

28 February 2019

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Dear Interim NIACA Secretariat

**Re: NIACA Discussion Paper Submission**

The following submission is lodged on behalf of the Aboriginal Art Association of Australia's (AAAA) Aboriginal Cultural Council (ACC) following the ACC's consultation with the AAAA's artist and other Indigenous members.

The AAAA is a national body which serves and represents artists, individuals and organisations that produce, promote, protect or support Indigenous art and the cultures that create and nurture that art. The AAAA operates as an advocate for all industry participants, whether artist, gallery or dealer and whether independent or art centre affiliated.

The Association has over 300 members of which approximately 50% are Indigenous artists. The artist and other Indigenous members come from diverse geographical backgrounds, ensuring the Association can draw on different perspectives and cultural nuances from across Australia. The artists' have dedicated and meaningful representation on the Association Board and their interests are also protected and promoted by an Indigenous Patron and the ACC. The ACC's existence and powers are enshrined in the AAAA's Constitution, which can only be changed with the agreement of both artist and dealer/gallerist members. As such, artists' say in the running of the AAAA and, by extension, the industry, insofar as the AAAA can influence future developments, is and will be enduring.

The general feedback of the ACC is one of guarded support for the NIACA initiative. Guarded because on one hand the ACC can see the potential but on the other, Indigenous members have seen many failed initiatives. These failed initiatives have often been characterised by a lack of proper consultation and proper engagement with the industry as a whole (both across methods that art comes to market and geographically). A quote from one Indigenous member follows:

*(The) whole document is leading (Indigenous people) already without any form of consultation thus far; prior to compiling baseline measuring and research questions. Who compiled this and is it questions lead by First Nations; Chicken or the Egg. I dare say that someone with good intentions through government has decided to lead this conversation and lead the direction of the conversation without developing any real insights from community. Although the questions themselves request and recognise the need for community consultation, the questions have already been developed. So, I surmise that again the community has not been approached about any pressing need from their day to day activities. This becomes conclusive as it is noted and assumed that the Authority will be formed even to the point of asking best legal structure for this.*

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Regarding the preceding quote: the ACC and the AAAA Board note that at no time was the AAAA in any way consulted prior to the announcement of the initiative, despite direct requests to the Australia Council for a briefing. The ACC points out that this is a poor start to what is being presented as a consultative process. Furthermore, the ACC wants to see all sectors of the industry properly represented going forward, not just the existing, government funded advocacy bodies.

Addressing the specific questions upon which feedback has been requested.

**Question 1: Do you think a NIACA should exist? Why or why not?**

In short, a qualified yes.

The concept has merit and has the general support of the AAAA's Indigenous members. Consistent across the feedback received, however, is the need to explore in detail just what the scope, depth and breadth of NIACA's activities would be. The dangers of overreach and of being overly ambitious in its objectives, resulting in nothing getting done, were continually mentioned.

Consistent amongst the feedback was the necessity to explore through further discussion amongst peak bodies just what Indigenous people want and what can realistically be achieved. As such, there is clear support from the ACC for the proposed 2019 Forum. The ACC through the AAAA wishes to take part in this forum.

**Question 2: What do you think the most important needs and priorities a NIACA should address - for the short, medium and long term?**

Short term

- Intellectual property – develop, promote and bring into law a national solution to the one common problem faced by every individual and interest group across the arts
- A co-ordinated advocacy approach, as opposed to the current approach where interest groups are competing and acting against one another without a clear appreciation of the impacts of their actions on the overall arts industry. In the words of one member:

*“I would also like to see real effort being put into more co-operation between community art centres, art dealers and others involved in the industry. There is too much bickering and in-fighting going on, this does not help artists or their communities.”*

- Co-ordinating body – many of the issues raised in the NIACA outline and in the responses received by the ACC relate to matters that are already dealt with by existing, government funded bodies. The NIACA could act as a central resource to direct artists to existing solutions. The ACC notes that, in their opinion, the problem is often not the absence of the solution for the artist, it is either (or often both) the absence of the knowledge that help with a problem exists or the appointed body not doing the job they are funded for.

Medium and Long Term

Much of the feedback here revolved around how making progress was, at almost every turn, hamstrung by issues around communication, such as:

- the capacity for artists to communicate their needs in language those trying to assist firstly really listen to then try to truly understand;
- those tasked with helping artist having the necessary awareness and experience to
  - communicate in a way that artists understand
  - address issues that artists see as important, rather than what those helping see as important

The above stretches across legal issues, financial issues, cultural nuances and more.

In the words of one member:

*“Most of the artists in the communities, and their families, and their whole communities, for that matter, rely on their art as the only source of income outside of welfare. Because of culture and language differences, they have no direct say in how anything in the industry works. There are plenty of people advocating and working for them and many of them do a good job, others not so good. I would like to see them be given a much better idea of how the whole industry works - and that would mean getting right down to basics - and I would like to see their voices being heard at the highest level. Too much policy and regulation is determined without their input at all. If a body like this is going to work then it has to know how to communicate with people who don’t speak English and who don’t know how any of this works.”*

The ACC contends that there is no short-term fix to the above. It can only be addressed by a long term commitment to education, both of artists and those serving artists. One without the other will not provide the solution.

**Question 3: What activities are the most relevant to you, your community, your region or your organisation?**

See above.

