

PO Box 60 Potts Point  
NSW 1335 Australia  
T +61 2 9368 1900  
F +61 2 9358 6909  
E nava@visualarts.net.au  
www.visualarts.net.au  
www.artistcareer.com.au  
ACN 003 229 285  
ABN 16 003 229 285

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Patrons:  
Pat Corrigan AM  
Professor David Throsby



5 February 2010

Kathy Keele  
Chief Executive Officer  
Australia Council  
PO Box 788  
Strawberry Hills NSW 2012

Dear Kathy

### **Re: Response to the Review of the Protocols for Working With Children in Art**

The National Association for the Visual Arts (NAVA) appreciates the opportunity through the Australia Council's review process to provide a response to the *Working with Children in Art* protocols, which the Council requires its funded clients (artists and organisations) to abide by.

#### **In summary**

1. NAVA urges the Australia Council to discontinue these Protocols because:
  - to NAVA's knowledge, no Australian artists have been found guilty of the exploitation or harm of children within their art making practice
  - existing laws are already wide ranging and artists are bound to abide by them
  - the Protocols add an unnecessary and administratively unjustified level of difficulty, cost and anxiety to the industry, and provide no real benefit to the community or to the welfare of children
  - although only in force for one year and at present limited to Australia Council clients, evidence is starting to mount that the Protocols, and misuse of them by others as a more general 'standard', is impacting on the imagery being produced and made available to the public.
2. Alternatively, should the Protocols remain in force, NAVA asks that the Australia Council work proactively with the art industry and government on:
  - applying the recommendations in this submission
  - a comprehensive education campaign for artists, artworkers and funding bodies on the implications of both the Protocols and the laws in each state and territory.<sup>1</sup> Undertaking this step will help to ensure that the Council achieves its stated aim to help artists and arts organisations understand their legal obligations
  - assessing the current laws and regulatory requirements that operate in this area with a view to:
    - determining the suitability of such laws to artistic practice
    - removing any unnecessary impediments to the making and distribution of images of children made by artists for genuine artistic purposes.

NAVA also calls on the Australia Council to better acknowledge the costs faced by entities in meeting the Protocol requirements and to assist clients affected. This may include additional funds being granted to artists, galleries and publishers so they can afford to undertake the processes required under the Protocols.<sup>2</sup>

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<sup>1</sup> The industry needs clear (illustrated) advice on when the display of images, or their intended production, requires action under the Protocols. The 'Art+Law' issue on the Protocols is a good example of explanatory visual representation for the industry.

<sup>2</sup> See Case 7 as an example of additional costs artists face under the protocols

## **National Association for the Visual Arts Ltd**

The National Association for the Visual Arts (NAVA) is the peak body representing and advancing the professional interests of the Australian visual arts, craft and design sector. Since its establishment in 1983, NAVA has been effective in bringing about policy and legislative change to encourage the growth and development of the visual arts sector and to increase professionalism within the industry. It has also provided direct service through offering expert advice, representation, resources and a range of other services.

NAVA makes this submission in several capacities:

- its own right as an entity immediately affected by the Protocols
- as a peak industry advocacy body which is committed to ensuring a healthy and productive working environment for Australian visual arts practitioners and cultural organisations, and
- as an organisation representing and advancing the professional interests of the Australian visual arts, craft and design sector, and in particular its substantial membership of artists and art organisations.

## **PART A – Rationale for Discontinuing Protocols**

### **Existing Laws**

As stated in the introduction to the Protocols:

*“The Australia Council has a legally established role to uphold and promote the rights of people to freedom in the practice of the arts. Underpinning this freedom in a civil society is the rule of law and the assumption that publicly funded activity must abide by the law. Laws in most states and territories impose a number of limits and constraints designed to protect children from exploitation and harm.”*

As found by NAVA in its research for the Art Censorship Guide<sup>3</sup> and indicated by the Arts Law Centre of Australia’s research on the pertinent laws, many laws exist already at Commonwealth, State and Territory level that cover situations in which artists may interact with children as part of their practice, and also apply to the way any resulting imagery can be distributed. It is not clear why there is need for the Australia Council to impose greater restrictions on image making and distribution than those already required under these Commonwealth and State/Territory laws. In this regard, NAVA believes that the Protocols add an unnecessary and administratively unjustified level of difficulty and cost to the industry and provide no real benefit to the community or to the welfare of children.

