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Australian Film Commission Amendment Bill 2003

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I N F O R M A T I O N A N D R E S E A R C H S E R V I C E S

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No. 165 2002-03

Australian Film Commission Amendment Bill 2003

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4 June 2003

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Australian Film Commission Amendment Bill 2003

Date Introduced: 29 May 2003

House: House of Representatives

Portfolio: Communications, Information Technology and the Arts

Commencement: On the day on which the Act receives the Royal Assent. The substantive amendments in Schedule 1 are scheduled to commence on 1 July 2003.

Purpose

The purpose of the Bill is to integrate ScreenSound Australia with the statutory body, the Australian Film Commission.

Background

The Origins of ScreenSound Australia

In 1935, Cabinet decided to establish the National Film and Speaking Record Library as part of the then Commonwealth National Library. Subsequently, it became the National Film and Sound Archive which was created as a separate Commonwealth collecting institution in 1984 together with a Council to guide it in its operation. In 1999, the organisation changed its name to ScreenSound Australia—the National Screen and Sound Archive.

ScreenSound Australia functions as an operational group within the Department of Communications, Information Technology and the Arts (DoCITA). ScreenSound Australia is a leader in scientific archival research. It has more than 40,000 items of film, video, television, stills and recorded sound that are available to industry for production purposes. ScreenSound Australia also provides an online collection database.

ScreenSound Australia, at present, is funded from the appropriation for DoCITA.

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The Australian Film Commission

The Australian Film Commission (AFC) is a statutory authority established in 1975. The AFC is a development agency for the screen production sector in Australia. The AFC's activities include financing the development of projects in film, television and interactive media. The AFC also finances the development of Indigenous film, television and digital interactive program makers.

A DoCITA *Review of Cultural Agencies* report recommended the integration of the AFC and ScreenSound Australia and the Government has accepted the recommendation. The integration is scheduled for 1 July 2003.

The Government's Commitment to the Integration of the AFC and ScreenSound Australia

In a joint media release on 13 May 2003, Senator the Hon Richard Alston, Minister for Communications, Information Technology and the Arts and Senator the Hon Rod Kemp, Minister for the Arts and Sport stated:

The synergies created by combining the resources of the AFC and ScreenSound Australia will improve their current educational and exhibition activities. It will also provide national leadership in enhancing access to, and understanding of, audiovisual culture.

Legislation will be introduced to facilitate the integration and, for the first time, give clear recognition in Commonwealth statute to the important work of collecting and preserving the nation's sound and visual heritage.¹

Media Comment on the Proposal

Taken overall, Budget 2003-04 is reported as being rather benign to the arts community.² There were, however, cuts in funding to the National Gallery, the National Museum and the National Archives.

While the integration of ScreenSound Australia into the AFC is seen as 'radical', it is reported as providing an opportunity for ScreenSound Australia to bring its archives into the centre of the Australian film and television industry.³

Australian Labor Party's Comments on the Proposal

The Shadow Treasurer and Shadow Minister for the Arts, Mr Bob McMullan MP, has suggested that the budget cuts for the National Archives, the National Gallery and the

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National Library will see up to 33 jobs lost.⁴ On the issue of the integration of ScreenSound Australia with the AFC, he said:

More information is needed about the effects of this amalgamation on the functions of both bodies.

It is difficult to see how the amalgamation of two different bodies with fundamentally different roles will improve services to the film industry and the public. The AFC produces films and ScreenSound preserves and provides access to them. We will be watching closely to ensure that none of these functions is neglected.⁵

Main Provisions

Schedule 1—Amendments of the *Australian Film Commission Act 1975*

Part 1—Amendments

At present, staff of the AFC are appointed by the Commission itself pursuant to section 29 of the *Australian Film Commission Act 1975* (the Act). The integration of ScreenSound Australia with the AFC will see a more elaborate structure introduced into the AFC, including the formal appointment of a CEO by the Minister and the employment of staff under the *Public Service Act 1999*. At Commission level, a second Deputy Chair position will be created to recognise the expanded functions of the AFC.

Item 1 inserts a definition of 'CEO' into section 3 of the Act.

