

## Opening statement by the Arts Law Centre of Australia

“Thank you, Madam Chair and may we say congratulations on your new appointment as the Chair. We look forward to working with you on this new mandate on TCEs and TK. The Arts Law Centre is the national community legal centre for the arts in Australia. We support artists and arts organisations with low fee legal advice and support. Our program, Artists in the Black, specifically supports Indigenous artists, cultural practitioners and organisations in Australia. Arts Law is pleased to attend the IGC, given the tough times of the pandemic. We acknowledge that in the 2 year break many Indigenous peoples across the world have passed away, specifically our Elders who hold much of our traditional knowledge and traditional cultural expressions. We ask the IGC to expedite this work so that TCEs and TK can be protected worldwide before more Indigenous peoples and knowledge are lost. We also ask member states to support the Voluntary fund to enable more Indigenous peoples to attend the WIPO meetings to express their views and concerns.

Since our last attendance in 2019, We have a new Australian Government who have made a commitment to moving the country towards the recognition of Indigenous Peoples in our national Constitution and potentially a representative voice in Parliament. Arts Law along with the Copyright Agency and Indigenous Art Code continue to advocate against the sale of fake Indigenous art in Australia. This advocacy, in part, has led to a Parliamentary Inquiry into fake Indigenous art products. The outcome of that inquiry was a recommendation that Australia introduce new laws to protect TCEs and TK. Indigenous artists, lawyers and academics from across the country engaged in the Inquiry process and a final report is due this November.

We welcome draft TCEs which would support specific legal protection of TCEs and TK. In Australia, the use of TCEs which have entered the public domain has caused further cultural harm and re-traumatisation of Indigenous People so we welcome the opportunity to further discuss the definitions. Article 5 warrants deeper analysis with a view to empowering Indigenous peoples to repossess their control over TCEs and TK which have entered the “public domain”.

We would again like to thank the Chair for the floor and look forward to the discussions this week. Thank you”