



**NATIONAL
ASSOCIATION
FOR THE
VISUAL ARTS**

Committee Secretary
Senate Standing Committees on Environment and Communications
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Re: Senate Inquiry into National Cultural Policy

NAVA welcomes the opportunity to contribute to this inquiry into National Cultural Policy.

The National Association for the Visual Arts (NAVA) is an independent membership organisation which brings together the many voices of the visual arts, craft and design sector to improve the fundamental conditions of work and practice. We do this through advocacy, education and the Code of Practice. Our community is made up of over 50,000 Members, subscribers, friends and followers, consisting of artists, arts workers, arts organisations, and arts lovers.

Through the [Code of Practice for the Visual Arts, Craft and Design](#) we set out equitable, ethical and self-reflective standards for the professional Australian contemporary arts sector. The Code covers good practice approaches to working relationships, ethical standards of access and inclusion, and rates of pay for visual artists, craft and design practitioners and arts workers within our sector which are currently not legislated or regulated under Australian law.

NAVA firmly welcomes and celebrates the implementation of *Revive: a place for every story, a story for every place* and supports many of its actions. The policy makes a powerful statement about the strength and vibrancy of our cultural sector, its importance to the wellbeing of all Australians, and relevance across all areas of government.

NAVA is celebrating:

- General positivity and optimism, a significant shift felt after the launch of the policy.
- Endorsement of NAVA's Code of Practice for Visual Arts, Craft and Design, however a legislated industrial Award for artists and arts workers is urgently needed to ensure enforceable minimum employment and payment standards.
- Opportunity for a legislated Visual Arts Award as part of the Modern Award Review process.
- First Nations First offers a firm infrastructure to complete the necessary work on enshrining protections for First Nations artists nationally to protect art styles and Indigenous Cultural and Intellectual Property (ICIP), as well as embedding a framework of autonomy and self-determination, particularly when it relates to the development of First Nations arts workers through a new First Nations Creative

Workforce Development Strategy. NAVA notes that targeted federal budgetary measures are needed to better support art institutions in terms of resourcing.

- Comprehensive response to the Productivity Commission's report on Aboriginal and Torres Strait Islander Visual Arts and Crafts, building on the commitment to introduce stand-alone legislation to protect ICIP.
- Develop information about the flexibility available for artists to be looking for work or working in the creative arts sector, and to have this recognised as part of their mutual obligation requirements for unemployment payments. On this, NAVA has made a comprehensive submission to the current Inquiry into Workforce Australia Employment Services.
- Increase funding to the newly established Creative Australia to support more small and medium arts organisations and drive the development of new artistic works of scale, however more details to be developed and unpacked to understand the reach and impact to the visual arts, craft and design sector.
- Funding increases for regional arts, however more details to be developed and unpacked to understand the impact.
- Enhance the Resale Royalty Scheme to provide royalty payments to visual artists from the commercial sale of eligible works internationally.
- Update the methodology used in the Australian Bureau of Statistics Cultural and Creative Activity Satellite Accounts to better capture the contribution of the cultural and creative sector.
- Review Australia's higher education system and develop the Australian Universities Accord which will, as part of the Terms of Reference, consider the impact of changes made under the 2020 Job-ready Graduates reforms, including changes to student contribution amounts. NAVA speaks briefly to this in its submission to the current Senate Inquiry into the Education and Other Legislation Amendment (Abolishing Indexation and Raising the Minimum Repayment Income for Education and Training Loans) Bill 2022.

NAVA joins many voices in the arts sector who are concerned about the risk of this policy being discontinued under a change of government. What we really need is bipartisan policy. National Cultural Policy offers certainty on direction and funding which gives the cultural sector the security to grow and thrive. Bipartisan support of the national cultural policy would cement this certainty.¹

We would like to take this opportunity to identify the policy's highlights for the visual arts sector and draw attention to the gaps and opportunities, noting that much more targeted support is needed to ensure the reach across the entire visual arts sector.

