



*“The ecosystem, the environment we live in is full of natural resources. Our art is our resource, it belongs to us, we use it in a ceremonial context; it is a resource for our survival. If control of that resource is taken away from us, we cannot meet our cultural obligations; we cannot use it for our families benefit. Exploiting our resource needs to be negotiated on our terms, we need to have control of how that’s done”*

*Banduk Marika, Yolngu (Artist)*

## PLEASE MAKE A SUBMISSION TO THE

### **House of Representatives Standing Committee on Indigenous Affairs Inquiry into the Proliferation of Inauthentic Aboriginal and Torres Strait Islander ‘Style’ Art (FAKE ART)**

## SUBMISSIONS MUST BE MADE BY FRIDAY OCTOBER 6 2017

The House of Representatives Standing Committee on Indigenous Affairs has announced it is conducting an inquiry into the growth of Inauthentic Aboriginal and Torres Strait Islander ‘Style’ Art.

Committees are a crucial part of the Australian parliamentary system. They give **every** member of the community an opportunity to have their say directly to **all** parliamentarians on important topics.

The fact that the Indigenous Affairs Committee has announced it intends to look into this issue, is a significant step in the ‘Fake Art Harms Culture’ campaign. It demonstrates that members of parliament are aware of the issue and want to understand much more about it.

### **What is a Committee and what do they do?**

Both the House of Representatives (where MPs sit) and the Senate set up committees to assist the business of the parliament. Their role is to investigate specific policy, administrative or performance issues for the parliament. The Indigenous Affairs Committee is one of 17 House of Representative standing committees currently operating. Others cover issues such as health, employment, transport, etc.

Committees always have government and non-government members and are chaired by a member of the Government.

Committees look in detail at issues of interest to them, Ministers or the whole parliament.

When they agree to examine a topic, they will begin by publishing a terms of reference and a timetable for any submissions.

Committees have many powers to assist them to do their work, including asking for submissions from the community, public servants or experts. They can also hold public hearings. They are able to travel across Australia so they can hear directly from people who know about the issue.

If they wish to, committees can compel people to give evidence in order to gather extra information, or to find the truth behind an issue. People who appear as witnesses have special protections under what is known as 'parliamentary privilege'.

Once they complete their review, committees publish a report containing findings and recommendations. This report will be presented to the House of Representatives or the Senate, depending which committee conducted the inquiry.

The report will contain specific recommendations for the Government and the reasons behind them. This might include suggesting new legislation or changes to existing laws. The Government has up to 6 months to respond to House of Representative Committee reports.

## Terms of Reference

The Indigenous Affairs committee has published its terms of reference stating it will "Inquire into and report on the growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia, including:

- the definition of authentic art and craft products and merchandise;
- current laws and licensing arrangements for the production, distribution, selling and reselling of authentic Aboriginal and Torres Strait Islander art and craft products and merchandise;
- an examination of the prevalence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise in the market;
- options to promote the authentic products for the benefit of artists and consumers; and
- options to restrict the prevalence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise in the market."

## What does this mean?

The committee will want to fully understand how widespread this issue is and how it is affecting Aboriginal and Torres Strait Islander artists, businesses and the community. The terms of reference shows that they also want to look at solutions.

It is therefore important to tell them both **why** you think this issue is important and **how** it might be fixed. From the Terms of Reference we can see that options might include:

- Changing the Australian Consumer Law
- Well executed marketing campaign to promote genuine Aboriginal and Torres Strait Islander art products and merchandise
- Laws which respect Indigenous Cultural Intellectual Property
- Ensuring that Aboriginal and Torres Strait Islander people are actively engaged in the process and arriving at solutions.

You might have more ideas, which is why it is important to raise them with the Committee.

## Who can make a submission?

Anyone can make a submission to the Committee. This means you can tell the parliament what **you think** about the issue and possible actions the government could take to stop it being legal to sell products which are stealing from Aboriginal and Torres Strait Islander people and misleading consumers who believe they are buying authentic art.

While anyone can make a submission to a committee, it is important that this committee hears from people who are most affected. This includes:

- Aboriginal and Torres Strait Islander artists
- Aboriginal and Torres Strait Islander Art Centres
- Dealers and Gallerists who deal respectfully with artists
- Public institutions, Museums and Galleries who collect and display Indigenous art
- Consumers (everyone) who wants to see only authentic Aboriginal and Torres Strait Islander Art product and merchandise for sale

## Why you should make a submission

Those businesses in Australia who are doing the wrong thing and profiteering from the misappropriation and theft of Aboriginal and Torres Strait Islander Culture are mobilising. They will be making submissions as they have the most to lose if the Australian Government does consider making changes to Australian Consumer Law. It is important that the government hears **what you have to say**, from the artists, communities, businesses and consumers who respect Aboriginal and Torres Strait Islander culture.

Some of the comments from people who **don't** want to see things change:

*“If it is illegal to sell fake products the shelves will be empty, there won't be anything for tourists to buy.”*

*“The authentic product is too expensive.”*

*“We tell the buyer that the product isn't made by an Aboriginal artist, so we are honest about it.”*

## What kind of things can I put in my submission?

You can tell the committee how the proliferation on inauthentic product is impacting you as an artist or your business financially, i.e.: loss of income, how it is stealing from culture, consumers are getting ripped off, etc.

As well as raising issues that have directly affected you, you may also want to indicate what it means for Indigenous people as a whole and for the Australian Government. For example, under the

## United Nations Declaration on the Rights of Indigenous Peoples:

### **Article 31**

*1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.*

*2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.*

## How long does it need to be?

Because committees want to hear from everyone, there are many ways to make a submission. For example, they can be from one person, a group of people or an organisation. They can also be long or short. Even just writing one paragraph is a good idea. The only main rule is that the submission has to be directly connected to the terms of reference. Therefore you could write generally about the topic, or tell them about specific terms of reference if it is most important to you.

It is better if the inquiry hears lots of different voices. This will help to show how serious the issue is and why the government should deal with it.

## How do I make the submission?

You follow this link

[http://www.aph.gov.au/Parliamentary\\_Business/Committees/House/Indigenous\\_Affairs/The\\_growing\\_presence\\_of\\_inauthentic\\_Aboriginal\\_and\\_Torres\\_Strait\\_Islander\\_style\\_art\\_and\\_craft](http://www.aph.gov.au/Parliamentary_Business/Committees/House/Indigenous_Affairs/The_growing_presence_of_inauthentic_Aboriginal_and_Torres_Strait_Islander_style_art_and_craft)

## **What if I don't have a computer?**

You can write your submission and post it to the committee.

## **Getting advice**

If you need advice about the inquiry or have questions about making a submission you can contact the people who work in the parliament to support the committee. They are called the Committee Secretariat and they are very experienced with all aspects of the parliament, committees and how they work. An important part of their job is to make sure the committee hears from as many people and points of view as possible so they will be happy to help.

## **Committee Secretariat contact:**

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House of Representatives Standing Committee on Indigenous Affairs  
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Parliament House  
Canberra ACT 2600

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