### Suitability of existing laws

In addition, NAVA believes that the Australia Council could greatly assist the arts sector by proactively interrogating those laws and the way in which they have been applied, particularly to artists.

As an example, arts commentator Robert Nelson said to NAVA:

“If I say to one of my friends: ‘could I paint your portrait?’ and we go ahead and do a picture, this was never considered an employment arrangement and is clearly not intended to be. It is the same thing with children. A mother might approach an artist and say: ‘will you photograph my child?’ Mother, child and artist would have made a picture and the understanding would never have been conceived in terms of employment. The idea of employment would never have crossed anyone’s mind, just as it wouldn’t with adults in the same circumstance. If anything, the artist is the one being employed; but even this is absurd .... Employment was often not contemplated and the laws pertaining to child employment undoubtedly did not contemplate such spontaneous artistic production.

Unfortunately, the Australia Council Protocols have confounded these important legal distinctions; and the laws originally conceived for various industries are now assumed to apply to the intellectual and creative work that we call art.”

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<sup>3</sup> Copies have been provided to Council separately from this submission

### **De Facto Standard**

As nervously anticipated at the time of the Protocols drafting discussions, NAVA is concerned to now see the evidence that the Protocols are becoming a de facto industry 'standard'.

Examples are the intended adoption of adherence to the Protocols as funding criteria by two State and Territory governments and the reported inappropriate application of the Protocol principles in at least two cases of censorship of:

- photographs by Nicole Boenig McGrade by Subiaco Library in 2009 and
- the sculpture by Paul Tefry which formed part of the 2009 *Sculpture by the Sea* exhibition.<sup>4</sup>

This de facto standard is being applied despite the fact that at no time has any government proved that the use of the Protocols would make any inroads into curtailing the production of child pornography or (to NAVA's knowledge) that any Australian artists have been found guilty of the exploitation or harming of children within their art making practice.

### **Foster a Strong Climate for the Arts**

According to its charter, the Australia Council has an obligation to work with the Commonwealth Government to foster a strong supporting climate for the arts in Australia. NAVA believes this should include countering any spurious public claims in relation to artists and art making.

In seeking a response to the Protocols, the Australia Council will be made aware of some of the many instances in which artists and art presentation and distribution organisations are thwarted in making and bringing artwork to the public, beyond the limitations the law may already impose. This can be the result of public complaint, industry caution and/or self censorship or the limitations imposed by the Australia Council's Protocols.

NAVA believes the arts sector is justified in expecting the Australia Council to be more proactive in seeking solutions and a better working environment for artists and the industry generally. This could include working co-operatively with arts organisations like NAVA to engage with government and relevant authorities on these matters with a view to finding ways that strike the right balance between community concerns and protection of the working environment and incomes of artists.

### **Australia Council's Standards**

NAVA notes that, even before and aside from the Protocols, the funding decisions of the Australia Council are informed by the credibility of the applicants within the industry and their proven track record in a range of industry contexts. Also, Council selects people of high reputation to provide expert advice on its funding decisions through the peer assessment process, as well as employing expert staff. These are the checks and balances which ensure the Council would not fund an individual or entity that has intentions other than the making or distributing of legitimate art, and that by abiding by any already existing legal requirements, the artists or organisation will be acting responsibly. Therefore it would be reasonable that Council would demonstrate its confidence in the ethical and legal practices of its clients, its processes and the judgement of its experts.

### **Role of Courts and Classification Board**

#### Context for, and definition of, 'offensive'

NAVA contends that by default the Protocols impose a definition of what is 'exploitative' or 'offensive' in relation to imagery of children (bare buttocks etc) instead of, if necessary, letting the courts decide through the legal process of evidence and rebuttal when a complaint is taken forward. The Protocols definition implies that child nudity is in itself offensive or exploitative.

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<sup>4</sup> See case studies in Appendix 1

NAVA contends that the context of imagery distribution is very important under the legal framework of the Classification Board, but the Council's Protocols largely disregard context in the imposition of its requirements.

#### Role of self assessment

NAVA points out that the Classification Board makes allowance for self assessment by distributing entities, as per their obligations under the *Classification (Publications, Films and Computer Games) Act 1995*<sup>5</sup>. The Australia Council Protocols remove the possibility of self assessment by stating very specific instances in which work must be classified, irrespective of whether the image may require consideration under the Classification Board's rating system.

