



7 May 2009, 2008–09

Commonwealth arts policy and administration

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Introduction

This paper attempts to give an overview of Commonwealth arts policy and administrative developments from Federation to the present day. It will not deal with film policy as that will be the subject of a separate paper.¹

From Deakin to McMahon

Commonwealth involvement in the arts began soon after Federation. For example, in 1908 the Deakin Government established the Commonwealth Literary Fund, and in 1912 the second Fisher Government appointed a Commonwealth Art Advisory Board.

In the post-war period non-government grant giving bodies such as the Arts Council of Australia and the Australian Elizabethan Theatre Trust were established with Commonwealth assistance, and the Menzies Government established the National Library of Australia.

The Holt Government involved the Commonwealth further in the arts by establishing the Assistance to Composers Advisory Board and agreeing to the establishment of an Australian Council for the Arts and an Australian National Gallery. The former was realised in 1968 by the Gorton Government.

The Whitlam Government

In December 1972, the Australian Labor Party won office. Gough Whitlam brought to the Prime Ministership a passionate belief in the importance of the arts:

In any civilised community the arts and associated amenities must occupy a central place. Their enjoyment should not be seen as something remote from everyday life. Of all the objectives of my Government none had a higher priority than the encouragement of the arts, the preservation and enrichment of our cultural and intellectual heritage. Indeed I would argue that all the other objectives of a Labor Government - social reform, justice and equity in the provision of welfare services and educational opportunities - have as their goal the creation of a society in which the arts and the appreciation of spiritual and intellectual values can flourish. Our other objectives are all means to an end; the enjoyment of the arts is an end in itself.²

He also brought the belief that in 1972:

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1. This paper is a revised and updated version of this author's earlier paper, J. Gardiner-Garden, *Arts policy in Australia. A history of Commonwealth involvement in the arts*, Parliamentary Research Service, Background Paper, No.5 1994, Department of the Parliamentary Library, May 1994. Many references to pre-May 1994 material in this paper have been drawn from this 1994 paper.
 2. G. Whitlam, *The Whitlam Government 1972-1975*, Viking, Ringwood, 1985, p. 553.

... the arts in Australia were sorely in need of encouragement. Many of our finest artists were working overseas. Our national cultural institutions were embryonic or non-existent. Such institutions as existed in the States were largely relics of colonial or Edwardian times... the basis of a national arts and cultural policy did not exist. There were no major performing arts centres. The fledgling Australian Opera and Australian Ballet companies were underfunded, with the performing arts still largely in the hands of the Australian Elizabethan Theatre Trust, established in 1954. Touring of the performing arts to country districts was organised by State-based arts councils with limited access to funds. There were no regional theatre companies or galleries; there was no film industry; there were no State arts ministries. Aboriginal arts, and the crafts in general, were virtually ignored. Support for writers and artists had been dispersed for generations with notable frugality by ageing committees notorious for their political and social biases.³

The establishing of the Australia Council

Whitlam noted that there was no shortage of official arts bodies, boards, councils and funds of various kinds, but these had grown up in an ad hoc fashion over many years, and were frequently without expert membership or representation by artists themselves.⁴ A confidential paper on the future administration of the arts in Australia prepared for Whitlam by Jean Battersby, the chief executive officer of the Australia Council for the Arts, stated:

The present situation is not satisfactory from an administrative point of view or relevant to the needs of the arts. It is slow, cumbersome, ill-defined and tends to give decisions relating to areas of authority priority over those relating to the interests of the arts. Some of the agencies have different priorities, policies and even philosophies. Their administrative procedures are not coordinated. The advisory role of the Department vis-a-vis the specialist boards to the Minister is obscure and inconsistent.⁵

To rectify the situation Whitlam:

... quickly rejected the notion of a ministry of culture. Apart from its vaguely totalitarian overtones, experience of such ministries in the Western democracies had not been encouraging. Even in France, where de Gaulle's Ministry had been headed by Andre Malraux, an artist and scholar of great sensitivity, there had been serious criticism of the political use of his powers and an alienation of the most vigorous artists from the Ministry. Nor had attempts to administer the arts within the normal context of the Public Service proved entirely satisfactory. A single council seemed to offer the prospect of a broad policy for the national development of the arts within a streamlined administration providing independence from political pressures and safeguards against centralised and authoritarian tendencies.⁶

3. *ibid.*, pp. 554-555.

4. *ibid.*, p. 555.

5. *ibid.*, p. 557.

6. *ibid.*, pp. 557-558.

More tempting were the models adopted in Britain and Canada with the establishment of independent but government funded all embracing arts councils.

On 26 January, Australia Day, 1973 Whitlam announced the first appointments to a new, albeit interim, arts council. The council would subsume the roles of all the boards, advisory bodies and councils named in the earlier part of this paper—most notably the Arts Council of Australia, the Commonwealth Art Advisory Board, the Commonwealth Literary Fund, the Film and Television School and the Advisory Board for Commonwealth Composers. The council would fall within the responsibility of the Department of Prime Minister and Cabinet, and comprise twenty four members appointed for one to two years. The Prime Minister invited to be council members people prominent in the arts supported by others with legal, financial and other administrative skills and by several senior officials of government departments whose work interlocked with that of the council. Seven specialist boards were formed within the council: a Literature Board, a Music Board, a Theatre Board, a Crafts Board, an Aboriginal Arts Board, a Film and Television Board and a Visual Arts Board. The membership of the boards was announced a few weeks later. Approximately one third of the people appointed had been members of the bodies advising the previous Government, with an intention to offer a transition to a more lasting arrangement.⁷

Whitlam went on to ask the interim council to recommend on a more permanent structure for government administration in the arts. The council's draft report was approved by Cabinet and in 1974 legislation to establish the new council, to be called the Australia Council, was introduced. On June 30 1975 the *Australia Council Act 1975* was proclaimed and the Council became a statutory authority under the Ministerial responsibility of the Department of the Prime Minister and Cabinet.

The Whitlam Government matched its changes to arts administration with a funding increase in each of its three budgets. The Australian Council for the Arts (so called before its replacement in 1975 by the Australia Council) received \$14 million in the 1973–74 Budget, more than double the allocation the bodies out of which it evolved had received the year before. The Council's allocation was increased by a further 50 per cent in the 1974–75 Budget.

Other initiatives

Other initiatives of the Whitlam Government included: setting up a committee chaired by P.H. Pigott to inquire into Museums and National Collections; instigating an Industries Assistance Commission inquiry into assistance to the performing arts; approving the first (and in some cases controversial) purchases of art for the envisaged Australian National Gallery; widening the role of the National Library; and supporting public lending rights for

7. Australian Council for the Arts, *First Annual Report, January–December 1973*, Australian Council for the Arts, Sydney, 1973, p.9.

authors with the introduction of the Australian Authors' Fund Bill (the basis for the *Public Lending Right Act 1985*).

The Fraser Government

The Fraser Government supported the continued existence of the Australia Council, but made several changes to the structure of government support following reports by the Administrative Review Committee in 1975 and Industries Assistance Commission in 1976.

Fraser Government initiatives included the decision in 1979 to build a National Museum of Australia and the setting-up of the Taxation Incentives for the Arts Scheme in 1981 and Touring and Access Fund in 1983.

Initial policies

During the 1975 election campaign the then Leader of the Opposition Malcolm Fraser outlined the views of the Liberal-National Country Party (L-NCP) on the arts in Australia. He stressed that

a L-NCP Government would not aim to reduce grants to the arts, but aim to reduce waste, to create conditions under which the arts can flourish and to avoid over-bureaucratisation and too much Government control or direction of the arts or artists.⁸

As Prime Minister, Fraser gave further details on L-NCP Arts policy. In his Ministerial Statement to the House of Representatives on the arts in June 1976 he made the following points:

- (1) The L-NCP Government would continue the high level of support given by Federal Governments to the arts in Australia.
- (2) This support would be used as efficiently as possible so that duplication or unnecessary expenditures are avoided.
- (3) The Federal Government would provide a solid financial basis upon which patronage of or participation in the arts could continue, but it was not to be regarded as the only or even necessarily the major source of arts finance. The Government would strive to involve State Governments, local bodies, companies, individuals etc. in the encouragement of decentralised and diversified arts activities.

Where possible and desirable the Australia Council was to make devolution grants so that other authorities (for example, local government bodies) could in turn assist local groups or individuals. Furthermore, where appropriate, grants made by the Australia Council should be matched by grants from that organisation (if a private body) or the appropriate state government. Fraser noted in the same press release that:

8. M. Fraser, *Liberal Party Press Release 460/1975*, 30 November 1975.

A diversity and plurality of support can only strengthen the arts to the general common good. Let me emphasise that our aim is to broaden support for the arts, to have more funds flowing from different sources.

We are not seeking to find substitutes for Government assistance, but to expand on that necessary base.⁹

Reviews and reports

Two studies, one a review and one a report, early in the life of the Fraser Government, although not entirely embraced by that government, set the tone for debate over arts policy which varied greatly from the tone of debate during the Whitlam Government.

In 1975, the Fraser Government established the Administrative Review Committee to examine the problems of duplication and waste in government departments and agencies, and between Commonwealth and state bodies. The Committee's report was not published, but Fraser's Ministerial Statement in June 1976 referred to shortcomings in the Australia Council's activities:

Unsatisfactory arrangements between the Council and boards; high turn-over of members; excessive attention to the making of small grants - and at considerable cost; insufficient account was taken of blossoming State cultural authorities and their possible use as agents for the council; enthusiastic arts amateurs and the dilettante seemed to receive more attention than was probably deserved.

Because of this, changes were made designed to make the Council more efficient and thus enable more funds to be spent on the arts themselves. The *Australia Council Act 1975* was amended in 1976 to give the Council the formal role of the government's advisory agency on all matters falling within its area of responsibility. The Council was not previously charged with this specific responsibility. The previously largely autonomous boards were made responsible to the Council and now functioned under its direction and guidelines.

In November 1976, the final report of the Industries Assistance Commission (IAC) inquiry into Assistance to the Performing Arts was published. While not questioning the level of federal assistance to the arts, the IAC did question whether the process of allocation of federal moneys was reasonable and consistent with Government objectives. The Commission found that:

1. Federal assistance to the performing arts should ultimately be distributed reasonably equally between the three major objectives of:
 - improving education in the performing arts, particularly by fostering among children an understanding of the basic elements of these arts and by providing adults with programs of education in the arts;

9. *ibid.*

- encouraging innovation in the performing arts, particularly where they increase the relevance of the performing arts to the Australian community; and
 - expanding dissemination of the performing arts to the community generally, where they further the ends of education and innovation in these arts; the dissemination to be achieved using all means according to the efficiency and effectiveness of each in different situations.
2. The policies of existing and proposed Commonwealth instrumentalities, e.g. ABC broadcasting authorities, should be consistent with the Government's objectives, insofar as their activities involve assisting the performing arts. The Australia Council should have a specific responsibility for monitoring the reporting and should assist in coordinating the use of all federal resources assisting the performing arts.
 3. In relation to all the objectives, assistance should be available to both performing and creative activities, whether commercial, professional or amateur, irrespective of whether or not they have received assistance in the past.
 4. The distribution of assistance proposed in 1 above, should be achieved progressively by redirecting available federal assistance over eight years.
 5. Adjustment assistance should be provided to the presently subsidised companies by maintaining assistance which contributes to their operating costs at approximately the level in 1976-77 for a period of three years, that level of assistance to be phased out over the following five years.
 6. At the end of this eight year period, assistance should be provided only for activities relating to the purposes in 1 above.
 7. All instrumentalities dispensing Commonwealth assistance should be publicly accountable by way of reasoned explanation of the community benefits which they consider will be generated by the assistance they distribute.
 8. Commonwealth Government assistance should not be accorded:
 - by directly restricting the importation of live or recorded performing arts;
 - for assistance for theatre ownership or for performing arts capital projects (except within the Australian Capital Territory or the Northern Territory).

Attention is drawn to suggestions in this report with regard to:

- the various measures suggested for redirecting resources to the three major objectives expressed in 1 above;
- changes to the structure and objectives of the Australia Council;
- research to be undertaken by the Australia Council and other bodies;

- the suggested role of State and local governments in assisting the performing arts;
- the training of performers;
- the provision of tax deductibility for donations to performing arts organisations;
- a review of assistance in eight years.¹⁰

The philosophy and practice of much of the Australia Council's activity was clearly challenged by these findings. The report aroused hostile reactions from artists and the arts lobby, and its main recommendations were rejected by the government.

In a press release of 25 September 1977, the Minister for Business and Consumer Affairs, W. C. Fife, and the Minister Assisting the Prime Minister in the Arts, A. A. Staley, announced the government's decision regarding the IAC Report:

The Government has not accepted the Commission's recommendation that the existing patterns of assistance to the performing arts, including the major performing arts companies, should be phased out.

Performing arts companies such as the Opera, Ballet and Drama Companies receiving assistance from the Government should continue to receive support.

The promotion of excellence in the arts is of primary importance and continuation of assistance to the presently subsidised companies is seen as being consistent with this objective.

