

Submission of Ben Wooster
TAKEN FROM THE : Parliament of Australia website

27/10/2017

Committee Secretary
House of Representatives Standing Committee on Indigenous Affairs
P.O. Box 6021
Parliament House
Canberra ACT 2600

The inquiry into “The growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia”

I write to the committee as a person not only with a passion for ATSI art, but as an industry member with personal experience exceeding 15 years.

Currently, as a small business operator for more than 10 years mostly serving the tourism industry, my business is financially engaged with 10 or more Aboriginal artists. Some directly, some with the aid of community-based artist conglomerates, and each is earning significant remuneration from the development and sale of a vast range of complimentary product bearing their unique designs. Also, we continue to liaise directly with individual indigenous artists, acting as a conduit for them to sell their original artworks to a wide audience. Added to that, we currently provide the sole income stream for another five people in-house.

The past several years has seen an undeniable and significant influx of inauthentic or fake artwork to retail outlets Australia wide. The inundation and saturation of the budget end of the market with products containing inauthentic art has had a clear and measurable effect upon the market landscape and has been detrimental to turnover and earnings for artists, art communities, and their ethical and moral business “partners”.

The obvious result being a substantial tightening of the market for individual artists at various levels, creating pressures for wholesalers and retailers alike whose desire is to deal only with authentic art.

I feel there is genuine opportunity to improve the greater indigenous art industry with *balanced and considered actions*. Blanket and wide-sweeping legislative changes that bring with them great expense are seldom the way forward, and we must all be concerned with hard working, pro-active, and commercially successful artists being unfairly caught up in a proverbial net designed to catch undesirables.

Vitaly, keen eyes should revisit what has gone before, to ensure less than successful attempts to regulate the industry are not repeated.

The definition of authentic art and craft products and merchandise;

As is often the case what appears to be a simple question can lead to a raft of more complex questions.

What is authentic indigenous art? From what period forward (or back) are artists permitted to draw their inspiration and skills from? There are 50,000+ years that have gone before us..... and the landscape has changed significantly thanks to technologies in only the last half century, then again even more acutely since the advent of the internet – and henceforth, a true World market.

Is painting onto canvas “authentic”? Are women to be allowed to paint? Who is allowed to touch or play a didgeridoo? Does using water colour or other modern paints, brushes, or media produce authentic art? Should artworks be restricted to bark, rock, or other undeniably ancient, modern, yet thoroughly authentic manners? Are today’s artists to be restricted to painting only totems and designs traditionally allowed, as stipulated by their own ancient geographical region? If so, how far is one expected to trace back their roots to ascertain the style they’re permitted to produce? These are but just a few glaring questions as to what constitutes “authenticity”.

With the above said, surely, in this era, we aim to be inclusive, not divisive. Surely, the aim is for each indigenous artist to be able to operate on a level playing field, no matter their geologic region, their individual upbringing, or their own life experiences and personal beliefs. A level playing field for all means the opinions of one individual or group should not take precedence over that of another, no matter how loudly the former may shout. Likewise, those prepared to “pass off” art as authentic if not originally created by an ATSI artist are certainly not operating from a level playing field.

Therefore placing great importance on these key points it must be, that when referring to “authentic” ATSI art, craft, and merchandise, it must simply exhibit basic forms of provenance. It must adhere to some simple forms of authentication, be clearly attached to an individual ATSI artist, creator, or group, and importantly, the artwork or merchandise must be faithfully reproduced and must not be unauthorised or reproduced without permission.

It is important to note that grey areas will inevitably creep in and need to be taken into account when various degrees of input from more than one party are part of a collaboration of skilled people to produce a certain product to a predetermined standard.

Current laws and licensing arrangements for the production, distribution, selling and reselling of authentic Aboriginal and Torres Strait Islander art and craft products and merchandise;

It is my firm belief that all artists and creators, be they indigenous or not, should be afforded the basic right to produce and market their own artistic creations how they see fit.

For many people, their art is their biggest asset, both now and into the future.

To deny anyone the ability to make a living from their own artistic creations defies the most basic of rights, and flies in the face of not only the basic premise of equal rights to all, but also completely contravenes constitutional Free Trade.

No, to prevent Free Trade is NOT a palatable option. Instead, concerted efforts, aided by artist and genuine industry expertise, could pull apart the industry, expose its shortcomings, identify the perpetrators producing the fakes, and produce a basic framework of options to aid in stamping out what is genuinely “Fake art”.

There are countless ATSI artists throughout the world enjoying joint ventures with ethical people and ethical businesses that offer a particular skill set to assist them in either marketing or production of goods. We all operate in a “world market”. There is little use in creating more laws, when the current ones could be much better adhered to and enforced. For any positive change to have a lasting positive effect, accountability must be brought to bear. Those individuals and businesses who elect to go against acceptable business practices, simply should not be allowed to continue to do so.

An examination of the prevalence of inauthentic Aboriginal and Torres Strait Islander ‘style’ art and craft products and merchandise in the market;

Quite frankly there is an extraordinary amount of product for sale on Australian retail tourist outlet shelves purporting to be “Aboriginal Art” that is completely devoid of any input from any indigenous artist, ever. This is an appalling situation, however, it is not a lost battle.

