

## [Aboriginal and Torres Strait Islander Visual Arts and Crafts: Productivity Commission submissions due by 29 August](#)

**Date:** 20 July 2022


**Source:** [Australian Government Productivity Commission](#) 




**Abstract:**

The Australian Government Productivity Commission is inviting submissions in response to its draft report on Aboriginal and Torres Strait Islander Visual Arts and Crafts which, inter alia, makes a recommendation that would be welcome by many for a new law that strengthens protection for aspects of Indigenous Cultural and Intellectual Property (ICIP) used in visual arts and crafts. Submissions are due by Monday, 29 August 2022.

The comprehensive inquiry into the value, nature and structure of the current markets for First Nations art and crafts is driven by pervasive issues including the proliferation of inauthentic arts and crafts and the unethical treatment of artists. Such issues cause cultural and economic harm to Indigenous communities and wider Australian society by misrepresenting Indigenous culture, misleading consumers and depriving Indigenous artists of income. The commission is tasked with reporting on these matters and assessing potential policies to address market deficiencies.

Intellectual property laws protect the rights that artists have over their works. For example, the [Copyright Act 1968](#) (Cth) prohibits the copying and reproducing of an artist's work without their consent, as well as providing for moral rights and resale rights. Yet, as existing intellectual property laws fail to adequately address ICIP and the existing legal frameworks do not operate in a way that aligns with Aboriginal and Torres Strait Islander cultural heritage, many believe that standalone ("*sui generis*") laws are needed. A new law would formally recognise the interests of Aboriginal and Torres Strait Islander communities in their cultural assets, promote respectful collaborations and allow for legal action where protected cultural assets are used in visual arts and crafts without authorisation of traditional owners.

Other recommendations include developing a mandatory labelling scheme for inauthentic Indigenous-style products, bolstering the [Indigenous Art Code](#)  by creating an external dispute resolution capacity and evaluating the effectiveness of existing funding. The commission seeks feedback and submissions on these recommendations. The final report is expected to be provided by November 2022.


The Terms of reference are available [here](#) , the issues paper is available [here](#)  and the page to access the draft report and lodge submissions is available [here](#) . Oral submissions can also be made by contacting the Administrative Officer on 03 9653 2297 or by post to:

Indigenous Arts and Crafts Study

Productivity Commission

GPO Box 1428

Canberra City ACT 2601.

See the page of the Productivity Commission for Aboriginal and Torres Strait Islander Visual Arts and Crafts and the draft report [here](#) .

See also our guidance on [Reforms to the Copyright system to address ICIP Issues](#).

Aboriginal and Torres Strait Islander Visual Arts and Crafts: Productivity Commission submissions due by 29 August

[Subscribe to our practice area round-up emails](#) .

---

End of Document