

What about souvenirs?

Some retail outlets sell manufactured items as Aboriginal art or artefacts.

- Check the authenticity of these items to ensure that they are attributed to and are licensed to an Aboriginal artist. This information should be included as part of the packaging.
- Unlicensed imitations of Aboriginal art may offend Aboriginal people, harm their livelihood options, and can infringe copyright and moral rights. An ethical consumer should avoid imitations.

Things to look out for

- Is the work manufactured in Australia?
- Is the artist clearly attributed as the maker of the art work?
- Does the label include information about the artist and origin of the art work?

Copyright ©

Purchasing an art work means an individual acquires possession of the physical item. However the purchaser does not acquire the right to reproduce the work in any way. Permission must be sought from the artist to reproduce the work (including putting it on a web site or making a drawing). A copyright fee may be required depending on the purpose of reproduction. Licence agreements with artists must be made to reproduce the work of an individual artist or community.

Aboriginal heritage

Aboriginal people have rights in relation to their cultural heritage, which may be legally enforceable.

Aboriginal heritage includes images depicting:

- Cultural practices
- Knowledge
- Beliefs
- Art styles & symbols

FURTHER INFORMATION

Copyright & Intellectual Property

Arts Law Centre of Australia

T 1800 221 457

E artslaw@artslaw.com.au W www.artslaw.com.au

Australian Copyright Council

W www.copyright.org.au

Aboriginal Art Associations

ANKAAA - Association of Northern,
Kimberley and Arnhem Aboriginal Artists

T +61 8 8981 6134

E info@ankaaa.org.au W www.ankaaa.org.au

Desart Australia

T +61 8 8953 4736

E mail@desart.com.au W www.desart.com.au

Consumer Affairs

Northern Territory Consumer and Business Affairs

Department of Justice

Complaints Line T +61 8 8999 1999

E consumer@nt.gov.au W www.caba.nt.gov.au

Office of Consumer and Business Affairs

South Australia

T 131 882 (cost of local call, excluding mobiles)

E metro.cab@agd.sa.gov.au W www.ocba.sa.gov.au

Department of Consumer and Employment Protection

Western Australia

T 1300 30 40 54 (cost of a local call)

E consumer@docep.wa.gov.au W www.docep.wa.gov.au

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Purchasing Australian Aboriginal Art

A Consumer Guide

Owning a piece of Australian Aboriginal art can provide a great deal of personal pleasure and satisfaction. The following information helps you make informed and ethical choices about buying Aboriginal art and artefacts.



Northern Territory Government

Department of Natural Resources, Environment and the Arts

Background

Australian Aboriginal art is the longest continuing art tradition in the world. Aboriginal people have been making art in this country for an estimated period of at least 40,000 years.

Art is an important economic and cultural enterprise for Aboriginal artists. Aboriginal art is prized by collectors from all over the world and is considered to be fine art as well as a unique form of cultural expression.

Who are the artists?

Aboriginal artists come from a diverse range of Aboriginal and Torres Strait Islander communities and cultures. This diversity reflects geographical, cultural and historical differences among numerous Aboriginal and Torres Strait Islander groups, many of whom continue to speak their ancestral languages.

Where do the artists work?

Artists are located in urban, rural and remote Aboriginal communities. Many remote Aboriginal artists are associated with community-based art centres. Aboriginal art centres are generally associations owned and governed by the artists with managers from the wider community. Urban artists often work independently and may be represented by a gallery.

Why do artists make the work?

Art is important to Aboriginal people economically, politically and culturally. It is a way to express a variety of messages about identity, belief and knowledge about people's relationship to ancestry and links to country.

While new art styles and new media have been adopted, distinct regional art styles remain strong. This diversity has become more varied as Aboriginal people experience

different circumstances and influences. Artists now frequently utilise Western materials and techniques such as acrylic paints, canvas, ceramics and printmaking, as well as traditional materials such as sheets of stringy bark, natural ochres and pigments, pandanus leaf, native grasses and timber. Aboriginal art is made for both the tourist and fine art market and varies in price accordingly.

The role of art galleries and art centres

There are many commercial outlets for Aboriginal art, use your judgment to evaluate your purchase. The following information may help your decision:

- Aboriginal artists are located in urban, rural and remote communities.
- Authentic Aboriginal art can be purchased directly from community art centres or art galleries and other established art outlets. Art galleries may also act as agents for individual artists or purchase directly from artists.
- Aboriginal art centres are generally associations owned and governed by the artists. They are non-profit organisations or companies which facilitate protection of artists' intellectual and cultural property, provide employment, income earning and training opportunities for Aboriginal people. Art centres may provide materials, promotion, documentation, dispatch systems and business management for the artists.

Is it authentic Aboriginal art?

All Aboriginal art should include a certificate of authenticity to establish the origin of the work. Provenance may come in the form of an official art centre or gallery label or swing tag in the case of small artefacts or a certificate of authenticity in the case of fine art items. Documentation should include some or all of the following:

- The name of the artist
- Title of the work
- When the work was made
- Language group of the artist
- Appropriate cultural information
- Where the work was made
- Community art centre
- Artists statement

Price of the work

The price of art work in an art gallery includes a gallery commission. This covers promoting, marketing, display and related gallery overheads. The art centre/artist also receives a percentage of the sale price which covers the cost of the artists' materials, packaging, freight and overheads for running the art centre and related support for artists and their communities. The greater percentage of funds returned to the art centre goes directly to the artist.

The price for original works of art and craft reflects the values, creative input, time, effort, cost of materials and cultural significance of the work and are the artist's livelihood.

Questions to consider when purchasing Aboriginal art

- Is the gallery a member of a reputable art gallery association such as the Australian Commercial Galleries Association?
- Does the art work have a certificate of authenticity to verify the origin of the work?
- Was the work sourced from an art centre?

