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Artists outside art centres

Tim Acker

Lisa Stefanoff



Australian Government
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About the authors

Based in Canberra and employed by Curtin University, Tim Acker is the Principal Research Leader of the Aboriginal and Torres Strait Islander Art Economies project with the CRC-REP. Tim has worked with the remote Aboriginal and Torres Strait Islander art sector since 1999.

Based in Darwin, Lisa Stefanoff is an ARC Research Fellow at the National Institute for Experimental Arts, UNSW Art & Design. She was a senior researcher on the CRC-REP Aboriginal and Torres Strait Islander Art Economies project (2010–12) and lead researcher on ‘Artists outside art centres’. She has worked in the Aboriginal and Torres Strait Islander arts and media sectors since 2002.

For additional information please contact

Ninti One Limited

Communications Manager

PO Box 3971

Alice Springs NT 0871

Australia

Telephone +61 8 8959 6000

Fax +61 8 8959 6048

Email: communications@nintione.com.au

www.nintione.com.au

The CRC-REP produces two series of reports: working papers and research reports. Working papers describe work in progress for the purposes of reporting back to stakeholders and for generating discussion. Research reports describe the final results of completed research projects.

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Contents

Executive summary	iii
Introduction.....	4
Methodology	6
Results	7
Demographics, motivation and artistic practice	7
Working freelance	8
Business practices.....	10
Discussion and conclusion.....	13
References.....	14

Tables

Table 1: Responses to the question ‘How much art did you make last week?’	7
Table 2: Why artists work outside of an art centre.....	8
Table 3: Responses to the question ‘Do you trust the dealer or gallery you most often sell to?’	10
Table 4: Responses to the question ‘What makes you trust a dealer or a gallery?’	10
Table 5: Customers to whom artists sell	11
Table 6: Responses to the statement ‘Describe the ways you make your art different for different buyers’	12
Table 7: Responses to the question ‘Do you ever get or give any paperwork like receipts or contracts when you sell your art?’	13

Figures

Figure 1: Responses to the question ‘If you stayed, why did you stay?’	9
Figure 2: Sales price of artworks sold by independent artists.....	12

Executive summary

Aboriginal and Torres Strait Islander art is a prominent industry in remote Australia, with two prevailing business models. The principal one is a community-owned and -governed art centre representing remote area artists who are mainly located in northern and central Australia. The alternative model sees (many fewer) independent artists working directly with private art businesses, either dealers or galleries, in the way most non-Aboriginal or Torres Strait Islander artists operate. Although innovations such as online sales and the growth of art fairs is changing the way artists sell and consumers buy, these two models remain dominant.

This report presents research results drawn from surveys conducted with 57 independent Aboriginal artists in the Northern Territory, with a concentration in central Australia/Alice Springs. It seeks to provide some details about the little-known art-making and trade practices of artists who choose to work outside of art centres.

The findings link to the wider work of the CRC-REP Aboriginal and Torres Strait Islander Art Economies project (2011–16) that has investigated and reported on key parts of the supply chain linking remote area artists, art businesses and consumers. The aim of the Art Economies project is to generate evidence and information that assist the sector to understand and negotiate change and to support initiatives that build economic participation for remote area artists through the application of research results.

Summary of findings

- **Stability:** Around 90% of independent Aboriginal artists have been working for five years or more and many for over 20 years.
- **Modest production and sales:** Most artists work part time, with low levels of sales. In the week before their interviews, three-quarters of artists produced three or fewer works, and three-quarters earned \$100 or less from art sales in the same period.
- **Confidence:** Artists were largely confident in their professional choices and in navigating their different options for producing and selling artworks.
- **Risk:** The risk of unfair or unethical treatment does not discourage artists from working independently and engaging directly with private art trading businesses.
- **Knowledge:** Artists had low levels of wider professional or industry knowledge.
- **Trust:** Some artists mistrust dealers and galleries, but this mistrust either did not dominate artists' working lives or they were confident in managing their situation.
- **Trade practices:** Around half of all artists have felt 'ripped off' at some point. In contrast, artists also reported few specific problems, and their responses indicated confidence in their ability to manage commercial relationships, including issues such as 'book-up'.

