

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

Re: Australia Council Bill 2013

On behalf of the Australian Performing Arts Centres Association I welcome the invitation to make a submission to address some issues identified in the Australia Council Bill 2013.

The Australian Performing Arts Centres Association is the national peak body representing and supporting performing arts centres and theatre producers throughout Australia. We also support the development of performing arts in general with membership including touring organisations, service organisations and funding bodies. Annually APACA members present in excess 53 000 events with over 11 million attendances.

The increasing professionalism of managed performing arts centres has seen a significant development in the role of these centres as sites for the creation and practice of culture. Performing arts centres operate as cultural hubs for their communities, whether they be metropolitan or regional. APACA members present works from flagship theatre companies, emerging theatre makers and showcase works from their own communities. They bring arts practitioners and touring theatre productions into regional Australia - engaging audiences and increasingly exchanging skills with communities in those regions.

In reviewing the Australia Council Bill 2013, APACA wishes to highlight the following issues:

1. APACA believes the lack of explicit reference to the importance and support of Aboriginal and Torres Strait Islander artists and culture is a significant omission from the Bill. We believe that the Bill should acknowledge the centrality of Indigenous culture as a most significant contributor to our national identity.
2. We note and strongly applaud paragraph 9(1)(e) which provides for the Council "to support and promote the development of markets and audiences for the arts". APACA acknowledges the development of a sustainable and viable arts sector is strongly supported through market development initiatives.
3. APACA notes an ever-increasing desire and need from its membership to foster community engagement in the arts. This should extend well beyond traditional audiences for the arts and artistic practice, to encourage involvement in the arts by communities as creators, contributors and participants in multifarious ways. APACA notes that the

Australia Council Bill 2013 removes the function specified in the 1975 Act that the Australia Council promotes the general application of the arts in the community. Accordingly, we request that consideration is given to such in clause 9 of the Bill, Functions.

4. Whilst APACA recognises the value of the shift to a skills-based governing board 'consisting of between five and nine members with arts or corporate knowledge or expertise', we are mindful that substantial and diverse arts industry experience¹ is critical in delivering informed and relevant governance for the sector. Accordingly APACA respectfully requests that a substantial component of the Board be members with practical arts experience, not simply 'a knowledge of'. Similarly, we believe that Committees appointed by the board in accordance with the new legislation should comprise a significant proportion of members with practical arts experience.
5. APACA strongly supports the recommendation in the Australia Council Review that 'the Council should work to establish deeper and more formalised mechanisms for discussion with state and territory arts funding bodies'. APACA notes the Bill removes the function specified in the 1975 Act 5(a) (ix) 'to encourage the support of the arts by the States, local governing bodies and other persons and organizations'. APACA believes that this is a critical issue and accordingly requests that wording that requires effective communication and collaboration between the multiple tiers of government specifically in regard to funding and research initiatives be included in the Bill.
6. APACA also strongly supports paragraph 9(1)(g), which relates to the conducting and commissioning of research on the arts. We advise that wording in the Bill to reflect the collation of existing, secondary data, as opposed to primary research only, may enable better outcomes for the industry.
7. APACA supports the recommendations of other Senate Committee submissions in regard to freedom of expression, that suggest reinstating the wording of the 1975 legislation; To uphold and promote the rights of persons to freedom in the practice of the arts.

In closing I draw your attention to the Joint Statement in Support of the Australia Council Bill 2013 included herewith.

Once again I thank the Senate Committee for the opportunity to provide input into the Bill. Please free to contact me should you require further input or clarification.

Yours sincerely

Rick Heath
Executive Director

¹ This includes arts management practice as well as specific artform practice.

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:

