained by dealers as commission
6 - $$ value returned to Indigenous artists after commissions
7 – Estimate (conservative) of practicing professional Indigenous artists in Australia

The social benefits generated by Indigenous art to Indigenous people are especially important in light of the many social issues that affect Indigenous communities. The benefits include strengthening Indigenous identity, providing a means of addressing

[26] Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002 p 52.
[27] Altman, Hunter et.al. p3.
[28] J. Altman, "Marketing Aboriginal Art" *The Oxford Companion to Aboriginal Art and Culture*, eds. S. Kleinert and M. Neale, OUP, South Melbourne, p465.

contemporary issues, and transferring lore between generations, despite social and demographic trends, which militate against this.

> The Indigenous visual arts sector provides many social and cultural benefits to the Indigenous people and the Australian community as a nation. Indigenous artists and craftspeople enhance their cultures through the practice of their visual arts, which in turn provides social benefits which contribute to the improvement of Indigenous people's lives. Indigenous visual artists also contribute to Australia's cultural life, and draw benefits also for Australian tourism.[29]
>
> Promoting and supporting traditional cultures… has the potential to sustain and nourish Indigenous communities and reward relatively minor government investment with enormous cultural, social and economic rewards."[30]

In the words of the current Minister for the Arts and Sport, "[i]mportantly, the work of these artists tells communities about themselves, increasing cultural strength and identity."[31]

> During the past 200 years, following colonisation, Indigenous cultures have been assailed by a variety of attacks on their coherence and structure. The endeavour to come to terms with settler cultures and the particular challenges this has brought have shaped contemporary Indigenous identity.[32]

Indigenous visual art is used as a vehicle to promote and advocate the management of contemporary issues, such as the petitioning of land rights (initially in 1963 by the Yirrkala elders[33]), the Stolen Generation, Mabo, native title, reserves, black deaths in custody and public health messages regarding substance abuse and domestic violence.[34]

Indigenous arts and culture acts as a bridge between generations, ensuring as much as possible that custodial information is not lost. While there are serious issues concerning lost information as the materials used in the transmission change, contemporary Indigenous art does allow traditions to be maintained, notwithstanding the contemporary problems associated with education, health, law and the inexorable incursions of telecommunications and globalisation.

> While there are issues related to social justice, land rights, deaths in custody, health etc. that specifically need to be considered in relation to Indigenous arts, many Indigenous people consider the arts to be their primary area of activity or profession. [35]

In an introductory essay to the major exhibition, *Story Places: Indigenous Art of Cape York and the Rainforest*, David Burnett wrote:

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[29] T Janke, *The social and cultural benefits of Indigenous visual arts as per section (b) of the Inquiry into Australia's Indigenous visual arts sector's terms of reference.* Unpublished report written for the Aboriginal and Torres Strait Islander Arts Board, Australia Council, 2006, p2.
[30] Perkins, H. cited in Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002 p 52.
[31] Senator Kemp, Media Release "Promoting Indigenous Achievement", Media Release, Liberal Party of Australia, 14 September 2005.
[32] D. Mellor *Valuing Art, Respecting Culture: Protocols for working with the Australian Indigenous Visual Arts and Craft sector*, National Association for the Visual Arts, Sydney, 2001, p.28
[33] V. Johnson "Cross-cultural exchange" *The Oxford Companion to Aboriginal Art and Culture*, eds. S. Kleinert and M. Neale, OUP, Canberra, 2000, p 473.
[34] M. Brady "Aboriginal Art in the social marketing of health" *The Oxford Companion to Aboriginal Art and Culture*, eds. S. Kleinert and M. Neale, OUP, Canberra, 2000, p 450.
[35] ANKAAA cited in Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002 p.52.

> Over the past year art from the west Cape community of Aurukun has been exhibited by the Queensland State Government at the 2002 Commonwealth Heads of Government Meeting (CHOGM) and at the Queensland/Berlin Indigenous art exhibition in Germany in October 2002. Such events contribute greatly to the confidence, esteem and sense of identity of communities. As production is linked to cultural practice in Indigenous communities, the creation of art emerges in response to community conditions. Art and cultural centres have been set up in Aurukun, Yarrabah and Lockhart River, while others are in the process of seeking funding and support. Such centres are vital in providing a place for community members to meet, interact and produce work. They facilitate interaction between younger and older members of the communities in a relaxed environment. The crucial generational relationship, which in the past was such an important aspect of social life, is sadly at risk in some communities, where social issues have alienated youth from community elders. At Lockhart River, the adaption of an old clinic into an art studio was a key factor in the success of the group of artists know as the Lockhart River Art Gang in recent years…The recruitment of Indigenous trainees…has provided young people with an opportunity to explore more of their own culture by working with traditional and historical material related to their communities.[36]

Because the symbols and images used by many contemporary Indigenous artists (particularly those from remote areas) are not created by individuals but are transmitted through complex Indigenous law over generations, the mere creation of saleable artwork can be controversial even when the painters have inherited the right of custodianship. The public use of previously secret artforms is considered at length and with great seriousness by their traditional owners. As Indigenous art curator and writer Djon Mundine has written:

> It has been recorded that in Arnhem Land in the 1950s and 1960s a rationalisation of formerly ritualistic or restricted artforms now being shown in a public, Western art context took place within that society. In the centre of Australia this process was intensely conducted throughout the 1970s and 1980s, after artists had transferred sacred compositions onto canvas.[37]

Contemporary Indigenous visual art first took shape at Papunya Tula in 1971, a township created for the purpose of forcibly relocating a number of distinct peoples under the Government's policy of centralisation of desert communities.[38] By painting the customary law of which they were custodians, the Papunya Tula Artists for example, were both preserving their culture and potentially, by allowing the images to be seen by women and white people, breaking their own laws relating to secret ceremony. For this reason, many other local Indigenous communities were initially angry at the Papunya Tula Artists for what they considered were strict cultural transgressions. However, the Papunya Tula artists addressed this by codifying their paintings, and creating the layered 'dot' painting style, and, within ten years, the cultural and economic value of creating art for sale had been accepted by many more Central Australian/Western Desert Aboriginal people.

