

11 April 2013

Mr Stephen Palethorpe
Committee Secretary
Senate Rural and Regional Affairs and Transport Legislation Committee
rrat.sen@aph.gov.au

Dear Mr Palethorpe,

Thank you for the opportunity to comment on the *Australia Council Bill 2013*, which is currently the subject of inquiry by the Senate Rural and Regional Affairs and Transport Legislation Committee.

Live Performance Australia (LPA) is the peak body for Australia's live entertainment and performing arts industry. LPA was established in 1917 and is registered as an employers' organisation under the *Fair Work Act 2009*. We have over 350 members who work in the live performance sector across all artistic genres, including contemporary and classical music, musicals, theatre, comedy, dance, opera, circus and physical theatre. We represent performing arts companies (major, medium and small), producers (commercial and independent), venues, promoters, festivals and service providers such as ticketing companies and technical suppliers.

At last month's launch of Creative Australia, the then Minister for the Arts, the Hon. Simon Crean, announced his intention to introduce 'a new act for the Australia Council, to update and clarify its purpose and provide a clear legislative mandate for future activity', and to 'modernise the Australia Council's governance structure to make sure its planning and corporate structures reflect its size and importance in Australia's arts sector'.

LPA has made a public statement in general support of the restructure of the Australia Council - see Appendix. The proposed changes reflect the recommendations of the Australia Council Review conducted by Gabrielle Trainor and Angus James in May 2012. The review affirmed the inaugural Chair Mr H.C 'Nugget' Coombs' original vision for the Australia Council as relevant today, but recommended that the Council's enabling legislation be modernised so that the governance of the Australia Council allows it to better respond to the industry's dynamic needs.

Functions of the Australia Council

LPA notes that the *Australia Council Bill 2013* prescribes different functions for the Australia Council from those presently contained within the *Australia Council Act 1975* ("**1975 Act**"). We have some concerns that meaning contained in the 1975 Act functions has been lost in the new list of functions contained in clause 9.

International markets are key to the success and longevity of many Australian arts companies and artists, but the promotion of Australian arts internationally is no longer expressly referred to. Whilst it may be

implied from clause 9(e) (“to support and promote the development of markets and audiences for the arts”), it could be more explicitly stated that markets should be developed locally and internationally.

We note that it is no longer an express function for the Council to “encourage the support of the arts by the States, local governing bodies and other persons and organisations”. Given the tripartite nature of funding arrangements for many arts organisations, this is also a worrying omission.

We also note the concern expressed in other submissions that the function “to uphold and promote the right of persons to freedom in the practice of the arts” contained in the 1975 Act has been removed. We note that “the right of persons to freedom of practice in the arts” is listed as a matter to be taken into account by Council under clause 11, but the rationale for moving it out of the functions clause is unclear.

We are supportive of the inclusion of the express functions for the Council “to conduct and commission research into, and publish information about, the arts” (clause 9 (g)). Industry research is essential to understanding the health of the overall arts ecology in Australia, and it is important that the Australia Council play a large part in this, particularly given the diminishing funding for the Culture and Recreation Statistics Unit of the Australian Bureau of Statistics. Equally, it is important that the Australia Council “evaluate, and publish information about the impact of the support the Council provides” (clause 9 (h)). While the annual *Securing the Future* reports provide an excellent picture of the activities of the Major Performing Arts companies gleaned from their funding acquittals, there is presently a dearth of publicly available information on the impact of the funding provided to the small to medium sector, touring organisations and the like, despite the Australia Council requiring extensive acquittal information from these funding recipients as well.

Thank you again for inviting LPA to make a submission on this legislation. Please do not hesitate to contact the undersigned should you wish to clarify any of the points made herein.

Yours sincerely

Evelyn Richardson
Chief Executive

Suzanne Daley
Director, Policy and Programs

Appendix: A Joint Statement in Support of the Australia Council Bill 2013

At the launch of Creative Australia last week, The Hon Simon Crean, Minister for the Arts, announced his intention to introduce “a new act for the Australia Council, to update and clarify its purpose and provide a clear legislative mandate for future activity”, and to “modernise the Australia Council’s governance structure to make sure its planning and corporate structures reflect its size and importance in Australia’s arts sector.”

The Australia Council Bill 2013 will be introduced to Parliament this Wednesday 20 March 2013.

Collectively, the organisations below represent the united performing arts industry in Australia, including major performing arts companies, the small-to-medium sector, commercial and independent producers, contemporary music promoters, touring coordinators, performing artists, and venues from metropolitan, rural and regional Australia.

Our support for the reforms is given on the understanding that a strong and robust arm’s length, peer-assessment process for all funding decisions will continue. The proposed changes reflect the recommendations of the Australia Council Review conducted by Gabrielle Trainor and Angus James in May 2012.

The review affirmed the inaugural Chair Mr H.C ‘Nugget’ Coombs’ original vision for the Australia Council as relevant today, but recommended that the Council’s enabling legislation be modernized so that the governance of the Australia Council allows it to better respond to the industry’s dynamic needs.

Endorsed on 18 March 2013 by:

