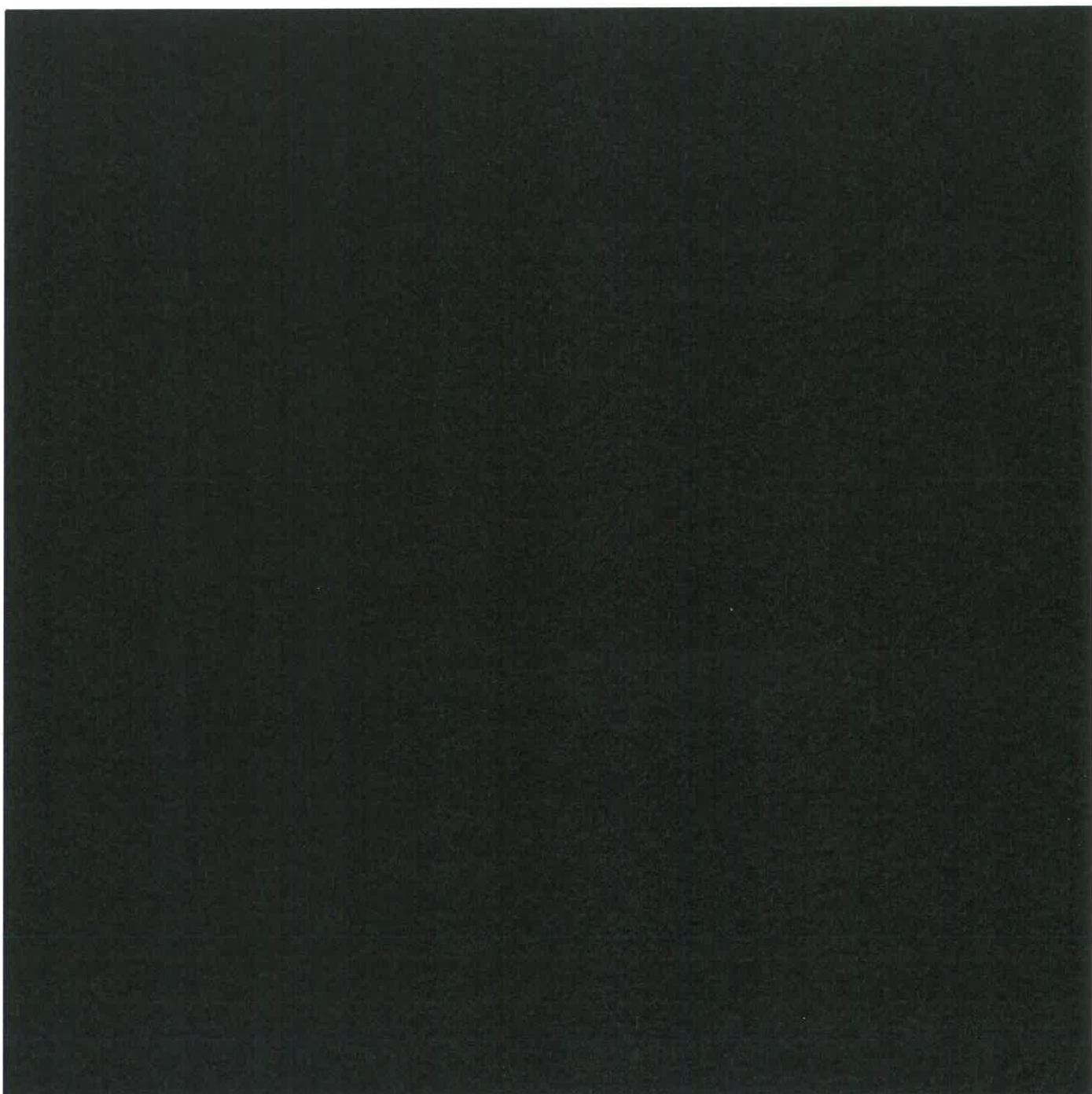


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Vaughan, Sharyn

From: Eckermann, Kate
Sent: Wednesday, 13 June 2018 4:36 PM
To: Vaughan, Sharyn; Dowers, Michael; Jennings, Libby
Subject: RE: Follow up question / Indigenous art [DLM=Sensitive]