It is hoped that this research can be used to inform organisations whose work intersects with that of independent artists and that at an art industry level, a more informed and nuanced, less polarised debate might be possible.

Introduction

The ‘Artists outside art centres’ research project is the first project to investigate the social and economic relationships between freelance Aboriginal¹ artists and private art businesses. It aimed to illuminate artists’ experiences of working freelance and private businesses’ modes of engaging with artists.

Aboriginal and Torres Strait Islander community-owned and -governed art companies/co-operatives – ‘art centres’ – have existed as a model of art-making and art trade since the early 1970s. Recent research indicates that more than 90% of remote area Aboriginal and Torres Strait Islander artists (Woodhead & Acker 2014a) work with, and are represented in the market by, one of the 90 or so art centres across the country. Previously, artists had traded objects directly with buyers. These unmediated direct artist–art business arrangements are now concentrated around a few key regional centres where remote artists and buyers trade, with Alice Springs being the primary location for independent art sales. The nature of Alice Springs as a hub for tourists and for medical, legal and commercial services for remote community artists has supported a proliferation of independent artists and galleries/dealers. Concerns about the fairness and legality of some aspects of art production and trade within this model are common. Altman and Ward (2002) investigated a wide range of competition and consumer issues relevant to Aboriginal and Torres Strait Islander Australians, noting that in the arts industry ‘a significant amount of anecdotal evidence has emerged [about] the unethical practices of some private dealers’ (p. xiv).

Both established and unknown artists work outside of art centres. Some sell directly to a number of buyers. Others work regularly for one or other dealer. Some work for art centres as well as selling work to private customers, dealers and/or galleries. Numerous commercial galleries and auction businesses buy art from private dealers who work directly with artists, and some galleries work directly with artists themselves (Acker et al. 2013).

The freelance segment of the Aboriginal and Torres Strait Islander art market is unregulated and embodies historically complex inter- and intracultural dynamics that have shaped relationships between artists and agents.² Claims and counter-claims of unethical or illegal practice about (and by) people working in direct artist/agent relationships are regularly aired in the press (e.g. McDermott 2008, McDonald 2010, Rothwell 2006, Taylor 2013). This debate has been conducted in newspaper and television journalism and is a constant topic of informal discussion within the industry. The central proposition is that freelance artists can be exploited by unethical practices; that disadvantaged by poverty, age, language, literacy and financial literacy, addictions, location or social obligations, they can be treated unfairly by dealers (who are overwhelmingly non-Aboriginal or Torres Strait Islander). Often referred to as ‘carpetbagging’, economically exploitative practices might include underpaying or non-monetary payment for works, non-compliance with Resale Royalty regulations, or keeping artists permanently ‘booked-up’.³ Other forms of illegal conduct, from false attributions of authorship to outright fakery and forcing artists to produce works by isolating them, to supply of illicit drugs, have also been alleged.

While the total number of artists working outside of the remote art centre framework is relatively small – estimated at fewer than 900⁴ nationally (Woodhead & Acker 2014a) – the activity of freelance artists generates significant debate and polarisation (see Newstead 2014). Aboriginal artists have to negotiate

¹ While the overall Aboriginal and Torres Strait Islander Art Economies project is concerned with the wider Aboriginal and Torres Strait Islander art sector, the issues described in this report are almost exclusively relevant to Aboriginal artists.

² The Art Economies Project uses the term ‘agent’ to describe all the actors connecting artists with buyers/audiences. This includes galleries, art centres and dealers, both private and public. In this report, the term ‘dealer’ specifically describes an agent without a gallery, buying directly from artists and selling directly to buyers.

³ ‘Book-up’ is where an art business advances money as a kind of line of credit, generally secured by the promise of a future sale of artworks.

