



Australia's representative to the International Music Council

Music Council of Australia

**Submission to the parliamentary enquiry into the Australia Council Amendment Act 2013
Australia Council Bill 2013 and related Bill**

Dear Sir/Madam

Thank you for the opportunity to make this submission. The Music Council is the peak national music organisation for the music sector. It has a membership of 50 national music organisations and distinguished individuals representing the breadth of activity across all genres in the music sector. The Music Council is Australia's affiliate to the International Music Council, based in UNESCO, Paris.

Summary of Response

The Music Council of Australia is pleased to provide comment on the proposed amendments. The Act is the Australia Council's key enabling document and it is vital it clearly defines powers, responsibilities, and accountabilities, for now and into the future.

The MCA supports the Government's intention to modernise the Act to increase responsiveness and relevance, and is pleased key elements have been retained including the arms-length principle, and new functions added to better reflect contemporary artistic life.

The MCA is concerned some important functions have been removed and that the new Act omits support for community based arts, national identity and freedom of expression. We advocate that these, and some others, be reinstated, and modernised as required. We are also concerned that peer assessment – which we view as fundamental to effective arts support – is less robust and without specific provision as a result of draft governance changes, and propose this be rectified.

Support for the Amendments

The MCA in general supports the Government's intention to modernise the Australia Council Act to enable it to better serve contemporary Australia. The Australia Council is an important national agency and plays a vital role in fostering and supporting the arts of this country.

The MCA supports the intention to introduce governance changes to increase the agency's flexibility, responsiveness, and relevance.

The MCA is pleased the arm's length principle has been reaffirmed and that the Minister continues to be unable to direct Council decisions or support. The MCA believes this mechanism, which is used widely in the arts and other sectors in multiple jurisdictions, optimises effective support for the arts.

Functions

In relation to Functions the MCA supports some new added functions, notes that certain functions have been removed which should be retained and in some cases updated, and proposes an additional function to ensure the Act reflects contemporary realities.

Support for new Functions

The new function 'to foster excellence in Australian arts practice by supporting a diverse range of activities' recognises Australia's demographic and cultural diversity and diversity of arts practices, and is an appropriate new Function.

The new Function 'to support and promote the development of markets and audiences for the arts' is also appropriate, enshrining the Australia Council's national role to foster domestic and international markets for Australian arts, vital to viability of arts practice and generating audiences.

The MCA supports these additions but notes they should not be added at the expense of other important Functions. We also note that there is now no specific obligation to promote Australian arts internationally, and make the observation that this needs to continue to be a national responsibility.

Functions removed which need to be retained

The Function 'to promote the general application of the arts in the community' has been removed. A similar updated statement needs to be retained, to ensure the Australia Council serves Australia's community at large, and not certain sections of it. The MCA views the fostering of arts at a community level as a national responsibility and vital to a vibrant and viable arts sector. We can find no reference to 'community' in the amended Act, nor to participation, access, or engagement. Yet these are all fundamental to key Creative Australia goals and to ensuring the Australia Council supports and promotes the arts for all Australians. The MCA proposes new wording for this function:

'To promote access to and participation in the arts at the community level.'

This recognises the central role played in citizen generated creative practice in the 21st century, and that the legitimacy of the Australia Council and the funding it gives and receives relies on public confidence and demonstrable benefits available to all Australians.

The Function 'to encourage the support of the arts by the States, local governing bodies and other persons and organisations' has been removed. This needs to be retained to ensure the Australia Council exerts its influence and authority to maximise support for the arts across the country -appropriate for the lead national agency. This can be vital in leveraging increased support for the arts from multiple sources, and encouraging efficient use of resources and minimising duplication.

The Function 'to foster the expression of a national identity by means of the arts' has been removed. This means the Australia Council has no special responsibilities in this area, yet Creative Australia makes reference to Australian and cultural identity in two of its five goals. As the key national arts agency the Australia Council must play a lead role in implementing the national cultural policy, and to ensure this is done effectively this Function needs to be reinstated.

The Function 'to uphold and promote the rights of persons to freedom in the practice of the arts' has been removed. This is a fundamental principle, requiring retention to ensure the Australia Council can discharge its Functions to supports a diverse range of activities and contribute to the Creative Australia goal to provide all citizens with 'a right to shape our cultural identity and its expression'.

Additional required Function

The centrality of Aboriginal and Torres Strait Islander arts and culture to Australia's national arts practice and identity is now widely recognised. This is supported by the MCA, and is rightly the first of Creative Australia's five goals. It is now appropriate this be recognised in the Australia Council Act and included as a Function to reflect contemporary realities and provide consistency with the National Cultural Policy.

Peer Assessment

Peer assessment is another key principle which the MCA views as necessary to optimise effective support for the arts. This provides for involvement by expert peers with substantial knowledge and experience in relevant areas of arts practice, and is an internationally respected mechanism for assessing quality in the humanities and higher education. The previous Act provided for peer assessment by legislating the structure and decision making power of the Council and boards, and requiring these to have a majority of arts practitioner members.

The amended Act provides for arts expertise in the decision making process, but it is no longer a requirement, rather it is desirable: 'In making appointments, the Minister must have regard to the desirability of the Board including members who have skills, experience or involvement in the arts.' The amended Act also has no requirement for committee members to contain arts practitioners.

So, the provisions in the 1975 act for arts practitioners on Council and boards have been removed and not replaced with any specific provision for peer review. The MCA proposes that either the requirement for a majority of board and committee members to be arts practitioners be reinstated, *or* that peer assessment be enshrined in the Act as a decision making principle. With either option, the MCA advocates that funding decisions should be significantly driven by expert arts peers.

Interestingly, the amended Act makes mention of peer assessment, but only as an *example* of why a committee may be formed (section 31 (1)). If peers assessment is the intent, it is appropriate to make it explicit to provide clarity in the Act.

Governance

The MCA supports increased flexibility and responsiveness, particularly to enable the Australia Council to support more collaboration across art forms, new areas of practice and innovation. The MCA also supports endeavours to strengthen Australia Council governance and to introduce new skill sets accordingly. However, it is imperative that increased flexibility and governance changes do not introduce unintended consequences such as loss of relevant expertise or dismantling of fundamental principles.

Thank you for the opportunity to provide this submission and to propose changes to legislative amendments to strengthen the Australia Council as a key agency in Australia's creative life.

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