For example, in developing the Art Censorship Guide, under the requirements of the Protocols but contrary to NAVA's own self assessment, NAVA had the Guide, which includes the photograph *Olympia Wearing her Grandmother's Jewellery #4*<sup>6</sup>, classified by the Board. The Guide received an 'Unrestricted' classification. The additional work and financial burden on NAVA and the Classification Board is an example of this requirement being unnecessary.

#### **Constraints on Artistic Practice**

NAVA believes that the exploratory and experimental nature of much artistic practice is being unduly constrained by the Protocols which require artists to know, even before the project commences, who they will be working with and what state of dress or undress that person (if it happens to be a child) will be involved in. This requirement potentially undermines the research and innovation role of art making.

## **PART B - Response to Review Questions**

We now turn our submission to the issues the Review is attempting to address. We note that NAVA's response is based on our knowledge of the visual arts sector only.

### ***1. The effectiveness of the Protocols in protecting the rights of children throughout the artistic process.***

We contend that, in the absence of any base data that established that there was a need for added protection prior to the Protocols being implemented, Council and the industry are not in a position to assess the Protocols' effectiveness.

### ***2. To understand the impact the Protocols have had on the creation, exhibition and performance of art work involving children and the distribution of images of children in art.***

Several industry examples follow, including case studies in Appendices 1 and 2.

#### 2.1 Web Policies

"These organisations are asked to add provisions in their Web policy ..." (page 8 of the Protocols)

As a funded client NAVA has included the words as prescribed by the Protocols in its website *Terms and Conditions of Use*. Since we are not able to judge what might have been uploaded if the words weren't included, we can't specifically state whether there has been an impact. (The result may be that that imagery depicting children and available through NAVA's website has been restricted in terms of its content, but we have not had artists directly inform us of that.) However, even prior to the Protocols, NAVA published a set of terms and conditions which gave it the right to remove illegal material.

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<sup>5</sup> The Classification Board notes that such assessment is at the assessor's own risk

<sup>6</sup> Photograph by Polixeni Papapetrou depicting a female child naked from the waist up, ie 'partly naked' according to the Protocols definition. NAVA sought the advice of the Australia Council as to whether this image would need to be classified as per the Protocols. Council staff confirmed that it would be necessary.

2.2 “The Protocols relating to distribution (or internet posting) of images of artworks apply to all depictions of children, whether naked or clothed.”

NAVA asks the Australia Council whether there is any evidence for the efficacy of restricting images of children when they are clothed in providing protection of children. NAVA does not believe that there is any justification for this requirement and would point to the legal and very common and unregulated use of the internet by many people to distribute images of children, including children who post images of themselves and their friends.

As journalist David Marr protested at the time the Protocols were being drafted:

*“Here’s how silly it is: the photograph of a 17-year-old dressed from top to toe in hat, gloves, greatcoat and working boots can’t be put on the net after January 1 by any artist or organisation taking Australia Council funding unless the parents or guardians of that overdressed model consent to the image being there....”*

**If the Protocols are to remain in force then NAVA recommends the requirements should not apply when the child is clothed.**

2.3 The Protocols require distribution agencies to gain assurances from artists about things which were done up to 18 years previously.

Checking the laws and artists’ own practices back in often undocumented history can be expensive and/or onerous if not impossible. Also see point 2.4.2. It is administratively unreasonable to expect an organisation or artist to be able to make these assessments and take the required actions.

As the National Library of Australia said in its submission on the draft Protocols:

*“More than 100,000 images from the Library’s collections are now available online and in the ten years that we have provided this access there has been no objection about the publication of these sorts of images of children on the web. .... Furthermore it would be impossible for us to seek retrospectively the permission of parents or the statements of legal compliance from photographers and artists which are mandated under the draft protocols.”*

**If the Protocols are to remain in force then NAVA recommends the retrospective nature of the requirements should be removed.**

2.4 Definitional Issues.

2.4.1 ‘Partly naked’ is defined as including images of bare genitals, buttocks or female breasts (footnote page 6 of the Protocols).

The inclusion of the ‘breasts’ of a pre-pubescent female in determining whether an image needs to be classified is clearly at odds with general community standards. This was evidenced by the furore surrounding the Nicole Boenig McGrade exhibition at the time it was reported<sup>7</sup>. In this case the image was reproduced without restriction by the media and many public comments were made which questioned why the Protocols’ degree of ‘political correctness’ was being applied. NAVA suggests that media attention such as this undermines the public’s confidence in the ability of governments to make any meaningful inroads into the protection of children from child pornographers or others’ exploitative behaviour.

