



# 300+ MEMBERS

**50% OF THE MAJOR DEALERS IN INDIGENOUS  
ART ARE NOW SIGNATORIES TO THE CODE.**

*Recently the Code welcomed its 300th member. The honour for that milestone goes to the Indigenous Art Centre Alliance, the organisation representing the art centres in far north Queensland.* Membership of the Code continues to increase steadily with more artist memberships expected in coming months. There are 153 dealers in Indigenous art who have signed on as members of the Code and thereby made a declaration that they will abide by the provisions of the Code in their dealings with Indigenous artists. After three years work

it is now increasingly clear that the Code has captured almost 50% of the main dealers in Indigenous art. However, a significant number of galleries and other industry operators remain outside of any regulatory system that monitors professional conduct and fair dealing.

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*Click & hold the  
images to expand.*





# GIVING ARTISTS GIVING ARTISTS A FAIR GO!



THE CODE HAS HANDLED  
A WIDE RANGE OF  
COMPLAINTS AND  
DISPUTES RESULTING  
IN BETTER CONDITIONS  
FOR INDIGENOUS ARTISTS.

# COMPLAINTS HANDLING

*Principally the Code exists to ensure fair conduct in dealing in Indigenous art and to provide recourse where misconduct has occurred.* IartC has now dealt with an extensive range of complaints and disputes. A number of cases have been investigated in a formal process by senior legal professionals. Further cases have involved alleged breaches of the law and have been referred to law enforcement agencies. Perhaps more importantly, in the majority of cases IartC has worked with parties in dispute to arrive at a negotiated settlement. This means art businesses have acted in good faith to resolve a dispute and artists have received their due.



*Click & hold the image to expand.*

# PROBLEMS PERSIST

*Over the past twelve months IartC has made a careful assessment of the exploitation that artists continue to experience and the effectiveness of a voluntary Code in dealing with that exploitation.* Put simply, there is little doubt that there remain unscrupulous operators who continue to treat artists poorly and bring the industry into disrepute. Exploitation still exists at similar levels to those experienced at the time of the Senate Inquiry into the Indigenous visual art sector in 2006/2007.

The nature of these problems covers a wide range of misconduct. Predictably, a high number of matters involve misleading and deceptive conduct focussed on authenticity and provenance of artworks. For example, copying of Indigenous art and design by non-

Indigenous artists remains a challenging issue. Unfair contracts are still pervasive. Many of the disputes between artists and dealers spring from inadequate record keeping and reporting. There are limits to the extent that voluntary self-regulation can address these behaviours without full industry support.

There is evidence to suggest that art dealers are developing improved business practice now that there is a national regulatory body in place. IartC is in discussion with the Federal Government on how best to tackle the exploitation that is occurring. This includes looking at changes to the Competition and Consumer Act to enshrine protections for Indigenous artists in Commonwealth law.



# REDUCING REDUCING EXPLOITATION.



IARTC REMAINS IN DISCUSSION WITH THE FEDERAL GOVERNMENT ABOUT HOW BEST TO ADDRESS ONGOING EXPLOITATION.

# CASE STUDY: THE ELUSIVE NATHAN PINJARRA

*In Victoria a sign in a suburban street advertised artworks by the Darwin based Indigenous artist Nathan Pinjarra.*

A local resident found that the artworks were being produced in a back shed by a non-Indigenous person who attached the signature of Nathan Pinjarra. In fact there is no Indigenous artist that fits these circumstances. Nathan Pinjarra is a bogus name attached to bogus artworks. The case highlights the difficulty of dealing with matters like this

through the current law. The Australian Competition and Consumer Commission (ACCC) investigated the case but under the current legal framework the matter did not fall within its jurisdiction. In short, no artworks were being copied so there was no copyright issue. While the advertising was found to be misleading no further action could be taken. This highlights the difficulty in pursuing cases and the inadequacy of current laws.

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*Indigenous  
artists need more  
effective laws.*

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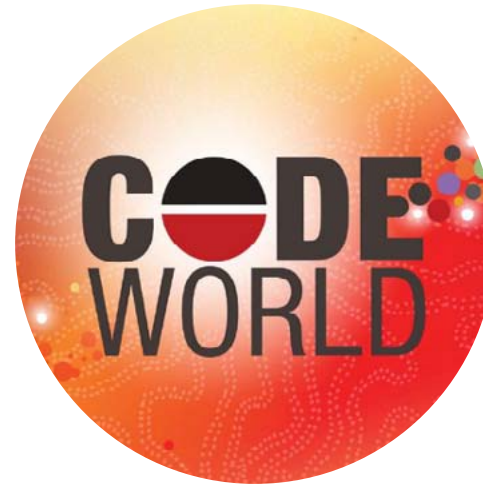
# GUIDED SUPPORT.

150

IN 2013 IARTC WORKED WITH MORE THAN 150 ARTISTS AND ART BUSINESSES TO IMPROVE UNDERSTANDING ABOUT ETHICAL ART PRACTICE.



# ARTIST EDUCATION



Shortly IartC will release *Code World*, a learning resource for artists developed in association with the registered training organisation *The Learning Workshop*, based in Cairns. *Code World* will provide a learning experience and tools so artists can broaden understanding of business relationships, legal concepts and their rights under the law. It features artist interviews, animation and practical exercises. It may be accessed on the Code website and will support individual and group learning at artist meetings across the country.

# INDIGENOUS REPRESENTATION

*At the annual general meeting held in Alice Springs last September the IartC membership moved to increase the number of Directors to allow for a majority Indigenous Board. Subsequently WA arts leader Dr Mark Bin Bakar, Victorian artists Bindi Cole and Maree Clark, and leading curators of Indigenous art Glenn Iseger Pilkington and Carly Lane have been appointed.*

This is another significant step for IartC. It ensures that the Board is truly representative of the entire sector and will further underscore the role of IartC as an advocate for fair dealing in Indigenous art.

We also welcome Solenne Ducos-Lamotte to the Board. Ms Ducos-Lamotte is the founder and Director of International Development for Australian Indigenous Art, based in Sydney. Information about all IartC Directors can be found on the Code website:

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**THE INDIGENOUS  
ART CODE PROUDLY  
ACKNOWLEDGES  
OUR SUPPORTERS:**







IF YOU WOULD LIKE TO RECEIVE  
MORE REGULAR UPDATES ON  
DISCUSSION ABOUT REVISIONS  
TO THE EXISTING LAW,  
PLEASE SEND YOUR EMAIL  
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