

**Senate Standing Committee on Environment, Communications and the Arts
Legislation Committee**

Answers to questions on notice

Environment, Water, Heritage and the Arts portfolio

Supplementary Budget Estimates, October 2009

Outcome:	5	Question No:	136
Program:	5.1		
Division/Agency:	Arts Division		
Topic:	Resale Royalty Rights for Visual Artists Bill		
Hansard Page ECA:	129 (19/10)		

Senator BIRMINGHAM asked:

Senator BIRMINGHAM—Can we confirm advice was sought from the AGS?

Ms Bean—Yes.

Senator BIRMINGHAM—Do we know how much was spent on that advice?

Answer:

The department has spent \$39,168.25 (GST inclusive) on advice from the Australian Government Solicitor in relation to the resale royalty scheme.

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Outcome:	5	Question No:	137
Program:	5.1		
Division/Agency:	Arts Division		
Topic:	Resale Royalty Rights for Visual Artists Bill		
Hansard Page ECA:	129 (19/10)		

Senator BIRMINGHAM asked:

Senator BIRMINGHAM—Have the tender documents relating to the collecting agency been prepared yet?

Ms Bean—There has been some work on drafting but they clearly cannot be finalised until the final shape of the bill is known.

Senator BIRMINGHAM—Once again, if you could take on notice the costs of that legal advice in relation to the tender documents, that would be helpful.

Answers:

Legal advice for preparation of tender documents for the resale royalty scheme has cost \$41,305.88 (GST inclusive) to 30 October 2009.

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Outcome:	5	Question No:	138
Program:	5.1		
Division/Agency:	Arts Division		
Topic:	Resale Royalty Rights for Visual Artists Bill		
Hansard Page ECA:	131 (19/10)		

Senator BIRMINGHAM asked:

Senator BIRMINGHAM—Is there a point of participation or non-participation in the scheme or the use of the collecting agency at which the scheme becomes nonviable?

Answers:

The economic modelling undertaken for the resale royalty scheme did not address the point of participation or non-participation in the scheme or the use of the collecting agency at which the scheme becomes nonviable. The Government has committed \$1.5 million over three years, commencing in 2009-10, to support the establishment of a resale royalty scheme. This will fund the start-up costs for a collecting agency to set up the necessary infrastructure to collect royalties and return them to artists. The Government has also committed to reviewing the scheme within five years of the commencement date.

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Supplementary Budget Estimates, October 2009

Outcome:	5	Question No:	139
Program:	5.1		
Division/Agency:	Arts Division		
Topic:	Arts Election Commitments - update		
Hansard Page ECA:	133, 135		

Senator BIRMINGHAM asked:

Ms Bean—There were a number of election commitments around what you could broadly call social security and the arts. Work is progressing.

Senator BIRMINGHAM—Are you able to remind me of those commitments, Ms Bean?

Ms Bean—I may not have the detail of those with me.

...

Senator BIRMINGHAM—Unless I miraculously lay my hands on the promises in next few minutes, could you perhaps provide on notice the details of those promises and the progress made to date in implementing them. That would be appreciated.

...

ECA 135

Senator BIRMINGHAM—Sorry—having said that, can I quickly ask this. I asked before about the social security and the arts promises. There are also some which I guess are related to this but related to Work for the Dole programs as well.

Ms Bean—As I said, it was a package that was around the broad social security area. I was mentally including the Work for the Dole type commitments in that.

Senator BIRMINGHAM—Okay. As long as what I have placed on notice is across all of those, that is fine.

Answers:

The following election commitments to support Australian Artists were made, and detailed in ‘New Directions for the Arts’:

- A Federal Labor Government, working collaboratively with the sector, state and local governments will implement *ArtStart* as a critical step in acknowledging the important role of Australian artists.
- *ArtStart* will review the current state of artists’ incomes and introduce initiatives that enable artists currently on welfare greater opportunity to produce work and generate employment.
- Specifically, issues confronting young and emerging artists will be addressed through the provision of start-up assistance for professional artists.

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- Labor will consider adding ‘participation in arts projects’ to the criteria for employment and community participation in work for the dole programs where it is likely that such participation will improve a person’s prospects of gaining employment or private income’.
- Labor will develop a ‘Social Security and the Arts’ policy that harmonises current Australia Council, Centrelink and Australian Tax Office rules and determines the most equitable way to treat earnings and royalty payments for artists currently receiving welfare’

Progress:

In the 2009-10 budget, the Government announced that it would provide \$9.6 million over four years for the *ArtStart* Program, to be administered by the Australia Council. The *ArtStart* Program provides financial assistance to recent creative arts graduates who are committed to establishing a career as a professional artist. Grants of up to \$10,000 will be provided through competitive grant processes to fund services, resources, skills development and equipment that help graduate artists to build an income-generating career in the arts practice they have studied. The first grant round opened on 17 September 2009, and closed on 26 October 2009.