**If the Protocols are to remain in force then NAVA recommends the representation of pre pubescent female breasts should be removed from the definition of ‘partly naked’.**

2.4.2 Contemporary images of a ‘real child’ are images created in the previous 18 years representing the involvement of a person under the age of 18. (Footnote on page 7 of the Protocols. This definition relates to the exhibition of work.)

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<sup>7</sup>WAtoday.com.au *Innocent photo of playing kids pulled from Subiaco exhibition*, Fran Rimrod, January 28, 2009

The definition requires the potential exhibitor to:

- determine the timeframe of creation
- make an administrative assessment of whether it is possible that a child was 'involved' in the making of an image<sup>8</sup> and
- determine whether that child was under 18 when they were involved.

In some cases these three components of assessment may be easily done, in others it may not.

**If the Protocols are to remain in force then NAVA recommends the definition needs further consideration including the narrowing of what it means to represent the 'involvement' of a person under 18.**

(for removal of the retrospectivity requirements see 2.3 above).

2.4.3 Some further clarification is required in relation to the use of the term 'contemporary images of a real child'.

The Protocols imply that any representation of a child whether real or imaginary, whether recognizable as an actual person or not, will be included in the requirements of the Protocols. NAVA contends that unless the image is of a real child, ie, a model was used in the making of the image and that the child is recognizable from the image, then if they don't break the law, there should be no restriction on representations of fictional children.

**If the Protocols are to remain in force then NAVA recommends that they should only apply where real and recognisable children are represented.**

2.5 The administrative impact of the requirement to have work classified by the Classification Board in the absence of other documentation required by the Protocols and irrespective of the Classification Board's own guidelines.

Whilst the Classification Board has the discretion to waive the fee payable in certain prescribed circumstances for such classification, an artist or arts organisation cannot presuppose they will be granted a waiver.

In NAVA's case, if a fee waiver had not been granted in relation to the Art Censorship Guide we believe the fee would have been over \$500. The process took 18 days once the publication had been submitted, with additional liaison with the Classification Board staff prior to submitting. We can envisage that this time delay and budgetary uncertainty could have a negative impact on many arts organisations, particularly art magazines and journals which operate on very tight timeframes and budgets, resulting in their decision not to use certain child imagery (also see Appendix 2).

**If the Protocols are to remain in force then NAVA recommends the Australia Council should:**

- **work with the Classification Board to provide more advice and certainty to arts organisations and artists in terms of the issue of fee payments, including investigating a lower or no fee where the classification is required of an entity (including artists) funded by the Australia Council (and in future any other government funding authority expecting its clients to adhere to the Protocols), and**
- **investigate the possibility of shorter classification administrative time in certain prescribed circumstances, and**
- **investigate the possibility of an image being classified so that the classification is carried with the image for other arts industry distribution uses.**

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<sup>8</sup> We presume this means the child had some sort of physical connection to the art making activity - but this is unclear

## **In Conclusion**

NAVA made a submission to Council when the Protocols were initially being drafted. At that time we pointed out a number of problems with the drafting of the document and we note that in finalising the Protocols, the Council took account of some of the issues we raised.

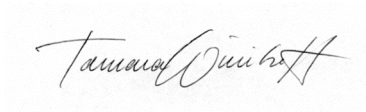
Nevertheless, NAVA did not then, and does not now, support the requirement that the arts industry clients of the Council adhere to these Protocols. NAVA continues to view them as causing unnecessary obstruction to freedom of artistic expression in Australia without advancing the cause of child protection.

NAVA contends that one of the reasons why the industry as a whole has not been more vocal in its objection to the imposition of the Protocols has been because of industry confusion about what exactly is captured by the Protocols. We feel there is a sense that the Protocols only impact on a type of art content, usually done by a relatively small number of artists, and of those only on Australia Council clients. But there is little awareness that the requirements of the Protocols can apply to:

- artists who are not funded by the Council but nevertheless want to use the services of organisations who are bound by the Protocols
- the display of images of clothed children and
- entities funded by some state governments which are now looking at introducing the Protocols.

We have shown in this submission however, that when an entity does understand their obligations under the Protocols and adheres to them, the content and availability of imagery which incorporates children is diminished. NAVA contends that governments and the Australia Council have yet to demonstrate to the art industry that the Protocols have any valuable impact on the reduction of the production of imagery which is harmful to, or exploitative of, children.

