



14th September 2021

Chair
Senate Environment and Communications Legislation Committee
Parliament of Australia
Parliament House, Canberra ACT 2600

RE: Live Performance Federal Insurance Guarantee Fund Bill 2021

Dear Chair,

I am writing in support of the need for a Live Performance Insurance Guarantee for the Live Performing Arts Sector, as proposed by this Private Members' bill under consideration. I have worked in the live performing arts industry for over twenty years, with much of that time working in performing arts touring. This work has included leadership positions at Critical Stage Touring, where I have been CEO since 2014, and previously at Deckchair Theatre in Fremantle and at Melbourne Theatre Company.

Critical Stages Touring is Australia's national touring theatre company. We create outstanding live performing arts experiences that can travel, connecting these with diverse regional communities, and fostering a sustainable and diverse national independent theatre sector. The company has been supporting artists and audiences around Australia for the past 16 years, extending the life of great independent theatre productions through touring and audience development. Our work was recognised by the Australia Council, with the company one of only four nationally to be awarded National Touring Status from 2018-2021. We were awarded the highly prestigious Touring Legend Drover's Award by Performing Arts Connections (PAC) Australia in 2019.

In a normal year we tour artists from across Australia to over 100 different towns, cities and communities large and small around Australia and New Zealand. Our touring parties are based in Sydney, Melbourne, Brisbane, regional NSW and regional Victoria. We are a not-for-profit organisation and receive funding through the Australia Council for the Arts, the Office of the Arts (through Playing Australia and RISE funding support) as well as NSW, Victorian and Queensland state funding bodies through their live touring support programs.

However, the past two years have been anything but normal, and our operations have been seriously disrupted by the Covid-19 pandemic. Since the start of this latest outbreak, we have had to defer or cancel performances on a near-daily basis. In addition to the considerable additional expense, there's the uncertainty and anxiety as borders closed mid-flight, lockdowns that occurred while touring parties were finishing bump-ins just hours before showtime, and travel plans that had to be re-routed for artists to get to emergency flights home to avoid being locked out of their own states or forced into 14 days quarantine on arrival.

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We have now cancelled 40 shows in 30 locations to date – mostly regional - over the past two months alone. And they won't be the last. The impact of this cannot be underestimated. In addition to the scores of artists and arts workers who were contracted on these productions, there is the significant economic stimulus and indirect employment lost in venues and communities everywhere. Plus, and very importantly, these events provide vital access to live performance and education opportunities in regional and remote Australia.

Last year, Critical Stages Touring worked hard in 2020 to secure government support, to build risk mitigation and indemnity schemes, so that we were covered against the inevitable hurdles this year would bring. Next year promises fresh challenges for the sector, and further support is urgently needed so that live performance touring can return. The support secured for this year has mitigated some of the current challenges, although the indemnity insurance received was limited to only NSW in a scheme negotiated through iCare to support performances in regional NSW only. None of our other performances were able to secure any insurance.

What we urgently need to see for 2022, so that we can finalise agreements and plans for the many tours and performance we have scheduled for 2022 and ensure that this activity is able to continue, is a similar indemnity scheme as we had negotiated through Create NSW, on a national level.

I would suggest that this sort of scheme would make the most sense as a partnership between the federal government and each of the respective state and territory governments' arts funding bodies. It is essential though that the federal government is involved however for the sake of consistency. Live performance tours do not stop at state boundaries. Arts is not limited by state, and not only do our performers and arts workers come from multiple states and territories, but our performances are national.

It is true that states are responsible for their differing Public Health Orders, but if a tour is derailed by one public health order it will likely have consequences nationally, and who is to decide which state is responsible for a performance in Broome WA that is cancelled because of a Public Health Order lockdown in Brisbane.

What we need is a national, flexible, adaptable federally-backed insurance scheme, developed in partnership and jointly funded by states and territories. We also need a nationally consistent approach to border closures and exemptions so that arts workers who are vaccinated and covid-negative can go about their covid-safe work without fear that doing so will mean they are prevented from returning home again.

While the intention of the bill proposed is laudable, this bill does not adequately describe how state and federal governments would develop or administer any such insurance guarantee nor what it would cover.

Entertainment Insurance for event cancellation is typically already out of reach of most non-commercial arts organisations or presenters. We also are currently in a situation where covid-19 is



effectively no longer a force majeure situation, as it is not an unknown situation but a pandemic whose consequences we are living daily.

There are currently three very different state-based insurance programs in operation. I would recommend the committee look to the Tasmanian government's Live Performance Support Program (of which I have been a regular peer assessor over the past six months) and also Create NSW's regional indemnity insurance program. There is also, I understand, a scheme operating within Western Australia managed by the Department of Culture and the Arts. However, there is no insurance program operating in South Australia, Northern Territory, Queensland or Victoria, and no scheme supporting activity such as ours that crosses state boundaries.

The live performing arts industry needs to return next year, for the sake of the many artists and arts workers across the nation who are employed by the sector, for the economic impact offered to communities large and small around Australia including regional Australia and for the audiences around the country who are desperately in need of connection, enrichment and nourishment at this time.

Without any form of insurance that will mitigate risks for producers, presenters and artists it will be very difficult for the sector to return. As these past two months have demonstrated, the risks of cancellation are just too severe, and the industry is already suffering after 18 months of losses.

In conclusion, for these reasons I am in support of a live performance insurance scheme and believe it is urgently needed. However, the current bill does not yet address the needs and detail of how this scheme would function, and how the state and federal government would partner on such a scheme, and I believe further consultation and work is needed.

I would be more than happy to discuss further with the committee if appropriate at any time.

With thanks

Chris Bendall
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Nominating Panel Member, Theatre & Regional Touring (Deputy Chair), Helpmann Awards
Touring Advisory Group Member, PAC Australia