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[36] D. Burnett, "Art of the Cape" *Story Place: Indigenous Art of Cape York and the Rainforest*, Queensland Art Gallery, 2003 p.24

[37] Mundine, D. "Aw – Story Place" *Story Place: Indigenous Art of Cape York and the Rainforest*, Queensland Art Gallery, 2003 p.52

[38] There is also a strong case to state that Albert Namatjira and the Hermannsburg school were the first 'contemporary' Indigenous artists.

## (C) The overall financial, cultural and artistic sustainability of the sector

### *C.1 Financial sustainability*

The Indigenous visual art sector is in its infancy and has great potential for further growth. Currently, the sector is highly dependent on government support and will remain so. There are a number of agencies engaged in providing this support, and the Australia Council notes that improved co-ordination, with a coherent overall funding framework could provide better outcomes and improve financial sustainability for the sector. In addition, as real funding declines in some programs, the sector – already disadvantaged, is likely to feel further pressure. Finally, the 'resale royalty' scheme previously proposed by the Australia Council has not been adopted by Government, however, it remains the Australia Council's preferred mechanism for improving returns to individual artists.

The following paragraphs outline the current sources of financial support for the sector, and ways in which sustainability could be enhanced.

#### ***Government support***

Australian Government support comes mainly support through NACIS. The Australia Council understands that in 2006, more than $5.5 million was allocated through this program, a further amount in excess of $6.5 million is understood to have been by distributed by DCITA through ICS (of which up to 30% is targeted at the visual arts sector).

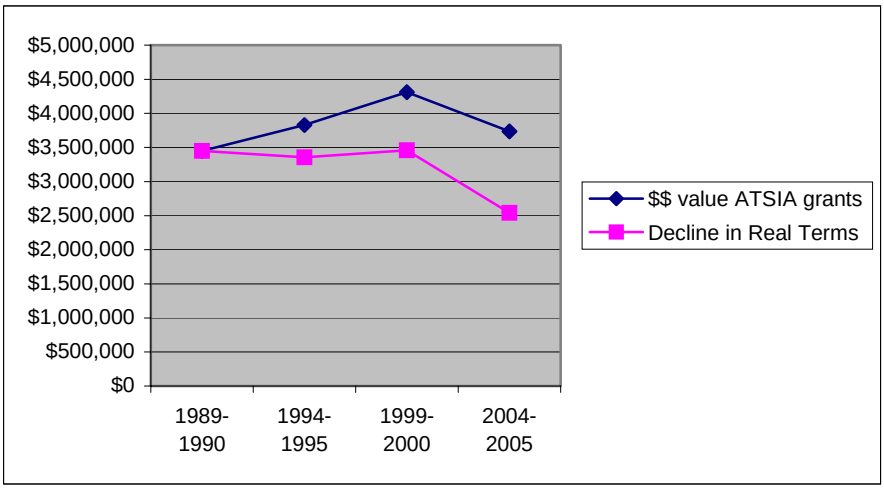
The Visual Arts and Craft Strategy administered by the Australia Council delivers $1.8 million annually to the Indigenous visual arts sector, of which $845,000 is Australian Government funding (including annual funding to ANKAAA and Desart of $125,000 each).

A further $3.7 million of Australia Government funding was distributed by the Aboriginal and Torres Strait Islander Arts Board of the Australia Council in 2004-2005. Of this sum, approximately $1 million was distributed to Art Centres across Australia.[39]

However, as the following table shows, the real value of funding from the Aboriginal and Torres Strait Islander Arts Board has declined by 26% since 1989.

[39] Australia Council, *Australia Council Annual Report 2004-2005*, Australia Council, Sydney, p91-94.

**Figure 14 - Australia Council funding through the Aboriginal and Torres Strait Islander Board. 1989 - 2005**[40]




About one quarter of all Indigenous peoples participate in the Community Development Employment Program (CDEP).[41]

> [The CDEP] performs multiple roles for Indigenous communities… provides employment experience to improve peoples' future job prospects, funds many core services and strengthens community participation and cohesion.[42]

The 2004-2005 CDEP budget was $570 million to fund 39,055 participants.[43]

### *Opportunities for improvement*

Improving the financial sustainability of the sector is a high priority for the Australia Council. Strategies in place include fostering enhanced employment opportunities in the creative industries, the transfer of arts and cultural knowledge between generations, and the development of audience and markets for Indigenous cultural product .These are currently being addressed through a mix of internally funded initiatives, grants and programs.[44]

In the interests of improved co-ordination, the Australia Council seeks opportunities to partner or collaborate with DCITA, the Office of Indigenous Policy Coordination, and the National Indigenous Council to ensure a whole-of-government approach to

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[40] Table based on 1989 $$ support and contextualised within CPI rises from 1989 to 2005.

[41] Australian Council of Social Service, "Principles for Reform of the Community Development Employment Program (CDEP) – to promote workforce participation among CDEP participants & Indigenous Job Seekers"; *ACOSS Info 370 – April 2005,* p2.

[42] Australian Council of Social Service, p1.

[43] J Altman, M Gray and R Levitus *Policy Issues for the Community Development Employment Projects Scheme in Rural and Remote Australia,* Centre for Aboriginal Economic Policy Research, Australian National University, Discussion Paper No.271/2005. p vii.

[44] **The Other Side of the Coin** is a $100,000 per annum over 3 years program that will focus on enabling Indigenous artists to better protect and exploit their cultural and intellectual property; **Indigenous Philanthropy Program** is designed to encourage philanthropic giving and private support to Indigenous companies; **Showcasing the Best** is an initiative to provide international presentation opportunities for Indigenous artists through long-term international market development; **Artists in Work** is an initiative to increase the participation of Indigenous people in the arts sector through employment opportunities such as traineeships, scholarships, employer incentives and general positions..

policy development and the delivery of programs and services for Australia's Indigenous people.