The cost of assistance needs to be weighed against the benefit that the assistance provides to the community and against the competing claims of other artistic activities. In this regard the Government notes the Commission's criteria of improving education, encouraging innovation and expanding dissemination of the performing arts and accepts that these criteria should be an important consideration in assessing priorities for the allocation of available funds.

The Government sees the role of the Australia Council in particular as central to the future success of its policies for the performing arts.

The Ministers said that the Australia Council would have prime responsibility (in consultation with the appropriate bodies) for negotiating with the states and private sources to broaden assistance to the performing arts.

10. Industries Assistance Commission, *Assistance to the performing arts, 30 November 1976*, Industries Assistance Commission report; [no.112], Australian Government Publishing Service, Canberra, 1976, pp. 135-136.

The Ministers added that there was a need for public accountability of funds committed to assistance to the performing arts, and the Australia Council was being requested to provide regular assessments of the effectiveness of public assistance for the arts in terms of community benefits. Apart from informing government and promoting public discussion, the Ministers considered that the assessments would be an important help to the Australia Council in judging the effectiveness of its own activities.

Other initiatives

In September 1977, Fraser announced that a Community Arts Board would be incorporated into the Australia Council. The Australia Council had always had a community arts program but it had not had board status. The new board had the function of assessing the interests in, and the opportunities for, the arts at the community level. It was to encourage groups like local government authorities, trade unions and so on to become more involved in the education of the community through the arts.

Following the December 1977 election, Fraser announced that the Australia Council and other bodies relating to the arts would be transferred to the new Home Affairs portfolio. .

In 1979 the government announced that it was adopting one of the main recommendations of the 1975 Report of the Committee of Inquiry on Museums and National Collections, commonly called the Pigott Report, and that a \$30 million museum would be built at the Yarramundi Reach site in the Australian Capital Territory. Legislation to establish the National Museum of Australia was passed in 1980 and an interim museum council was set up in 1981.

In 1980 the Fraser Government located responsibility for the Arts within a newly created Department of Home Affairs and Environment,

In January 1981, after a three year trial period the Taxation Incentives for the Arts Scheme came into permanent operation. The scheme, which is still running, encourages donations of cultural works of significance from private collections to public art galleries, museums and libraries by offering donors a deduction from their assessable income equivalent to the market value of their gifts, as decided by two approved valuers. The Minister (originally for Home Affairs and Environment, today for the Arts) appoints members to the advisory body, the Committee on Taxation Incentives for the Arts.

The Hawke Government

Initial changes

When Labor assumed office in March 1983 the Chairperson of the Australia Council was Timothy Pascoe, whom Fraser had appointed for a three-year term in September 1981. Although Pascoe had been criticised for presiding over a dramatic fall in the Australia Council's spending power, of imposing uniformity in the name of efficiency and of operating

behind the scenes instead of in clear public view, he had been praised for supporting the Community Arts Board and pushing reform in the Australian Ballet.¹¹ The Labor government invited Pascoe to work to the end of his term. In this latter part of his term Dr Pascoe criticised the previous government's policy:

They really had it in for the Australia Council. Its funding slipped back by about 20 per cent over seven years and they cut back its staff by 35 per cent. Over the same period the staff decline in the public service was 3.5 per cent. More bias than analysis led to that.¹²

The new Labor government never established the overall federal coordinating body which it proposed before the 1983 election and which was predicted at the time to 'create more problems than it solves' and 'cost the taxpayer a great deal of money which would be better spent directly on the artists and performers'.¹³ In 1984, however, moves were made for a closer relationship between the Australia Council and the ABC, Australian Broadcasting Tribunal, Special Broadcasting Service and the Film Commission.¹⁴

In December 1984, the Department of Home Affairs and Environment which had acquired some new areas of responsibility and shed some old ones immediately after the March 1983 election underwent further change. A new Department of Arts, Heritage and Environment emerged with responsibility for cultural affairs (including support for the arts), national collections, national heritage and environment and conservation.

The flagship debate

One of the main issues in the arts in the period 1983–85 was whether the limited Commonwealth funds should continue to be directed chiefly towards the large traditional 'flagship' companies (most notably the Australian Opera, the Australian Ballet and the two Elizabethan Theatre Trust Orchestras) or whether in a major policy change, funds should be directed away from these 'heavies' and towards the smaller and more experimental groups. In 1985 one quarter of all Australia Council funds went to the four companies noted above.¹⁵

The arguments in favour of continuing to support fully the larger companies (including large theatre and dance companies) included the following:¹⁶

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11. *National Times*, 15–21 August 1982, as quoted by Gardiner-Garden, op. cit., p. 17.
 12. *Sydney Morning Herald*, 22 October 1983, as quoted by Gardiner-Garden, op. cit., p. 17.
 13. *The Australian*, 1213 February 1983; *Canberra Times*, 22 February 1983, as quoted by Gardiner-Garden, op. cit., p. 18.
 14. *National Times*, 30 November–6 December 1984, as quoted by Gardiner-Garden, op. cit., p. 18; Australia Council, *Annual Report 1984-85*, pp.25-26.
 15. *The Australian*, 16 May 1985, as quoted by Gardiner-Garden, op. cit., p. 18.
 16. For example, *The Australian*, 2021 October 1984 *The National Times*, 30 November–6 December 1984, as quoted by Gardiner-Garden, op. cit., p. 18.

- these companies are the showpieces of Australian culture and are important to the development of our nation's image abroad. Their viability ought not be jeopardised at the very time they are starting to receive world recognition
- it is the government's duty to support excellence and professionalism in the arts, not mediocrity and amateurism
- 'If we want Grand Opera and Classical Ballet we must be prepared to pay for them'¹⁷
- the investment most States have made in grand new Arts Centres would be wasted if the viability of the major performing companies is not ensured
- without a satisfactory level of Commonwealth funding the large companies will not attract the corporate funds upon which they were increasingly expected to survive.¹⁸

The arguments in favour of a change in funding emphasis included:

- excellence is too often associated with traditional, costly, extravagantly presented and internationally accepted arts, without the particular merits of the arts being examined¹⁹
- art should not just be a spectator sport for the well off. There should be greater access to and participation in art
- the 'heavies' should be funded to a greater degree by those who economically benefit from them - State Governments, city councils and the tourist industry.²⁰

In the period 1983–84 the government seems to have supported a policy of change—of shifting the funding emphasis from the large art organisations, which ought to be able to attract private sector and state government monies to ensure their continued viability, to the smaller, experimental groups. Where the 1982 ALP Policy platform (2B1a) said the Australia Council should:

provide maintenance support to organisations which sustain the highest level of achievement in the arts

the 1984 ALP platform (2B1) said the government would:

support organisations which sustain satisfactory levels of achievement in the arts.²¹

17. *The Australian*, 12-13 February 1983, as quoted by Gardiner-Garden, op. cit., p. 19.

18. *The Australian*, 7 March 1983, as quoted by Gardiner-Garden, op. cit., p. 19.

19. Pascoe's observation, *The Age*, 11 April 1985, as quoted by Gardiner-Garden, op. cit., p. 19.

20. *National Times*, 25-31 January 1985; Professor Horne in *The Australian*, 19-20 January 1985 and *Pressure Point*, 21 March 1985, as quoted by Gardiner-Garden, op. cit., p. 19.

Where the 1982 ALP platform (2B1c) said the Australia Council should, among other things:

provide comprehensive support for everyone in the community to have access to, and participate in, the arts ...

the 1984 platform (2B3) said the government would:

ensure that statutory authorities predicate their operations and budget expenditure on the guidelines set by the Government, with particular emphasis on ensuring access and participation.²²

The government encouraged the Australia Council to support this new policy by appointing to the Council boards individuals sympathetic to the new policy and by making the Council fully aware of the government's policy.

As early as March 1983 Pascoe, the Chair of the Australia Council, produced an internal report urging the Council to support a shift in funding from assumed excellence to genuine creativity.²³ In his inaugural speech in January 1985 the incoming chair Donald Horne suggested it should be possible for the Australia Council to simultaneously support large organisations and encourage the risky and the innovative projects.²⁴

The shift in funding emphasis drew loud protests however, from the large companies. These protests drew a commitment from the Prime Minister, Bob Hawke, prior to the December 1984 election to provide an extra \$802,000 to enable the Council 'to maintain the real level of funding for companies of excellence in the performing arts'²⁵ and a letter from the Minister for Arts, Heritage and Environment, Barry Cohen, advising the Australia Council of the government's wish that the funding of the largest companies be maintained through indexation at present levels.²⁶

The geographic bias debate

Another major issue in the period 1983–85 was how best to correct a perceived funding bias towards Sydney-based artists and artistic groups. It was pointed out that the bias in favour of Sydney was far less if the huge sum directed towards the national companies based in Sydney (the Australian Opera, Ballet and their Orchestras) were excluded from the calculations.

21. As quoted by Gardiner-Garden, op. cit., p. 19.

22. As quoted by Gardiner-Garden, op. cit., p. 20.

23. *The Age*, 11 March 1983, as quoted by Gardiner-Garden, op. cit., p. 20.

24. The speech is reproduced in the *Australian Foreign Affairs Record*, Canberra, Australian Government Publishing Service, February 1985. pp. 92-102, quotation from p. 101.

25. Australia Council, *Annual Report 1984-85*, p. 23.

26. This letter is quoted in a letter tabled along with the Minister's Address on Arts Policy, 17 October 1985, as quoted by Gardiner-Garden, op. cit., p. 20.

Could these sums be excluded, however, when these companies rarely if ever performed outside Sydney and Melbourne?

Several ways of correcting the imbalance were suggested. Firstly, the Australia Council's headquarters could be moved from Sydney to Canberra and small regional offices should be established in the states and territories. This option was strongly argued by a Melbourne lobby group.²⁷ In reply it was argued that a move to Canberra would make the Council staff even more remote from the performances and exhibitions with which they should keep in touch and that 'reality in the arts resides away from Canberra'.²⁸ These were not particularly strong arguments considering that Canberra served as the administrative capital for all other federally funded activities and that through regional offices the Council could keep in touch with the national scene. Secondly, it was suggested the Council should restrict itself to developing arts policy and providing resources. Funds, determined by a formula based on tax revenue or population, should be given to the state arts bodies to distribute. This solution was urged by a meeting of arts industry representatives in Melbourne in October 1985,²⁹ by the West Australian, Bill Warner at the National Screenwriters' Conference in Melbourne in February 1985³⁰ and by the Opposition spokesperson on the Arts, David Connolly:

The record of the NSW Government in arts funding is the worst of any State in the Commonwealth. It is for this reason that it is essential that a clear definition of Federal and State responsibilities for arts funding must be achieved.³¹

To the calls for a shift in the Australia Council's base, Professor Horne replied that the alleged funding imbalances would not be solved 'by spreading it around or putting it up into outer space or something. It's a question of policy'.³² Though the press at various times virtually announced that the Australia Council was going to move to Canberra³³ or was going to be dismantled,³⁴ it was decided in early 1984 that the Council was to stay in Sydney, but that some staff would be exchanged with those working for the state Arts Ministers, that

27. *Canberra Times*, 9 December 1983, as quoted by Gardiner-Garden, op. cit., p. 21.

28. *Canberra Times*, 9 December 1983; *Sydney Morning Herald*, 19 November 1983, as quoted by Gardiner-Garden, op. cit., p. 21.

29. *Sydney Morning Herald*, 22 October 1983, as quoted by Gardiner-Garden, op. cit., p. 21.

30. *West Australian*, 7 February 1985, as quoted by Gardiner-Garden, op. cit., p. 21.

31. *The Australian*, 31 July 1985; see also *The Australian*, 31 June 1985, as quoted by Gardiner-Garden, op. cit., p. 21.

32. *Pressure Point*, 21 March 1985, as quoted by Gardiner-Garden, op. cit., p. 22.

33. *Sydney Morning Herald*, 28 October 1983, as quoted by Gardiner-Garden, op. cit., p. 22.

34. See *Sydney Morning Herald*, 22 October 1983, 20 October 1983 and 4 November 1983, as quoted by Gardiner-Garden, op. cit., p. 22.

applications for Council money would be circulated to those Ministers before decisions were reached, and that a regional office would be opened in Melbourne.³⁵

The arm's-length debate

The third great issue of the first three years of the Hawke Government concerned the degree to which the Commonwealth should direct the arts funding it provides. The Arts Minister Cohen was called 'an irascible interventionist'³⁶ and accused several times of violating the principle of 'arm's-length funding'. This principle, established with the Australia Council, holds that the government provides but does not direct the funds, that peer groups of artists, not politicians, assess the arts. In 1984, Cohen was accused of favouring the appointment to the Council or its boards personal acquaintances, before those favoured by the industry.³⁷ In late 1984 Cohen was accused of being responsible for the Australia Council's decision to freeze or reduce funding to the major state theatres, the Australian Opera and the Australian Ballet, and to increase funding to the smaller regional and community arts groups.³⁸

Cohen insisted that the government had played its part by increasing the total funds available 'but it is for the Council and its Boards to determine the detailed distribution of the funds available according to their assessment of individual needs and priorities' and by reaffirming that

The Government fully agrees with the 'arm's-length' principle and funding decisions by peer assessment, which have been so strongly supported by the very organisations that are now complaining'.³⁹

The General Manager of the Australia Council supported Cohen in November 1984 with an internal paper stressing that neither the government nor the Minister was involved in the day-to-day decision-making process and that the Minister was not involved in deciding whether a company gets a grant or an artist a one-year fellowship.⁴⁰

In August 1985, Australia Council staff and some arts industry organisations criticised Cohen for suggesting in a letter to Professor Horne that, when considering the Australian Ballet, Australian Opera, and the Australian Elizabethan Theatre Trust Orchestras:

35. *The Age*, 28 February 1984; *The Australian*, 5 March 1984, as quoted by Gardiner-Garden, op. cit., p. 22.