**Question 4: What cultural material should be covered by the NIACA model? Arts? Cultural expression including languages? Potential to cover traditional knowledge more broadly including biodiversity knowledge?**

Feedback included:

*“I think it (NIACA) should stick to what it knows about. There is not enough knowledge and expertise in the art industry in relation to matters like language and biodiversity to be of much use. Other people with the relevant expertise - language speakers and linguists, holders of traditional knowledge, botanists, zoologists etc should look after these issues.”*

From another artist:

*“Look, we can’t even get the basics right but now we are going to go off and combine all this into one national body, then throw in dance, biodiversity and whatever else? How are we going to do that and actually make progress? It is too ambitious. We need to get some basics right, always knowing where we want to build towards, and go from there.”*

The ACC acknowledges that there are different streams of cultural expression that needs to be considered and that AAAA members have generally responded from the point of view of the arts. The possibility the ACC could see is that an NIACA could have various discrete departments, represented by specialist Boards, that engaged in their own areas but which were co-ordinated through an overarching Board which acted to ensure that the overall programme for the body was complimentary and working towards common goals.

**Question 5: What groups should a NIACA represent – through its membership, steering committee, decision-making structure and board? What art and cultural forms should be represented?**

The last paragraph in the answer to question 4 somewhat addresses this.

The ACC reconfirms that the Indigenous members of the AAAA ask for representation at on the steering committee. The ACC notes that government funded initiatives in Indigenous art have repeated marginalised or totally ignored those working outside the art centre movement, whether bush artists, artists from regional centres or artists from the cities. For NIACA to function properly and be an answer to all Indigenous people, there must be broad and balanced representation.

Consideration of appropriate decision-making structures, boards and what art and cultural forms should be represented logically is only relevant once the forums are complete, a steering committee has been appointed, the 2019 forum has taken place and it can be established that there is government support to fund an NIACA body, whatever form it may take. Therefore, at this point, the ACC regards further discussion on the matter as not being relevant.

**Question 6: How should the NIACA model include local and regional decision-making structures?**

Member feedback included:

*“I know people who claim to be senior law men and women who aren’t. There are plenty of people making comments on our law who know nothing about it. Each community-language group should be able to nominate their own people to speak for them, they need to be given that authority. These people need to have the confidence to speak up and not always rely on whitefellas and urban people to speak for them. Trained interpreters can help with that. In the NT there should be at least one representative from Central Australia/Desert, Big Rivers/Vic River - Roper River, Top End and Darwin. Darwin should be represented separately from the Top End because it has around half of the whole NT population and it is very diverse. Organisations like AAAA should be represented on the board by their Aboriginal members.”*

As well as the above feedback, matters to consider in answering this are:

- decisions on questions 1 to 4 are really necessary to define structures
- the definition of appropriate structures to ensure that feedback makes it up and into the decision-making bodies needs to take into account the way Indigenous people view the world. That view is not based on arbitrary boundaries, such as state borders, but on law and the way people in different geographic areas approach law

**Question 7: What are the required skills, attributes and experiences of the NIACA steering committee and board?**

Again, this will finally be guided by the answers to the preceding questions. However, useful guidance was offered to the ACC from a member:

*“The whole group needs the following - the experience of being an artist or long term worker in the industry at a high level, knowledge of how governments and the public service work, knowledge of the law relating to the industry, a deep understanding of Aboriginal cultures, worldview and history, a first hand knowledge of an indigenous language or languages, the ability to communicate effectively cross culturally. We can’t expect all of this from individuals but we should expect it from the group as a whole.”*

**Question 8: How should board members be selected and how long should they serve?**

Really, this needs to be discussed once it is clearer what the organisation will be trying to achieve.

Speaking about the art sector only, what is apparent is that the Board must be representative of the industry.

- It cannot be dominated by any one group or one group and those reliant on that group for their income and wellbeing.
- It must span urban through regional to bush artists
- It must have representatives of the different business models
- If it ensues that there are Board positions for various different interest or law based groups, the members of those groups must be the only ones that can nominate and vote for their representative
- Term – four years has been suggested, but requires discussion

**Questions 9 and 10**

Moot until much more work on the definition of what the organisation’s goals should be.

The ACC received some other feedback from Indigenous members that it wishes to mention at this early stage:

- There needs to be some sort of 'Code of Ethics' as signed up for and adhered to by Govt, Corp and Industry supporting the signatories of best practice; such as a Charter of Blak Arts
- Where are the skills transfer for community and artists?
- Who has ownership over any future research ' harnessing research' etc? Even this research, where is ownership as the very message’s communication might be conflicted with government funding thus ownership by government of research framework

- Current Art centres and their models: why wouldn't government fix that problem first before approaching IP and Cultural values. There is more to be gained out of developing a sustainable business/arts model independently funded and self-sustaining
- Some thoughts on IP issues:
  - need to be underpinned by legislation at Federal and State levels; policy means action
  - What do breaches or non-compliance look like; non-subscription; lack of policy with tangible outcomes and infringements; who polices complaints
  - Cannot be based on the 'United Nations - Charter of Right of Indigenous Peoples' as this is only a guideline and any inherent rights are not recognised within Australian law
  - Are there other successful models where Indigenous cultural rights have been successfully legislated that we can learn from rather than thinking we have to reinvent the wheel? New Zealand? North America?

If you have any questions, require clarification or wish to discuss any of the above, please email [info@aboriginalart.org.au](mailto:info@aboriginalart.org.au)

Yours sincerely

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For and on behalf of the Aboriginal Cultural Council of the Aboriginal Art Association of Australia