Categories: Green Category
Security Classification: Sensitive



From: Dowers, Michael
Sent: Wednesday, 13 June 2018 12:13 PM
To: Eckermann, Kate <katrina.eckermann@accg.gov.au>; Vaughan, Sharyn <sharyn.vaughan@accg.gov.au>;
Jennings, Libby <elizabeth.jennings@accg.gov.au>
Subject: RE: Follow up question / Indigenous art [DLM=Sensitive]

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Hi Eckers,

A couple of suggestions from me, in red, below.

Second bullet point: I've been told by some Indigenous artists that the reason they choose (some do however) not to print their art onto cheaper souvenirs like stubby coolers and key rings is because they feel that it trivialises their art.

Third bullet point: Just a suggestion to help the sentence flow a bit more.

Regards,

Michael Dowers
Director | Townsville
Enforcement Queensland & Northern Territory
[Australian Competition and Consumer Commission](#)
www.accc.gov.au

Level 9 | Suncorp Building | 61 – 73 Sturt St | Townsville QLD 4810

T x2600 | P: 07 4729 2666 | F: 07 4721 1538 | M: 0413 474 524
ACCC Cartel Immunity Hotline T: +61 2 9230 3894

The ACCC acknowledges the traditional custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

From: Eckermann, Kate
Sent: Wednesday, 13 June 2018 11:42 AM
To: Vaughan, Sharyn <sharyn.vaughan@acc.gov.au>; Dowers, Michael <michael.dowers@acc.gov.au>; Jennings, Libby <elizabeth.jennings@acc.gov.au>
Subject: RE: Follow up question / Indigenous art [DLM=Sensitive]

Hi all

What do you guys think about the below points? I've used Scott's dot points as the base, but have drawn from the Birubi MR and concise statement, the Indigenous Art estimates brief and my chat with Shaz.

- Dealing with consumer law issues that impact on Indigenous Australians is an enduring priority for the ACCC.
- The ACCC views as serious misleading claims that give the impression that products or art are produced by Indigenous Australians when they are not. Such misleading claims have the potential to impact not just customers, who think they are buying genuine handmade Indigenous art or products, but they also have the potential to undermine the integrity of Indigenous art and negatively impact Indigenous artists, including by undervaluing or trivialising their authentic works. Furthermore, passing off for commercial gain artwork or cultural objects as being hand-painted or made by Indigenous Australians may be considered within Indigenous Australian communities to be culturally demeaning.
- The ACCC is able to address such misleading conduct involving misleading both express or implied ~~conduct or~~ representations. Implied representations may arise when the product is painted in a traditional Indigenous style, contains some form of representation as to 'hand painted' or 'hand crafted' or reference to Indigenous Australia, but has no information as to its true country of origin.

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- The ACCC has a history of action in this area. [REDACTED] we considered several allegations of such conduct and commenced proceedings against one trader. That matter is before the court. We continue to investigate further allegations and may take further action in the second half of this year.
- [REDACTED] and will look to leverage off outcomes in current matters to try to address this kind of conduct in the industry.

Kate Eckermann

Assistant Director | Enforcement Coordination

Australian Competition & Consumer Commission

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From: Jennings, Libby

Sent: Wednesday, 13 June 2018 10:01 AM

To: Heys, Nicholas <nicholas.heys@acc.gov.au>; Vaughan, Sharyn <sharyn.vaughan@acc.gov.au>; Eckermann, Kate <katrina.eckermann@acc.gov.au>; Dowers, Michael <michael.dowers@acc.gov.au>

Cc: Gregson, Scott <scott.gregson@acc.gov.au>

Subject: RE: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Ta Nick.