NAVA's recommendations:

- Establish an Award rate for the visual arts, craft and design sector that mandates the adequate payment of artists and arts workers for their work and includes standard entitlements (including superannuation for gig workers and portable long service leave) as recognised under the national workplace relations system.
- Implement policies and measures that recognise and mandate the rights of artists to receive:
 - artist fees for the commissioning of new works

¹ East, S. in Razzhigaeva, N. What is a cultural policy and why does Australia need one? UNSW Newsroom, 6 March 2023 <https://newsroom.unsw.edu.au/news/art-architecture-design/what-cultural-policy-and-why-does-australia-need-one>

- loan or royalty fees for the display of existing artwork in exhibitions
 - licensing fees for the use of images of their artwork and design in publications and on products and merchandise
 - wages for the administrative work associated with their practice, ensuring the full costs of working as an artist are remunerated.
- Increase the budget allocation: while the return of funds to the Australia Council is to be celebrated, there is concern about the lack of detail in how the \$199m will be applied and what investment will be available for practicing artists and sector organisations after the establishment of the four new centres.
 - The new policy makes no mention of investment in Australia's living visual artists.
 - A fifty per cent increase or more is urgently needed to support operational funding to small to medium organisations across the visual arts, craft and design sector.
 - Funding for existing peak bodies, support agencies and service organisations needs to be permanently increased to expand professional development programs for artists and arts workers.
 - Invest in infrastructure for existing public galleries which are in a state of crisis with understaffing, dilapidated buildings, a lack of resources for art conservation and programs that are not able to meet demand.²
 - The \$11m allocation to sharing the national collection through a program of long-term loans of works from the National Gallery of Australia to regional and suburban cultural institutions across Australia has been met with some confusion. Galleries across the country already draw on each others' collections for exhibition. Unfortunately most do not have capacity to loan works from the national collection as, much like the NGA itself, many regional and suburban galleries are struggling with holes in their walls and ceilings, mould issues, faulty air-conditioning or inadequate climate control and a lack of conservation staff and art handlers. Urgently needed is:
 - Investment in capacity building and infrastructure across regional and suburban cultural institutions to safely receive, handle and display the works from the national and other collections
 - Affordable and accessible insurance coverage and freight costs to support the transport of artworks.
 - Investment in Visions of Australia, the regional exhibition touring program, to include an international touring program for reaching a global audience.
 - Investment in the purchase of new works by living Australian artists for the national collection.
 - As called for by Museums & Galleries of NSW, we need a National Cultural Infrastructure Fund to support the protection of cultural heritage items in the care of small to medium museums, galleries and Aboriginal Cultural Centres as well as Offsite Regional Collections Facilities to provide industry standard storage and services for significant items from smaller galleries and museums in times of need.

² Robertson, A. in Smethurst, A. 'State of crisis': Warning over future of Victoria's public galleries, WA Today, 6 March 2023 <https://www.watoday.com.au/politics/victoria/state-of-crisis-warning-over-future-of-victoria-s-public-galleries-20230306-p5cpqu.html>

- Emergency response: As identified in NAVA's recent submission to the Senate Inquiry into Australia's Disaster Resilience, insurance against disasters can be prohibitively expensive for artists and arts organisations, especially for those living and/or working in at-risk zones. NAVA Members have reported distressing cases of losing valuable collections, gallery and studio equipment, tools and materials that artists and arts workers require to make, sell and teach, to bushfires and flooding. For many, this is equivalent to several years' worth of work and income vanishing overnight.
 - Targeted support is needed for the visual arts, craft and design sector to ensure galleries and organisations can respond to emergencies like flood, storm and fire, as well as threats such as disease, climate shocks, environmental breakdown, digital threats, malicious damage and workplace health and safety without drawing funds away from their ongoing work.
 - Government must ensure underwriters provide home and contents insurance to those conducting small business from home as a matter of urgency.

Although the new national cultural policy's endorsement of NAVA's voluntary [Code of Practice for Visual Arts, Craft and Design](#) is a win for our sector, it does continue to be a voluntary instrument, rather than mandatory.

Currently, the lack of regulation, continuity and clarity through a legal framework for the visual arts means many employers, employees and artists themselves, find it difficult to determine and negotiate appropriate rates of pay for their work. This leaves the door open for exploitation in many forms: from the underpayment of artists by government funded arts organisations, to the use of digital content without appropriate remuneration.

Without an Award, most artists and arts workers will also miss out on any increases to fees and wages gained through enterprise bargaining and Award processes decided by the Commission.

Over 7,300 visual arts, craft and design practitioners signed [NAVA's petition calling for the expanded recognition of art as work](#) through a legislated industrial Award in the National Cultural Policy. NAVA continues to advocate for Award coverage for artists and arts workers to ensure enforceable minimum employment and payment standards.

Please do not hesitate to contact us for any further information we can provide.

Sincerely,

Penelope Benton
Executive Director

Leya Reid
Advocacy and Communications Manager