



**Australian Government**

**Department of Regional Australia,  
Local Government, Arts and Sport**

Mr Stephen Palethorpe  
Committee Secretary  
Senate Rural and Regional Affairs and Transport Legislation Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Mr  Palethorpe

I write in relation to the Senate Rural and Regional Affairs and Transport Legislation Committee inquiry into the Australia Council Bill 2013 and Australia Council (Consequential and Transitional Provisions) Bill 2013 and the associated public hearing of 23 April.

I welcome the opportunity afforded to me by the Committee to address some of the matters raised during the public hearing and correct the record around some errors of fact that arose on the day.

A number of witnesses alluded to the goals of *Creative Australia*: The National Cultural Policy needing to be reflected in the functions of the Australia Council Bill 2013. For example, it was proposed several times that goal one of *Creative Australia* (the recognition, respect and celebration of the centrality of Aboriginal and Torres Strait Islander cultures to the Australian identity) should be included in the functions for this reason. It should be noted, however, that the framework for the drafting of the Australia Council Bills is the Australian Government's response to the 2012 Review of the Australia Council (the Review).

In other evidence, there were repeated references to the removal of support for Aboriginal and Torres Strait Islander arts from the functions of the *Australia Council Act 1975*. It should be noted that the 1975 Act contains no reference to Aboriginal and Torres Strait Islander arts and culture. The 2013 Bill introduces a concept of Australian arts practice for the first time.

Some witnesses concluded that subclause 9(1)(a) of the Functions section of the Australia Council Bill 2013 – namely “to support Australian arts practice that is recognised for excellence” – was intended to support only recognised artists with established reputations. This is not the case, however. The use of the term “recognised” reflects the principle of arm's-length funding decisions made through

peer assessment; that peers convene to "recognise" excellence in Australian arts practice and make decisions to support this excellence.

Some witnesses also referred to the abolition of art form boards. While the draft Bills include significant reform of the existing board structure established through the 1975 Act, it is not the case that the art form boards are being abolished. Rather, the draft Bills include provisions that transfer the power to establish committees to the Council, thus granting the Council more flexibility in peer assessment and other areas.

To illustrate, currently only the Minister can create and revoke boards, and only the Minister can make and revoke appointments to those boards. Under the new Bill, the Council itself will create and revoke committees, and will appoint and revoke appointments to those committees. This reform enhances arm's-length decision making.

It was also asserted that a number of functions contained in the *Australia Council Act 1975* have not been included in the *Australia Council Bill 2013*. I refer the Committee's attention to Attachment D of the Department's original submission. This attachment maps the functions of the 1975 Act against the functions of the 2013 Bill.

Finally, at the 23 April public hearing, it was suggested that the Bill be amended to include a specific function modelled on part of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Cultural diversity, as outlined in this Convention, is a very broad concept that extends well beyond the framework of the Bills as prescribed by the Australian Government's response to the Review of the Australia Council.

I hope this information proves helpful to the Committee's deliberations.

Yours sincerely

Stephanie Foster  
Deputy Secretary  
Department of Regional Australia, Local Government, Arts and Sport

3 May 2013