Kate - I understand that there is a comprehensive Exec Brief following institution of Birubi which might be quite helpful.

Happy to assist where I can

Lib.

Elizabeth Jennings

A/g General Manager | Enforcement Queensland and Northern Territory

Australian Competition & Consumer Commission

Level 24 | 400 George Street, Brisbane QLD 4000

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LGTTI Ally

From: Heys, Nicholas

Sent: Wednesday, 13 June 2018 9:52 AM

To: Vaughan, Sharyn <sharyn.vaughan@acc.gov.au>; Eckermann, Kate <katrina.eckermann@acc.gov.au>; Dowers, Michael <michael.dowers@acc.gov.au>; Jennings, Libby <elizabeth.jennings@acc.gov.au>

Cc: Gregson, Scott <scott.gregson@acc.gov.au>

Subject: FW: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Scott – not sure whether you've passed this on, do you want Kate to coordinate?

Kate – if we need to pull something together on this are you able to work this up in conjunction with Shaz, Mick and Lib?

From: Davidson, Elise

Sent: Wednesday, 13 June 2018 9:26 AM

To: Gregson, Scott <scott.gregson@acc.gov.au>; Anderson, Michael <michael.anderson@acc.gov.au>; Heys,

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Nicholas <nicholas.heys@accg.gov.au>

Subject: FW: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Hi all

Just following up on this. Scott, appreciate you have a lot on so copied in Nick and Michael as they often prepare these sort of responses on our behalf and might be able to draft something for you.

Best
Elise

From: Davidson, Elise

Sent: Thursday, 7 June 2018 3:41 PM

To: Rickard, Delia <Delia.Rickard@accg.gov.au>; Gregson, Scott <Scott.Gregson@accg.gov.au>; Ayres, Lisa Anne <LisaAnne.Ayres@accg.gov.au>; Peter, Wendy <Wendy.Peter@accg.gov.au>

Cc: de Gruchy, Rayne <Rayne.deGruchy@accg.gov.au>

Subject: RE: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Hi all

ve just heard back from Grace; they've been in the middle of shooting. Good news Delia is we are not needed on camera for an interview at this stage, as I know your schedule is already jam packed at the moment.

Grace would like on the record something to the effect of that we have a number of active investigations into fake Indigenous art (without naming any individual businesses), and we would have concerns where etc etc. She was particularly interested in understanding the law in relation to misleading and deceptive and what we would think that would look like.

Scott, would it be possible for you to ask Melinda's team to draft something they are comfortable with sharing with the program? Not a huge rush, this may go to air the Sunday after next but depends on the Voice, apparently.

Thanks and best
Elise

From: Rickard, Delia

Sent: Tuesday, 5 June 2018 2:32 PM

To: Gregson, Scott <scott.gregson@accg.gov.au>; Ayres, Lisa Anne <LisaAnne.Ayres@accg.gov.au>; Davidson, Elise <elise.davidson@accg.gov.au>; Peter, Wendy <wendy.peter@accg.gov.au>

Cc: de Gruchy, Rayne <rayne.deGruchy@accg.gov.au>

Subject: RE: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Thanks for that feedback. Happy for us to do this on camera.

Sent with Good (www.good.com)

-----Original Message-----

From: Gregson, Scott

Sent: Tuesday, June 05, 2018 02:26 PM AUS Eastern Standard Time

To: Ayres, Lisa Anne; Davidson, Elise; Rickard, Delia; Peter, Wendy

Cc: de Gruchy, Rayne; Gregson, Scott

Subject: RE: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

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Thanks all,

There are a few sensitivities here including matters before the court. This said, I think there is a clear line of contribution we can make on the broader issues, our past activity in the area and our ongoing interest through current investigations.

I support agreeing to on camera and pleased to work on possible talking points.

