

Visual Arts and Design Section
Office for the Arts
GPO Box 2154
CANBERRA ACT 2601

IVA@arts.gov.au

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Re: Consultation Paper on Growing the Indigenous Visual Arts Industry

The Queensland Tourism Industry Council (QTIC) welcomes the opportunity to respond to the *Consultation Paper on Growing the Indigenous Visual Arts Industry*.

QTIC is the state's peak body for tourism in Queensland and represents the interests of the tourism industry. QTIC is an independent membership-based organisation representing more than 3,000 members, operating in all sectors of the tourism industry, including business operators, Regional Tourism Organisations (RTOs), sector associations and education providers.

The tourism industry in Queensland contributed \$28.3 billion to Queensland's Gross State Product (GSP), representing 7.7% of total GSP¹ and generated \$7.9 billion in exports in the year ending June 2018², making it one of the state's largest export industries. The tourism industry consists of over 57,000 businesses across Queensland; nine out of ten of these businesses are small to medium enterprises. Tourism is a key economic driver in regional Queensland, supporting employment and community growth, employing more than 234,000 people directly and indirectly³. This is substantially more than mining or agriculture, forestry and fishing combined.

Cultural and heritage tourism and specifically First Nations experiences have been growing in popularity among consumers and contribute significantly to the economy. Australia's First Nations tourism has an estimated value of \$5.8 billion annually⁴, catering to 1.15 million international visitors and 674,000 overnight domestic trips in 2018⁵. First Nations experiences

¹ Tourism Research Australia - *State Tourism Satellite Accounts 2018-2019*

² Tourism Research Australia - *State Tourism Satellite Accounts 2018-2019*

³ Tourism Research Australia - *State Tourism Satellite Accounts 2018-2019*

⁴ Australian Government, Department of Infrastructure, Transport, Regional Development and Communications – *Consultation Paper on Growing the Indigenous Visual Arts Industry, 2020*

⁵ Queensland Tourism Industry Council – *Queensland First Nations Tourism Plan 2020-2025*

offer a point of differentiation for Australia in a highly competitive global market and have been identified as an important value-add alongside Australia's core strengths of aquatic and coastal, food and wine and nature and wildlife activities.

In alignment with the Arts Law Centre of Australia⁶, authentic Aboriginal artwork can be defined as artwork of any medium that has been made by an Aboriginal or Torres Strait Islander person. The artist should be able to prove their descent for example through Aboriginality papers or certified Supply Nation and should follow Indigenous customary law, and artwork may be reflective of their specific geographic or cultural area or use contemporary adaptations. The authenticity of an Aboriginal artwork is important for both ethical and legal reasons and has significant value in the art market. Issues arise in how to protect authentic artwork from rip offs made by non-Indigenous people. It is important to note that authentic products do not need to be manufactured solely in Australia, but royalties must be paid to the artist who created the artwork.

Consultation with our First Nations arts and tourism networks has provided valuable insight into the state of the First Nations visual arts industry and what is needed to strengthen and uplift the Indigenous arts community and facilitate economic success. Through our consultation process, there was unanimous agreement that the current framework protecting Indigenous cultural expressions is not good enough. The greatest threat to Australia's Indigenous visual arts industry is fake art and there is a strong demand in the Indigenous art community for action.

Fake Indigenous art has flooded the Australian market; in the majority of stores where authentic Indigenous products are sold, there are also fake products competing. This is particularly evident in souvenir stores where the prices of authentic products are much higher than those of the fake products encouraging tourists and customers to buy the cheaper option. Often the tourists are unaware of the difference or how to identify authentic art over fake. Fake art not only erodes Indigenous culture, but also erodes Australia's reputation as a country with strong egalitarian values, authenticity, and as a nation that celebrates its rich cultural history.

Theme 1: Sustainable growth

To achieve sustainable growth in the Indigenous visual arts industry, an effective legislative framework around the production, sale and promotion of Australian Indigenous art is desperately needed. Such a framework is necessary to protect First Nations Artists and regulate the sale of authentic and fake art. In 2018, in our submission to the Standing Committee on Indigenous Affairs on *The Growing Presence of Inauthentic Aboriginal and Torres Strait Islander 'Style' Art and Craft Products and Merchandise for Sale Across Australia*, our members had estimated that up to 90% of Indigenous Art merchandise was fake, yet it is still not illegal to sell fake Indigenous Art and merchandise. In 2019, QTIC supported the proposed *Competition and Consumer Amendment (Prevention of Exploitation of Indigenous*

⁶ Arts Law Centre of Australia. <https://www.artslaw.com.au/information-sheet/certificates-of-authenticity-aitb/>

Cultural Expressions) Bill 2019 as a step toward minimising the sale of fake Indigenous art, however, to date this Bill has not yet been passed.

QTIC continues to support the implementation of the *Competition and Consumer Amendment (Prevention of Exploitation of Indigenous Cultural Expressions) Bill 2019*, however, a single approach is unlikely to work unless significant resources are put towards enforcement. We recommended that further advocacy programs and education around how to identify authentic Indigenous art also be developed. Tackling the issue from both a demand and supply side will have much greater impact.

