

# Released under FOI

**Vaughan, Sharyn**

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**From:** McDonald, Melinda  
**Sent:** Monday, 12 March 2018 12:47 PM  
**To:** Black, Jane  
**Cc:** Vaughan, Sharyn; Godfrey, Emma; Mayall, Deb; Scott, Christine  
**Subject:** Birubi MR tracked changes [SEC=UNCLASSIFIED]  
**Attachments:** Document1 [Compatibility Mode].docx

**Security Classification:**  
UNCLASSIFIED

Hi Jane, thanks again for your work on this. Please see attached some tracked changes for you to consider, following my review, and Deb's. The changes look more substantive than they actually are - you did a good job from the outset. You'll see I am trying to have our standard messaging re indigenous art claims remain at a high level, whilst balancing with detail of this specific matter.

Sorry for delay getting this back to you this am, you may have seen my technical issue overnight, and the leadership roadshow took up much of the morning. Am working on the Exec brief, and will get back to you asap too.

See what you think, and best to read with tracked changes off.

Thanks, Melinda.



## MEDIA RELEASE

XX March 2018

### **ACCC takes action against Birubi for alleged false, misleading or deceptive conduct Indigenous art claims**

The ACCC has instituted proceedings in the Federal Court against Birubi Art Pty Ltd (Birubi), a national wholesaler of Aboriginal art products and products in the form of Aboriginal cultural objects and Australiana-Australiana souvenirs. The ACCC alleges Birubi breached the Australian Consumer Law (ACL) by misrepresenting the country of origin, and the nature and history of some of its products,

~~and the involvement of Aboriginal Australians in the manufacturing of the products.~~

~~The~~The ACCC alleges that, between 4 July 2014 and 14 November 2017, Birubi made representations-claims on its certain products that impliedly represented the products they were made in Australia, and that an Aboriginal person was involved in the had hand painted or made manufacturing of the product.

However, these products were made in Indonesia. ~~by an Indonesian company.~~

The products include Aboriginal cultural objects such as boomerangs, bullroarers, didgeridoos, ~~and message stones~~. They ~~products~~ contained a combination of words and artwork that gave rise to these allegations, including 'hand painted' 'handcrafted' 'Aboriginal Art' and 'Australia'.

"The alleged conduct is of serious concern, as it A boomerang that is made in Indonesia should not be passed off as made in Australia by an Aboriginal Australian. This not only harms consumers who are misled, but it also has the potential to undermine the integrity of Aboriginal art, and negatively impact Indigenous artists and their artwork demean Aboriginal culture and denies economic opportunity to Aboriginal Australians whose cultural objects are being misused." ACCC Commissioner Delia Rickard said.

"We allege that over 18,000 of these products were sold to shops in key tourist spots throughout Australia. In the lead up to With the Commonwealth Games in Australia this year next month, it's particularly important to ensure products purporting to be Aboriginal Indigenous artefacts-cultural objects or using Aboriginal or art are authentic."

The ACCC is seeking declarations, pecuniary penalties, injunctions, ~~disclosure-corrective notices~~ and, compliance program orders, and costs.

These proceedings form part of the ACCC's work addressing conduct impacting Indigenous Australians, which is an enduring priority for the ACCC.

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