

From: [Nayna, Luke](#)
To: Section 47F
Subject: RE: MEDIA RELEASE - Minister for Indigenous Australians - Wyatt to visit the Northern Territory [SEC=UNOFFICIAL]
Date: Tuesday, 5 November 2019 10:16:00 AM

UNOFFICIAL

Hi Section 47F, please see below:

Statement from the Minister for Indigenous Australians:

I am deeply concerned about reports regarding ‘carpetbagging’ in Alice Springs and South Australia.

This is a very serious matter, and I welcome Premier Steven Marshall’s decision to refer the matter to the South Australian Attorney-General and South Australian police.

The Morrison Government is committed to tackling unethical art dealing, which is a problem for Indigenous Australian artists. I welcome the suggestions from the APY Lands Art Centre Collective on how this issue can be addressed, and I will work with my colleague the Hon Paul Fletcher MP, Minister for Communication and the Arts to identify what role the Morrison Government can play in strengthening protections for Indigenous artists.

I have asked the National Indigenous Australians Agency to look into this matter and provide me with an urgent update.

Indigenous art is an extremely important market for Aboriginal and Torres Strait Islander Australians, and they should be able to practice their art free from any interference or exploitation. I want to ensure that we have a thriving Indigenous Art sector, where genuine artists can make a living through sharing their culture with the world.

Regards

Luke Nayna | Senior Media Adviser

Office of the Hon Ken Wyatt AM, MP

Minister for Indigenous Australians

Section 22

From: Section 47F

Sent: Monday, 4 November 2019 3:48 PM

To: Nayna, Luke Section 22

Subject: Re: MEDIA RELEASE - Minister for Indigenous Australians - Wyatt to visit the Northern Territory [SEC=UNOFFICIAL]

Thanks Luke,

anything re the carpetbagger allegations? Boy the gentleman in question Section 47F is

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hard to find!

On Mon, 4 Nov 2019 at 12:47, Nayna, Luke Section 22 wrote:

UNOFFICIAL



The Hon Ken Wyatt AM, MP

Minister for Indigenous Australians

Member for Hasluck

MEDIA RELEASE

4 November 2019

MINISTER WYATT TO VISIT THE NORTHERN TERRITORY

Minister for Indigenous Australians, the Hon Ken Wyatt AM MP, will this week travel to the Northern Territory to meet with community leaders and to hear from locals about how the Morrison Government can partner with them to deliver better outcomes.

“This will be my fourth visit to the Northern Territory in five months since becoming Minister, and it demonstrates the importance the Morrison Government places on the particular needs and priorities within the NT,” Minister Wyatt said.

“Throughout the week I’ll be listening to locals and discussing a range of issues, including - reducing youth suicide and improving mental health services; enhancing community safety; and driving economic development in the Top End.”

The Minister’s visit to the Northern Territory will include:

- The Ammaroo land hand-back ceremony hosted by the Central Land Council;
- Return of Aranda cultural material ceremony in Alice Springs;
- Angurugu Police Station opening on Groote Eylandt;
- Round Table meeting of the Darwin Suicide Prevention Trial steering committee; and

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- A Keynote Ministerial address to the Aboriginal Economic Development Forum in Darwin

“It is important that governments listen to local communities, and work in partnership to develop policy and programmes that best suit their needs on the ground,” Minister Wyatt said.

“I want to listen to as many Indigenous Australians as possible, and ensure that their voices are being heard. By building stronger partnerships with organisations and communities we can drive the progress of work that will shift the pendulum and improve the lives of Indigenous Australians in the NT.”

Media contact: Luke Nayna, Senior Media Adviser, 0438 231 687

Authorised by Ken Wyatt AM, MP, Member for Hasluck.