36. *The Bulletin*, 17 April 1985, as quoted by Gardiner-Garden, op. cit., p. 22.

37. *ibid.*

38. For example, *Sydney Morning Herald*, 11 June 1984 as quoted by Gardiner-Garden, op. cit., p. 22.

39. B. Cohen (Minister for Home Affairs and Government), media release, 17 October 1984, as quoted by Gardiner-Garden, op. cit., p. 23.

40. *National Times*, 30 November–6 December 1985, as quoted by Gardiner-Garden, op. cit., p. 23.

... the Australia Council obviously has a special responsibility with respect to funding of these companies and in the circumstances it would be responsible for these companies to expect their funding for 1986 to be maintained at a level consistent with the indexation figures and by the Government in arriving at the real level of funding for the Council, i.e. five per cent.⁴¹

They considered this ‘a dangerous indication of government’s incapacity to resist powerful but minority lobbying’ and a breaking of the ‘arm’s length principle’.⁴² Six arts organisations called on the government to ‘reaffirm its commitment to arm’s length funding by the Australia Council as a statutory authority’⁴³ and the Australia Council requested from the government a letter of clarification. Cohen wrote in reply:

I have defended consistently the practice that artistic decisions on individual grants are matters for the Council and not the Government. However, it is important for the Government to indicate its expectations in matters of broad direction, especially where very large sums of money are involved.⁴⁴

He reminded the Council that:

It is established by statute and the Government expects it and its Boards to carry out their activities in ways consistent with Government policy. It is fully funded by the Government and funds are provided for this purpose alone.⁴⁵

In a statement on arts policy in the House of Representatives on 17 October 1985, his first major statement in three years, Cohen made several points with respect to ‘the arm’s-length principle’:

Many of my critics are enthusiastic and uncompromising supporters of the ‘arm’s length principle’, as they proclaim it, when it suits them, yet have no hesitation in demanding my direct intervention when it does not ...

Governments are elected to govern; to make decisions ... This principle of Ministerial responsibility is generally demanded of governments in Australia. In relation to the arts, the present legislative arrangements make it near impossible to achieve ...

41. See the Minister’s Address on Arts Policy tabled in the House of Representatives, 17 October 1985, as quoted by Gardiner-Garden, op. cit., p. 23.

42. *Sydney Morning Herald*, 3 September 1985, as quoted by Gardiner-Garden, op. cit., p. 23.

43. J. Macdonnell, *Arts, Minister? Government Policy and the Arts*, Currency Press, Sydney, 1992, p. 362.

44. Letter attached to the Minister’s Address on Arts Policy, tabled in the House of Representatives, 17 October 1985, as quoted by Gardiner-Garden, op. cit., p. 23.

45. *ibid.*

The other major patrons in Australia are the State governments and private companies. Neither of these groups practise 'arm's length' funding ...

The present system, it can be argued, protects partial patronage and hides prejudice beneath a cloak of artistic integrity.⁴⁶

The federal Opposition, far from criticising the government for too much intervention in the arts, criticised the government for too little intervention—indeed, of abrogating its responsibility and giving the Australia Council too much independence. The Opposition spokesman on the Arts, David Connolly, claimed:

The use of a statutory authority in this way is, in my opinion, merely a political subterfuge to protect Ministers from having to make hard decisions which they are either unable to, or unwilling to, later articulate ... The Commonwealth Government has been unwilling to conduct its own investigations into the efficiency and effectiveness of the Australia Council and to develop new objectives for cooperation with the States and local government.⁴⁷

Connolly proposed doing away with the Australia Council, and directing the \$6 million he claimed would be saved directly to artists.

The level of funding debate

With rises in Australia Council funding of 14.5 per cent in 1983–84, 16.3 per cent in 1984–85 and 7.8 per cent in 1985–86, a 40 per cent increase in three years, and with expenditure in the arts through other bodies having increased by 31 per cent, the Minister could justifiably claim in his letter to the then chair Donald Horne on 28 August 1985 that 'We have gone a long way towards the expectations to return arts funding in real terms to 1975–76 levels'.⁴⁸

Some arts organisations believed they should unite in calling on the federal government to provide more financial support for the arts in general.⁴⁹ A number of reasons for increasing arts funding were put forward:

- government funding of the arts was still lower in Australia than in almost all other advanced Western countries⁵⁰

46. B. Cohen, Minister for Arts, Heritage and Environment, House of Representatives, *Debates*, 17 October 1985, pp. 2387-2388.

47. *Canberra Times*, 3 June 1985, as quoted by Gardiner-Garden, op. cit., p. 24.- Similarly, *The Australian*, 31 July 1985, as quoted by Gardiner-Garden, op. cit., p. 24.

48. Letter attached to B. Cohen, Minister for Arts, Heritage and Environment, 'Title of media release', media release, 3 September 1985.

49. See *National Times*, 1–7 March 1985, reporting on the Theatre Board's forum in Albury, NSW in February, as quoted by Gardiner-Garden, op. cit., p. 25.

- arts funding contributes to economic activity across a range of interrelated goods and services⁵¹
- arts funding is high-profile expenditure⁵²
- research suggests that Australians are not only interested in the arts, they are interested in the future development of the arts in this country, see the arts as being of benefit to the community as a whole and are willing to subsidise the arts with their taxes to a higher degree than they do at present (indeed, two or three times higher)⁵³
- arts are cause for national pride in Australia, and governments ought not underestimate the political gains to be had from being seen to support them.⁵⁴

The McLeay Report

In 1985 the House of Representatives Standing Committee on Expenditure's Inquiry into Commonwealth Assistance to the Arts, chaired by Leo McLeay, started to hold hearings and receive submissions. The terms of reference for the inquiry put particular emphasis on:

- the procedures for the allocation and distribution of funds available for the arts through the Commonwealth Budget
- the impact of the present level and allocation of expenditure and of other means of support such as taxation incentives
- current issues and concern in the arts industry
- the Commonwealth's role in arts funding.

In a way this inquiry constituted the 'review of assistance in eight years' recommended by the Industry Assistance Commission in its 1976 review of assistance to the performing arts.⁵⁵ The House of Representative's inquiry's report, *Patronage, Power and the Muse*, was released in September 1986. In its general comments on the question of the economic

50. Australia Council, *Annual Report 1984-85*, p. 18; *Artforce* No.51, 1985, p. 6, as quoted by Gardiner-Garden, op. cit., p. 25 .

51. *ibid.*

52. D. Throsby and G. Withers, *What Price Culture?* Australia Council, Occasional Paper 20, North Sydney, 1984.

53. *ibid.*, pp.18–23, 25–26.

54. *ibid.*, p. 26–27.

55. Industries Assistance Commission, op. cit., p.136.

benefits of public arts assistance, the Committee could find ‘no prospect of any consensus on these complex questions in the foreseeable future’, but it did find that:

The relatively small public investment in these activities can be justified by the net public benefits which accrue, regardless of what arguments there may be on the best way to maximise these benefits.⁵⁶

On the vexed question of whether government assistance to the arts, should be via the ‘Arts Council’ or the ‘Arts Ministry’ model, the Committee decided the former was preferable ‘for the distribution of grants and as a vehicle for arts community input to policy development’ but that the Australia Council’s membership should be broader and its operations decentralised.

The report’s specific recommendations included the following:

- the Australia Council and its Boards should regularly meet outside of Sydney
- the Australia Council should be restructured and the number of Boards reduced
- the Australia Council should introduce a system of triennial funding for its three largest clients, the Australian Opera, the Australian Ballet and the Australian Elizabethan Theatre Trust and should administer its grants to its major clients through a separate program
- the Department of Arts, Heritage and Environment should continuously consider the effect of taxation ‘subsidies’ on overall Commonwealth arts support policy
- the Minister, while not having the power to decide particular grants, should be free to offer the Council directions on policy
- the Australia Council should devolve some areas of decision-making
- the Council should assist talented contemporary musicians with the production of demonstration tapes, video clips and first records.

There was immediate public reaction to the report. Most criticism was directed at the specific recommendations, but Dr Philip Parson, director of the Australian Theatre Studies Centre at the University of NSW and editor of the proceedings of a seminar on the McLeay report, expressed dissatisfaction with the ‘arts is an industry’ justification for government support:

To maintain and increase government funding of the arts these spokesmen turned away from the quality-of-life arguments of the sixties which had identified, accurately, the intangible value of the arts to the human spirit, and instead addressed the political managers in their

56. House of Representatives Standing Committee on Expenditure, *Patronage, Power and the Muse: inquiry into Commonwealth assistance to the arts*, Parliament of the Commonwealth of Australia, Canberra, September 1986, pp. 36–37.

own language. They pointed to benefits created by past funding—spectacular increase in turnover and job creation, spin-off benefits to the tourism industry—and the rationale for arts funding became pre-empted by its incidental benefits.⁵⁷

Other general objections to the McLeay report would seem to have included, as Peter Anderson has observed, a concern that the Committee embraced too closely the sentiments of the 1976 IAC report mentioned above and earlier in this paper.⁵⁸

The devolution of authority debate

The McLeay report recommended that the Australia Council should ‘within 18 months, have delegated authority for deciding between applicants for small grants in ongoing programs to appropriate agencies and authorities closer to the field’. In its responses to the report the government supported this recommendation (number six) and declared that it was ‘pursuing discussions with the States and Territories and through the Cultural Ministers Council’.⁵⁹ The government also stated that ‘transfer to the States of responsibility for grant administration may need to be accompanied by transfer of appropriate administrative resources’.⁶⁰

The states, especially Victoria, were very supportive of ‘devolution’. The Australia Council had been frequently criticised for being Sydney-orientated and out of touch with the arts community. In October 1986, the Victorian Premier, John Cain, alleged the Council’s literature board had a pro-New South Wales anti-Victorian bias, and that the Council itself was ‘a wasteful, ineffectual, irritating anachronism’.⁶¹ In November 1986, the director of the Sydney Festival, Stephen Hall, echoed the latter sentiments suggesting the Australia Council:

... sits imperially controlling the Federal Government’s arts funding like some great black spider, but also, in its own arrogant and arbitrary way, decides where such monies should go. Arrogant is a strong adjective to use, but I can find no other to describe a body that, to an outsider, appears incestuous, high-handed and sloppy in its administration. For no less than three years the Festival of Sydney has sought support on the basis of a basic grant, to give us the same sort of privileges enjoyed by the other major festivals throughout Australia ... We have read the McLeay Report with great interest, and support many of its contentions, but frankly we don’t think it goes far enough ...⁶²

57. P. Parsons, (ed.), *Shooting the Pianist: The role of Government in the Arts*, Currency Press, Sydney, 1987, p. 13.

58. P. Anderson, ‘Constructing the Arts Industry’, *Culture and Policy*, vol. 3, no. 2, 1991, p. 55.

59. Ministerial statement in response to the McLeay report ; Government response to the report from the House of Representatives Standing Committee on Expenditure, Canberra, 1984.

60. *ibid.*

61. *The Age*, 7 November 1986, as quoted by Gardiner-Garden, *op. cit.*, p. 29.

62. *The Age*, 22 November 1986, as quoted by Gardiner-Garden, *op. cit.*, p. 29.

The Council itself, in its response to the report, supported the devolution. It made, however, two qualifications to its support: firstly, that authority to determine grants would only be devolved if peer group assessment was assured—not then the practice in state Ministries; and secondly, that authority to decide grants for Aboriginal arts, national organisations, individual artists and innovative projects not be devolved. The Council said it was ready to devolve authority in the area of companies, community arts, contemporary art spaces, National Exhibition Touring Structure, interstate touring, some crafts, artist-in-residence schemes, and literary festivals and workshops.⁶³

It was suggested that devolution of grant decision-making would cost considerably more than the system of concentrating the authority in the hands of the Australia Council and that unless the government was prepared to commit more money to the arts there would be less for the artists.⁶⁴

The Ministerial power debate

The 1986 McLeay report recommended an amendment to the Australia Council Act to provide for ministerial directions to the Council.⁶⁵ The government accepted this recommendation (number four) but Cohen publicly reaffirmed his commitment to ‘arm’s-length’ funding and Professor Horne reportedly accepted Cohen’s affirmation and saw no threat in the recommendation.⁶⁶

Despite the above assurances and the fact that the recommendation was accompanied by the qualifier that the directions should not extend to particular grants and that they should be discussed with the Council and publicised, many commentators believed the recommendation and the government’s acceptance of it vitiated the Council’s independence. Several artists and art commentators at a forum in Sydney in October 1986 criticised the McLeay report for revealing ‘a gut suspicion of artists’ and ‘a very deep fear of artists in the bureaucratic mind’.⁶⁷ Darani Lewers, a former chairperson of the Crafts Board believed the proposed changes to the Act ‘would have the effect of removing the statutory independence of the Australia Council, thus opening the way to political censorship of the arts’.⁶⁸ Philip Parsons, editor of the *Shooting the Pianist* volume which included so many criticisms of the McLeay report, suggested that with some of its authority being ceded to the federal Minister and some

63. *Times of Sunday*, 14 December 1986, as quoted by Gardiner-Garden, op. cit., p. 30.