Yours sincerely



Tamara Winikoff  
Executive Director

Cc:  
Libbie Christie, Executive Director Arts Funding  
Kon Gouriotis, Director Visual Arts Board

## APPENDIX 1.

### EFFECT ON ARTISTS

#### **Case 1. Name withheld at artist's request**

"Here is a concrete example of how I have been harmed by the new and changed mood in the community regarding the visual portrayal of children. I recently had to self censor my work and the public gallery that owns the work also decided not to show it.

In September 2009 I learnt that a photographic work of mine which is in the permanent collection of a prominent Victorian regional art gallery was included in an exhibition that focused on contemporary Australian female photographers.

The work in question portrays my daughter as a nude three year old. The picture is taken from the side and despite its absence of any detail that may offend, I wrote to the gallery and suggested that another work of mine be shown in its place. I emphasized that even though I do not believe in censorship of the child in art - and for that matter – censorship of art works -- given my experience with the media, perhaps it was better for another work to be displayed. I did not want to compromise either the gallery through unnecessary media attention or any of the other artists by having this work included in an exhibition that may have been closed down. I said that it only takes one member of the public to complain to the police and the exhibition could be shut down. I know this to be a realistic and possible outcome after the events of 2008.

When this image was last exhibited at the gallery there was no mention of it upsetting the public sensibility. However, the viewing of this type of image in the context of art or even in an objective way seems not longer possible and the involvement of the Federal government in this debate has not helped artists in any way. Given the hunger of some members of the public and the press for another art controversy over the portrayal of a nude child in art I was cautious about showing this work and the gallery withdrew it from exhibition."

#### **Case 2. Steve Cox**

"Over the last twenty-years, one aspect of my works-on-paper has been stream-of-consciousness, invented figures. These sometimes take the form of human/animal hybrids and there is sometimes a sexual aspect to the images. I do not know what the images will be until they suggest themselves in the marks and swirls of paint on the surface. Occasionally, weird monstrous children have appeared in the work.

I suppose my fear is that, in the present climate of 'witch hunts' (e.g. the Bill Henson debacle), am I likely to be investigated as some sort of depraved sex monster because of some of my imagery? As I have indicated, these particular works are completely invented from start to finish. I do not refer to either photographs or live models."

#### **Cases 3, 4 and 5 are examples described in the *Art Censorship Guide. What you should know about threats to artistic freedom and how to deal with them.***

Written by Evan Williams, published by NAVA, 2009

#### **Case 3. Nicole Boenig McGrade**

"The danger is that even artists working independently of the Australia Council will see a need to comply with the Protocols. This almost happened to another Perth artist, Nicole Boenig McGrade. In 2009 Subiaco Council library asked Ms Boenig McGrade not to display her artwork *Kids in Suburbia*. The two children in her photograph, aged three and 18 months, were naked from the waist up. The work had been commissioned by the children's parents. The library expressed concern that the image might contravene the Australia Council protocols. The artist agreed to the request, but the media publicised her case and the show went ahead as planned."



**Case 4. Paul Tefry**

“Meanwhile, artists continue to be hounded. A bizarre incident occurred in October 2009, when the organisers of Sculpture by the Sea, an open-air exhibition at a Sydney beach suburb, were ordered by Waverley Council to put a pair of swimmers on a statue of a naked toddler, a work called *Little Boy Lost* by the Sydney artist Paul Trefry. After protests from the artist, supported by a child protection charity Child Wise, the council’s edict was reversed. “We’re becoming a nation where everything is censored,” Trefry told the Sydney Sun-Herald on 1 November. “I think it’s sad...” He might have added that toddlers can be seen on most Sydney beaches in summer without benefit of swimming costumes and with no apparent damage to the morals of beach-going crowds.”

**Case 5. Cherry Hood**

*This is an example of an artist who ‘self censored’ due to public pressure. This example occurred prior to the introduction of the Protocols.*

“An exhibition of work by the New South Wales artist Cherry Hood was closed and her home searched by police after she transferred photographs of penises onto images of prepubescent girls to transform them into likenesses of boys. The artist told NAVA: “I did not seek publicity about it but it did cause me to change my practice to focus on the face rather than the nude body.”

**Case 6. Name withheld at artist’s request**

This artist feels that the protocols have caused her to alter the content of her work as a form of self censorship. When speaking with NAVA she said: “In terms of self censorship, I now feel the need to conceal their identity so that they cannot be identified.”