⁴ The majority of the research reported here took place in and around Alice Springs. Woodhead and Acker (2014a) estimate there are around 230 independent artists operating in this area.

some of the sector's most enduring fault lines. Tensions between community art centres and private art businesses can run high, and friction between private art businesses is also common.

The experience of these freelance artists has been central to some defining moments in the sector, including the Securing the Future Senate Inquiry that considered 89 submissions and heard from over 70 industry professionals in public hearings held in Kununurra, Darwin, Alice Springs, Sydney and Canberra (SSCECITA 2007). The Senate Inquiry heard from a range of agents – artists, dealers and art centres – as well as galleries, academics, universities and bureaucrats about trade practices, economic dynamics and artist risks within the freelance sector. A major article by Nicolas Rothwell in *The Australian*, 'Scams in the desert' (Rothwell 2006), which described a range of practices including drugs and alcohol being a part of artist payments and/or inducements to produce paintings for particular dealers, set the tone of many of the Inquiry's submissions. The Inquiry made a range of recommendations, including establishing the Indigenous Art Commercial Code of Conduct and developing an art centre in Alice Springs that could cater for artists visiting from surrounding settlements. Despite changes in the sector, particularly the art market contraction since 2008, levels of concern about independent artists' experiences remain largely unchanged since the Inquiry. Articles about tensions between art centres and private dealers have appeared regularly in the past decade, and very little research into the complex zone of art production and trade outside of art centres has been undertaken.⁵

⁵ One exception is Chrischona Schmidt's PhD research (2012), which explores the work and working lives of Utopia area artists. Utopia area artists, including creators of some of the best known and most valuable works in collections and the auction market today, have an exceptional history of producing art in direct relationships with education providers and private dealers. Schmidt's research provides unique and detailed data on the dynamics of art production outside of art centres in one region over several decades.

Methodology

The CRC-REP ‘Artists outside art centres’ research project aimed to generate a detailed picture of the personal and social experiences and the productivity and economic practices of Aboriginal artists who work primarily or permanently outside of art centres. Key objectives included:

- ascertaining artists’ perceptions and experiences of, and attitudes to, working independently
- understanding artists’ social networks
- learning how artists balance their economic needs with varying trade practices
- measuring knowledge of industry regulations and support.

In 2012 an iPad survey tool comprising 98 multiple-choice questions in English and with scope for narrative responses to be recorded in any language was developed to collect and generate data aligned with other research being undertaken by the Aboriginal and Torres Strait Islander Art Economies project. The survey reflected consultations undertaken with artists and private dealers in Alice Springs in 2011–12 and followed survey outlines derived from research design workshops conducted with Aboriginal artists, researchers and peak body Desert in 2012. The Business Development Unit division of Ninti One was contracted to carry out the interviews, following the pilot-testing phase.

The survey was designed to be completed in a face-to-face interview involving one or two Aboriginal Community Researchers (ACRs) and an artist, either alone or with family or collegial company. Respondents were offered the option of completing the survey as an interview conducted entirely in their own language. Artist respondents could elect to complete the survey themselves or with an ACR on hand to address any queries, or they could choose to have each question and set of answer choices read out to them by the ACR who would also record their responses. Spoken interpretations were offered in artists’ preferred languages where needed and possible.

Most questions offered artists a list of possible responses and the option of making a response not already listed. Some questions allowed respondents to offer multiple answers (e.g. languages spoken, buyers of an artist’s art, reasons for trusting a dealer or gallery). All questions were optional. Very few narrative responses were recorded. Some surveys were completed on paper, and ACRs entered the data into the electronic survey later.

A list of potential artist respondents was compiled based on industry research, artist consultations, suggestions from ACRs and a range of the researchers’ personal and professional contacts. Participants were selected according to three criteria:

- Location: a mix of Alice Springs–based and remote community artists, covering several different cultural regions and communities with and without art centres
- Careers: artists whose working life ranged in both length and type of practice
- Gender and age: mixed, with ages ranging from 18 to over 66.