64. *Sydney Morning Herald*, 3 November 1986, as quoted by Gardiner-Garden, op. cit., p. 30.

65. House of Representatives Standing Committee on Expenditure, *Patronage, Power and the Muse: inquiry into Commonwealth assistance to the arts*, Parliament of the Commonwealth of Australia, Canberra, September 1986.

66. *Times on Sunday*, 11 December 1986, as quoted by Gardiner-Garden, op. cit., p. 30.

67. *The Age*, 3 March 1987, as quoted by Gardiner-Garden, op. cit., p. 30.

68. *Sydney Morning Herald*, 3 November 1986, as quoted by Gardiner-Garden, op. cit., p. 30.

to the states, 'the Australia Council is left with nothing in the middle'.⁶⁹ In a review of *Shooting the Pianist*, arts commentator and reviewer Brian Hoad, noted that:

The artists, usually with good reasons, condemn the McLeay report as patronising, simplistic, uninformed, abusive and destructive.⁷⁰

The Australia Council's structure debate

Cohen adopted most of the McLeay report's recommendations on structural changes to the Australia Council and in May 1987 the Minister announced the following changes:

- the 15-member Council would be made up of a Chairperson, all board Chairpersons, arts practitioners and public interest representatives. (The government representatives would be withdrawn from the Council)
- board membership numbers would be altered to provide a minimum of five and a maximum of nine members
- the number of boards would be reduced from eight to five, a Literary Arts Board, Design Board, Performing Arts Board (integrating the Theatre and Music Boards), Visual Arts/Craft Board (integrating the Crafts and Visual Arts Board) and Aboriginal Arts Board
- the functions of the Community Arts Board would be transferred to a new Community Cultural Development Unit/Committee which would include, among others, Council Chairperson and all board Chairpersons
- a separate major organisations unit would not be set up, but biennial and triennial funding would be considered for certain organisations.⁷¹

Criticisms of the proposed changes included the following:

- the integration of the two biggest boards, the Theatre and Music Board, would create an unwieldy, divided board, place extraordinary demands upon board members to keep track of developments in large and relatively unrelated areas, and would mean artists and companies might not get the attention they deserve;
- the small Design Board was left intact and not merged with the Craft and Visual Arts Boards;
- the number of boards was reduced before, and not after, the devolution of some of their responsibilities to the states.⁷²

69. *Times on Sunday*, 11 December 1986, as quoted by Gardiner-Garden, op. cit., p. 30.

70. *The Bulletin*, 31 March 1987, as quoted by Gardiner-Garden, op. cit., p. 31.

71. As quoted by Gardiner-Garden, op. cit., p.31.

The arts commentator Tim Rowse saw the McLeay report as an exercise in marginalising and humiliating the Australia Council.⁷³ Gay Hawkins, another arts commentator agreed:

Although the first recommendation urged 'the democratisation of culture' in order to ensure wide community access to a diversity of cultural experiences, this was a very token gesture. The real beneficiaries of many of the recommendations were the flagship companies.⁷⁴

She saw in the subsequent conversion of the Community Arts Board into the Community Cultural Development Committee an attempt to extend the Australia Council's commitment to access despite the McLeay report, to take the board's program beyond a narrow art focus and to give the program Council-wide relevance.⁷⁵

The structural changes to the Australia Council were accompanied by a dramatic reduction in the Council's administrative budget and staff levels.

In October 1987, the general and perennial issue of whether the government should be supporting the arts at all surfaced in the Melbourne press. Professor Mark Codray argued that if art pleases people it does not need state support and that such support only 'strait jackets' the arts.⁷⁶ Donald Horne responded by arguing that most governments support the arts to some degree, that the public endorses government support of the arts and that this support encourages a strong arts industry, gives the nation a sense of identity and pride, and ensures its citizens have access to their cultural heritage, new art and the means to make their own art.⁷⁷

Australia's folk-life

Folk-life issues went unmentioned in the McLeay report, but in March 1986 the Minister for Arts, Heritage and Environment, Barry Cohen, announced the establishment of a Committee of inquiry into folk-life in Australia. The committee surveyed Australia's living traditions (games, crafts, customs, tunes, songs, poems, dances etc.) and found that these essential yet intangible elements of our heritage had not received the attention from the community and government which they deserve, which is necessary for their preservation, and which is accorded in most other countries. In August 1987, in their report *Folklife, Our living heritage*, the Committee recommended the establishment of the following:

72. *The Age*, 13 January 1987; *The Age*, 29 May 1987, as quoted by Gardiner-Garden, op. cit., p. 31.

73. T. Rowse, 'The Future of the Australia Council', *Island Magazine*, vol. 29, no. 3.

74. G. Hawkins, *From Nimbin to Mardi Gras: constructing community arts*, Allen & Unwin, St Leonards, N.S.W., 1993, p. 79.

75. *Ibid*, pp. 80–81.

76. *The Age*, 14 October 1987, as quoted by Gardiner-Garden, op. cit., p. 32.

77. *The Age*, 15 October 1987, as quoted by Gardiner-Garden, op. cit., p. 32.

- an Australian Folk-life Centre, to provide a national focus for action to record, safeguard and promote awareness of Australia's heritage of folk-life
- an Australian Folk-life Grants Scheme, to be administered by the Australian Folk-life Centre, to support urgently needed folk-life collection, research and documentation, and the maintenance of traditional arts and craft skills within communities
- a national collection of Australian folk-life, under the control of the Australian Folklife Centre, to give identity and stimulus to the development and conservation of folk-life materials within the national collections
- a Folk Arts Committee within the Australia Council, to provide needed expertise and advice in relation to folk arts support, and
- a Folk Arts Grants Program, under the control of the Folk Arts Committee, to provide more adequately within the programs of the Australia Council for the particular needs and circumstances of the folk arts.

The Folk-life Centre and grants scheme were costed at \$1.25 million to establish and \$1.5 million to maintain in their initial years. The Committee also recommended folk-life in schools, training in folk-life studies, conservation of folk-life materials at a state and regional level and support for the communities themselves, to assist them to maintain and pass on the traditions of their culture.

Most press commentators supported the above report's recommendations⁷⁸ but the government, despite signing a UNESCO recommendation on the Safeguarding of Traditional Culture and Folklore in 1989, showed no signs of being prepared to act on any of them. In December 1990, the Australian Folk Trust, a representative body for the folk music and dance community of Australia, decided to take it upon itself to co-ordinate the establishment of an Australia Folk-life Centre, albeit without a permanent home or funding source. The Australian Folk Trust called for both itself, as the performing body, and the centre, as the collecting body, to be put on a firmer financial footing, possibly under an umbrella 'National Council for Australian Traditions'; neither happened.

The Coalition Arts Policy

Through all the debate surrounding the McLeay report, the coalition parties were silent. In August 1988 commentator Jeremy Eccles noted:

78. M. Lynch, 'Saving the intangible heritage', *Canberra Times*, 23 April 1988; R. Harbour, 'Intangible heritage deserves protection', *Australian Financial Review*, May 1988, as quoted by Gardiner-Garden, *op. cit.*, p. 34.

The Liberals played no part in the debate from which they've excluded themselves apart from sniping at the Arts and Working Life program (which are actually bringing in union money) from their waste watch bunker.⁷⁹

In September 1988 Senator Chris Puplick, the then shadow minister for the Arts, released a new coalition arts policy. The policy promised increased levels of private sector support for the arts, support for the development of a National Museum over the next five years, special funding arrangements to enable major companies to undertake more touring, changing the role of the Australian Film Commission and possibly privatising Film Australia. The most controversial element of the new policy was to be found under the heading 'Arts Administration':

3.1 The Minister

It is time to reassert the proper responsibility which any Minister in the Westminster system of government should accept for the development and administration of public policy. The so-called "arms length" principle has become an excuse for Ministers to ignore and avoid their responsibilities for defining and promoting a proper national arts policy. In the next coalition government the Minister will accept and discharge this direct responsibility.

3.2 Australia Council

The Australia Council will be abolished and its functions transferred to the relevant Department responsible for the Arts, thus bringing Commonwealth policy into line with that adopted in each of the States.

3.3 The Department

3.3.1 The responsibility for advising the Minister on the allocation of grants will lie with the Department assisted by appropriate Boards of outside and independent advisers....

3.3.2. The Advisory Boards will consist not only of appropriate arts practitioners but also of representatives of State governments, arts "consumers" - the ticket buying public, art collectors, critics, etc.

3.3.3. Initially there will be four Advisory Boards: Performing Arts; Literary Arts; Visual and Design Arts and Touring Companies ...

3.4 Major Organisations

Within the Department there will be a separate Major Organisations Unit to advise the Minister (in conjunction with the Department of Finance) on the appropriate level of direct funding for the major performing arts bodies and the major national cultural institutions. These will be expanded to include not only the major companies such as The Australian Opera, The Australian Ballet and the various State Theatre Companies but also the major

79. J. Eccles, 'Corruption by lethargy', *The Bulletin*, 9 August 1988, p. 36.

arts education institutions, in particular the National Institute of Dramatic Art, the Australian Ballet School and the Film, Television and Radio School. These organisations will be funded directly by the Commonwealth and will be guaranteed funding on a triennial basis, subject to their continuing to meet standards of excellence.⁸⁰

In short, a coalition government would abolish the Australia Council and give responsibility for all funding decisions to the Arts Minister. Writer, film producer and commentator Phillip Adams wrote:

The thought of a federal minister behaving like a pre-glasnost East European commissar will, I promise you, prove totally unacceptable to the arts community. The arm's-length tradition of arts funding, at least at federal level, isn't perfect. God knows every funding body makes mistakes. But to put control back into the hands of a minister, to give a politician the final say-so, is the most illiberal nonsense.⁸¹

The Minister for Arts, Clyde Holding, ridiculed the coalition's policy.⁸² A few months later a spokesperson for the Acting Leader of the Opposition, Charles Blunt, said the coalition was likely to stop funding artists-in-residence and would certainly stop any grants to those in trade unions.⁸³

Australia Council changes

In the years 1988 to 1990 the Hawke Government made many changes to the structure of the Australia Council, mostly in line with the recommendations of the McLeay Report.

In May 1988, the government introduced the Australia Council Amendment Bill 1988 to amend the *Australia Council Act 1975* to give the Minister the power to give general policy directions to the Council and to alter the membership of the Council and its Boards. The Bill lapsed at the 1990 election.

In June 1988, the Arts and Territories Minister Gary Punch announced a new three year funding plan for arts organisations such as the Australian Ballet.⁸⁴

80. The Excitement of the Arts, The Liberal and National Parties' Vision for the Arts and Culture in Australia, 1988, pp. 1213, as quoted by Gardiner-Garden, op. cit., p. 36.

81. P. Adams, 'Beware the arts bully seeking centre stage', *Weekend Australian*, 1516 October 1988.

82. C. Holding, Minister for the Arts and Territory, House of Representatives, *Debates*, 17 October 1988, p. 1986, as quoted by Gardiner-Garden, op. cit., p. 36.

83. *The Australian*, 3 January 1989, as quoted by Gardiner-Garden, op. cit., p. 36.

84. G. Punch (Minister for the Arts and Territories), media release, 22 June 1988.

In June 1989, the Minister for the Arts, Clyde Holding, replaced the dispute-riven Aboriginal Arts Board with three new committees attached to the Aboriginal Visual Arts, Performing Arts and Literature Board.⁸⁵

In August 1990, the government moved the Australian Opera from under the Australia Council's wing, placed it in line for direct funding from the federal Department of Arts, Sport, the Environment, Tourism and Territories and granted it an extra \$1 million.⁸⁶ The move proved controversial.⁸⁷

In September 1990, the government introduced the *Australia Council Amendment Bill 1990*. The Bill was the same as that which was introduced in 1988 and had lapsed. The Arts Minister said:

The provisions of this Bill enable the Australia Council to complete the implementation of those aspects of the Government's response to the McLeay Report which relate to the operation of the Council.⁸⁸

Provisions enabled the Minister to give general written policy directions to the Australia Council, removed the requirement for government representation on the Council, enabled representatives of the community to be appointed to the Council, allowed for the setting up of a Community Cultural Development Board (a variant of change announced in 1987), enhanced the maximum and minimum board membership numbers and permitted tele-conferencing.