Authentic artists, and those ethical people assisting them in their collaborations, are all the victims of fake, and ripped off art. Because they rely on their respective work for their very livelihood, they are in an undeniably strong position to identify inauthentic products. They continually see the products they produce being copied by unscrupulous operators. This practice needs to be stopped, operators and artists following sound ethical business practices need protection and assistance, and, the copiers need to be firstly identified, then abruptly stopped.

Therefore steps should be taken to harness such expertise by a governing body or association (subsequently discussed further in my submission).

Options to promote the authentic products for the benefit of artists and consumers;

There is a real opportunity to cleanly and simply improve the transparency of individual products for consumers, but to also vastly enhance the quality of products available to the market, and importantly, significant positive financial flow on to the artistic ATSI community.

There is a very strong “two-tier” market right now. The lower tier has always been and will always be retail purchasers who simply want a “taste” of ATSI art and craft. They might be priced out of purchasing an item from a “gallery” type outlet, and such purchases are categorised in the “souvenir” end of the market.

It is in this very case that indigenous artists have great opportunity to make significant immediate gains, if the government and other interested parties could prioritise and champion those parties (artists and experienced businesses alike) who are engaged in and proficient in nurturing sustainable licensing or royalty agreements and allow them to prosper.

Prosperity however is reliant upon negating the unfair competition that inauthentic products bring. **Inauthentic products compete unfairly** due to several combinations of aspects. They consist of;

1. There being **NO financial royalties** or license fees paid.
2. They are often of **significantly lower quality** as there is “no one to answer to re quality expectations”.

3. Items are even known to be **falsely labelled** as Australian made, astonishingly going so far as to blatantly attach the famous Green and Gold logo to products that are clearly imported.
4. Products have been produced by non-indigenous, **backpacker and illegal labour** sources and falsely marketed as painted by indigenous artists.

On the positive side, I feel there is a significant vacuum in the market able to be filled immediately with premium quality local artwork upon premium quality locally produced products made by indigenous artisans right now.

However, quite clearly, all products whether they be originals or reproductions of art, need to be of a high standard and offer a point of difference. Basic business acumen of timeframes and schedules need to be adhered to, and there may be some opportunity for community based workshops or courses to not only enhance the industry but also communicate these principles and requirements to those involved. There is real merit in teaching such skills and having them placed into practice and opening conduits of communication to trusted partner manufacturers, wholesalers, and marketing experts. In fact, some of us are already practicing the latter.

However, simply “producing” product is not sufficient to guarantee success. Born from significant personal experience, there is no vacuum, at any price, for sub-standard product or lacklustre delivery.

Options to restrict the prevalence of inauthentic Aboriginal and Torres Strait Islander ‘style’ art and craft products and merchandise in the market.

As I have already suggested previously, to restrict the prevalence of inauthentic artwork, firstly, it needs to be properly and accurately identified. Recent history has shown that even recognised bodies and individuals within the industry have incorrectly labelled artworks as inauthentic, causing significant grief for those on the receiving end of such false claims.

The answer is certainly not to simply “ban imports” of “Product X” and “Product Y”. That is overly simplistic, and it is a line often trotted out by those with limited industry experience or understanding. Likewise, it is often a line permeated by those with a specific barrow to push in the hope of obtaining their own specific commercial advantage.

We must also draw from the significant hands on experience of those in the industry who have travelled the road before, who know that the market simply cannot be fed only by what can be produced ethically and responsibly here in Australia. It is simple fact - we do not have the natural resources available.

Likewise, a simple “dob in a fake” type campaign will not work, as again, recent history has shown that emotions often run high, and good judgement can be discarded and replaced with vitriolic behaviour and defamatory actions. In this era of information sharing and the prevalence of social media, encouraging this kind of behaviour is unwise, as it hardly promotes a harmonious and vibrant platform for all artists to grow from.

A more appropriate method might be to revisit or revitalise the now defunct Label of Authenticity Trade Mark Project. The framework is still displayed upon a web page dating back as far as 1998. I attach a link to it here;

<http://www.culture.com.au/exhibition/niaaa/labelqa.htm>

An industry association such as the Aboriginal Art Association of Australia (AAAA) which must remain devoid of self-serving agenda could foreseeably oversee such a project with a view to identifying the authenticity of particular artists claiming ATSI heritage (*an issue in itself fit for yet another enquiry!*), and maintaining a database of genuine agreements with artists and their nominated producers or partners. This needs to be done at minimal time and financial cost to each party for fear of pricing themselves even further away from the inauthentic fakes that will inevitably get through the net.

This should not be a debate dominated by and easily won by those with “power”. This needs careful consideration, and we must all be watchful of those whom are close minded or hold an exceedingly myopic view of the vast facets of this industry.

What one particular artist may have experienced growing up in the western desert will be very different to another artist raised in the coastal or city regions of Australia. Additionally, indigenous artists residing overseas must not be forgotten during this discussion either.

Surely, the desire must be to take the industry and opportunity for artists forward and into the world, not to regress them and enforce a draconian attitude that for them to be allowed to make a living from their art they must produce the product with their own hands?!

In closing, a firm eye must always remain on maintaining the vibrant and creative nature of the art. To crush creative souls with entrepreneurial aspirations under a weight of paperwork would be a tragedy.

I thank the committee for their time and efforts in reading and considering all submissions to the enquiry. I trust my brief insight into what is clearly a very complicated industry assists you in carving the right path forward.

Sincerely,

Ben Wooster

Director

Birubi Art