One of the Australia Council's key concerns is to improve the financial returns to the artists who are the primary creators on which the Indigenous Visual Arts and Crafts industry depends.

Current Australian Government policy does not include a resale royalties scheme, however, the Australia Council continues to support the introduction of such a regime. As the Contemporary Visual Arts and Craft Inquiry recognised, such a regime would:

- provide economic benefits to artists
- empower and nurture artists
- recognise the ongoing relationship between the artist and their community with the work and the owner
- inspire the creation of new works
- provide a means for artists to meet community obligations
- reduce profiteering and promote transparency in the sector
- minimise exploitation
- limit problems relating to authenticity and provenance.[45]

Sales information on Indigenous art sold at auction shows that combined sales over 1998-2006 amount to $75 million.[46] Had a resale royalty regime (at a 5% return) been in place for this period, it is estimated that $3.75 million would have been returned to Indigenous artists and their communities. It must also be noted that the secondary market has increasingly become a *de facto* commercial gallery system, with very recent works by living artists coming onto the auction market a couple of years after the primary market. Artists are engaging in this market too, but it is creating a real concern for artists who see their works being resold for much higher prices only a few years after they were created.

The Australia Council supports the development of initiatives to ensure that profits from sales are returned and reinvested in the Indigenous and wider visual arts sector.

### *C.2 Cultural and Artistic sustainability*

There are at least two issues regarding cultural sustainability within the sector. There is traditional cultural sustainability, which could be said to be focussed on preserving long term heritage aspects of Indigenous culture; and contemporary cultural sustainability which focuses on the contemporary Indigenous artist operating within the contemporary arts market.

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[45] T. Janke and R. Quiggin cited in Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002, p. iii. These issues will also be discussed in the context of Indigenous cultural and intellectual property

[46] Furphy, *Australian Arts Sales Digest*. Information commissioned by the Australia Council 2006.

Issues facing the sector include ensuring the passing on of cultural information from the custodians of one generation to the next, and protecting traditional cultural intellectual property.

The capacity to pass information on from one generation to the next is threatened by some of the contemporary social issues affecting Indigenous people, and also by exploitation and unconscionable conduct. For example, there have been reports of elders being taken away from their communities and put up by 'art dealers' in hotels or homes in Alice Springs and other metropolitan centres, thereby breaking the cross-generational line of cultural handover. There have been cases of the rightful next generation custodian moving away from the community for economic and/or social reasons. Aspects of Indigenous disadvantage - self-harm, petrol sniffing, alcohol abuse and abuse of illegal drugs, can also prevent the traditional passing down of secret cultural information.

It has become necessary to record certain sacred secret information, (particularly works on rock in remote locations); using film and/or photography, in order to have a record and preserve it. This creates a contradiction: "In order for what was once restricted knowledge to be preserved it has to be made public and open."[47] The dilemma is that these works (which may be up to 40,000 years old) are not protected by copyright and are therefore vulnerable to abuse, leaving the cultural owners without legal recourse.

One solution to the latter issue is providing Art Centre staff with training in the presentation and preservation of art.[48] Management and staff of Art Centres have recognised the heritage value of the work produced by their artists, and established Keeping Places which play a conservation role and are also a focal point for the community. To be able to maintain Keeping Places, training in preservation and presentation is vital "to ensure this valuable heritage is not damaged through neglect or through lack of resources"[49]

The issues to be addressed here in the field of artistic sustainability, include the prevalence of fakes which undermine the authenticity of Indigenous arts and crafts; the loss of indigenous works of art to overseas buyers; and the ethic and moral issues surrounding the continued low living and income standards of the artists whose works are delivering high returns to others.

Australia was the first nation to embrace its Indigenous art for cultural rather than ethnographic reasons. In 1990, Australia was represented at the Venice Biennale by Rover Thomas and Trevor Nickolls. This was the first time any country had exhibited Indigenous artists in Venice. Australia was also the first country to select Indigenous curators (Hetti Perkins and Brenda Croft) for the Venice Biennale. In 1996, they selected the work of Emily Kame Kngwarreye, Yvonne Koolmatrie and Judy Watson for the forty-seventh Venice Biennale.

[47] P Tacon; "The Long View: New Insight into old Australian Rock-art" *Artlink* Vol 20 No. 1; p.8.
[48] Contemporary Visual Arts and Craft Inquiry, p 201.
[49] ibid.

The works of David Malangi, Rover Thomas, Clifford Possum, Emily Kame Kngwarreye and Tim Leura Tjapaltjarri are justifiably world renowned. In the 1990s, many urban-based/contemporary Indigenous artists became nationally and internationally known, building up domestic and international markets for their works.[50] Judy Watson was the first Indigenous recipient of the Moët & Chandon Fellowship (Gordon Bennett has also been a Fellowship recipient). Emily Kame Kngwarreye received an Australia Council Creative Artists Fellowship in 1992. John Mawurndjul, Tracey Moffatt, Destiny Deacon and Gordon Bennett have all been represented by major international solo exhibitions.

From an international perspective, Australian Indigenous artwork stands out from the mainstream Western Modernist traditions. The success of Australia's Indigenous artists at the recently opened Musée de Quai Branly is testament to the diplomatic importance of Indigenous cultural impact, particularly when under Indigenous control, as this project was. However, the success of Indigenous art does not necessarily translate into better living standards for the producing artists. It is a serious concern that work by an artist of the stature of Tommy Watson can be feted in Paris while the artist himself continues to live in poverty.