The Department is undertaking joint research with the Australia Council to review the current state of artists’ incomes.

The Department is working in collaboration with other Australian Government Departments, including the Department of Education, Employment and Workplace Relations (DEEWR), and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to implement the election commitments surrounding employment and social security matters.

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Outcome:	5	Question No:	142
Program:	5.1		
Division/Agency:	Arts and Culture Divisions		
Topic:	Arts – Stimulus funding and election commitments		
Hansard Page ECA:	Written Question on Notice		

Senator BIRMINGHAM asked:

1. Has any stimulus funding been allocated for the arts portfolio? Please provide any details.
2. Please provide an update on the status, development and implementation of all Rudd Government elections commitments related to the arts portfolio.
3. Which election commitments are experiencing delays? Why?
4. Where relevant, what are the revised implementation dates? What are the implications of each slippage?

Answers:

1. No Economic Stimulus plan funding has been allocated to the arts portfolio for distribution. However, arts and cultural organisations around Australia will benefit from funding provided under the Economic Stimulus plan, including for example, \$9 million for a new home for the Queensland Symphony Orchestra and \$3.754 million for redevelopment of the training, rehearsal and administrative centre that houses the Flying Fruit Fly Circus in Albury NSW.
- 2-4. The majority of election commitments related to the arts portfolio have been implemented. Major achievements include:
 - Passage of legislation in November 2009 to implement a resale royalty
 - Development of the National Arts and Disability Strategy
 - Inclusion of arts education in the National School Curriculum
 - Endorsement by Commonwealth, State and Territory ministers of the Australian Indigenous Art Commercial Code of Conduct
 - Triennial funding for Indigenous art centres
 - Establishment of Screen Australia, the National Film and Sound Archive and the Creative Industries Innovation Centre
 - Establishment of the Prime Minister's Literary Awards
 - Ratification of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions

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Outcome:	5	Question No:	143
Program:	5.1		
Division/Agency:	Arts Division		
Topic:	Indigenous Australian Art Commercial Code of Conduct - Appointments		
Hansard Page ECA:	Written Question on Notice		

Senator BIRMINGHAM asked:

1. Has the Code Administration Committee membership been decided, and have appointments been made? What was the process for recruitment?
2. Did the Department provide recommendations to the Minister as to who should be appointed onto this committee? When was this information provided to the Minister?
3. Will these positions be remunerated? Please provide details of any remuneration.
4. Will their travel costs be met?
5. What is the timeframe for establishing the committee, and when will the committee first convene?
6. What sanctions, if any, will the Code Administration Committee be able to issue for non-compliance of signatories to the code?
7. Will these sanctions provide money for the Government?

Answers:

1. Appointments to the initial Code Administration Committee have not yet been finalised. The Department is assisting industry to form the initial committee.
2. No. The Code is the responsibility of the industry and not of government. The Minister will not be involved in appointments to the Committee.
3. Decisions in relation to remuneration and payment of travel costs for members of the Code Administration Committee will be the responsibility of that Committee and have not yet been finalised.
4. See response to Part 3.
5. The Department is seeking to assist industry to finalise the Committee by the end of 2009 with the first meeting to be held by February 2010. However, progress is dependent on industry.
6. Sanctions are not yet finalised but are expected to include suspension or removal from the Code Signatory register.
7. No.

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Outcome:	5	Question No:	144
Program:	5.1		
Division:	Culture Division		
Topic:	Visions of Australia Program – Contemporary Touring Initiative funding		
Hansard Page ECA:	Written Question on Notice		

Senator BIRMINGHAM asked:

1. Has the Visions of Australia Committee met to assess the applications for the Contemporary Touring Initiative funding round for 2009?
2. Has the Visions of Australia Committee provided advice to the Minister with recommendations for funding? When? If not, when is it likely to occur?
3. If the recommendations have been provided to the Minister, did the Minister accept all of the recommendations?

Answers:

1. The Visions of Australia Committee met on 15 October 2009 to assess the applications received under Round 7 of the Contemporary Touring Initiative.
2. The Committee's recommendations for funding were sent to the Minister for his consideration on 28 October 2009.
3. Yes.