**Case 7. Name withheld at artist’s request**

When speaking with NAVA the artist said that adhering to the Protocols “nearly broke me”. The artist said the legal restrictions in working with children in her State are extremely onerous and include not being able to get a permit to photograph a child near water or any other location that posed a risk to the child.

The laws also required the provision of a ‘private toilet’ even for an outdoor shoot when public facilities were at hand and the parents of the child were available to escort them to the public toilets.

The artist said that many of the parents she worked with on the shoot were very annoyed by the paperwork forced on them and by the level of government intervention in the artistic process and in their role as parents.

## APPENDIX 2.

### EFFECT ON ART PUBLISHERS AND DISTRIBUTORS

#### **Case 8. Artlink, case provided by Stephanie Britton, Executive Editor**

“There have been several times since the protocols were first introduced, where Artlink’s selection of images has been compromised.

The most recent instance of self censoring was for our September 2009 issue 'Rational Emotional'.

An essay in this by a psychiatrist focused on the work of Perth photographer Toni Wilkinson shown in an exhibition titled 'm/other', at Perth Galleries. The artist supplied a range of images, including one of a young girl of indeterminate age (about 12?) embracing her mother - they are both naked from the waist up, but only the back of the girl was visible.

Another was of a mother and a young naked child seated side-on on a cushion in front of her, aged about 2-3, genital region completely obscured but showing plump little chest. A third was of a mother clasping her young son, aged about 5 in front of her in the shower, facing the viewer and revealing his tiny penis.

Because of the way the protocols are phrased, these images cannot be used without the permission of the parents, who were in Europe, and not contactable. The artist had signed a statement to say that she had originally had verbal permission from the parents for the pictures to be taken.

We did not have time or funds to get these images classified and were in any case very reluctant to do so, regarding it as a waste of public time and money for images which are obviously totally without sexual content but rather commenting on seldom shown aspects of the relationships of mothers with their young children. This is a subject of interest to a lot of people in these days of children’s behavioural issues being diagnosed as illnesses or syndromes.

Hence the depth of the subject was considerably reduced by the omission of these images.”

#### **Case 9. Artlink, case described to NAVA by Stephanie Britton, Executive Editor**

The photographer Kevin Carter photographed a starving child in Sudan who was trying to reach a feeding centre and was being menaced by a vulture. Carter won the Pulitzer Prize for this work.

For the June 2009 issue, *After the Missionaries: art in a bilateral world*, Artlink was interested in publishing a ‘remixed’ image of this photograph which had been done by the Chinese artist Xu Zhen.

On checking, the advice from the Australia Council was that in order to publish the ‘remixed’ image Artlink would need to get evidence of parental approval (parents of the remix model) and evidence that the artist had abided by the laws of his country when the image was made.

Artlink decided not to pursue use of this image. They decided it was highly likely that the artist would not have the required documentation, and therefore the process of international checking would be extremely time consuming and not the best use of their resources.

NAVA would also point out that the original image, by Kevin Carter, centred around the real suffering of child but nevertheless was widely disseminated, rewarded by the media industry and can be readily viewed on the internet today. The complicating factor in relation to the Protocols is that with an artist reinterpreting the image, it is no longer a documentary work and thus for Artlink posed the problems described.

### **Case 10. Chalk Horse Gallery**

“In January 2010 it was mooted that Chalk Horse Gallery could stage an exhibition that provoked discussion about the issue of the proposed removal of the artistic defence from NSW child pornography laws.

The suggested exhibition would comprise photos of the artists in the collective as children, naked, drawn from the depths of the family album; in every family album there are pictures of children naked. The objective of the show was to ask questions like:

- What is the role of the gallery in the dissemination of such material?
- Can the gallery turn family snaps into art?
- Is nakedness in art a form of pornography?
- In a gallery context, is a found photograph of a child actually art?
- Can an artist/sitter authorise the use of their own image as a child, naked?

We hoped others would be provoked into thinking about these broad issues and the difficulty in actually creating strict and precise definitions where the limits of these definitions are so amorphous and unclear.

In the end, after stringent discussions among the directors, we concluded that the theoretical outcomes of the show would not outweigh the possibility of serious censure or legal problems that we were concerned could have arisen from the show.

As an ARI, too, we are beholden to the Australia Council for their excellent support and were also worried that the show would not meet the protocol requirements of Working with Children in Art.

The extra heat, administrative complexity and cost that this issue has brought on artists and galleries caused us to self-censor. The question then becomes: if we can't debate these issues within our own discipline, who will and can argue for them?”