Fakes are also prevalent throughout the Indigenous visual arts sector. Currently concern has been raised about the number of fakes being sold at auction and on the internet. This issue is difficult to police and monitor. Mass produced products that replicate authentic crafts (such as didgeridoos and boomerangs) undercut the authentic market and threaten the cultural integrity of the sector. Further examination of the issue of authenticity within the sector is dealt with in Term of Reference (E).

Another issue is that key Indigenous artworks are being 'lost' to overseas buyers. Works by certain artists may be of extreme cultural significance but not eligible to be placed onto the National Cultural Heritage Control List simply because they were created within the last 30 years. This issue is discussed in further detail in response to Term of Reference (G) below.

[50] Artists such as Michael Riley, Tracey Moffatt, Judy Watson, Brook Andrew, Destiny Deacon, Fiona Foley, Brenda L Croft, Christian Thompson, Tommy Watson, Eubena Nampitjin, Gulumbu Yunupingu, John Mawurndjul, Gordon Bennett and Julie Dowling

## (D) The current and likely future priority infrastructure needs of the sector

Rural and remote Indigenous artists will continue to rely on Art Centres and government programs such as NACIS and CDEP. Art Centres provide essential physical, cultural and financial support for Indigenous artists. However, the Art Centres need further support, particularly training for Art Centre staff in management skills, artistic skills, professional and cultural sensibilities and ethics.

Urban Indigenous artists rely more on established non-Indigenous arts infrastructure such as tertiary institutions, contemporary arts spaces and the commercial gallery sector. Both remote and urban galleries need to further develop codes of practice to ensure ethical practices become the norm.

### *D.1 Art Centres*

An Art Centre has been defined as "any organisation owned and controlled by Indigenous people, where the principal activity is facilitating the production and marketing of arts and crafts".[51] Beyond this definition, Art Centres may have very little in common; they may be primarily a place where artists create work, they may be primarily warehouses or trading posts. They may be small sheds in impoverished communities or they may be well managed, well equipped financially successful centres with modern facilities. Irrespective of the differences, Indigenous Art Centres have given communities a sense of pride, coherence and also a degree of economic benefit.

Indigenous Art Centres throughout the country generate an incredible national resource and play a key role "in the national development and promotion of Indigenous arts and craft."[52] In addition to the artwork produced by the artists they support, the Art Centres themselves are one of the most important developments in Australian culture in the last three decades. In addition to promoting Indigenous artistic work, they help to ensure "profits from the sale of Indigenous works are returned to the artists and the community."[53] They represent a proven, cost-effective, intercultural marketing formula and:

> have proved to be one of the most effective ways to both sustain living Indigenous cultural expression, providing Aboriginal and Torres Strait Island people with a sense of purpose and autonomy, and also to generate earned income from art and craft sales and cultural tourism.[54]

While these Centres have proven to be successful facilitators for the sector, the sector's widespread and dispersed nature means that individual Art Centres are isolated and current funding levels remain inadequate, especially given the demand to support a growing industry. Both remoteness and expense are key factors in the inadequate facilities currently in place. There is a great need for capital works to allow Arts Centre buildings and accommodation to be upgraded.

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[51] Wright, p.7
[52] Contemporary Visual Arts and Craft Inquiry, p 202.
[53] Contemporary Visual Arts and Craft Inquiry, p 245.
[54] National Association for the Visual Arts, cited in Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002, p 245.

While the number of Art Centres is growing, most are situated in remote areas and many important urban-based Indigenous artists lack access. Maningrida and Tiwi Art Centres operate out-post shop fronts in Darwin; Sydney's Boomalli Aboriginal Artists Co-operative is the only not-for-profit Indigenous operated urban-based Art Centre. The lack of urban infrastructure can mean that urban based Indigenous artists are at times vulnerable to unethical commercial operators.

### *D.2 Developing the skills and knowledge of Art Centre staff*

Art Centres provide extremely valuable support to Indigenous artists. Centre staff, especially managers, can play a critical and influential role as artists rely on their integrity, professionalism and knowledge. They are responsible for ensuring primary materials are available to artists, nurturing an environment conducive to the creation of art, and maintaining a business environment that supports, and protects their artists where necessary:

> The regular contact between artists and their representatives in the community is the obvious and ideal opportunity for artists to be advised and supported. Art centre staff members are aware of the dangers presented by unscrupulous dealers. [55]

Art Centres play a community development as well as a commercial role by providing employment opportunities, and they provide a positive focal point for the community. This brings many social benefits but also increases the demands made of Art Centre managers. It remains the case that:

> [g]reater support for art centres operating at the community level, in terms of staffing and resourcing, is critical in assisting the financial management of artists working in remote areas… With adequate support they can advise artists on their financial responsibilities (e.g. taxation) and rights (e.g. intellectual property).[56]

A successful Art Centre is underpinned by its staff who often work long hours and are required to undertake a wide range of tasks. After coordinating an Art Centre for two years, Tim Acker from Warlayirti Artists commented that;

> [b]eing an art centre coordinator in an Aboriginal community is everything and nothing like it sounds, which is why official qualifications have little to do with being a good one.[57]

It is also noted that not all Art Centre managers may be good managers, especially with the high turnover of staff in centres nowadays. Many come from metropolitan regions and have never had any contact with Indigenous people. They may be inexperienced, and lack understanding of complex and sensitive cultural issues. Training before they take up such a position within a community would assist. In particular, Arts Centre managers need to be aware of the various pertinent codes of best practice relevant to the Indigenous arts industry.