Independent artists are a complex sample group to access; many have unpredictable schedules. Advance plans to meet to complete the survey were made where possible. A total of 57 interviews were completed over a period of several weeks between March and May 2013. Most were conducted in and around Alice

Springs in both private and public locations.⁶ A small number were done via field trips to desert communities and several were completed in Katherine. The survey completion rate was generally high, with an average response rate of 85–90%. Some questions relating to specific types of transactions and working arrangements drew a lower response rate of around 50–60%.

Results

Demographics, motivation and artistic practice

The gender mix of the 57 interviewees was 50 (88%) female and 7 (12%) male.⁷ Eight artists (14%) were aged 30 or younger, 23 (40%) were aged 31–50, and 26 (46%) were older than 50. Compared to the age profile of artists nationally (Woodhead & Acker 2014b), independent artists in the group surveyed were older, with fewer artists under 30 and around twice as many over 50.

The 57 artists spoke 21 languages, with English and Luritja the most common languages recorded, followed by a wide range of central and eastern desert languages. Twenty-five of the participants (44%) had completed high school, while another 9 (16%) had some education beyond high school, including TAFE or workplace training. Two respondents stated they had been to university.

The stability of freelance artists' careers was notable, with 34 participants (60%) stating that they had been making art for more than 20 years. Five artists (9%) had been making art for five years or less, suggesting well-established professional choices for the majority of independent Aboriginal artists. It was also notable that 50 artists (88%) reported that other members of their families were also artists, with 32 artists (56%) hoping their children or grandchildren would become artists.

Painting was the artistic medium of choice for all participants. Twenty-eight (49%) also used additional mediums in their artistic practice, including fibre, textiles or fabrics, and different types of three-dimensional work, such as basket-making, carving and jewellery. Most artists (70%) worked at home, with only 5 saying that they worked at a private dealer's place or at a gallery. Artists' rates of production appear modest (see Table 1), reflecting the part-time practice reported by the 48 respondents (84% response rate): 19 artists (40%) reported working for three hours or less in the previous week, 18 artists (38%) from four to ten hours, 7 artists (15%) from ten to twenty hours and only 4 artists (8%) more than twenty hours.

Table 1: Responses to the question 'How much art did you make last week?'

Number of artworks produced	%
None	57%
1–3 pieces	15%
3–5 pieces	17%
5–10 pieces	9%
20+	2%

⁶ Artists working for the private art business studios in and around Alice Springs were not surveyed in situ. Some may have been surveyed in other locations.

⁷ This is different from the overall Aboriginal and Torres Strait Islander artist gender balance, which, according to Woodhead and Acker (2014a) is 70–75% female.

When asked about their motivations for being an artist – ‘Why do you make art?’ – respondents gave a number of reasons, with the chance to make money being the main one (27%). Art-making as a way of keeping busy and reducing boredom was the second most common reason (17%). If measures of social and cultural motivators (remember my country, share my culture, teach law and culture, relax and make beautiful things) are combined, these dominate (54%).

Participants gave a wide variety of responses to the question ‘Why do you work freelance (rather than at a community art centre)?’ (see Table 2).

Table 2: Why artists work outside of an art centre

I prefer to get money straight up	26%
I like to make my art at home	17%
I like to work whenever I feel like it	14%
I don't have a connection to an art centre	9%
I can choose the most comfortable place to make art	9%
I prefer to work for myself	7%
Sometimes I get stuck in town a long way from my community art centre	4%
My art centre shut down	4%
I was taught to work this way	4%
Sometimes I want a break in town so I sell art to pay for things there	3%
Sometimes I don't like the community art centre staff	1%
Sometimes I want a break from my art centre	1%
My private dealer looks after me well	1%
When I work for people in town I get looked after well with food and transport	1%

Note: Respondents were able to select more than one answer to this question; 159 responses were recorded in total. Percentages reflect distribution of these across the 14 possible answers.