Regards

Scott

Scott Gregson

Executive General Manager, Enforcement Division
Australian Competition & Consumer Commission
Level 3, 23 Marcus Clarke St, Canberra, ACT, 2601 | GPO Box 3131, Canberra, ACT, 2601
T: 02 62431350 | M: 0438 288 246

www.accc.gov.au

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From: Ayres, Lisa Anne

Sent: Tuesday, 5 June 2018 2:18 PM

To: Davidson, Elise <elise.davidson@acc.gov.au>; Rickard, Delia <delia.rickard@acc.gov.au>; Gregson, Scott <scott.gregson@acc.gov.au>; Peter, Wendy <wendy.peter@acc.gov.au>

Cc: de Gruchy, Rayne <rayne.deGruchy@acc.gov.au>

Subject: RE: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Elise given that conduct impacting Indigenous Australians is one of our enduring priorities I think it is worth doing the interview on camera.

As you are aware we continue to be named in the hearings of the Standing Parliamentary looking at these issues.

Lisa Anne

From: Davidson, Elise

Sent: Tuesday, 5 June 2018 12:42 PM

To: Rickard, Delia <delia.rickard@acc.gov.au>; Gregson, Scott <scott.gregson@acc.gov.au>; Peter, Wendy <wendy.peter@acc.gov.au>

Cc: Ayres, Lisa Anne <LisaAnne.Ayres@acc.gov.au>; de Gruchy, Rayne <rayne.deGruchy@acc.gov.au>

Subject: RE: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Thanks Delia. To clarify, this would not be in relation to anything before the Courts, i.e. Birubi.

E

From: Rickard, Delia

Sent: Tuesday, 5 June 2018 12:36 PM

To: Davidson, Elise <elise.davidson@acc.gov.au>; Gregson, Scott <scott.gregson@acc.gov.au>; Peter, Wendy <wendy.peter@acc.gov.au>

Cc: Ayres, Lisa Anne <LisaAnne.Ayres@acc.gov.au>; de Gruchy, Rayne <rayne.deGruchy@acc.gov.au>

Subject: RE: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

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While my instincts are to agree to do an on camera, however, given that we're in court, I'd take advice from Wendy on the request. As we've provided backgrounding the need for us to do it is reduced.

Cheers
Delia

Delia Rickard

Deputy Chair
Australian Competition & Consumer Commission
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From: Davidson, Elise

Sent: Tuesday, 5 June 2018 12:02 PM

To: Gregson, Scott <scott.gregson@acc.gov.au>; Rickard, Delia <delia.rickard@acc.gov.au>

Cc: Ayres, Lisa Anne <LisaAnne.Ayres@acc.gov.au>; de Gruchy, Rayne <rayne.deGruchy@acc.gov.au>

Subject: FW: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Hi Scott, Delia

See below from 60 Minutes. Thanks for your time and detailed background you provided yesterday, Scott, it was great.

Delia – Rod is not checking emails for the rest of today so looping you into this request. We were asked to provide background for a forthcoming 60 Minutes story on fake Indigenous art.

All - do you think we should consider this request to speak on camera on the record? We would not have to name the businesses, obviously, but I think it a good opportunity to talk about the *type* of conduct/practices we find concerning, and send a wider deterrence message.

Regards
Elise

From: Tobin, Grace <GTobin@nine.com.au>

Sent: Tuesday, 5 June 2018 11:55 AM

To: Davidson, Elise <elise.davidson@acc.gov.au>

Subject: Follow up question / Indigenous art

Hello Elise,

Thanks so much for lining up the chat yesterday with Scott Gregson. Really appreciate it.

Given it was only for background purposes. [REDACTED]

I was hoping to include a line about it in our story.

No problem if not.

Many thanks,

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Grace Tobin

Producer

60
MINUTES

a division of 9Nine

T +61 2 9965 4625 [REDACTED]

A 24 Artarmon Rd, Sydney, NSW, 2000

E gtobin@nine.com.au



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