A successfully run Art Centre needs superior business, administration and social skills. A survey of Art Centre coordinators published in 2000 noted that, while the majority already have tertiary qualifications, they still often have significant training needs in general arts administration, book-keeping, business studies, practical art training, linguistics, fine art, marketing, computing, anthropology and Aboriginal

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[55] H. Perkins, cited in Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002, p 200.
[56] Perkins, cited in Contemporary Visual Arts and Craft Inquiry.
[57] *Qantas Magazine* cited in Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002, p200.

studies, particularly in cultural protocols.[58] Coordinators also need to have the skills to train new staff; in particular, they need to be able to train and mentor young local Indigenous artists to ensure the eventual 'Indigenisation' of these positions.[59]

Considerable support is needed to ensure that these professional development needs are met. The situation is further complicated where managers operate Centres alone with responsibility for up to 200 artists, "accessing training in remote areas is difficult due to time, financial and access constraints,"[60] and certain skills must be learned offsite. If a coordinator is expected to work 70 hours a week, their absence can have a serious effect on the Art Centre community. Locum coordinators should be trained so that Centre coordinators can undertake professional development opportunities offsite without leaving their Centres unattended and artists without support.

While priority for training should be given to Art Centre managers and other Indigenous staff, the professional development of non-Indigenous Art Centre managers and staff is also extremely important and beneficial to Indigenous artists and the viability of the sector as a whole.

[58] Wright, p 56.
[59] Ibid.
[60] Aboriginal and Torres Strait Islander Commission, cited in Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002, p 200.

## (E) Opportunities for strategies and mechanisms that the sector could adopt to improve its practices, capacity and sustainability, including to deal with unscrupulous or unethical conduct.

The Australia Council's key concern is the extent to which the growth and development of the sector has occurred with little benefit to artists themselves. A sector which is generally perceived to be flourishing has not improved the economic and social position of Indigenous artists and their communities. Income levels for Indigenous artists remain extremely low. Even the most inflated estimate of the sector's economic value, when divided by conservative estimates of the number of artists within the sector, shows that the economic value of the sector to individuals is minimal. Artists are vulnerable to exploitation. There can be unconscionable inflation of prices between the point of creation and the point of sale. The prevalence of fakes and foreign-produced work in 'aboriginal style' undermine the authenticity of the sector. There is potential for significant Indigenous works of art to be moved overseas despite the *Protection of Moveable Cultural Heritage* Act. The complexities of protecting indigenous intellectual property make it difficult in practice to do so.

It is clear that the Indigenous art and craft sector is unique, fragile and evolving. It faces particular hurdles due to a combination of socio-economic disadvantage and its geographical and institutional fragmentation. It is dependent on government support and will remain so. Substantial ongoing support and infrastructure are needed to meet the demands for growth.

There are significant opportunities for Government to strengthen the sector and return financial and social benefits to indigenous artists and their communities. The Australia Council supports initiatives that will ensure that profits from sales to be returned and reinvested in the Indigenous and wider visual arts sector.

Current Australian Government policy does not include a resale royalties regime. However the Australia Council has advocated such a scheme in the past and continues to support its introduction. As the Contemporary Visual Arts and Craft Inquiry recognised, the financial sustainability of the Indigenous arts sector would be enhanced.

Strategies and mechanisms that the sector could utilise to improve its practices would include a combination of: voluntary codes of practice, improved regulatory measures against misleading labelling and imports, and increased government financial assistance for Art Centres.

### *E.1 Development of Codes of Best Practice*

Protection from fake Indigenous art, 'carpet-bagging' and unethical commercial dealers is a critical issue for the sector to be sustainable. One strategy is to promote the adoption of voluntary codes of practice, which provide guidelines for ethical interaction between galleries, dealers and artists.

By February 2007 there will be four published 'codes of best practice' that have relevance for the Indigenous arts sector. These are:

- *Valuing Art, Respecting Culture: Protocols for working with the Australian Indigenous Visual Arts and Craft Sector*, published by the National Association for the Visual Arts, Sydney 2001 (written by Doreen Mellor with Terri Janke).
- *The Code of Practice for the Australian Visual Arts and Craft Sector*, published by the National Association for the Visual Arts, Sydney 2001.
- *The Indigenous Art Commercial Code of Conduct* (working title), (an issues paper/draft for comment will be available in 2006 from www.visualarts.net.au.)
- *The Indigenous Arts Centres and Action Plan*
- *The Australian Commercial Galleries Code of Conduct*

While all of these documents are important for the Inquiry to note, the foundations of this submission are the Australia Council's National Aboriginal and Torres Strait Islander Arts Policy principles.

### *E.2 'Aboriginal Style'*

> It is important that consumers are confident, when they make a purchase in either the fine or the tourist market, that they are getting product made by Indigenous artists and, in the case of fine art, by a prominent artist.[61]

However, the Australian Competition and Consumer Commission (ACCC) has authorised the use of the term 'Aboriginal Style' to describe non-authentic Aboriginal products that emulate Aboriginal works. It is estimated that about 90% of product sold in retail under the guise of authenticity with the label of 'Aboriginal Style' is not authentic. Alarmingly, often merchants that are adopting the term have imported their products from off shore. The term 'Aboriginal Style' gives marketing credibility to these cheap, and often fake, imports. The term is confusing and misleading for consumers. Furthermore, it undermines the integrity of authentic Aboriginal and Torres Strait Islander products and threatens the viability of genuine retailers. Cheap imports undercut the genuine market, and in turn, impinge on the incomes of Aboriginal and Torres Strait Islander people.

The Australia Council recommends that the ACCC investigates the type of goods imported and marketed using the term 'Aboriginal style' with a view to reducing the amount of non-authentic Indigenous product. This would greatly increase opportunities for authentic Indigenous product to enter the marketplace. In turn, economic returns from Indigenous products should flow to Aboriginal and Torres Strait people. It will increase consumer confidence and restore integrity in authentic Indigenous product.

### *E.3 Protection of Art Centres from unscrupulous and unethical conduct*

While it is clear that the Indigenous Art Centres have buoyed the sector, Art Centres continue to be victims of unscrupulous and unethical conduct and the Australia Council recognises a need for both financial and regulatory support to assist in preventing this. Better laws could protect the sector from fake Indigenous art, from

[61] Altman, Hunter, et.al. p34.