One of the main public controversies of the year erupted over the Australia Council advising the Sydney Theatre Company that it was not staging enough world premieres of Australian work, not employing enough women in creative positions and that it would consequently receive only a conditional grant for 1992. Unwilling to accept that the Australia Council's concerns were legitimate, the Company considered rejecting the conditional grant.⁸⁹ Max Bourke, the general-manager of the Australia Council, foreshadowed the Council eventually replacing annual grants to performing companies with a system of tied grants or contracts for specific projects within the Council's guidelines of indigenous, risky and innovative.⁹⁰

85. *Sydney Morning Herald*, 30 June 1989 and *Canberra Times*, 1 July 1989, as quoted by Gardiner-Garden, op. cit., p. 37.

86. *Sydney Morning Herald*, 23 August 1990, as quoted by Gardiner-Garden, op. cit., p. 37.

87. *Sydney Morning Herald*, 10 October 1990, as quoted by Gardiner-Garden, op. cit., p. 37.

88. David Simmons, Minister for the Arts, Tourism and Territories, 'Second reading speech: Australia Council Amendment Bill 1990', House of Representatives, *Debates*, 12 September 1990, as quoted by Gardiner-Garden, op. cit., p. 37.

89. *The Australian*, 13 November 1991; *The Australian*, 14 November 1991; *The Australian*, 16 November 1991, p. 30, as quoted by Gardiner-Garden, op. cit., p. 38.

90. *The Australian*, 16 November 1991, as quoted by Gardiner-Garden, op. cit., p. 38.

Towards a national arts strategy

In December 1989, partly as a reaction to the impending closure of two Melbourne drama companies, a new national arts lobby group called 'Arts Action: Australia' was launched. Members included such well-known people as Prue Acton, Professor Hugh Stretton, Janet Holmes a Court, Paolo Totaro, Phillip Adams, Ron Barassi, David Williamson, Martin Ferguson, Donald Horne, Joan Carden, Sir James Killen and Gough Whitlam. Their convenor, George Fairfax, wrote that:

This new driving force has emerged because governments are showing a reluctance to continue to provide sufficient money for artists and arts companies... The irony is that governments are reducing spending on Australian cultural expression at a time when the arts are becoming of more interest to more people... A common government response to requests from arts organisations for assistance has been: "Go and get private sponsorship." This has been a most valuable source of income, particularly for the bigger arts companies and institutions. But if governments show more concern for our country's heritage by increasing, rather than lessening, their support, it will be much easier for artists to encourage corporations to help as well.⁹¹

In February 1990, Arts Action: Australia launched simultaneously in Sydney and Melbourne its Arts Agenda. Demands included:

- maintenance of a distinctly Australian film industry, local content laws in television and radio and more arts on television
- state support of theatre and music companies and greater utilisation of museum and gallery facilities.
- subsidising the production and availability of quality books
- minimum wages and affordable work space for serious long-term artists⁹²

In April 1990, Whitlam was reported as saying that Bob Hawke 'believes there are more votes in sport than the arts'. He pointed out that while the Australian Institute of Sport and the Australian Sports Commission had been merged within two months of the passage of the enabling legislation, not even a foundation stone had been laid since the National Museum of Australia Bill was passed in October 1980.⁹³

In June 1991, the ALP National Conference amended its arts platform to say that the ALP would 'develop and publish a national arts strategy, consistent with Labor's social justice

91. *The Sunday Age*, 17 December 1989, as quoted by Gardiner-Garden, op. cit., p. 41.

92. *The Australian*, 20 February 1990, as quoted by Gardiner-Garden, op. cit., p. 41..

93. T. Aubin, 'The man looking for friends and funds', *The Bulletin*, 20 November 1990, as quoted by Gardiner-Garden, op. cit., p. 41.

strategy, after consultation with the community.’ Arts Action: Australia praised the platform change.⁹⁴ The lobby group also expressed some satisfaction that funding of cultural organisations held its ground in the August 1991 budget. George Fairfax, chair of Arts Action: Australia was reported as suggesting that to hold the line in difficult times suggested the federal government was showing an interest in culture.⁹⁵ Fairfax intended to hold a series of public consultations over the following 12 months to assist in developing a national cultural strategy.

Other initiatives

In early 1989, the then Treasurer, Paul Keating, set up the Creative Fellowship Scheme outside the Australia Council system. Under the scheme a number of internationally recognised Australian artists and writers would receive a guaranteed income of \$50,000 a year for a minimum of four years. The first recipients were named in May 1989. Critics of the scheme called it elitist, questioned the profiles of the winners and the links of the selection panel members and argued that the funds would be better spent on young up-coming artists.⁹⁶ Others, such as Padraic McGuinness, supported the concept of supporting ‘proven producers’ who can be trusted ‘to continue to do what they are doing without any bureaucrats breathing down their necks, and without any requirement to design, submit and complete a particular project’.⁹⁷ Richard Letts, executive director of the Australian Music Centre, wanted to see the Fellowships matched with higher Australia Council funding.⁹⁸

In August 1989, the Department of Finance produced a discussion paper, *What Price Heritage?*, on the economics of maintaining the federal cultural institutions, the Australian National Gallery in particular⁹⁹.

In November 1990, the Minister for the Arts, David Simmons, asked the House of Representatives Committee on Environment, Recreation and the Arts, to undertake an inquiry into the performance of Australia’s films in local and overseas markets, with particular reference to:

- existing and possible future arrangements for the local and overseas distribution, exhibition, marketing and promotion of Australian films
- responses from audiences and critics

94. *West Australian*, 26 June 1991, as quoted by Gardiner-Garden, op. cit., p. 42.

95. *The Australian*, 21 August 1991, as quoted by Gardiner-Garden, op. cit., p. 42.

96. B. Lowe, ‘Art community rejects "elitist" handouts’, *The Australian*, 27 June 1989.

97. *The Australian*, 31 May 1989, as quoted by Gardiner-Garden, op. cit., p. 44.

98. *Sydney Morning Herald*, 19 June 1989, as quoted by Gardiner-Garden, op. cit., p. 44.

99. *The Australian*, 14 August 1989, as quoted by Gardiner-Garden, op. cit., p. 44.

- financial returns to exhibitors, distributors and producers
- international trade in audio-visual products and Australia's balance of payments
- the employment of Australian creative personnel, and
- the desirability of Australians having access to a diverse range of quality Australian films for a multi-cultural society.¹⁰⁰

In March 1991, the government established the Register of Cultural Organisations to allow cultural bodies to offer donors the incentive of a tax deduction. Hundreds of organisations involved in literature, visual arts, performing arts, music, crafts, design, community arts, video, television, radio, film, aboriginal arts and movable cultural heritage have since been listed on the register.

The Keating Government

1992 was in some ways a year of transitions. Debate over the proper role of the Commonwealth and the Australia Council reached something of a crescendo. The government's response was to initiate work on a statement on cultural policy. The Department of Arts, Sport, Environment and Territories' response was to undertake an evaluation of the Australia Council's efficiency and effectiveness. The Australia Council's response was to identify areas in which it had the most to offer and directions in which it might most productively move. The Opposition's response was to reverse its call for the Australia Council's abolition but continue the call for a narrower definition of the Australia Council's role.

Justin Macdonnell's 1992 history of Commonwealth Arts policy might represent the crescendo of the above debate. He concluded his book with the recommendation that the Commonwealth should 'get out of the small grant area altogether', that grants below \$50,000 be administered by the States, local governments or private authorities, that the Australia Council be abolished and that a federal Arts Ministry, comparable with the state ones, be created.¹⁰¹ His thesis was that the arm's-length model delivers the worst of both worlds. It neither effectively insulates the Council from political interference, nor does it give the arts a strong presence in Cabinet. Two reviewers of the book remained unconvinced.¹⁰² The need for a clearer delineation of the roles of federal, state and local governments is, however, less easily questioned—and is still something which needs to be grappled with.

100. House of Representatives Standing Committee on Environment, Recreation and the Arts, *Report of the Moving Pictures Inquiry*, Canberra, June 1992.

101. Macdonnell, op. cit., pp. 399 and 403.

102. R. Synnott, 'Ministering to the Arts', *Australian Financial Review*, 10 July 1992 and T. Rowse, 'Art attacks', *Modern Times*, July 1992, as quoted by Gardiner-Garden, op. cit., p. 46.

Cultural Development

Step by step in the course of 1992 the Minister for the Arts and Territories, Wendy Fatin, raised the profile of cultural development issues. In April 1992, she announced the replacing of the Community Cultural Development Committee of the Australia Council with a Community Cultural Development Board.¹⁰³ In May 1992, she produced a discussion paper billed as 'the first step in the preparation of a statement of Commonwealth policy in the field of cultural development'. The report attempted to define guiding principles, issues and options but the arts commentator Robert Macklin suggested the report:

is a total waste of forests: it lacks imagination; it lacks thought; it is a make-work document for under-employed arts bureaucrats; it is filled with weasel words, which state the blindingly obvious as though it were newly minted; it's just the sort of nonsense that gives the arts a bad name.¹⁰⁴

In August 1992, 'as the next step in the development of a comprehensive statement on the Commonwealth's role in Australia's cultural development', Fatin announced the membership of an expert panel to advise the Minister on issues relevant to the development of a Commonwealth statement of cultural policy.

Literary funding

In January 1993, a debate blew up over the direction reform should take in the area of funding literature. The poet Les Murray called for the abolition of the Australia Council's Literature Board, which he accused of discriminating against certain writers. He proposed 'royalty supplementation':

Under this, the Government would simply give every author the difference between the royalty paid them by their publisher and the list price of all books of theirs sold during that year. This payment would be reducible on a sliding scale that would reflect the author's income from extra-literary sources... For authors with no outside income whose books sold extremely well, supplementation would not be open ended, but would cut out at something like \$30,000 or whatever a decent authorial wage was felt to be... Basing all Government support for literature on the single mechanism of royalty supplementation would make it possible to replace the board with a couple of finance clerks and a computer. It would cut out subsidy for such things as literary festivals, tours and residencies, but these could easily be made the province of state and local bodies, as they already are... After the savings that would accrue from abolishing the board and cutting up many of its larger fellowships into a

103. W. Fatin (Minister for the Arts and Territories), news release, Parliament House, Canberra, 15 April 1992.

104. R. Macklin, 'Words, words, words - but what do they mean?' *Canberra Times*, 2 June 1992, as quoted by Gardiner-Garden, op. cit., p. 46.

host of smaller slices, costing of my scheme might show that it was not greatly more expensive than what we have now.¹⁰⁵

Rodney Hall, the chair of the Australia Council, proposed instead an earn-back scheme for most writers, whereby the writer would be granted a minimum income for three years but be required to pay back as much as possible as money is received from publishers.¹⁰⁶

Writer Alan Gould, though not wishing to be critical of the Australia Council, endorsed Les Murray's scheme as a way to avoid the year to year uncertainty and poet Mark O'Connor proposed replacing the Australia Council with a system of guaranteed minimum funding for all self-employed professional artists.¹⁰⁷ The status quo received support from poet and essayist Judith Wright, who considered it a great advance on the old Commonwealth Literature Fund system, and from publisher Tom Thompson, who believed Les Murray's proposed system prohibitively expensive.¹⁰⁸ In an open letter dated 8 February 1993 twenty eight artists described the Australia Council as being a valuable support system for Australia's art and cultural identity and expressed their alarm at the threats being made against it.

The Australia Council

On 17 February 1993, the Australia Council released a document entitled *The Future Role of the Australia Council*. In the section headed 'The Future Direction' the Council declared its intention to focus on three roles:

- the chair of the Australia Council, Rodney Hall, announced a series of initiatives, research and development for the Arts (i.e. promoting innovative companies)
- professional development for artists (i.e. assist with infrastructure for employing artists and/or selling their product)
- development of national cultural resources (i.e. nurture participation by communities from many ethnic backgrounds).

In the section headed 'Areas of Strategic Investment' the Council suggested that it could help reveal the dynamism of contemporary Aboriginal Australia, improve the view peoples of Asia and the Pacific have of Australia, encourage Australians to consider their place in the world, and indirectly benefit the Australian economy.

105. L. Murray, 'Time's up for Literature Board', *The Age*, 6 January 1993, as quoted by Gardiner-Garden, op. cit., p. 48.

106. B. Hefner, 'A new scheme for funding writers'. *Canberra Times*, 24 January 1993, as quoted by Gardiner-Garden, op. cit., p. 48.

107. *Canberra Times*, 21 February 1993, as quoted by Gardiner-Garden, op. cit., p. 48.

108. *Canberra Times*, 21 February 1993, as quoted by Gardiner-Garden, op. cit., p. 48.

In the section headed 'New Programs: The First Round' a series of initiatives, foreshadowed in a media release on 16 December 1992 and subsequent press interviews, were formally announced. They included:

- Earnback schemes by which some of the money provided as an up-front investment in a project might later come back to the council to enable it to support other projects;
- Bridging Fellowships for artists outside the mainstream of current Australian arts practice;
- Income supplements of \$20,000 per year for up to five years;
- Australian Awards for Achievement in the Arts accompanied by a prestigious annual presentation;
- A commitment to multi-year support (triennial) for arts organisations wherever possible and as soon as possible.

Other new programs centred on raising Australia's international cultural profile, establishing new international markets for Australian art and making the Council's boards more accessible to applicants and the public.