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Section 47F

[Redacted]

[Redacted]

[Redacted]



[Redacted]



[Redacted]

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From: [Nayna, Luke](#)
To: Section 47F
Subject: RE: APY Art Centre letter - ABC enquiry [SEC=UNOFFICIAL]
Date: Tuesday, 5 November 2019 10:17:00 AM

UNOFFICIAL

Hi Section 47F please see below:

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The Morrison Government is committed to tackling unethical art dealing, which is a problem for Indigenous Australian artists. I welcome the suggestions from the APY Lands Art Centre Collective on how this issue can be addressed, and I will work with my colleague the Hon Paul Fletcher MP, Minister for Communication and the Arts to identify what role the Morrison Government can play in strengthening protections for Indigenous artists.

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Regards

Luke Nayna | Senior Media Adviser

Office of the Hon Ken Wyatt AM, MP

Minister for Indigenous Australians

Section 22

From: Section 47F
Sent: Monday, 4 November 2019 12:55 PM
To: Nayna, Luke Section 22
Subject: FW: APY Art Centre letter - ABC enquiry

Hi Luke,

Just getting in touch with a query about the letter to the Minister’s office from the APY Art Centre collective.

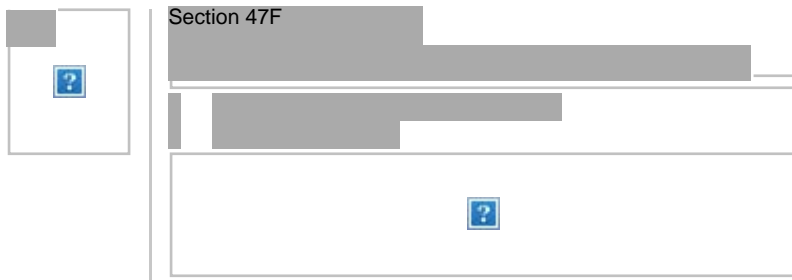
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Indigenous Australians

I've attached it to this email for convenience. It concerns a plea to the Minister's office to protect the Aboriginal art industry, with several specific recommendation for Government action.

Enquiring as to whether the Government will be responding to the art collective's concerns.

My numbers are below if you want to chat further.

Thanks,



-



From: [Nayna Luke](#)
To: Section 47F
Subject: Minister Wyatt - Statement [SEC=UNOFFICIAL]
Date: Tuesday, 5 November 2019 10:16:00 AM

UNOFFICIAL

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Regards

Luke Nayna | Senior Media Adviser
Office of the Hon Ken Wyatt AM, MP
Minister for Indigenous Australians

Section 22

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From: [Nayna, Luke](#)
To: [Fordham, Michael](#)
Subject: Fwd: URGENT UPDATE NIAA Art Probe - media today [SEC=OFFICIAL]
Date: Wednesday, 6 November 2019 8:42:58 AM
Attachments: [Art Probe APY Lands.pdf](#)
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

From: NIAA Media Section 22
Date: 6 November 2019 at 7:11:02 am ACST
To: "Nayna, Luke" Section 22
Cc: NIAA Media Section 22
Subject: FW: URGENT UPDATE NIAA Art Probe - media today [SEC=OFFICIAL]

OFFICIAL

Morning Luke,

Have just had this request come through to us from the line area...just wanted to make sure you were sighted.

We are still waiting on formal advice from the line area, but will get back to you asap.

Thanks,
Secti

From: Section 22
Sent: Wednesday, 6 November 2019 8:24 AM
To: NIAA Media Section 22
Subject: FW: URGENT UPDATE NIAA Art Probe - media today [SEC=UNOFFICIAL]
Importance: High

UNOFFICIAL

From: Section 22
Sent: Wednesday, 6 November 2019 8:19 AM
To: Section 22
Subject: FW: URGENT UPDATE NIAA Art Probe - media today [SEC=UNOFFICIAL]
Importance: High

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UNOFFICIAL

Hi Section 22

This was in Andrea's emails

From: Section 22
Sent: Wednesday, 6 November 2019 7:45 AM
To: DLO Wyatt Section 22
Cc: Kelly, Andrea Section 22
Section 22
Subject: URGENT UPDATE NIAA Art Probe - media today [SEC=UNOFFICIAL]
Importance: High

UNOFFICIAL

Hi Section 22 – will need some lines on the issue and NIAA actions to correspond with what the Minister has committed to do.