Working freelance

Central to many of the sector’s debates and disputes regarding artists working outside of art centres is a concern that they are being ‘ripped off’. The nature of alleged ripping off ranges from artists being underpaid or paid through non-monetary exchanges, to paintings not being done by the artist whose name is attributed to them (often described as not being authentic, but encompassing a wide range of practices, including forgeries and fakes [Chappell & Polk 2009]). Industry debates are at their most polarised in relation to independent artists, particularly when artists move between different business models: painting for one (or more) art centres while in remote areas and working for one (or more) private agents when in town.

To better understand the nature of artists’ transactions with private agents, as experienced by artists, survey participants were asked a range of questions about their working life and the negotiations they enter into when selling their artworks. There were 37 responses (65% response rate) to the question ‘If you sell to a dealer or a gallery, can you describe how you met the dealer or gallery person for the first time?’, with 17 artists (46%) saying they introduced themselves. Fourteen artists (38%) had a gallery or dealer (or someone associated with the gallery or dealer) approach them. In the remaining 6 (16%) cases, the artist was introduced to the gallery or dealer by friends or family.

It was striking that of the 54 artists (95% response rate) who responded to the question ‘Have you ever had problems when you’re making art for private customers, dealers or galleries?’, 41 artists (76%) stated

‘never’. A further 10 artists (19%) said ‘sometimes’, while 3 artists (6%) said they ‘always’ had problems. Having almost a quarter of artists reporting occasional or ongoing problems indicates that this unregulated market poses risks for artists. That almost three-quarters of artists negotiating with private agents throughout their careers claim to ‘never’ have problems suggests a significant and under-acknowledged level of professional confidence and capacity among freelance artists.

Participants were asked more specifically ‘Have you ever felt that you have been ripped off by a dealer?’ The response rate to this question was low, at 58%. Of these respondents, 7 (21%) artists said ‘no’. Seventeen (52%) said ‘yes – often’ and the remaining 9 (27%) artists said ‘yes – sometimes’. If artists who sometimes or often felt ripped off are combined (26 artists), then nearly half (46%) of the total participants had felt ripped off at some point. A subsequent question in the survey indicates a degree of professional confidence by the 26 ripped-off respondents, with 15 artists (58%) saying that they had stopped working with the person/business that had ripped them off. Those artists who did not stop working with the person/business gave a range of reasons for why they had stayed despite the negative experiences, as shown in Figure 1.

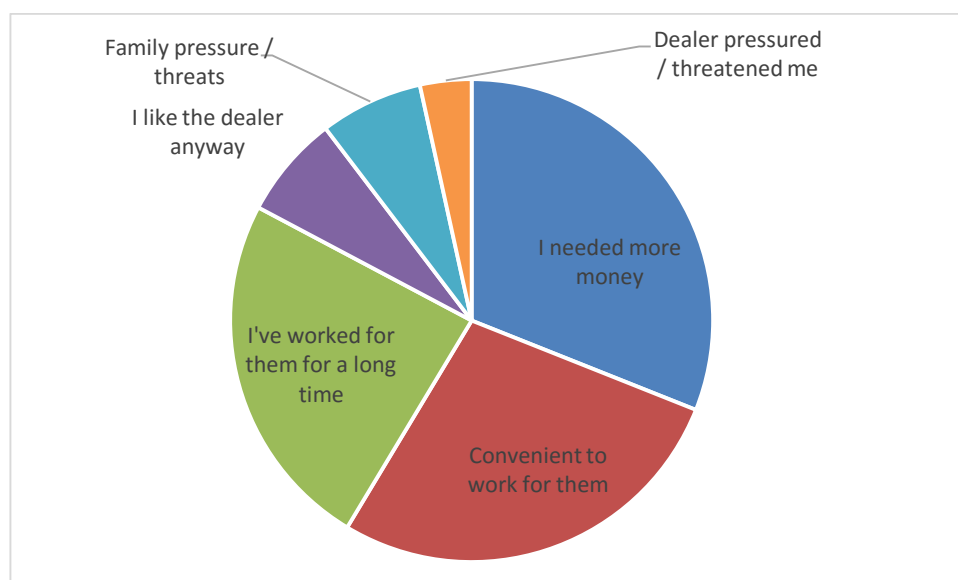


Figure 1: Responses to the question ‘If you stayed, why did you stay?’