At the time of the launch of the above document, Rodney Hall foreshadowed a range of other innovations, including the following:

- an Office of Cultural Tourism to maximise the involvement of overseas tourism in Australia's cultural life;
- Aboriginal and Torres Strait Islander Cultural Centres (ideally in every major city);
- an Art Export Incentive Scheme;
- a national black music recording label;
- a 'Country Connections' program, bringing black and white artists together in key rural and regional towns;
- a national incentive scheme for performing arts venues to offer special youth tickets;
- a 'Kickstart Program for Artists' to give those who show promise the opportunity to reveal their fullest abilities as early as possible;
- a 'World Translation Centre' in Australia;
- a 'National Billboard Project' in which artists would work with communities to create images of local identity and a sustainable future;

- an Australian Art Shop in overseas capitals; and
- a national and international touring Arts-Expo.¹⁰⁹

The lead up to the 1993 election

In the lead up to the March 1993 election both the coalition and the government released major arts policy papers.

The coalition announced in *A Vision for the Arts in Australia*, that if elected to office they would pay more attention to providing tax incentives for private sector involvement in the arts and to supporting overseas tours and exhibitions by Australian artists and cultural tourism to Australia. They would fund the large ‘national’ arts bodies such as The Australian Ballet, The Australian Opera, The John Bell Shakespeare Company and the Australian Chamber Orchestra, and the Sydney and Melbourne-based Opera and Ballet Orchestras. The Australia Council would not be abolished, as it would have under earlier coalition policy, but it would be restructured to concentrate on national arts matters and to provide ‘incentive-payments’ for performances of Australian work, for touring and for innovation. Non-national organisations’ performance grants would be handled by the states acting as agents for the Australia Council.¹¹⁰ The Film Finance Corporation’s prospectus requirements would change to make private sector investment in Australian films more attractive, and the Museum of Australia would not be built ‘during this period of financial constraint’.¹¹¹ The coalition estimated that these measures would save the Commonwealth \$60 million.¹¹²

Many in the arts community were not happy with coalition policy. An open letter signed by 30 of the nation’s leading writers, composers, performers, artists and administrators, expressed concern at the threat to the Australia Council and to the statutory independence of arts funding.¹¹³ On another front Arts Action: Australia and much of the arts industry in Australia came out against a proposal in the coalition’s wider *Fightback!* election policy—a 15 per cent goods and services tax (GST). They believed costs would go up and the elimination of sales tax, payroll tax and fuel excise would be of little benefit for most (most arts organisations being exempt already from sales tax and too small to pay payroll tax).¹¹⁴ Arts Action: Australia did, however, welcome the Opposition’s proposal to increase the

109. *Canberra Times*, 21 February 1993, as quoted by Gardiner-Garden, op. cit., p. 48.

110. *A Vision for the Arts in Australia*. The Coalition Arts Policy, 3 March 1993, p. 5, as quoted by Gardiner-Garden, op. cit., p. 51.

111. *ibid.*, pp.78.

112. For an analysis of the figures see R. Macklin, ‘Hewson’s art proposal has crafty mathematics’, *Canberra Times*, 30 November 1991, as quoted by Gardiner-Garden, op. cit., p. 51.

113. P. McCallum, ‘Why artists are backing Labor’, *Morning Herald*, 24 February 1993, as quoted by Gardiner-Garden, op. cit., p. 51.

114. *Australian Financial Review*, 1 December 1992, as quoted by Gardiner-Garden, op. cit., p. 51.

corporate tax rate to 42 per cent, thereby increasing the value of tax deductions for donations to the arts.¹¹⁵

In this same election period the Labor government released a 'Cultural Policy' entitled *Distinctly Australian, The Future of Australia's Cultural Development*. At the launch Prime Minister Keating confirmed an earlier expressed intention to produce a comprehensive cultural policy statement:

We believe the time has come to develop a broad cultural policy which takes account of the reality of contemporary life in Australia...

From a purely economic point of view it makes undeniable sense. Australia's cultural industries, broadly defined, earn 14 billion dollars a year - more than wheat, wool and beef put together, and employing more people. The cultural industries are sunrise industries, because they are in the business of information and ideas and design and innovation. They are also export earners with, in some cases, vast potential for growth in Asia and elsewhere. That is why we propose an industry policy for the arts.¹¹⁶

The Prime Minister suggested that a good cultural policy will 'help us imagine ourselves as one people', will 'put the emphasis on taking our arts and heritage out to the people', will 'greatly help the process of reconciliation' and would have a broad base without prejudicing the longstanding commitment to excellence.

The *Distinctly Australian* document described the Advisory Panel that had already done much work on cultural policy and would continue to work on its development and implementation under a Labor government after the election, argued that a GST would have a 'drastic' effect on the Arts and outlined a series of new initiatives. The initiatives included increased support for national touring programs, the Australian Youth Orchestra and the Australian Children's Television Foundation, and a pledge of \$26 million towards the first stage of the National Museum at Yarramundi Reach in the ACT.

Although the Shadow Minister, Senator Michael Baume, attempted to stress the ways in which the coalition's policy would benefit the Arts,¹¹⁷ Prime Minister Keating appeared to have the support of most in the Arts community and commentators suggested this had a significant impact on the outcome of the election¹¹⁸.

115. Australian Financial Review, 1 December 1992, as quoted by Gardiner-Garden, op. cit., p. 51.

116. Statement by the Prime Minister the Hon Paul Keating MP released with the Australian Labor Party, Cultural Policy, 1993 Election, as quoted by Gardiner-Garden, op. cit., p. 52.

117. M. Baume, (Shadow Minister for the Arts, Heritage and Sport), media release, Parliament House, Canberra, 29 September 1992.

118. V. Trioli, 'The buck starts here', *The Age*, 23 July 1993, as quoted by Gardiner-Garden, op. cit., p. 53.

New Ministers and Shadows after the 1993 election

In April 1993, after the March election, Senator Michael Baume ceased to be the shadow minister for the arts, that role being taken up by the continuing Leader of the Opposition, John Hewson. It was not, however, till 6 months later, in early October 1993, that he gave his first interviews as Arts Shadow. In it he claimed that the coalition had been misrepresented at the last election and that the Liberals had a strong history of support for the arts. He acknowledged that funding levels were not adequate but did not commit himself to increases. He reaffirmed a commitment to encouraging greater private sponsorship, ensuring greater regional access to the arts, assisting Aboriginal artists, increasing cultural ties with Asia and setting up a National Theatre and National Museum in Canberra.¹¹⁹

After the election Senator Patterson became Shadow Minister assisting the Leader of the Opposition on Arts matters. She attracted media attention when, in November 1993, she questioned the Prime Minister's involvement in the appointment of the original advisory panel to the Creative Fellowships committee¹²⁰ and then in February 1994 when she criticised the postponement of the Cultural policy and suggested the government's frequent changing of Arts Minister was having 'a serious adverse impact on its ability to make informed decisions about important issues affecting the Arts community.'¹²¹

On the government side after the election the Arts portfolio was elevated to Cabinet level. The new Minister for the Arts and Administrative Services, Senator Bob McMullan, was reported as saying he would push along the National Museum project¹²² and would be looking at the efficiency of the Australia Council.¹²³

In the 1993 budget new allocations announced by the then Minister for Arts and Administrative Services, Senator McMullan, in his budget package entitled *Delivering Distinctly Australian*, included the following:

- \$5.5 million over four years to help establish a Foundation for Australian Cultural Development in Melbourne.
- \$6 million over four years to sponsor the national travelling exhibitions program.

119. *Canberra Times*, 7 October 1993; *The Australian*, 15 October 1993, as quoted by Gardiner-Garden, op. cit., p. 56.

120. *The Age*, 25 November 1993, as quoted by Gardiner-Garden, op. cit., p. 69.

121. K. Patterson, *Assembly Line of Arts Ministers stunts Arts Development*, media release, Parliament House, Canberra, 7 February 1994.

122. *Canberra Times*, 25 March 1993, as quoted by Gardiner-Garden, op. cit., p. 53.

123. *The Australian*, 26 March 1993, as quoted by Gardiner-Garden, op. cit., p. 53.

- \$4.9 million was allocated over four years for the development of a national portrait gallery at the Old Parliament House.
- \$3.3 million in 1993⁹⁴ for preliminary design and documentation work associated with the proposed construction of the National Museum of Australia and for the pursuit of private sector support for the project (release of the rest of the \$26 million pledged over four years was to be conditional upon the ACT government and private sources being able to meet the rest of the anticipated \$60 million bill).

The Minister also announced that the government would be delivering a comprehensive statement of cultural policy within six months.

Both the Minister for the Arts and the Prime Minister claimed the government was increasing expenditure on arts and culture by 12 per cent.¹²⁴ Senator Michael Baume noted, however, that federal funding available through the Australia Council in the form of arts grants was cut in the Budget by \$733,000 or 1.42 per cent to \$50.8 million and suggested that 'the only funding area where there will be a rise is in the so-called 'Keating' fellowships whose allocation rises by 20 per cent ...'.¹²⁵

At the end of January 1994 there was a ministry reshuffle and responsibility for the Arts passed to Michael Lee, Minister for Communications. The ministerial change was accompanied by speculation on the possibility of a policy tug of war between the free-market, technologically orientated Communication bureaucrats and the more protectionist Arts officials.¹²⁶

The Performing Arts

In August 1993, the Aboriginal and Torres Strait Islander Board of the Australia Council was re-established (as mentioned earlier, three committees attached to other boards replaced the dispute-riven Aboriginal Arts Board in 1989). The then Minister, Senator McMullan, said the function of the new board would be:

to assist Aboriginal and Torres Strait Islander people to revive and maintain their cultural practices through visual arts/crafts, performing arts, literature and multiform arts/crafts (community festivals and ceremonies) and international programs.¹²⁷

124. B. McMullan, (Minister for the Arts and Administrative Services), media release, Parliament House, Canberra, 17 August 1993; *Age*, 18 August 1993, as quoted by Gardiner-Garden, op. cit., p. 55; P. Keating (Prime Minister), *Address at Opening of Colin Lanceley Exhibition, Sherman Galleries*, Sydney, Friday, 27 August 1993, as quoted by Gardiner-Garden, op. cit., p. 55.

125. Senator Michael Baume, Senate, *Debates*, 6 September 1993, p. 935.

126. *Australian Financial Review*, 31 January 1994, as quoted by Gardiner-Garden, op. cit., p. 68.

127. Senator Bob McMullan, Senate, *Debates*, 31 August 1993, p. 722.

In early October 1993, the Australia Council's Performing Arts Board announced several policy changes.¹²⁸ More companies would receive multi-year as opposed to annual funding. More grants would go to youth arts groups. Most significantly of all, however, more of the board's resources would be concentrated at 'the research and development end' of the theatre, dance, music and opera industries, obliging the large companies to compete more intensely with the smaller ones for the available grant money. The board's aim was to create 'a level playing field'. No longer would most of the board's grant budget be 'locked up' by 'big ticket clients'. Instead of issuing general purpose annual grants the board would support those components of a program which would not occur without funding. Commentator Rosemary Neill speculated that the Council's heightened emphasis on innovative, risky work might end up pushing such large established organisations as the Australian Ballet, Musica Viva and the state theatre companies out of the Australia Council ambit and along the Australian Opera road of seeking direct federal funding.¹²⁹ Direct funding did not, however, prevent the Australian Opera reporting a deficit for 1992-93 of between half a million and a million dollars.¹³⁰

Another development in October 1993 was the announcement of the first 'Earnback' arrangements (whereby some or all of a grant would be paid back if the project earns the artist a good income) in the performing arts area.¹³¹

Employment in cultural industries

In early November 1993, Senator McMullan made a submission to the federal government's task force on long-term unemployment in which he suggested:

It is important that employment, training and income support policies explicitly recognise and build on the changing nature of our workforce rather than seeking to recreate an out-of-date employment and income pattern suited to a different generation and a previous social and economic structure.¹³²

He was reported as arguing that cultural industries give regions a sense of identity and pride, are a major component in the tourism and leisure industries, and should be seen as essential to creating jobs over the next decade.¹³³ He also recommended providing employment and

128. *The Australian*, 9 October, as quoted by Gardiner-Garden, op. cit., p. 56.

129. *The Australian*, 15 October 1993, as quoted by Gardiner-Garden, op. cit., p. 56.

130. *Australian Financial Review*, 27 August 1993, as quoted by Gardiner-Garden, op. cit., p. 56.

131. *Sydney Morning Herald*, 12 October 1993, as quoted by Gardiner-Garden, op. cit., p. 56. The first arrangements in the literature area were also announced at this time (*The Australian*, 9 October 1993, as quoted by Gardiner-Garden, op. cit., p. 56).

132. *Australian Financial Review*, 8 November 1993; *Canberra Times*, 14 November 1993, as quoted by Gardiner-Garden, op. cit., p. 57.

133. *Australian Financial Review*, 10 November 1993, as quoted by Gardiner-Garden, op. cit., p. 57.

training opportunities for the unemployed in cultural industries and allowing artists to qualify for a special unemployment benefit while they tried to establish themselves in the difficult two-years following formal studies.