Will need something before 11am ACT time so Minister can respond to media in NT.

Thank you,

Section 22

From: Section 22
To: Section 22
Subject: FW: URGENT UPDATE NIAA Art Probe - media today [SEC=OFFICIAL]
Date: Tuesday, 26 November 2019 10:00:08 AM
Attachments: [Art Probe APY Lands.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
Importance: High

OFFICIAL

This should also be included. I think this would be the only thing from the media team and Ray's office but it would be good to get the FOI team to check.

From: Section 22
Sent: Monday, 11 November 2019 9:44 AM
To: Section 22
Subject: FW: URGENT UPDATE NIAA Art Probe - media today [SEC=OFFICIAL]
Importance: High

OFFICIAL

From: NIAA Media Section 22
Sent: Monday, 11 November 2019 9:38 AM
To: Section 22
Subject: FW: URGENT UPDATE NIAA Art Probe - media today [SEC=OFFICIAL]
Importance: High

OFFICIAL

Hi Section 22
 Below are the points that were provided to the MO.

Cheers

Section 22

From: Section 22
Sent: Wednesday, 6 November 2019 3:51 PM
To: DLO Wyatt Section 22
Cc: Griggs, Ray Section 22; Anderson, Ian Section 22; NIAA Media Section 22; Kelly, Andrea Section 22
Subject: FW: URGENT UPDATE NIAA Art Probe - media today [SEC=OFFICIAL]
Importance: High

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Hi Team,

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 Indigenous Australians

Please find below cleared media TPs – Art Probe.

Section 22

Executive Officer to Ray Griggs AO CSC
National Indigenous Australians Agency

Section 22

Charles Perkins House 16 Bowes Place Phillip ACT 2606 | PO Box 2191 CANBERRA ACT 2601

w. niaa.gov.au w. indigenous.gov.au



The National Indigenous Australians Agency acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



Key messages

- Exploiting Indigenous artists through un-ethical is deplorable—and I take these allegations very seriously.
- I have asked my department to urgently investigate this issue, and work with relevant law enforcement agencies as necessary.
- They will work with Art Centres and communities to seek information about individual cases of ‘carpetbagging’, to provide this to the appropriate authorities.
- Indigenous art is completely unique, there is nothing like it anywhere else in the world. And it is such a powerful way to tell stories and convey Indigenous culture.
- I am committed to making sure Indigenous artists in this country get a fair return for their work, and this needs to be joined up across all levels of government.
- Given this particular case is still being investigated, I can’t comment any further at this time.

Further points

- Unethical dealing or ‘Carpet bagging’, has long been a concern that causes considerable distress to individuals and families.
- I am committed to listening to the views of industry experts on how to alleviate this problem, so that Aboriginal and Torres Strait Islander artists receive a fair return for their work. This includes taking into consideration the ideas raised by the APY Lands Art Centre Collective.
- The establishment of the APY Arts Centre Collective has been somewhat successful in mitigating unethical behaviour across the APY Lands, however it is clear that further work is required.

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- I understand the claims of ‘carpetbagging’ in the APY Lands have been referred to both the South Australian Attorney General, and the South Australian and Northern Territory Police and I cannot make any comment on this specific issue at this time.
- I am committed to working with Minister Fletcher, and the South Australian Premier, the Hon Steven Marshall MP, to put in place a coordinated cross-government and jurisdiction approach to addressing the issue of unethical behaviour.
- My Agency will seek a seat at the table at a meeting to be coordinated by Arts SA, at the request of the SA Premier, to further explore potential solutions to these unethical practices.
- The Australian Government has supported our world-class Indigenous visual arts movement for over forty years, primarily through Indigenous-owned art centres.

