

Development of Ethical Indigenous Art Trade Strategies and an Indigenous Art Commercial Code of Conduct

Background

Funded by the ATSIAB of the Australia Council, the federal government's arts funding and advisory body, this project is a joint initiative of the National Association for the Visual Arts (NAVA), Desart and the Association of Northern, Kimberly and Arnhem Aboriginal Artists (ANKAAA) – the project partners.

The project aims to create and implement strategies that will bring about behavioural changes which will protect the commercial interests of Indigenous artists and their communities, whether living and/or selling in urban or regional areas. The Code will be a basis from which artists and the industry can promote ethical practices in commercial art relationships. The Code will not be prescriptive in nature but rather will identify and acknowledge a number of commercial models and highlight best practice under those models.

Project Consultants

Jill Gienztotis Consulting is undertaking the project on behalf of the project partners.

Reference Group Members as at June 2006

1. Ivan Shepherd, artist, Chair of Desart, Alice Springs
2. Djambawa Marawili, artist, Chair of ANKAAA, Darwin
3. Franchesca Cubillo, artist, ex Tandanya director, currently MGNT, Darwin
4. Brook Andrew, artist
5. Dr Martin Wardrop – Vice President, Australian Indigenous Art Trade Association, Brisbane
6. Beverley Knight – Australian Commercial Galleries Association representative and Director, Alcaston Gallery, Melbourne
7. John Oster, EO Desart, Alice Springs
8. Stephanie Hawkins, EO ANKAAA, Darwin
9. Tamara Winikoff, EO NAVA, Sydney
10. Merrilee Kessler, Projects Manager NAVA, Sydney

Outcomes of consultancy

1. Development of an Indigenous Art Commercial Code of Conduct
2. Education and buy in strategies targeted at discrete user groups. These groups may include:
 - artists
 - dealers, galleries and retail outlets eg members of the Indigenous Art Trade Association and the Australian Commercial Galleries Association
 - importers of copies of Indigenous cultural artefacts
 - Australian Customs
 - overseas tourists and Australian buyers.

Indigenous Art Commercial Code of Conduct

The Indigenous Art Commercial Code of Conduct will address issues that have sensitivity in relation to the commissioning and sale of Indigenous artwork. It will highlight examples of best practice behaviour in a number of commercial relationship models. It will educate artists, dealers and end purchasers about the functions and business practices of the commercial art world. For a list of possible Code issues to be included see page 2.

Consultancy Process

The consultant will hold focus groups in each state and territory with key cluster groups and will set up individual meetings as appropriate. Discussion papers will also be available on the Visual Arts Net website for wider community input. These consultations will begin in July 2006.

If you are interested in more information about the project, or being involved during the consultation process please email merrilee@visualarts.net.au

Potential issues to be addressed in the Indigenous Art Commercial Code of Conduct

Acquisition and deaccessioning
Appropriating style
Appropriation of content and form
Art and Craft Centre loyalty protocols
Artist/apprentice works
Artists selling their own work
Authenticity, Trade Marks, Registered designs
Collaborative projects
Community cultural development and social welfare projects
Consent
Consignment
Consultation
Contacting Indigenous artists
Contracts and agreements
Copyright
Cross cultural displays of work (Indigenous and non-Indigenous, different Indigenous groups)
Dispute resolution
Duress prevention
Entrapment
Establishing an agency relationship
Export of Indigenous cultural heritage
Fraud and fakes
Group/communal production and ownership
Importation of misleading product
Interpretation
Interviewing Indigenous artists
Media protocols
Moral rights
Multiple gallery representation
National cultural heritage control list
Native title and rights to land
Obtaining permits and certificates
Overseas buyers
Ownership of cultural material
Payment and sales including payment in-kind
Private collectors
Production for sale – exploitative practices
Provenancing
Public art commissioning
Resale royalty right
Secret, sacred material
Selling on the internet
Single or one off exhibitions
Special purpose commissioning
Sweatshops
Tax
Trade practices and passing off
Unconscionable conduct
Visiting communities
Wildlife import and export controls
Work bought outright by galleries and/or retail/tourist outlets
Writing about Indigenous artists and artworks



NAVA advances the professional interests of the Australian visual arts and craft sector through advocacy, representation and service provision.

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