To illustrate the economic importance of the arts, Senator McMullan was able to use data from several earlier studies:

- in January 1991 a Cultural Ministers Council Statistical Advisory Group study found that cultural activity was one of Australia's largest industries, employing 200,000 people and contributing \$7.6 billion annually to the gross domestic product.
- in February 1992 the fourth edition of the Australia Council publication *The Arts: Some Australian Data* identified an increase in average household expenditure on arts and entertainment and in the value of the goods and services produced by the cultural industry.
- in October 1992 Hans Hoegh Guldberg of Economic Strategies Pty Ltd produced for the Australia Council a publication entitled *Artburst, Growth in arts demand and supply over two decades*. A summary of the report prepared by Gary Martin noted that between 1971 and 1991 there was a dramatic rise in arts consumption, a quadrupling in the number of listed arts organisations, a quadrupling in the number of cultural centres and performing venues and an average annual growth in number of people employed in the arts sector nearly three times that of for the total workforce.¹³⁴

The National Party Senator Julian McGauran called the proposed exemption of unemployed artists from Jobsearch criteria so long as they were working in their field, discriminatory and unworkable, and said 'the promise of a dance or theatre-led recovery is a long way off'.¹³⁵

A month later Senator McMullan found new support for his assertion that there was a large workforce behind every cultural activity in Australia. An Australian Bureau of Statistics publication found that 1.6 million people or 11.8 per cent of the Australian population aged 15 years or more were involved in selected culture and leisure activities and that 34.7 per cent of these people received some payment for their involvement.¹³⁶

The National Museum and the National Portrait Gallery

In November 1993, the process of choosing an architectural firm to design the National Museum complex, a process which began immediately after the Commonwealth's August

134. As quoted by Gardiner-Garden, op. cit., p. 57.

135. J. McGauran, *Arts Job Scheme discriminatory*, media release, 16 November 1993; Senator Julian McGauran, Senate, *Debates*, 19 November 1993, p. 3295.

136. Australian Bureau of Statistics, *Work in selected culture/leisure activities, Australia, March 1993*, Cat. no. 6281.0, 13 December 1993; *The Age*, 14 December 1993, as quoted by Gardiner-Garden, op. cit., p. 58.

budget commitment of \$3.3 million, was put on hold pending a resolution of renewed uncertainty over the site. Private-sector housing development on part of the museum's Yarramundi Reach site was proposed as a way to help raise the private-sector funding upon which the rest of the Commonwealth funding was contingent. The National Capital Planning Authority rejected this proposal but seemed to support a mixed use concept for Acton peninsula, the old Royal Canberra Hospital site.¹³⁷

In January 1994, the president of the Friends of the National Museum of Australia, Jack Thompson, urged the Prime Minister to give his official imprimatur to the museum, as without it, raising \$26 million from private sources would be impossible.¹³⁸ Supporters of the National Museum had been disappointed that not only had the Prime Minister withheld his official imprimatur, he had continued to express his doubts about the desirability of the museum—most recently at the official opening of the new National Portrait Gallery in the Old Parliament House.

A national portrait gallery was not mentioned in the Keating Government's pre-election *Distinctly Australian* policy document, but money was allocated for the development of such a gallery in the August 1993 budget. At the official opening of the gallery in March 1994 the Prime Minister said:

It can always be said, and often with irresistible logic and passion, that we need one more gallery or museum. One more place to put our heritage on show. It may have reached the ears of some of you that I have sometimes resisted this logic and this passion. It is true. I have not always been persuaded that another huge and hugely expensive building on the banks of Burley Griffin ranked high among the things we need for a better national life. ... I have long known the reasons why a National Portrait Gallery is desirable, but many things are desirable and some things are essential and there is only so much money to go around. And generally I have felt it was better to spread it among those who are presently creating. So I remained a less than passionate advocate. I have nothing against portraits. I'm all for them. It's almost unAustralian not to be for portraits. What other country has an annual nationwide barney about a portrait contest? Perhaps it has something to do with the perennial question of identity in Australia - the old "who are we?" question. The question that should have been settled a long while ago. And I suppose that is how - at least in part - I came to the conclusion that a portrait gallery was one more gallery worth having.¹³⁹

The Prime Minister took the opportunity to reflect further on the question of role of the collecting institutions:

137. *Canberra Times*, 25 October 1993 and 6 November 1993, as quoted by Gardiner-Garden, op. cit., p. 58.

138. *Canberra Times*, 27 January 1994, as quoted by Gardiner-Garden, op. cit., p. 58.

139. P. Keating (Prime Minister), Speech Opening the National Portrait Gallery and Inaugural exhibition "About Face: Aspects of Australian Portraiture", Old Parliament House, 30 March 1994, p. 2.

You see I have become a convert to the National Portrait Gallery. The more so because it is not going to be left sitting in Canberra locked up in yet another massive mausoleum. The works on display here are all on loan from both public and private collections ... Even better, these exhibitions will not be confined to Canberra. Under the Visions of Australia program which we announced during the last election campaign, the National Portrait Gallery will be able to offer this and future exhibitions to other venues in metropolitan centres and through the network of regional galleries and museums. ... It seems to me that in a country of our size and demography, all our collecting institutions - all our cultural institutions - should be exploiting modern transport and technology to take our heritage out to the people.¹⁴⁰

Rights issues

In 1993, half-a-dozen 'rights' centred issues were debated.

The first issue concerned book copyright. In April 1993, the leader of the NSW Opposition, Bob Carr appealed to the Prime Minister's 'republican spirit' to bring down the cost of books from British publishing houses. Carr complained that some years after reports from the Prices Surveillance Authority, the Copyright Law Review Committee and the National Consumer Advisory Council prompted copyright law reform, there had been little change in the publishing industry's pricing policies.¹⁴¹ Many bookshop owners had also complained that despite some improvements since the copyright law reform, most books were still British and prices had not fallen.¹⁴²

The second issue concerned the blank tape levy. In 1989 the federal government had legalised private copying in the home of Compact Discs (CDs), records and pre-recorded tapes. However, in March 1993 the levy which government had introduced on the sale of blank audio tapes to raise money to compensate recording artists for the income loss they had been suffering, was ruled unconstitutional by the High Court.¹⁴³

The third cluster of issues concerned performer's rights. In September 1993, the federal Court revealed a legislative loop-hole which enabled a small Adelaide company (Apple House) to produce unauthorised CDs of pre-1992 live performances of overseas stars.¹⁴⁴ The Australian Recording Industry Association (ARIA) estimated a cost to the Australian recording industry

140. *ibid.*, p. 5.

141. *Sydney Morning Herald*, 13 April 1993, as quoted by Gardiner-Garden, *op. cit.*, p. 60.

142. *ibid.*

143. Australian Tape Manufacturers Association Ltd v. The Commonwealth (1993) 67 ALJR 315; Hull, Crispin. 'Taxing question of enforcing the copyright law'. *Canberra Times*, 18 March 1993, as quoted by Gardiner-Garden, *op. cit.*, p. 60.

144. Sony Music and Michael Jackson v. Robert William Tanzing trading as Apple House Music, heard by the Full Bench of the Australian Federal Court; *Canberra Times*, 4 October 1993, as quoted by Gardiner-Garden, *op. cit.*, p. 61.

of \$10 million.¹⁴⁵ A subcommittee of the Music Industry Council prepared an issues and options paper on performers' rights¹⁴⁶ and a working group was set up within the Attorney-General's Department to examine the 'Trade-Related Aspects of Intellectual Property Rights' (TRIPS) treaty decision and the effects of CD rentals on rights of artists and sound recording copyright owners. In April 1994, the federal government launched an independent investigation into the operations of such copyright collecting agencies as the Phonographic Performance Company of Australia and the Australasian Performing Rights Association. The inquiry was to review author and publisher copyright collecting agencies and the implications new technology has on copyright collection.¹⁴⁷

A fourth rights issue centred on music copyright and parallel importation. In 1992, the government formulated legislation which would accommodate the recommendations of the former Prices Surveillance Authority chair, Allan Fels, and, from 1 July 1994, allow parallel imports for commercial purposes. The music industry lobbied against the decision. They argued that the mark up by companies with importing rights enable these companies to carry more Australian artists on their books and that the changes would lead to record companies reducing their investment in local artists. In the Music Industry Advisory Council's first Report to government in May 1993 the Council argued that parallel imports would have a negative impact on industry growth, employment and export development. In their November 1993 bulletin the Music Council argued that the trend overseas was to introduce rather than repeal parallel import rights (i.e. the right to restrict parallel imports).¹⁴⁸ In December 1993 the then Minister for Industry, Technology and Regional Development (DITRD), Alan Griffiths, the Minister for Justice, Duncan Kerr, and the then Minister for the Arts, Senator McMullan, were reported as putting a joint submission to Cabinet arguing for a reversal of the previous year's decision and for a recorded music industry blueprint.¹⁴⁹

A fifth copyright issue centred on 'droit de suite', a royalty system by which a percentage of the resale price of a work of art goes to the artist (or their estate) following a public sale. Such systems had been operating in many European countries for decades.¹⁵⁰ In Australia there was no droit de suite and no collecting agency dedicated to serving visual artists. In September 1988, the Australian Copyright Council produced a draft report for the Australia Council, *Arts resale royalty and its implications for Australia*, recommending the

145. ARIA, media release, 12 April 1994, as quoted by Gardiner-Garden, op. cit., p. 61.

146. Music Industry Advisory Council, *Bulletin*, no.3, November 1993, as quoted by Gardiner-Garden, op. cit., p. 61.

147. P. Fray, 'Hunting the collectors', *The Bulletin*, 19 April 1994, as quoted by Gardiner-Garden, op. cit., p. 61.

148. Music Industry Advisory Council, *Bulletin*, no. 3, November 1993, as quoted by Gardiner-Garden, op. cit., p. 61.

149. *Australian Financial Review*, 13 December 1993, as quoted by Gardiner-Garden, op. cit., p. 62.

150. *The Australian*, 28 September 1988, as quoted by Gardiner-Garden, op. cit., p. 63.

introduction of a *droit de suite* and the National Association for the Visual Arts sought changes to the Copyright Act 1968 and federal funding to help establish a copyright collecting agency for visual artists. Arguments against *droit de suite* include that it may prove a disincentive to public sale, imposes another administrative task upon galleries and auction houses, and may create a new bureaucracy. Arguments against a new stand-alone copyright agency included that it might be simpler to simply extend the terms of reference of one of the many existing agencies.

A sixth rights issue was that of moral rights—the right of the artist to be attributed as the maker of the artwork and to have the integrity of their artwork protected. Most members of the Copyright Law Review Committee which reported in 1988, recommended against introducing moral rights legislation at that time¹⁵¹ and newspaper publishers reportedly warned against such legislation.¹⁵² Australia was one of the few western countries without moral rights legislation and the government had not enshrined in legislation all the rights established by the 1886 Berne Convention, to which Australia is a signatory. Moral rights legislation had been foreshadowed in the government's March 1993 cultural policy¹⁵³, and on 26 August 1993 the then Arts Minister Bob McMullan and Justice Minister Duncan Kerr issued a joint statement announcing that the government had established a joint departmental working group to develop moral rights legislation.¹⁵⁴

Towards a Commonwealth Cultural Policy

In 1992 and 1993 the expression 'cultural development' began to appear with increasing frequency in government discussions of the arts. In May 1992, the government foreshadowed a statement on cultural development. In March 1993, the government produced a 'Cultural Policy' in place of an 'Arts Policy' and in August 1993 \$5.5 million was allocated over four years to help establish a Foundation for Australian Cultural Development in Melbourne. In late August 1993, Senator McMullan said he saw the Foundation for Australian Cultural Development as being 'important in defining "who we are"' and said he envisaged the cultural policy statement as providing a ten-year planning framework:

which identifies fundamental principles for the development of Australian culture and which clarifies the Commonwealth's role and responsibilities vis-a-vis those of other levels of

151. Attorney-General's Department, Copyright Law Review Committee, *Report on Moral Rights*, January 1988, Canberra. For some of the arguments for and against moral rights, see the Copyright Law Review Committee, Discussion Paper, *Moral Rights*, September 1984, Canberra, as quoted by Gardiner-Garden, op. cit., p. 63.

152. A. Davies, 'Artists won a moral victory with Labor', *Sydney Morning Herald*, 28 August 1993.

153. V. Trioli, 'The buck starts here', *The Age*, 23 July 1993, as quoted by Gardiner-Garden, op. cit., p. 64.

154. R. McMullan (Minister for the Arts and Administrative Services) and D. Kerr (Minister for Justice), *Moral Rights Protection for Artists*, joint statement, 26 August 1993.

government, cultural organisations, the business community and, of course, individual practitioners, performers and consumers.¹⁵⁵

Some of the views expressed over the following months indicated a degree of scepticism in some parts of the arts community over the need for these new instruments. How do you have a cultural policy without the state dictating taste? Was the Cultural Foundation in Melbourne going to duplicate some functions already performed by the Australia Council in Sydney? Might not the money allocated to the proposed Foundation be better spent on music and drama in secondary schools?