Interview with ABC Alice Springs

- **Simon Lauder:** In the press yesterday there was some suggestion that APY artists are being held against their will, or in conditions with carpet baggers or private dealers. You’ve been written to by the APY Art Collective asking for action. You’ve said you will look into it – what can you do as Minister for Indigenous Australians?
- **Minister:** Few things we’re doing already – working with Paul Fletcher – whole issue of fake art and having a process in which authentic art is tagged in a way that identifies it as Australian because tourists want the genuine product
- **Simon Lauder:** But the key issue here is that there are old artists that are going from the APY, some people believe, unwillingly going to private dealers...others would say they’re just doing a deal with a private dealer, any place you can play, some would say it’s just commerce?
- **Minister:** Some of that is not the case, in my own state we’ve had experiences where people are put on a plane, convinced to go and when they got to point of destination wanted to go home because it was only a short period of time
- **Minister:** They were misled – and the state gov/commonwealth have intervened and we’ll do the same in the case. But it will take a strategy that looks at the whole Indigenous art sector
- **Simon Lauder:** So this is bigger than just this case?
- **Minister:** Oh yes it is. The art code was put into place, and we thought that it had worked. But it hasn’t. We’re still seeing this carpet bagging, bulk buying of Aboriginal artworks at a cheaper rate, then being sold at prices that are significant on the international market
- **Simon Lauder:** So you’d like to see stronger sanctions?
- **Minister:** I personally would yes. I will talk with my colleagues. Carpet bagging is to the advantage of an art dealer, and I’ve often seen aboriginal artists sell their artwork at a much lesser price, then on-sold at incredible mark ups overseas

Wyatt orders probe into claims of art exploitation

By AMOS AIKMAN , VICTORIA LAURIE

The Australian

Wednesday 6th November 2019

265 words

Page 7 | Section: General

108cm on the page



Wyatt orders probe into claims of art exploitation

AMOS AIKMAN
VICTORIA LAURIE

Indigenous Australians Minister Ken Wyatt has ordered his department to urgently investigate claims that some of Australia's most successful Aboriginal artists are being exploited by unethical dealers in Alice Springs.

Mr Wyatt said the Morrison government was "committed to tackling unethical art dealing" and flagged the possibility of introducing extra protections for indigenous artists.

The move comes after South Australian Premier Steven Marshall referred allegations raised by the APY Art Centre Collective to police and his Attorney-General.

The collective, which operates art centres in SA's Anangu Pitjantjatjara Yankunytjatjara Lands, wrote to Mr Wyatt and Mr Marshall and to federal Arts Minister Paul Fletcher alleging a well-

known private dealer "lured" top painters to his studio by exploiting at least one of their children.

The letter alleged the dealer had lent money to the son of a sick artist to create a debt his mother would be forced to repay by painting for the dealer. That artist's works can sell for about \$45,000 on the open market.

Mr Wyatt described the allegations as deeply concerning and welcomed the actions taken by Mr Marshall. "I have asked the National Indigenous Australians Agency to look into this matter and provide me with an urgent update," he said.

Mr Wyatt said he wanted to ensure Australia had a thriving indigenous art sector where "genuine artists can make a living through sharing their culture with the world".

The Central Australian indigenous art sector has long been plagued by claims and counter claims of unethical practices including kidnapping and forgery.

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NATIONAL INDIGENOUS AUSTRALIANS AGENCY

NIAA
CEO
Prof.
Anderson
Mr Bulman
Mr Exell
Ms Roberts
Ms Kelly
Section 22

To: Minister for Indigenous Australians

UNETHICAL PRACTICES IN THE INDIGENOUS ART INDUSTRY

MO
Mr Fordham

Recommendations - that you:

- 1. Seek an urgent meeting with the Minister for Communications, Cyber Safety and the Arts, the Hon Paul Fletcher MP, to discuss unethical practices in the Indigenous art industry.

Agree / Not agreed

- 2. Seek agreement to a coordinated approach with Minister Fletcher on the Government response to the House of Representatives Standing Committee on Indigenous Affairs' report into inauthentic art; and the establishment a roundtable, co-facilitated by the NIAA and Department of Communications and the Arts (DoCA), with key stakeholders in the Indigenous art industry.

Agree / Not agreed

- 3. Note that the NIAA will work with DoCA to gather intelligence, consult with the Indigenous art industry and determine strategies to minimise the risk of exploitation of Indigenous artists.