'carpet-bagging' where artworks are exchanged for beer, cigarettes, or drugs and from private and unethical commercial dealers. Concerns have also been raised about 'poachers':

> some independent art dealers are using highly unethical behaviour to obtain paintings from artists… art centres foster the young upcoming artists… until such time as they start to get a 'name'. It is then that these… operators move in to claim the benefits and dismiss art centres[62].
>
> Art centres are responsible to members, their constitutions and the broader community, private dealers are only responsible to themselves. Private dealers acquiring art from a certain region may be supplying the same market as the region's art centres and thus operating in direct competition to them. For art centres, this may result in difficulties at a number of levels and it may ultimately undermine their commercial viability.[63]

On 4 October 2006, the Minister for Families Community Services and Indigenous Affairs, Mal Brough MP, released a discussion paper on the permit system, which restricts access to Aboriginal or Torres Strait Islander land. The paper indicates that the permit system has 'contributed to denying Aboriginal people access to the normal advantages of mainstream Australian society'[64].

However, the permit system does assist to restrict access to tourists, 'carpet-baggers' and unscrupulous dealers. Open access to Aboriginal land by non-Indigenous people could result in a greater tendency for artists to sell direct to them. This would have a negative impact on the Art Centres. There could be a decrease in the quality of work coming on to the market, thereby damaging the market as people lose faith that the work they are buying is of high quality.

The issue could exacerbate the problem of unconscionable conduct. Jon Altman has written:

> Unconscionable conduct can occur in situations where private dealers are in a stronger bargaining position than the Indigenous producer of art. The very fact that such intrusion and conduct occurs, even in situations where there are established community-controlled art centres, suggests that it is an actual and potentially greater problem in more informal settings where arts collecting institutions are absent. This issue has been evident since the establishment of the modern Indigenous arts industry in the early 1970s. It should be noted though that because artists are engaged in an exchange relationship they are rarely passive parties in the transaction, although they may experience special disability especially in situations of extreme financial deprivation or alcohol or drug dependence. In such situations they are especially vulnerable[65].

The Australia Council recommends that the Inquiry further investigate voluntary, regulatory and financial measures to assist the sector to develop further protection measures it against fakes and unethical and unscrupulous conduct.

It is essential for the sector's development that the market trusts that the works they are purchasing are genuine and that the artists have received appropriate payment for their products.

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[62] C. Herbert, cited in Altman, Hunter et.al, p18
[63] Altman, Hunter, et.al. p. 18
[64] M. Brough, *Discussion Paper on Indigenous permit system released*, media release, Minister for Families, Community Services and Indigenous Affairs, ACT, 4 October 2006.
[65] Altman, Hunter, et.al. p.34

## (F) Opportunities for existing government support programs for Indigenous visual arts and crafts to be more effectively targeted to improve the sector's capacity and future sustainability.

The Australian Government is the primary source of funding for the Indigenous Arts and Craft sector. As outlined elsewhere in this submission, fiancial support for the sector is channelled through:

- the Australia Council's ATSIAB grants program ($3.7 million). Of this sum, approximately $1 million was distributed to Art Centres across Australia .[66]

- DCITA's National Arts and Craft Industry Support Strategy (NACIS) and Indigenous Culture Support (ICS) programs

- The Visual Arts and Craft Strategy, which delivers $1.8 million annually to the Indigenous visual arts sector, of which $845,000 is Australian Government funding

Further funding (and significant knowledge of regional issues) comes from State and Territory arts funding agencies. This is particularly true of Queensland, Western Australia, South Australia and the Northern Territory. With the implementation of the Visual Arts and Craft Strategy, a number of tripartite funding agreements have been made for Key Indigenous Arts Organisations (ANKAAA, Desart, Ananguku and Tandanya).

There is a real opportunity for the Australian Government to take a lead role in facilitating partnerships and cooperation between agencies at all levels to improve the level and nature of support available to the sector, by facilitating inter-agency cooperation.

The Australia Council recommends that, in line with the National Aboriginal and Torres Strait Islander Arts Policy there should be Indigenous involvement in decision making and funding processes that are aimed at supporting indigenous people.

The Australia Council also recommends an annual meeting of Indigenous arts officers from all agencies to address issues of local, national and international importance and to facilitate further funding cooperation between the various agencies

*Project Proposals*

The Australia Council has developed the following proposals to support Indigenous visual arts and crafts. All will improve the sector's capacity and future sustainability, and could be managed by the Australia Council.

[66] Australia Council, *Australia Council Annual Report 2004-2005*, Australia Council, Sydney, p91-94.

1. **Promise to the Future** ($3 million over 3 years): an Indigenous intergenerational strategy designed to ensure arts and cultural knowledge and understanding are passed from respected elders and community leaders to the next generations of Indigenous Australians. This initiative will draw on the themes of identity, representation, expression and rehabilitation to drive intergenerational exchanges across the country.

   The strategy would engage Indigenous elders to participate in cultural camps and cultural projects for Indigenous youth, be artistic mentors, and engage in cultural festivals and forums. The initiative would include:

   - developing a 'databank' of significant artists, leaders, elders and Indigenous youth for mentoring and exchange, and would include artists, community leaders, elders and Indigenous youth
   - engaging these mentors to play a central role in cultural camps for Indigenous youth
   - developing whole of government partnerships in the areas of health, education etc.

2. **Showcasing the Best – Indigenous Australia to the World** ($4 million over 3 years): will promote and profile Indigenous arts and crafts internationally. It will particularly build on the interest and opportunities created by the opening of the Musée du Quai Branly in Paris. Initiatives include:

   - professional development through mentoring
   - development and production of advocacy and promotional marketing resources
   - marketing resources to support the promotion of Indigenous works and products at high profile international events and cultural institutions
   - funding towards the Festival of Pacific Arts 2008.

