

# Released under FOI

Vaughan, Sharyn

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**From:** Davidson, Elise  
**Sent:** Friday, 29 June 2018 9:00 AM  
**To:** Vaughan, Sharyn  
**Cc:** Burr, Elise; Herron, Will  
**Subject:** FW: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

**Security Classification:**  
UNCLASSIFIED

**From:** Davidson, Elise  
**Sent:** Friday, 15 June 2018 9:48 AM  
**To:** Macfarlan, Meg <Meg.Macfarlan@acc.gov.au>; Jacobsen, Geesche <geesche.jacobsen@acc.gov.au>  
**Subject:** RE: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Just found out it will run Sunday night – thanks.

**From:** Macfarlan, Meg  
**Sent:** Friday, 15 June 2018 9:45 AM  
**To:** Jacobsen, Geesche <[geesche.jacobsen@acc.gov.au](mailto:geesche.jacobsen@acc.gov.au)>  
**Cc:** Davidson, Elise <[elise.davidson@acc.gov.au](mailto:elise.davidson@acc.gov.au)>  
**Subject:** FW: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Hi Geesche, can you please add to media today. Thanks

Sent with Good ([www.good.com](http://www.good.com))

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

**From:** Davidson, Elise  
**Sent:** Friday, June 15, 2018 09:41 AM AUS Eastern Standard Time  
**To:** Rickard, Delia; Gregson, Scott; Ayres, Lisa Anne; Peter, Wendy  
**Cc:** de Gruchy, Rayne; Court, Sarah; Macfarlan, Meg  
**Subject:** RE: Follow up question / Indigenous art [SEC=UNCLASSIFIED]

Closing the loop on this request. We provided a statement for 60 Minutes rather than an on-camera interview; I will keep you updated on when the program will air. Statement is below Lisa Anne in case you would like to circle back, and for Delia and Sarah.

The ACCC conducts investigations when we have a reason to believe misleading claims are being made about products or art being produced by Indigenous Australians when they are not. This work is important to the ACCC because misleading claims have the potential to undermine the integrity of Indigenous art and negatively impact Indigenous artists, including by undervaluing or trivialising their authentic works. People who buy handmade Indigenous art or products should also have the assurance that the claims being made are genuine.

The ACCC is able to address two types of misleading conduct involving both express and implied representations. Express representations may include a label or a statement by the seller direct to the consumer stating that it is authentic Indigenous art. Implied representations may arise when the product is

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painted in a traditional Indigenous style, contains some form of representation as to 'hand painted' or 'hand crafted' or reference to Indigenous Australia.

The ACCC has a history of action in this area. Recently, we investigated several allegations of such conduct referred to us under the Indigenous Art Code and took court action against one trader. That matter is before the court. We are currently investigating further allegations and may take further action this year.

Enforcing the consumer law in relation to issues like these that negatively impact Indigenous Australians is an enduring priority for the ACCC. We hope our continued vigilance in this area will send a strong deterrent message to other traders who seek to mislead or deceive.

Best wishes  
Elise

**From:** Rickard, Delia  
**Sent:** Tuesday, 5 June 2018 2:32 PM  
**To:** Gregson, Scott <[scott.gregson@acc.gov.au](mailto:scott.gregson@acc.gov.au)>; Ayres, Lisa Anne <[LisaAnne.Ayres@acc.gov.au](mailto:LisaAnne.Ayres@acc.gov.au)>; Davidson, Elise <[elise.davidson@acc.gov.au](mailto:elise.davidson@acc.gov.au)>; Peter, Wendy <[wendy.peter@acc.gov.au](mailto:wendy.peter@acc.gov.au)>  
**Cc:** de Gruchy, Rayne <[rayne.deGruchy@acc.gov.au](mailto:rayne.deGruchy@acc.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](http://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]

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  
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The ACCC acknowledges the traditional owners and 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.

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**From:** Ayres, Lisa Anne  
**Sent:** Tuesday, 5 June 2018 2:18 PM  
**To:** Davidson, Elise <[elise.davidson@acc.gov.au](mailto:elise.davidson@acc.gov.au)>; Rickard, Delia <[delia.rickard@acc.gov.au](mailto:delia.rickard@acc.gov.au)>; Gregson, Scott <[scott.gregson@acc.gov.au](mailto:scott.gregson@acc.gov.au)>; Peter, Wendy <[wendy.peter@acc.gov.au](mailto:wendy.peter@acc.gov.au)>  
**Cc:** de Gruchy, Rayne <[rayne.deGruchy@acc.gov.au](mailto: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](mailto:delia.rickard@acc.gov.au)>; Gregson, Scott <[scott.gregson@acc.gov.au](mailto:scott.gregson@acc.gov.au)>; Peter, Wendy <[wendy.peter@acc.gov.au](mailto:wendy.peter@acc.gov.au)>  
**Cc:** Ayres, Lisa Anne <[LisaAnne.Ayres@acc.gov.au](mailto:LisaAnne.Ayres@acc.gov.au)>; de Gruchy, Rayne <[rayne.deGruchy@acc.gov.au](mailto: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](mailto:elise.davidson@acc.gov.au)>; Gregson, Scott <[scott.gregson@acc.gov.au](mailto:scott.gregson@acc.gov.au)>; Peter, Wendy <[wendy.peter@acc.gov.au](mailto:wendy.peter@acc.gov.au)>  
**Cc:** Ayres, Lisa Anne <[LisaAnne.Ayres@acc.gov.au](mailto:LisaAnne.Ayres@acc.gov.au)>; de Gruchy, Rayne <[rayne.deGruchy@acc.gov.au](mailto:rayne.deGruchy@acc.gov.au)>  
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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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The ACCC acknowledges the traditional owners and 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:** Davidson, Elise  
**Sent:** Tuesday, 5 June 2018 12:02 PM  
**To:** Gregson, Scott <[scott.gregson@acc.gov.au](mailto:scott.gregson@acc.gov.au)>; Rickard, Delia <[delia.rickard@acc.gov.au](mailto:delia.rickard@acc.gov.au)>

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Cc: Ayres, Lisa Anne <[LisaAnne.Ayres@accg.gov.au](mailto:LisaAnne.Ayres@accg.gov.au)>; de Gruchy, Rayne <[rayne.deGruchy@accg.gov.au](mailto:rayne.deGruchy@accg.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](mailto:GTobin@nine.com.au)>

Sent: Tuesday, 5 June 2018 11:55 AM

o: Davidson, Elise <[elise.davidson@accg.gov.au](mailto:elise.davidson@accg.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,

**Grace Tobin**

roducer



a division of Nine

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