Noted

KEN WYATT

Date:

Comments:

Key Points:

- 1. Following recent media reports about of the exploitation of Aboriginal artists in the Anangu Pitjantjatjara Yankunytjatjara (APY) lands, you asked the NIAA to look into unethical practices in the Indigenous art industry.
- 2. In response to the reports, you commented that the Indigenous Art Code is not working and that a strategy which considers the entire Indigenous art sector is required. You also stated that you would like to see stronger sanctions against carpetbaggers.
- 3. We have the opportunity to make a real difference to unethical practices in the Indigenous art industry, especially carpetbagging, through Government's response to the House of Representatives Standing Committee on Indigenous Affairs' *Report on the impact of inauthentic art and craft in the style of First Nations peoples*. The Committee's recommendations are at Attachment A.

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4. The Minister for Communications, Cyber Safety and the Arts, the Hon Paul Fletcher MP, is leading the Government's response to the Committee's report. We recommend you request an urgent meeting with Minister Fletcher to seek agreement to a coordinated approach across your respective portfolios.
5. To send a strong message that the Government is taking this longstanding issue seriously, we suggest a number of options can be taken, subject to your and Minister Fletcher's agreement:
 - a) **Direct engagement with the sector** – NIAA and DoCA co-convene an industry roundtable before the end of the year to discuss strategies to address exploitation of artists and carpetbagging. Stakeholders would include artists, peak bodies, art centres, commercial dealers and galleries.
 - b) **Action by states and territories** – press Minister Fletcher to convene a special Meeting of Cultural Ministers, a forum of the Australian, state and territory arts and culture ministers to discuss areas of national significance and mutual interest, including creative arts and Indigenous cultures. Minister Fletcher is the Australian Government's representative on this forum. This forum presents an opportunity to discuss options for a coordinated national approach. The Northern Territory Minister for Tourism, Sport and Culture, Hon Lauren Moss MLA, wrote to you on 12 November 2019, indicating the Northern Territory Government's support for national efforts to protect Aboriginal artists and to strengthen the Indigenous Art Code. We are preparing a response to this letter.
 - c) **Early evaluation of industry practices** – press Minister Fletcher to take early action on the recommendation in the Committee's report that a detailed evaluation of industry practices take place no later than two years after the provision of additional funding to the Indigenous Art Code, and that a mandatory code be introduced if that review reveals few improvements in industry behaviour.
6. We will continue to work with the NIAA Regional Network to identify cases of unethical practices and take appropriate action, including by referring to appropriate authorities. We have been advised of some sensitive matters regarding an art centre in Ampilatwatja and will work with the Regional Network to gather further information and brief you separately on this issue if necessary.

Background:

7. Cultural affairs, including support for the arts, are primarily the responsibility of Minister Fletcher. Through its Indigenous Visual Arts Industry Support (IVAIS) program, DoCA funds around 80 Indigenous-owned art centres. The IVAIS program supports the Indigenous Art Code.
8. In December 2018, the House of Representatives Standing Committee on Indigenous Affairs published its *Report on the impact of inauthentic art and craft in the style of First Nations peoples*.

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9. The Committee recommended that the Australian Government consults with the Indigenous art sector on what resourcing is required for the Indigenous Art Code to fulfil its potential, and provide funding accordingly. The Committee also recommended that a detailed evaluation of industry practices take place no later than two years after the provision of this funding and that a mandatory code be introduced if that review reveals few improvements in industry behaviour.
10. The committee also recommended that funding be made available through the IVAIS program to assist artists and art centres affected by carpetbagging.
11. NIAA reviewed and contributed to an early version of the draft Government response. The draft response notes that funding to the Indigenous Art Code is set to increase from 2019-20, with a national funding commitment from all states and territories as well as further funding from the Australian Government. The draft response notes but does not commit to a detailed evaluation of industry practices.
12. The Indigenous Art Code was established in 2010 to preserve and promote ethical trading in Indigenous art. The Code helps protect Aboriginal and Torres Strait Islander artists by requiring sellers of their art to commit to treating artists fairly, honestly and respectfully. It is a set of rules and guidelines that art dealers commit to follow, to ensure ethical practices and to protect artists from exploitation. The Code is voluntary and signatories can disengage at any stage.
13. While the Code has been relatively successful in the mediation and referral of complaints, it has had difficulty progressing more complex complaints, particularly in relation to dealers that have chosen not to become signatories to the Code.

