

Senate Committee  
Senate Rural and Regional Affairs and Transport Legislation Committee  
PO Box 6100  
Australian Parliament House  
Canberra, ACT 2600

Dear Committee,

**Re: Australia Council Bill 2013**

The following aspects of the proposed Australia Council legislation raise concerns for our organisation.

***Functions removed from the 1975 Act***

1. The 2013 Bill removes the function specified in the 1975 Act that the Australia Council promote the general application of the arts in the community. Removing the word 'community' seems a backward step. There are numerous ways in which communities across Australia are creating and producing art. Therefore with no mention of the community in the 2013 Bill, the Australia Council may not fund community arts because it has no responsibility for funding arts in the community.

The National Cultural Policy states that our responsibilities as a nation is to ensure that Australian citizens have opportunities to express their cultural identity and to 'enjoy, draw inspiration from and co-create their culture'<sup>1</sup>. *Creative Australia* also states the need to ensure that all Australians have the opportunity to be involved with the arts as creators as well as audiences<sup>2</sup>.

2. The 2013 Bill removes the function specified in the 1975 Act that the Australia Council foster the expression of a national identity by means of the arts. With no mention of national or cultural identity in the 2013 Bill the Australia Council will have no responsibility for fostering identity and culture.

*Creative Australia* aims to ensure that 'Australian identity and stories are not swamped in a globe awash with cultural products, that the full diversity of our society is represented'<sup>3</sup>. It is very concerning that the 2013 Bill does not enshrine this function into the work of the Australia Council.

3. The 2013 Bill removes the function specified in the 1975 Act that the Australia Council uphold and promote the rights of persons to freedom in the practice of the arts. With no mention of "the freedom of practice of the arts" in the 2013 Bill, the Australia Council will have no responsibility to uphold and promote freedom of artistic expression.

<sup>1</sup> Creative Australia page 29

<sup>2</sup> Creative Australia page 31

<sup>3</sup> Creative Australia page 43

**HEAD OFFICE**

King Street Arts Centre  
Ground Floor 357-365 Murray Street  
Perth Western Australia 6000  
PO Box 7514 Cloisters Square WA 6850

T 08 9226 2422  
Tollfree 1800 681 021  
F 08 9226 2230  
E admin@canwa.com.au

**KELLERBERRIN**

8 Ripper Street  
Kellerberrin WA 6410  
T 08 9045 4766  
F 08 9045 4070

**NARROGIN**

Corner Garfield & Doney Streets  
Narrogin WA 6312  
T 08 9881 5400  
F 08 9881 5411

**www.canwa.com.au**

ABN 72 106 364 407



Government of Western Australia  
Department of Culture and the Arts



***Functions not included in the 1975 Act and needing inclusion in the 2013 Bill***

In the 2013 Bill there is no mention of Aboriginal and Torres Strait Islander culture and its importance in Australia's heritage and identity. Goal One in *Creative Australia* is to 'Recognise, respect and celebrate the centrality of Aboriginal and Torres Strait Islander cultures and to the uniqueness of Australian identity'<sup>4</sup>. With no acknowledgement of this in the 2013 Bill the Australia Council is not compelled to uphold this policy goal. Given the conversations about constitutional recognition of Aboriginal people, it seems an opportune time to consider this in the 2013 Act.

One of the functions for the Australia Council included in the 2013 Bill, is to support and promote the development of markets and audiences for the arts. This is important and desirable; however, it should not be mutually exclusive from the fundamental role of the Australia Council to foster and promote active participation in art making by all Australians. Citizens can be both creators and audiences. We believe fostering active participation in art making will produce more discerning and savvy audiences as well as increasing the numbers of people who wish to consume the arts.

The above-mentioned omissions in the 2013 Bill are at odds with the National Cultural Policy. Under the proposed legislation, there is no obligation for the Australia Council to find ways to translate the goals and values of *Creative Australia* into action.

Finally, CAN WA would like to stress that Aboriginal and Torres Strait Islander culture, community engagement and participation in and with the arts, and cultural identity are fundamental to this nation and therefore should be enshrined in the legislation.

We urge you to consider our concerns.

Yours faithfully,

Pilar Kasat  
**Managing Director**

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<sup>4</sup> Creative Australia page 6

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