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Outcome:	5	Question No:	145
Program:	5.1		
Division/Agency:	Arts Division		
Topic:	Indigenous Australian Art Commercial Code of Conduct		
Hansard Page ECA:	Written Question on Notice		

Senator BIRMINGHAM asked:

1. Have any consultancies been engaged during the development and implementation of the code? How many? What was the purpose of the code?
2. How many voluntary signatories to the code are you aiming to achieve? From a pool of roughly how many people?
3. How will these signatories be recruited?
4. How often will the committee report on the operation and effectiveness of the code?
5. Will these reports be made public? If so, how?

Answers:

1. Yes. The Australia Council engaged the consultant, Watchdog Compliance Pty. Limited, to draft the Indigenous Australian Art Commercial Code of Conduct standards, provide expert comments at all stages of the project, consult with industry to ensure that the Code can be practically applied in the Indigenous visual arts sector, ensure that the Code is aligned with the Australian Competition and Consumer Commission (ACCC) guidelines and provide a high level framework for compliance and enforcement.

The Code was a major recommendation of the 2007 Senate Committee report "Indigenous Art – Securing the Future". The purpose of the Indigenous Australian Art Commercial Code of Conduct is to provide a framework for self-regulation by dealers in the Indigenous arts industry to ensure (i) fair and ethical trade with Indigenous artists (ii) transparency with the promotion and sale of Indigenous artwork; and (iii) a fair and equitable dispute resolution system for disputes arising under the Code.

2. Potential signatories to the Code include art centres, commercial galleries and independent dealers. While the Code has been generally well received by industry it is difficult to estimate take-up of the Code at this point.
3. Awareness raising amongst potential signatories to the Code will be promoted through a combination of strategies including media releases promoting key milestones, direct correspondence with recipients of Government program funding, a website providing information for potential signatories, and targeted consultation with key industry representative bodies.

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4. An annual report prepared and submitted by the Committee chair to Government will report on the Code's efficacy. The Committee will publish an annual report on the Code website.
5. Information on the number of signatories to the Code, breaches recorded and sanctions applied will be published annually online.

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Outcome: 5 **Question No:** 146
Program: 5.1
Division: Culture Division
Topic: Visions of Australia Program - applications
Hansard Page ECA: Written Question on Notice

Senator BIRMINGHAM asked:

1. How many applications were received for the Contemporary Touring Initiative funding round that closed on the 25th of August?
2. How many applications were received in previous years and how does this figure compare?
3. What impact has the broadening of the guidelines had on the number of applicants?

Answers:

1. Three applications were received.
2. Nineteen applications have been received since the Program commenced in 2004. A breakdown is provided below.

Round	Round 1 2003-04	Round 2 2004-05	Round 3 2005-06	Round 4 2006-07	Round 5 2007-08	Round 6 2008-09	Round 7 2009-10
Number of Applications	2	2	2	4	1	5	3

3. The broadening of the guidelines has had a positive effect. In Round 6 when the broadened guidelines came into effect 5 applications were received. All applicants were as a result of the broadened guidelines.

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Outcome: 5 **Question No:** 147
Program: 5.1
Division/Agency: Arts Division
Topic: National Arts and Crafts Industry
Support
Hansard Page ECA: Written Question on Notice

Senator BIRMINGHAM asked:

1. How many applications were received for the National Arts and Crafts Industry Support?
2. How many applications have been received in previous years, and how does this figure compare?
3. Can you outline the assessment process for these applications?
4. When was advice provided to the Minister with recommendations for funding?
5. When recommendations were provided to the Minister, did the Minister accept all the recommendations? If not, how many were not accepted and who were they?
6. How were organisations that received triennial funding selected, and what additional criteria did they meet in order to receive 3 years worth of funding?

Answers:

1. 115 applications were received for 2009-10 funding.
2. Since 2005-06 (when the Department took responsibility for the program) the following number of NACIS applications have been received:

YEAR	NACIS APPLICATIONS RECEIVED
2005-06	107
2006-07	86
2007-08	109
2008-09	113

The number of applications received in 2009-10 is the highest number received to date.

3. Applications are first assessed against the published program criteria by regionally based Departmental officers. Preliminary recommendations are then reviewed by the Department's State Managers to determine priorities for their state. Finally, overall assessment of funding recommendations across the country is undertaken by program managers in national office with a particular focus on any issues of national strategic significance, consistency and comparative merit. The final recommendations are made in the context of the total available budget allocation.

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4. Recommendations were provided to the Minister on 3 June 2009.
5. Yes.
6. In the 2009-10 funding round, organisations seeking triennial funding underwent the same selection process as annual applicants. As published in the 2009-10 guidelines, triennial funding applicants were also assessed against the following:
 - The strength of the organisation's strategic business plan over a three year period;
 - The organisation's track record of professional Indigenous visual arts practice and achievement;
 - The strength of the organisation's governance capability; and
 - The capacity for the organisation to act as a leader in the sector.

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Outcome:	5	Question No:	148
Program:	5.1		
Division/Agency:	Arts and Culture Divisions		
Topic:	Arts - reports		
Hansard Page ECA:	Written Question on Notice		

Senator BIRMINGHAM asked:

1. How many reports have been commissioned by the Government in the arts since November 2007?
2. Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.
3. How much did each report cost? How many departmental staff were involved in each report and at what level?
4. What is the current status of each report? When is the Government intending to respond to these reports?

Answers:

1. Two.
2. (a) On 17 June 2008, the Department of the Environment, Water, Heritage and the Arts (DEWHA), on behalf of the Cultural Ministers Council (CMC) Contemporary Music Development Working Group, contracted a consultant to develop a report on good regulatory practice for the promotion of live music. The report was provided to DEWHA on 19 August 2008.

(b) On 7 January 2009, DEWHA entered into an agreement with the Australia Council to undertake a joint research project to review the current state of artists' incomes. The Australia Council undertook the review which examined patterns of employment and income levels for artists in Australia. The findings were provided to the Department on 18 September 2009. A fact sheet summarising the findings is expected to be publicly released in early 2010.
3. (a) The total cost of the consultancy was \$8,000. Three departmental staff were involved in the project: APS 6, EL1 and EL2.

(b) The total cost of the research project was \$32,000. DEWHA and the Australia Council both contributed \$16,000 towards the project. Two departmental staff were involved in the project: EL1 and EL2.

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- 4 (a) The Consultant's report informed the development of a document entitled *Supporting Australia's Live Music Industry: Suggested Principles for Best Practice* which is expected to be publicly released by CMC in late 2009.
- (b) An inter-agency working group will be established to consider the findings of the joint research project. A fact sheet summarising the findings of the Review is expected to be publicly released in early 2010.

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Outcome:	5	Question No:	149
Program:	5.1		
Division/Agency:	Arts		
Topic:	Rock the Schools		
Hansard Page ECA:	Written Question on Notice		

Senator BIRMINGHAM asked:

1. Is the Department aware of a programme by Boost Mobile called “Rock the Schools”?
2. How much funding has been provided towards this initiative, and who is the contract between?
3. When does the contract expire?
4. What involvement has the Minister and the Department had in this programme?
5. How many schools has the Minister and/or the Department visited? What were the dates and locations?
6. Did Departmental staff accompany the Minister to each of those schools the Minister visited? How many staff?
7. Has the Department facilitated other members or senators being involved in the programme? Who, and how did this come about?

Answers:

1. Yes.
2. None through the Department of the Environment, Water, Heritage and the Arts.
3. Not applicable.
4. The Minister was the Patron for the 2008 and 2009 Rock the Schools program. The Minister provided quotes for the program launch and a message for the tour program which was distributed to 50,000 students. In addition a summary of the program was placed on the Minister’s personal website. The Department has not been involved in this program.
5. The Minister visited two schools. Randwick Girls High on 13 June 2008 and Brunswick Secondary College on 6 May 2009. The Department has not visited any schools as part of this program.
6. No.
7. No.

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Outcome:	5	Question No:	150
Program:	5.1		
Division/Agency:	Arts Division		
Topic:	Indigenous Australian Art Commercial Code of Conduct – public consultation		
Hansard Page ECA:	Written Question on Notice		

Senator BIRMINGHAM asked:

1. What public consultation was conducted on this proposal for a code of conduct?
2. Who conducted this consultation? How many people attended?
3. What was the budget and actual expenditure incurred for these consultations?

Answer/s:

1. The Senate report “Indigenous Art – Securing the Future” noted the investigation of an industry Code of Conduct by the National Association for Visual Arts (NAVA) and recommended that this work be further developed. From the time that the Australia Council took over responsibility in October 2008, twenty one national public consultations were held across Sydney, Canberra, Melbourne, Hobart, Launceston, Lismore, Adelaide, Amata, Perth, Fitzroy Crossing, Darwin, Cairns, Brisbane and Alice Springs.
2. The consultation was conducted by Australia Council and Watchdog Compliance with the assistance of the Department of the Environment, Water, Heritage and the Arts. Approximately 200 people attended the national consultations.
3. The project was scoped and supported from existing program resources and actual expenditure incurred for these consultations was \$191,155 (including GST).