These negative experiences are partly reinforced by the responses to a further question: ‘Do you ever feel like someone in the art business has lied to you?’ Fifty-three (93%) artists responded, with the 23 artists (40%) who said ‘often’ or ‘sometimes’, balanced by an equal number saying ‘never’ or ‘hardly ever’. The remaining 7 respondents were ‘not sure’.

When artists were asked in the first part of the survey to nominate the sorts of problems they negotiated in their work, the 33 responses (58% response rate) noted various forms of work-related pressure. While 7 artists (21%) indicated that getting materials was a problem when working freelance, 8 artists (24%) listed factors such as ‘having to work too quickly’, 4 artists said ‘not feeling well enough to work’ and ‘working too hard’ (each 12%), 3 artists noted family pressure (‘humbug’) (9%) and 2 artists cited ‘dealer pressure’ (6%). Two artists stated that they had the problem of ‘people stealing my art to sell for themselves’.

Artists were asked directly if they trust the dealer/s or gallery/ies they work with. The response rate was low – 18 artists (32%) – with results shown in Table 3. The 15 artists (83%) who said that they ‘never’ or

‘sometimes’ trust their agents indicates that while there is a level of confidence in artists’ transactions, distrust is a feature of many relationships.

Table 3: Responses to the question ‘Do you trust the dealer or gallery you most often sell to?’

I always trust them	17%
I trust them sometimes	50%
I never trust them	33%

Artists who said that they always or sometimes trusted a dealer or a gallery were able to select as many of the six listed reasons for maintaining this trust as they wished. Some respondents selected only one reason; others selected two, three or four. None selected all six. The results are shown in Table 4.

Table 4: Responses to the question ‘What makes you trust a dealer or a gallery?’

They pay good money	30%
They keep their word	22%
They are kind to me	17%
They listen to me	13%
They are good to my family	13%
They taught me about the art business	4%

These results are reinforced by responses to a further question – ‘Have you ever heard bad stories about a dealer, gallery or customer who you’ve sold art to?’ – indicating that nearly 60% of artists had to factor negative representations of a dealer, gallery or customer into their risk management for transactions with that buyer.

While there are some clear indications that independent artists generally have confidence in their professional practice, the responses to a question about where artists might seek help in the event of difficulties highlight that this confidence is not backed up by a depth of industry knowledge or a support network. Of the 54 (95%) artists who responded to a question asking if they knew where to seek assistance, 83% said ‘no’ and a further 15% said they ‘weren’t sure’. In further signs of the limited professional capital of independent artists:

- Only 11% of artists knew something of peak agencies, in particular, Desart (which is Alice Springs-based).
- Three-quarters (76%) of artists had not heard about Resale Royalty.
- Only 24% had heard about copyright and licensing; just over half of these said they wanted to know more about copyright.
- Forty-three artists (77% of respondents) did not have a will.
- Forty-seven artists (84% of respondents) had not heard of the Arts Law Centre of Australia or their Aboriginal and Torres Strait Islander program, Artists in the Black.

Business practices

Some of the most contentious, and uninformed, debates have taken place around the pricing strategies, paperwork, record-keeping practices and sales of independent artists. The survey asked artists a series of

questions about how they conduct their business. The intention of these questions was to improve the understanding of their work practices and the nature of their transactions.