Item 2 amends the existing definition of 'Deputy Chair' to reflect the expanded structure of the AFC which will now have two Deputy Chairs. **Item 3** and **Item 5**, respectively, insert new definitions that provide the titles of 'First Deputy Chair' and 'Second Deputy Chair' in the Act. The distinction between the deputies is to enable identification of which deputy formally deputises in the absence of the Chair. **Item 14** amends section 19 of the Act to allow the Governor-General to appoint two Deputy Chairs and for the Minister to determine who is 'First' and who is 'Second'. **Item 19** amends section 20 of the Act to provide that the 'First Deputy Chair', when available, deputises for the Chair.

Item 4 inserts a definition of 'national collection' to identify the cultural and heritage importance of the additional material held by the AFC following the integration of ScreenSound Australia. **Item 8** adds additional functions to the AFC to identify the broader cultural role for the AFC in developing, exhibiting and preserving the 'national collection'. **Item 9** inserts a new obligation on the AFC to use the 'national collection' in the national interest. **Item 10** provides specific authority to the AFC to add to the 'national collection' by way of purchase, deposit or loan and to provide public access to the material by way of loan, hire, sale of programs made from the materials, or otherwise. The AFC is also empowered to provide the specialist services of ScreenSound Australia on a fee for service basis.

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Item 11 inserts an obligation for the AFC to provide annual reports consistent with the *Commonwealth Authorities and Companies Act 1997*, including express reporting on the disposal by the AFC of any significant items from the 'national collection'.

Item 23 inserts a new *Division 1—CEO* into the Act. The new Division contains sections 28A to 28K that deal with the appointment, by the Minister, of the CEO of the AFC. Except for staff matters, the Commission may give written directions to the CEO. In all other respects the CEO is answerable to the Minister.

Items 24 enables DoCITA staff employed under the *Public Service Act 1999* to be transferred for employment with the AFC and remain persons engaged under the *Public Service Act 1999*.

Part 2—Transitional provisions

Item 26 appoints the existing 'non-statutory CEO' of the AFC as the new CEO of the integrated AFC and ScreenSound Australia as if that person had been appointed under the new arrangements. The appointment runs to 31 December 2005 (the current term of employment).

Items 27 to 30 and **Item 32** provide for the transfer of assets, liabilities, contractual rights and records of ScreenSound Australia to the AFC.

Item 31 provides exemption from State or Territory stamp duty or other tax which might otherwise apply to the transfer arrangements.

Concluding Comments

During the examination of the DoCITA portfolio, including the Australian Film Commission, at Senate Estimates on 28 May 2003 the issue of the integration of ScreenSound Australia and AFC was discussed.⁶ The evidence indicated that there had been an internal portfolio review but the proposal did not appear to have involved public consultation. The discussion also included questioning as to the name for the integrated entity which will retain the previous statutory title of AFC but will not include reference to ScreenSound Australia in its formal title. ScreenSound will, however, remain a trading name for the integrated function.

It seems ironic that attention is given to nomenclature within the revised internal structure of the AFC to accommodate the integration of the culturally important ScreenSound Australia, yet the name of the integrated body does not reflect its expanded role.

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Endnotes

- 1 'New arrangements for the Australian Film Commission and ScreenSound Australia', *Media release*, Senator the Hon Richard Alston, Minister for Communications, Information Technology and the Arts and Senator the Hon Rod Kemp, Minister for the Arts and Sport, No. B08/03, 13 May 2003.
- 2 Cosima Marriner, 'Breathe easy: arts gets a new start', *Age*, 15 May 2003. Gabriella Coslovich, 'Budget windfall for arts', *Age*, 16 May 2003.
- 3 Cosima Marriner, 'Breathe easy: arts gets a new start', *Age*, 15 May 2003.
- 4 'Job Losses to Follow Cultural Review', *Media release*, Bob McMullan—Shadow Treasurer and Shadow Minister for the Arts, 16 May 2003.
- 5 *ibid.*
- 6 Senate, Environment, Communication, Information Technology and the Arts Legislation Committee, *Consideration of Budget Estimates, Committee Hansard*, 28 May 2003.

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