Theme 2: Capacity building

In addition to the implementation of legislation around the sale, production, and promotion of Indigenous Art, there is a need for capacity building in the Indigenous visual arts industry. Our networks have highlighted a need for more qualified First Nations curators, more training opportunities and for mentoring opportunities to facilitate knowledge sharing and skills development. QTIC supports investigation of opportunities for targeted support for art centres under the *National Indigenous Australians Agency's Indigenous Business Sector Strategy*, and additionally, recommend consideration for Government supported pathways for professional development, delivering tangible skills training and mentoring within the Indigenous arts community.

In order to effectively and sustainably grow the Indigenous visual arts industry, there is a need to equip more First Nations artists with the skills and confidence to move the industry forward and proactively engage in the marketplace. In addition to curatorial skills, our members have highlighted a need for training opportunities in digital media and marketing, e-commerce, museum studies, event management and graphic design, and skills in how to enter and succeed in the marketplace. These skills could be developed through incentivising tertiary studies and creating professional development pathways that incorporate work experience and mentoring opportunities. Work experience and mentoring opportunities between artists and experienced creative industry professionals from both the Indigenous and non-Indigenous art worlds provide invaluable learning and skills sharing opportunities. Capacity building for the Indigenous visual arts industry could also include a Government supported diverse art business incubator program to facilitate the creation and growth of Indigenous Arts businesses. Such a program could aid development of collaborative galleries, art performance or workshops, wholesaling from communities or organisations and production at scale.

Theme 3: Access to market

Capacity building for Indigenous artists will greatly facilitate professional and economic opportunities by equipping them with skills to engage in the art market and reach new markets. In particular, and of great significance for rural and remote communities, e-commerce and digital marketing skills are vital. In addition to the skills to operate it, adequate and reliable digital infrastructure and connectivity are essential. Based on feedback from our networks, QTIC suggests a grant program to facilitate access to training and resources that

will provide better economic outcomes for Indigenous artists and Art Centres. Such grants could also assist in enabling artist participation in international art shows when international borders are opened again.

QTIC is supportive of continued support for Indigenous art fairs that connect Indigenous artists to consumers and collectors both domestically and internationally. These activities must be accompanied by robust and reliable communications strategy and marketing around fake art awareness, cultural sensitivities of the Indigenous art world, and how to identify genuine Indigenous artwork and support Indigenous artists. These campaigns should not, however, be limited to the art market. A wide-reaching campaign on fake art awareness is necessary to reach both domestic and international consumers and the general population and should coincide with the implementation of a legislative framework around the production, sale and promotion of Indigenous art. Greater awareness of the issue will help to discourage trade and sale of fake art items.

Theme 4: Legal protections

QTIC's networks agreed that the current framework protecting Indigenous cultural expression is not good enough, with most in support of a mandatory Indigenous Art Code. An Indigenous Art Code must be multifaceted, protecting Indigenous artists, Indigenous art trade (including sale and marketing of Indigenous art), and reproduction and replication of Indigenous art. QTIC supports continued funding for the existing Indigenous Art Code and the Arts Law Centre and their provision of vital legal services for Indigenous artists. However, the Indigenous Art Code needs to be effectively enforced and therefore would be better supported by a legislative framework. There must be actionable and tangible ramifications for breaches that will effectively protect Indigenous artists and progress towards eliminating the production and sale of fake art. As such, the responsibility of enforcement of an Indigenous Art Code must be assigned to an appropriate authority.

A certification trademark scheme may provide an effective framework for the enforcement of an Indigenous Art Code and protection of Cultural Intellectual Property. Again, this needs to be backed by legislation and should be developed and delivered by an Indigenous body. It should also be available at no cost to the artist. Given the diversity and scope of Indigenous art content, with styles and motifs specific to regions and nation groups, applying certification trademarks to art products may prove difficult to manage. A framework similar to that issued by Supply Nation that registers artists and art centres may be a viable solution. QTIC supports further investigation into feasible methods for providing greater protections for indigenous artists and Indigenous Cultural Intellectual property.

Via consultation our networks agreed that the Resale Royalty Scheme, while the concept was great, was not effective, nor is it adequately regulated. Greater awareness of the scheme, a more user-friendly platform and digestible communications and resources on how to use it are needed for the scheme to operate effectively and achieve greater economic outcomes and recognition for Indigenous artists.

COVID19 has devastated the global tourism industry and our industry will feel its devastating effects for some time to come. The United Nations World Tourism Organisation (UNWTO) *World Tourism Barometer* for January-May has shown the impacts of COVID19 on the global tourism industry are already three times those of the 2009 Global Financial Crisis⁷. This translates into a reduction of 300 million international tourists and US\$320 billion lost in international tourism receipts. As tourism gradually rebounds and primary focus is redirected to target a domestic market, we are presented with a prime opportunity to act on many of the recommendations we have proposed to ensure our Indigenous visual arts community can grow sustainably.

For all enquiries regarding the points raised in this letter, please contact me or the QTIC Policy Team on (07) 3236 1445 or email policy@qtic.com.au.

Kind regards



Brett Kapernick
Deputy Chief Executive

⁷ United Nations World Tourism Organisation (2020). *World Tourism Barometer January-May 2020*