Artists were asked about the different sales channels they use, with results shown in Table 5. The dominant place of private customers (41%) is notable, more than the combined total of sales to galleries and private dealers (33%). It is also notable that 26% of responses show artists moving between art centres and private art businesses. Survey results also indicate that private customers are accessed in a wide range of sales places, including caravan parks, hotels and motels (around 20% of artists nominated such locations), the Alice Springs Hospital and, primarily, Todd Mall, where 44% of artists sold works.

Table 5: Customers to whom artists sell

Private customers only	41%
Galleries only	25%
Sometimes art centres and sometimes galleries	13%
Dealers only	8%
Sometimes art centres and sometimes private customers	8%
Mostly to an art centre	4%
Sometimes art centres and sometimes dealers, galleries or private customers	1%

^a Respondents could choose more than one option

Of 54 artists (95% response rate), 41 (76%) reported that cash is their most common method of payment, followed by 7 artists (13%) receiving goods and services (e.g. cars, bills, swags, alcohol, food) and 6 artists (11%) being paid by cheque or bank transfer. Of the 9 participants (16%) who reported receiving things in addition to money for their art income, around two-thirds received food for themselves or their families.

‘Book-up’ is a common phenomenon in remote communities. However, when artists were asked whether they ever get book-up anywhere they sell their art, 79% said no. Of those who answered yes, two-thirds said they always understood the amount of book-up they had. Participants were also asked if any art business had ever kept their bank ATM keycard or Centrelink welfare Basics Card: all respondents said no. One artist indicated ‘sometimes my keycard is kept to pay back my book-up’. While such transactions can pose risks for artists, from these responses it appears that the amount of book-up and other payment issues is relatively small, and a majority of artists either avoid such transactions or are confident in managing them.

Participants were asked whether they knew what a good price for their artwork was. Of the responses, 56% said yes, 42% said they weren’t sure and 2% said no. In a majority of cases (63%) where work was sold to private customers, the artist sets the price, but about half the artists reported customers bargaining for a better price. When selling to a gallery this is reversed (58%), with the gallery setting the price most of the time. When selling to a dealer, bargaining is the most common way to agree on the price. The cumulative result is that of the 24 artists (42% response rate) who answered this question, 5 (21%) said they ‘always’ get the price they want, 13 artists (54%) said they ‘sometimes’ get the price they want and 6 artists (25%) say they ‘hardly’ or ‘never’ get the price they want.

In terms of actual sales, Figure 2 shows the range of price points attained by independent artists. It is notable that this price point profile broadly follows those recorded nationally (Woodhead & Acker 2014b) and in particular that around 90% of artworks sell for under \$1000. Further (and again, reflecting overall national patterns), for the majority of artists, income from art sales is irregular and modest, with few artists

making a stable income (Woodhead & Acker 2015). Art income is used primarily to subsidise basic living costs, with nearly 60% being spent on essentials such as food, clothing and power.

Two-thirds of artists reported no sales in the week previous to the survey, while another 10% made less than \$100. Just 2 (4%) artists made between \$600 and \$1000, highlighting that for most, in mainstream economic terms, art-making is a hobby.