3. **Building a Sustainable Indigenous Arts industry** ($6 million over 3 years): would build sustainable Indigenous arts business through education and advocacy programs. This would be achieved by encouraging participation in Australian cultural industries through the provision of information around contracts, intellectual property and business skills.

4. **Indigenous Festivals** ($3 million over 3 years): will provide support for the major Indigenous cultural festivals across Australia – Garma (NT), Laura Festival (FNQ), Yabun Concert (NSW), Torres Strait Island Cultural Festival (TSI), the Dreaming (QLD) and Croc Festivals (held nationally in rural and remote communities for primary and secondary students promoting health, education, careers, sports and the arts) and others. The objective is to provide support for skills, audience and market development, skills employment and promotion of the celebrations to a wide-ranging audience.

5. **Indigenous Enterprise Incubators** ($4 million over 3 years): aims to aid Indigenous artists and communities – particularly outside capital cities – to better understand 'western' business practice. The incubators would be designed to ensure that Indigenous cultural product derived economic benefits to strengthen Indigenous enterprise, communities' self-reliance and sustainability.

## (G) Future opportunities for further growth of Australia's indigenous visual arts and craft sector (including through further developing international markets)

### *G.1 Major Exhibitions and International Touring*

Recent major events and achievements can be used to build further opportunities in the international market for Australia's Indigenous visual arts and crafts sector.

There is undeniable international interest in Indigenous Australian art but developing and presenting international exhibitions is complex and costly. The Contemporary Visual Arts and Craft Inquiry found that "exhibitions at major art museums are an efficient way of introducing the general public to the history and complexity of contemporary Indigenous art" and "[s]uccessful exhibitions create audiences for, and engender respect for, the work of Indigenous Australian artists, and increase audiences for contemporary arts generally but such initiatives need long-term commitment and strong support from major art museums."[67]

Recent major exhibitions of Indigenous art have included *Beyond the Pale: contemporary Indigenous Art,* the 2000 Adelaide Biennial of Australian Art and *Michael Riley: sights unseen* 2006 (both curated by Brenda L Croft); Papunya Tula: Genesis and Genius 2000, and *Crossing Country: alchemy in Western Arnhem Land art* 2004 (both curated by Hetti Perkins for the Art Gallery of New South Wales,); *Story Place: Indigenous Art of Cape York and the Rainforest* 2003 (Queensland Art Gallery), *Destiny Deacon: Walk and Don't Look Blak* 2004 (Museum of Contemporary Art) *Land Marks* (National Gallery of Victoria, 2006. Only two of these exhibitions, both solo exhibitions, have or will undertake national and international tours. The Australia Council recommends that museums and galleries presenting major exhibitions of Indigenous visual arts and crafts be encouraged to explore opportunities for national and international touring.

Australian Indigenous art has recently been elevated to permanent prominence in the Australian Indigenous Art Commission at the major new French cultural institution, Musée du Quai Branly in Paris, for which the work of eight Australian Indigenous artists was commissioned.[68] This project has further enhanced the profile of Australia's Indigenous visual arts sector and the work that it produces. "There has recently been further evidence of enormous interest in Aboriginal and Torres Strait Islander art as overseas collectors bid strongly at auction against local institutions to set benchmark prices for prized works."[69]

[67] Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002, p 259.
[68] The artists were Lena Nyadbi, Paddy Nyunkuny Bedford, Judy Watson, Gulumbu Yunupingu, John Mawurndjul, Tommy Watson, Ningura Napurrula and Michael Riley.
[69] Senator R. Kemp, *Promoting Indigenous Artistic Achievement,* media release, ACT, 14 September 2005.

### *G.2 Development of Indigenous Art Museums Professionals*

A further resource is the relatively recent move (increasing over the past decade) by major state and national art museums to ensure they employ and provide training and mentoring for Indigenous people as curators of Indigenous art. These curators are the real experts in contemporary Indigenous visual arts. They include the well established professionals such as the Senior Curator of Aboriginal and Torres Strait Islander Art at the National Gallery of Australia, Brenda L Croft, the Senior Curator of Aboriginal and Torres Strait Islander Art at the Art Gallery of New South Wales, Hetti Perkins and the Curator of Aboriginal and Torres Strait Islander Art at the Museums and Galleries of the Northern Territory, Francesca Cubillo, and others such as freelance curator, Djon Mundine. One recent very positive development was the inaugural meeting in Sydney in September 2006 of a number of Indigenous Curators of Aboriginal and Torres Strait Islander Art from federal and state art museums around Australia. This forum allows expert knowledge of senior curators to be passed to less experienced Indigenous professionals. The Australia Council recommends that the states and national art museums are supported to ensure that these meetings continue on a regular basis.

There is also a strong need for the reinstitution of annual or biennial National Aboriginal and Torres Strait Islander Visual Arts Conferences. Since the first National Aboriginal and Torres Strait Islander Visual Arts Conference (NATSIVAC) was held in Canberra in 1973 only three more have been held (1989, 1999 and 2002),

### *G.4 Indigenous Arts Marketing*

The Queensland Indigenous Arts Marketing Export Agency (QIAMEA), created in 2003, supports the appropriate development of individual Indigenous artists, and art and culture centres, particularly in remote communities. This helps to develop Indigenous arts and cultural practice, and means there is a sustainable supply of art product and that links are made to new markets, in Australia and overseas. Eleven emerging and prominent Indigenous Queenslanders were profiled at the *Great Art Exhibition* in Dusseldorf, Germany, in December 2003. Of the 39 works exhibited 19 were sold. *Out of Country*, an art exhibition in Washington in May 2004 introduced Queensland Aboriginal and Torres Strait Islander art to the American market. 37 of the 56 works displayed were sold, earning $50,116 for the 29 artists involved.[70] However, it should be noted that not all international projects are about financial return/sales but are also about cultural promotion, for example the Venice Biennale, Musée de Quai Branly, Rarrk: the art of John Mawurndjul in Basel.

