

Review of the APY Art Centre Collective Aboriginal Corporation

TERMS OF REFERENCE

Purpose

Art centres play an essential role in culturally supporting, developing and providing a platform for Aboriginal artists and communities to share and maintain their cultural and artistic practice.

The purpose of the review is to have an independent panel with required expertise consider the operations of the APY Art Centre Collective Aboriginal Corporation (APYACC), including the governance, management and practices of its member art centres on the Anangu Pitjantjatjara Yankunytjatjara (APY) lands and its Adelaide studio. The panel will also assess allegations made against the APYACC in relation to these matters.

Context

Established in 2017, the APYACC is an Aboriginal corporation under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. It represents a number of Indigenous-owned and -governed enterprises, including four located on the APY lands in the north of South Australia, and it has galleries located in Melbourne, Sydney and Adelaide. It also operates an art-making studio in Adelaide.

The APYACC is supported through income generated from sales of art, Commonwealth and State Government grants, including from the South Australian Government, as well as philanthropic and corporate support.

Allegations have been made against, or in relation to, the APYACC. The allegations are both current and historical. Allegations have been made publicly by Indigenous artists and art centre workers and reported in the media.

The allegations include:

- that APYACC staff have intervened in the artwork of Indigenous artists working in or for the APYACC, including in the Tjala Centre on the APY lands and its Adelaide studio;
- that APYACC staff have concealed interventions in the artwork of Indigenous artists working in or for the APYACC; and
- that APYACC is not supporting a culturally safe, respectful and appropriate workplace for artists working in its member art centres on the APY lands and in its Adelaide studio.

The APYACC has publicly committed to fully cooperating with any review conducted into the allegations.

Panel

The review will be conducted by a panel appointed by the Minister with the skills, experience and authority to conduct an independent consideration and assessment

of the allegations and the operations of APYACC. The panel will be comprised of a legal member and two Indigenous members.

Scope

The panel will undertake a review into the allegations and the operations of the APYACC.

The review will involve:

- gathering information relevant to the allegations and the operations of the APYACC;
- considering and assessing the allegations and the operations of the APYACC; and
- determining whether there is any matter or matters that ought to be the subject of investigation or regulatory action by another body;

including in relation to:

- allegations, both current and historical, that APYACC staff have intervened in the artwork of Indigenous artists working in or for the APYACC, including in its member centres on the APY lands and/or its Adelaide studio;
- allegations that efforts have been made by APYACC staff to conceal interventions in the artwork of Indigenous artists working in or for the APYACC;
- allegations that APYACC is not supporting a culturally safe, respectful and/or appropriate workplace for artists working in or for the APYACC, including in its member centres on the APY lands and/or its Adelaide studio;
- the management practices of APYACC and the management practices of its member centres on the APY lands and/or its Adelaide studio;
- the authenticity and accuracy of documentation submitted to the Commonwealth Government and/or the South Australian Government in support of APYACC's applications for grant funding from those governments;
- APYACC's compliance with its current business plan, strategic plan and any public statements made by the APYACC representing its operations;
- the terms of engagement for artists engaged by APYACC in its member centres on the APY lands and/or its Adelaide studio, including the payment or compensation arrangements in place between APYACC, its member art centres on the APY lands and/or its Adelaide studio, and the artists engaged;
- the nature, extent and circumstances of any contributions that third parties, including studio assistants and managers at the APYACC and/or its member centres, make to the creation of artworks produced in APYACC's member art centres on the APY lands and/or its Adelaide studio; and
- any other matter that the panel considers relevant to its consideration and assessment of the allegations and the operations of the APYACC.

Method

The review will provide an opportunity for Anangu artists, members of the Anangu community and art centres in the APY lands or otherwise connected to the APYACC, and peak bodies to speak frankly to members of the panel in a safe environment, including in local languages.

The review will include assessment of any documents requested by and/or provided to the panel and consultation with key peak bodies and funding agencies, and First Nations experts in First Nations visual art.

Participation in the review is voluntary and conducted on the basis of informed consent and cultural safety. It will provide an opportunity for any relevant person to provide information which would provide a basis for assessing the allegations.

Referrals

If the panel identifies a matter or matters that it considers ought to be the subject of investigation or regulatory action by another body, the panel:

- may, at any time during the review, refer that matter or those matters to an appropriate investigative and/or regulatory body for further action; and
- must, on the completion of the review, refer that matter or those matters to an appropriate investigative and/or regulatory body for further action, unless it has already done so during the course of the review

Before making any referral to an investigative or regulatory body for further action, the panel must notify the South Australian Minister for Arts of the proposed referral.

If the panel refers a matter or matters to another body for investigatory or regulatory action during the review, the panel must consider whether the review, or any aspect of it, ought to be suspended until that other body has completed its investigatory or regulatory action(s).

Reporting

On the completion of the review, the panel must provide a report to the South Australian Minister for Arts, for the Minister's consideration and further action as the Minister considers appropriate. The report should record the results of the panel's inquiries, its conclusions, and any referrals that have been, or are proposed to be, made by the panel.