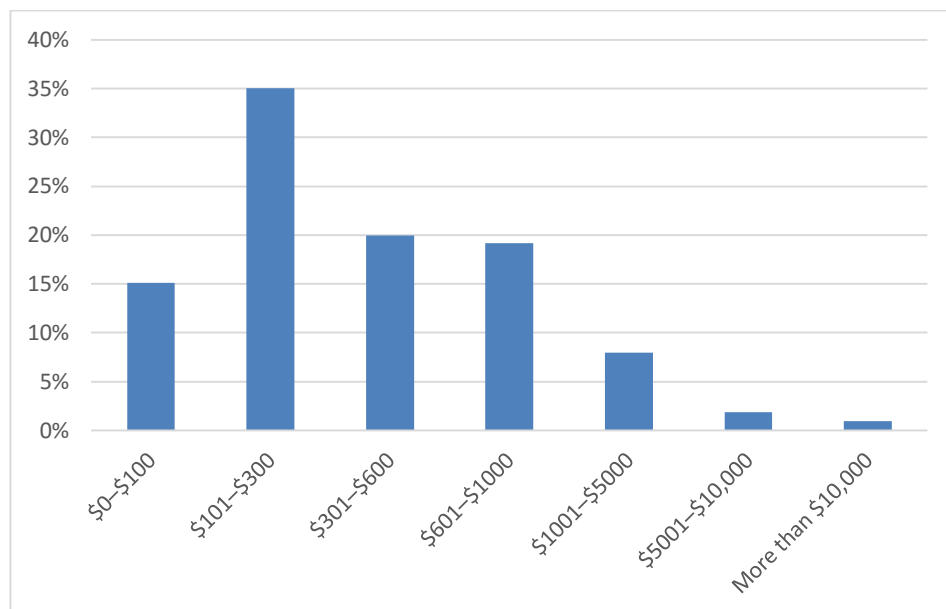


Figure 2: Sales price of artworks sold by independent artists

To discover more about the tactical business decisions made by independent artists, participants were asked whether they made different styles or products of art for different kinds of buyers. Of the 53 responses, 34 artists (64%) said ‘yes’. The different approaches nominated by respondents are shown in Table 6.

Table 6: Responses to the statement ‘Describe the ways you make your art different for different buyers’

Different designs	34%
Different sizes	30%
Different stories	23%
Different materials	8%
Different products	5%
Different quality	1%

Note: respondents were allowed to give more than one answer here.

Questions about the provision of information and documentation are common in industry debates about trade practices and ethical buying. Artists were asked ‘Do you ever get or give any paperwork like receipts or contracts when you sell your art?’ (Table 7).

Table 7: Responses to the question ‘Do you ever get or give any paperwork like receipts or contracts when you sell your art?’

Never	92%
Sometimes	6%
Always	2%

There were 33 responses to the question ‘Has a dealer or gallery ever asked you to sign a contract to say you’ll only work for them?’; 29 artists (88%) said ‘no’; only 1 artist answered ‘yes’ and 3 were ‘unsure’.

Twenty-three participants answered the question: ‘Does your dealer or gallery ever give you information about how the art industry works?’ Nine artists (39%) said that they had. Of the 10 artists who answered the question, ‘Has a dealer ever talked with you about where they are going to sell your art?’, 3 artists (30%) of artists said they were aware of where their artwork was being sent or sold.

Discussion and conclusion

Since the emergence of a recognised Aboriginal art market in the early 1970s, remote community Aboriginal artists have consistently worked outside of the art centre network. Although the establishment and development of community-owned and -governed Aboriginal art centres over the past four decades has brought enormous change to the ways art is produced, marketed and sold, independent Aboriginal artists remain an important part of the sector. Significantly, around a quarter of artists make and sell their work both ways. This is often a cause for concern for the art centres that are responsible for managing artists’ careers, from skills development to quality control and market supply. The mobility that results from artists’ working choices and activities also presents challenges for peak agencies in providing support and services and in addressing allegations of unethical or illegal conduct.

The ‘Artists outside art centres’ survey data show that those artists working exclusively or sometimes outside of art centres are largely confident in their professional choices, are aware of the risks they face in these choices and are able to navigate their zones of the art industry. The results also make clear that these artists face hazards, that there is considerable mistrust of agents and that artists have limited industry knowledge. These findings provide a counterpoint to the common and reductive characterisation of freelance artists as passive and disempowered or as victims of commercial forces. However, the high proportion of freelance artists reporting negative experiences, combined with working in a professionally high-risk environment, indicates that important issues remain unresolved.

It is hoped that the information derived from this research can contribute to more measured debate and decision-making around independent and semi-independent town-based Aboriginal artists. Further, it is hoped that these findings can help better focus and coordinate the activities of the Indigenous Art Code of Conduct and the Australian Competition and Consumer Commission as they seek to address alleged or actual unethical or illegal conduct in the sector.

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