Andrea Kelly
Branch Manager
Culture Branch
14 November 2019

Policy Officer: Section 22
Phone no: [REDACTED]
Consultation: DoCA, Central Australia,
South Australia and Greater Western
Australia Regional Offices

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ATTACHMENTS

**ATTACHMENT A RECOMMENDATIONS - REPORT ON THE IMPACT OF
INAUTHENTIC ART AND CRAFT IN THE STYLE OF FIRST
NATIONS PEOPLES**

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List of recommendations

Recommendation 1

The committee recommends as a matter of urgency that the Productivity Commission conducts a comprehensive inquiry into the value and structure of the current market for First Nations art and crafts. This inquiry should incorporate the following elements:

- a detailed structural breakdown of the different parts of this market and the operators within it;
- the total value of the fine art market stratified by the different avenues through which this art is produced, procured and sold;
- the total value of the souvenir and craft market stratified by the different avenues through which these products are produced, procured and sold;
- the market value of inauthentic souvenirs and art sold in Australia;
- the revenues generated by art centres;
- the barriers facing art centres and First Nations artists who wish to sell fine art or souvenir style items in mainstream markets; and
- a summary reflecting both the number and value of imported imitation low end Indigenous products, and a like summary for products made and/or licenced in Australia.

Recommendation 2

The committee recommends as a matter of urgency that the Australian Government consults with the Indigenous Art Code and the First Nations art sector on what resourcing is required for the Indigenous Art Code Ltd to fulfil its considerable potential, and provides this funding as a means of protecting both our unique Indigenous cultures and protecting the future and value of this market for Australian and International visitor purchasing.

The committee further recommends that a detailed evaluation of industry practices take place no later than two years after the provision of this funding. A mandatory code should be introduced if that review reveals few improvements in industry behaviour and little reduction in the prevalence of imitation First Nations art and craft.

Recommendation 3

The committee recommends that the Australian Government establishes and funds a separate arm of the Indigenous Business Sector Strategy that is specifically aimed at art centres. This arm should incorporate the following aspects:

- a business advisory hub that will advise art centres on how to access mainstream souvenir markets;
- seed funding for art centres to build capacity, including staff training, to enter mainstream souvenir markets, including mentoring and monitoring strategies; and
- solutions to the lack of infrastructure, particularly housing, that prevents many art centres from hiring and retaining art centre managers.

Recommendation 4

The committee recommends that the Australian Government develops an Information Standard for authentic First Nations art in full consultation with First Nations artists and communities and the Indigenous Art Code.

Recommendation 5

The committee recommends that the Australian Government develops an information guide on authentic First Nations art to be provided to all arriving passengers at an airport or any other port of entry to Australia with a preference for a short pre-arrival video presentation.

Recommendation 6

The committee recommends that IP Australia develops a Certification Trade Mark scheme for authentic First Nations art and craft in full consultation with all relevant stakeholders

Recommendation 7

The committee recommends that additional funding be provided through the Indigenous Visual Arts Industry Support program to:

- enable First Nations organisations such as art centres to advise and support artists who have been affected by carpetbagging; and
- work with advisors from the Departments of Social Services, Employment and Prime Minister and Cabinet to plan a detailed program of interactive, financially viable assistance for First Nations artists or individuals who have been abused in this way, including a model to estimate any budgetary implications.

Recommendation 8

The committee recommends that the Australian Government begins a consultation process to develop stand-alone legislation protecting Indigenous Cultural Intellectual Property, including traditional knowledge and cultural expressions.

The committee is mindful of the current Australia Council inquiry into the feasibility of a National Indigenous Art and Cultural Authority. The committee fully supports the establishment of this body and recommends that it be part of the consultation process.