The Australia Council recommends that the QIAMEA model be used to establish a national program of Indigenous international marketing.

[70] Department of Premier and Cabinet, "Indigenous artists creating their own future", available online <http://www.premiers.qld.gov.au/About_the_department/publications/reports/Premiers_policy_scan/August_2004_Creative_industries/Indigenous_artists_creating_their_own_future/>, 2006, accessed 23.11.2006.

It is important to note however, that there is a "broad tension between cultural and commercial imperatives of Aboriginal art marketing. On the one hand, there are pressures to view the marketing of Aboriginal art as commercial activity, with some expectation that demand will influence supply and that art production will enhance Aboriginal economic well-being… On the other hand, there is the Indigenous viewpoint… that Aboriginal art embodies living heritage, and its cultural integrity must be protected at any cost."[71]

The *Protection of Moveable Cultural Heritage Act 1986* (Cth) regulates "the exportation of objects that are important to Australia for artistic, historical, ethnological, archaeological, literary, scientific or technological reasons... The legislation is designed to protect the national interest by keeping important heritage objects in Australia, while at same time not necessarily restricting Australia's export trade… For works of Indigenous fine or decorative art, a permit or exemption certificate will be required under Part 5 [of the Act] if the work is more than 20 years old and was purchased for more than $10,000." [72]

The Act does not protect the works of important Indigenous artists (for example, Emily Kngwarreye and Rover Thomas and many others whose practice occurred less than 30 years ago) who produced culturally significant works within the last twenty years.

An indication of this issue can be seen in the following table which shows the highest priced Indigenous art sale at Sotheby's over the past ten years.

**Figure 15: Top sale price each year for Aboriginal artworks**

| Year | Artist | Birth-death | Title | Price |
|---|---|---|---|---|
| 1998 | Billy Stockman Tjapaltjarri | 1925-. | Wild Potato (Yala) Dreaming 1971 | $201,500 |
| 1999 | Mick Namarari Tjapaltjarri | 1926-98 | Untitled 1972 | $162,000 |
| 2000 | Johnny Warangkula Tjupurrula | c1925-2001 | Water Dreaming at Kalipinypa 1972 | $486,500 |
| 2001 | Rover (Julama) Thomas | c1926-98 | All That Big Rain Coming from the Top Side 1991 | $778,750 |
| 2002 | Rover (Julama) Thomas | c1926-98 | Wurlangawarrin - Salt Pan 1986 | $394,000 |
| 2003 | Rover (Julama) Thomas | c1926-98 | Lake Gregory (Buragu) in the Wet Season 1988 | $474,500 |
| 2004 | Emily Kame Kngwarreye | c1910-96 | Untitled 1991 | $282,500 |
| 2005 | Clifford Possum Anmatjera Tjapaltjarri | c1932-2002 | Man's Love Story 1978 | $411,750 |
| 2005 | Clifford Possum Anmatjera Tjapaltjarri | c1932-2002 | Emu Corroboree Man 1972 | $411,750 |
| 2006* | Rover (Julama) Thomas | c1926-98 | Bugaltji - Lissadell Country 1986 | $660,000 |

Five of these ten works are not protected under the Act and would be exportable without having to be assessed for national significance. While their post-sales destinations are unknown to the Australia Council, it is likely that they could have been sold to overseas buyers given the international interest in Indigenous art.

[71] "Marketing Aboriginal Art" *The Oxford Companion to Aboriginal Art and Culture*, eds. S. Kleinert and M. Neale, OUP, Canberra, 2000, p 462

[72] Contemporary Visual Arts and Craft Inquiry, *Report of the Contemporary Visual Arts and Craft Inquiry*, Department of Communications, Information Technology and the Arts, Canberra, 2002, p.156.

The issues of further development of the market while at the same time protecting Australia's cultural heritage, ensuring international acknowledgement of the depth of Indigenous art while ensuring curatorial rigour, creating a more meaningful appreciation of Indigenous art in Australia while also addressing health, social justice and legal issues, is complex and needs significant community and government involvement at both an Indigenous and non-Indigenous level.

If the market is to grow there is probably no way to protect some seepage of significant works into international collections. However, further protection mechanisms need to be put in place to ensure that seepage does not become a flood. If the market is to believe that the works available are 'quality' works, curatorial mechanisms must be put in place to ensure international and national exhibitions of high quality. While there are many negative stories regarding mismanagement, illegal activities, substance abuse and internecine quarrelling available to the general Australian public through the press, radio and television, there are also very good news stories that need to be disseminated to the same audience regarding the courage and beauty of the phenomena of contemporary Indigenous art.

Support for the sector ensures the continuing sustainability and further growth of Indigenous culture. It is essential to recognise that when land is taken away from people and people are taken away from their lands, the result is cultural abnormality. Significantly, it also been noted that:

> "Contemporary Indigenous artists share a relationship to land that continues to identify them. In spite of the adverse circumstances many have encountered, their connections to the country are nurtured through their art."[73]

As Brenda L Croft has written:

> "Stories have always been passed down through generations and families instructed on how and what to render visually, whether it be in body or sand painting, or an image on a rock face or bark structure. Outside influences may have dictated the media change and the work adapted to suit the requirements of a given market. The intent remains the same – to depict Indigenous connection to country."[74]

It is this connection to country fundamental to Indigenous culture that is what we seek to preserve for future generations of Indigenous and non-Indigenous Australians. Authentic Indigenous visual arts and craft provide a unique opportunity to deepen our understanding and appreciation of Indigenous culture.

[73] T. Johnston "Shared Stories and Places" *StoryPlace: Indigenous Art of Cape York and the Rainforest*, Queensland Art Gallery 2003, p157.
[74] Brenda L Croft, *Beyond the Pale: Empires Built on the Bones of the Dispossessed*, 2000 Adelaide Biennial of Australian Arts, Art Gallery of South Australia, 2000.

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