To clarify the role of the Foundation for Australian Cultural Development, the Department of the Arts and Administrative Services released a pamphlet with the following section under the title 'What will the Foundation do?':

- the primary aim of the Foundation is to stimulate intellectual debate and community engagement in discussion about the nature and history of Australia
- the Foundation will focus on projects that fully involve the community in reflecting upon issues of major national importance. The Foundation will also support projects that stimulate but do not confine intellectual debate to an academic elite, and which provide discussion that is accessible and responsive to the community.
- the Foundation will work with national institutions, such as museums, galleries and libraries, organisations such as the Australian Heritage Commission, the Australian Film Commission and Film Australia, and also with community groups and local government bodies. These collaborative projects will be aimed at extending Australians' understanding of their own country and at increasing their active engagement in the cultural and intellectual life of the community.
- the Foundation will support the writing, publication and production of other work which contributes to its objectives. It will not act as a grant-making body, but rather as a broker and project developer. It will use its funds to improve and extend single projects and to encourage relationships between a range of national and local organisations. It will work to enable funding and project partners to come together in activities that might, without the intervention of the Foundation, remain one-dimensional, one-off events.

The Minister gave the objectives of the awaited cultural policy as co-ordinating the cultural activities of different federal department, encouraging co-operation between organisations working in the same field, maximising the industry and economic benefits to be gained from cultural activity, retaining the Australia Council as the principal funding body, making best use of the revolutions in communications and technology, acknowledging the pluralist nature

155. R. McMullan (Minister for the Arts and Administrative Services), *Address to the Evatt Foundation Forum on Cultural Policy in Australia*, 27 August 1993, Sydney.

of Australian society, and improving access to cultural activity for participants and consumers.¹⁵⁶

After the ministerial reshuffle at the end of January 1994, release of the government's cultural policy, promised for March 1994, was to be postponed till the second half of 1994.

Corporate Support for the Arts

In February 1994, the Prime Minister, Paul Keating, was reported as calling private enterprise support for the arts 'lamentable.'¹⁵⁷ An Australia Council report released in March 1994 did indeed find that between 1989 and 1993 the percentage of large companies (ones with more than 250 employees) supporting the arts fell from 43 to 34 per cent, the percentage of all companies supporting the arts fell from 11 to 9 per cent (continuing an earlier trend as the percentage in 1986 was 13 per cent), the percentage of corporate sponsorship which goes to the arts fell from 12 to 9 per cent (as opposed to sport which rose from 35 to 40 per cent) and the total amount of corporate support for the arts fell by 7 per cent (in 1993 dollars, from \$64.8 million to \$60.3 million).¹⁵⁸ The report suggested that in a time of recession companies sought short-term gains and these were more readily found through sport sponsorship. The new Arts Minister Michael Lee was reported as suggesting arts administrators 'look at business sponsorship of sport as an example of how promotions can be made more attractive to the corporate sector'.¹⁵⁹

The Cultural Policy Statements

On 6 October, the federal coalition released a document entitled *The Cultural Frontier, Coalition Priorities for the Arts* and on 18 October the Keating government presented its four-times postponed cultural policy statement, *Creative Nation*. These were the first attempts at comprehensive cultural statements and represented the climax of the inclination of the previous couple of years to link arts with communication, to put them both into the wider context of cultural policy and then to link cultural policy with Australia's economic interest and international identity. The statements displayed a remarkable similarity of interests.

Both documents reversed the tendency of the last preceding years to marginalise the Australia Council. The coalition supported arm's-length funding and recognised the Council as the primary administrator of Commonwealth arts funding. The government promised to improve the peer assessment process, to introduce triennial funding for the Council, to establish a Major Organisations Board within the Council, to bring the Sydney Symphony Orchestra

156. *The Age*, 10 December 1993, as quoted by Gardiner-Garden, op. cit., p. 67.

157. *Canberra Times*, 11 February 1994, as quoted by Gardiner-Garden, op. cit., p. 70.

158. Yann Campbell Hoare Wheeler, *Corporate Support for the Arts 1993*, Survey of Expenditure and Attitudes 1993, Australia Council, October 1993; *Canberra Times*, 3 March 1994.

159. *Canberra Times*, 3 March 1994, as quoted by Gardiner-Garden, op. cit., p. 70.

(and some other major organisations) within the Council's orbit, to increase the funds available to assist individual artists and to introduce junior creative fellowships.

Both statements were filled with intentions to cultivate a new culture of private arts benefaction and to help the Australia Council to develop alternative funding mechanisms. Both expressed a commitment to assist artists in their push into overseas markets, to encourage more corporate involvement in the arts, to help Aboriginal and Torres Strait Islander culture achieve greater recognition and to ensure access to advanced artistic training.

Both the coalition and the government were often at pains in their statements to demonstrate their technological literacy. Both statements were keen to describe the implications of the new technology for artistic expression, access to heritage, copyright and culture in general.

Neither document promoted community or participatory arts. Both seemed to see Australians as either arts producers or arts consumers. The documents addressed the problem of how to support the elite 'producers' in the 'cultural industry' and how to make the resulting 'Australian culture' accessible to more Australians. They did not address the foundations of culture (the way in which and degree to which people bring home-made craft, poetry writing, play acting, social dancing, acapella singing, garden design etc. into their everyday lives). There were no plans for more music and art in schools, better community craft facilities, more public halls with wooden floors, more devolved grant schemes. The government statement asserted culture might 'arise from the community' but 'the most highly developed and imaginative aspects of our culture are the arts and sciences which are fed back to the community by the most talented individuals'. The government's Charter of Cultural Rights included 'the right to an education that develops individual creativity and appreciation of the creativity of others' and 'the rights to community participation in cultural and intellectual life' but elsewhere in its statement's preamble 'egalitarianism and fair play' seem to come second to 'honouring the talented few at the expense of the many'. Both statements seemed more concerned with developing a culture for export.

Both documents recognised the need for better regional access to arts and proposed more touring from the major cities, but neither offered a plan to encourage regional art in-situ or better Commonwealth local government co-operation.

The main difference between the two statements was that where the coalition statement offered broad principles, the government statement included many detailed and costed initiatives (including a new National Academy of Music Performance and a National Institute for Indigenous Performing Arts Training). The coalition's statement called for clarification of the respective roles of states, territories and local government, but did not offer any mechanism for better Commonwealth, state and local government co-operation. The coalition statement, however, had the advantage of surprise and the government's statement suffered somewhat from the great expectations engendered by its repeated delay. Many of the government's initiatives (for example, clarification of the role of the Foundation for Australian Cultural Development and a funding boost for the Australia Council), were

overdue while other hoped for announcements (for example, on moral rights, performers right, and urban design) were missing.

Considering that a National Museum had been envisaged since Federation, that its concept had been endorsed by numerous reports, that the Bill to establish it was passed by a coalition government in 1980 and that its construction was a central, if conditional, promise of the Labor government's 1993 election policy, it was surprising that the coalition made no mention of the Museum in this statement and that the government only obliquely indicated that the original vision was to be abandoned.

The Howard Government

Rural and Regional Arts

One of the first actions of the Howard Government in the area of the arts was the establishing in 1996 of the Regional Arts Fund— with the proposals for devolved funding being channelled through the Australia Council to the Minister. This fund provided financial support for arts centres, artists, museums, arts organisations and companies—enabling regional communities to generate their own art as well and enhancing employment and professional development opportunities for regional artists and skills development within communities. Although the origins of the fund lay in a time when the rise of the One Nation Party was making the government very sensitive to the needs of rural and regional Australia, the government's support for the fund continued. In 2006, the government increased the base funding for the programme so that more regional arts development officers could be employed, so that those working in regional arts organisations could enjoy more workshops, mentoring, professional training, conferences and other support and so that the Creative Volunteering—No Limits pilot program (that provided skills training for volunteers working with arts and cultural organisations in regional Australia) could continue.

The government also continued to support the four major touring programs: Playing Australia; Festivals Australia; Visions of Australia; and the Contemporary Music Touring Program—all managed by the Department of the Arts.

Labor's National Cultural Policy [Creative Opportunity](#)¹⁶⁰, released just before the 2004 election although supporting all of the above, went beyond the coalition policy in one area—that of facilitating arts education in regional Australia. Labor proposed the establishment of Community Music Schools in Regional Australia and doubling the reach of Musica Viva in Schools through regional and rural Australia.

160. K. Lundy, 'Labor's National Cultural Policy', *Policy Document*, 2004 http://www.ozpolitics.info/election2004/2004ALP/arts_policy.pdf, accessed on 25 March 2009.

The Young and Emerging Artists Program

The Howard Government was also quick to mark itself out as different from the Keating Government in the area of arts administration by replacing the Australian Artists Creative Fellowships which had come to be known colloquially as the 'Keating's' with a 'Young and Emerging Artists Program'. Whereas the former had become associated with grants to established artists and tarnished by the suggestion that sequential grants were going to applicants favoured by Prime Minister Keating, the latter would provide new Australian artists with greater opportunities for career development and public exposure of their work. The Australia Council was given the role of facilitating agreements with key arts organisations to achieve this end.

The coalition won much praise for establishing a Young Emerging Artists Scheme in place of a scheme which seemed to reward established artists with links to the then Prime Minister. It squandered, however, some of this kudos with the then Prime Minister showing his own willingness to become personally involved in arts appointments and by his Finance Minister's willingness to approve budget allocations for projects which had not gone through expected arms-length decision making channels (for example, the Melba Foundation Grant and the National Portrait Gallery decision).

National Institutions

The Howard Government ended the delay in giving the National Museum of Australia the go-ahead and that Museum opened in March 2001. It also prided itself on the support it had given to other national collecting institutions such as the National Gallery (for example, supporting introducing free entry to the permanent collection and increasing the annual acquisition budget from \$4 million in 1996 to over \$9 million in 2003⁰⁴), National Library, National Archives, and National Maritime Museum.

The Howard Government was quick to clarify some of the usage issues associated with Old Parliament House and established the National Portrait Gallery in that building. In 2005, however, the government's commitment of \$56.5 million over the next four years to build a dedicated building to house the National Portrait Gallery was not universally welcomed. Some saw the policy as rewarding the lobbying of government by the National Portrait Gallery chairwoman, Marilyn Darling, and by the Prime Minister's wife, Janette Howard, who was chief patron of the gallery. Considering the size of funding amounts in the arts, it was indeed surprising that a grant of this magnitude could be made outside the process of reports and needs assessments that would normally produce such decisions, indeed, in the absence of any recommendation other than from the Gallery itself. The commitment also stood in contrast to the Labor's election policy of no new money, and putting the Gallery under the control of the National Gallery.

Book Industry Package

In 1999, the government provided \$240 million for a support package to the book industry. It was mostly seen as compensation for the introduction of the Goods and Services Tax (GST), but some parts of the package were not strictly compensating for the GST (the long promised Educational Lending Rights Scheme, the Book Promotion Campaign, the money for Primary Schools to buy books of Australian Authors). Components of the package were as follows:

- the Educational Textbook Subsidy Scheme, \$128 million over 4 years, was introduced to offset the expected GST induced price rise. The subsidy was capped at eight percent of the retail purchase price of textbooks.
- the Primary School Libraries Programme, initially \$25 million over 4 yrs, would fund available to primary school libraries for the purchase of Australian books. It was estimated that the typical library would receive \$3,200 over the four years.
- the Educational Lending Right scheme, \$38 million over 4 years, announced on 20 August 1999. Funding for the new scheme was to be \$8 million in 20002001, increasing to \$11 million in 20032004.
- the Book promotion campaign, \$8 million over 4 years, was to be contracted to the Australia Council.
- the Collection of Book industry statistics, \$1.2 million over 4 years, was to be contracted to ABS.
- the Printing Industries Competitiveness Scheme predated the GST compensation package negotiations and in some ways replaced the book bounty. The scheme commenced on 1 January 1999 and operated until 30 June 2003. Printers could claim 4 per cent of the paper purchase price for all paper used in the production of eligible books.
- the Book Production Enhanced Printing Industry Competitiveness Scheme, \$48 million over 4 years, was intended to assist industry achieve the goal of becoming more competitive. The Scheme commenced on 1 July 2000. The Book Production (EPICS) Grants were designed to assist firms involved in book production by encouraging the use of innovative technologies, improved business practices, training and skills development. The major focus of the Scheme was to provide grants for commercially oriented activities.

Private support

The Howard Government had attempted to facilitate more private support for the arts. In 1999, it replaced the Australian Foundation for Culture and the Humanities with the more partnership focused Australia Business Arts Foundation. It encouraged the expansion of the Register of Cultural Organisations to allow more approved cultural organisations to offer tax deductions to donors for eligible donations. In August 2003, the Prime Minister launched

Artsupport Australia—a joint initiative of Australia Business Arts Foundation and the Australia Council—to facilitate further donations to artists and art groups. It encouraged donations from foundations, organisations and companies and, under workplace giving arrangements, helped employees to make payroll contributions to arts groups with tax-deductible status. In July 2004 the coalition government also enhanced the ability of cultural organisations to use special events to fund raise by allowing individuals contributing to such events more room to claim a tax deduction.

Copyright

The government amended the Copyright Act 1968, to incorporate a Moral Rights scheme for creators and film makers, with the Copyright Amendment (Moral Rights) Act 2000. Draft legislation for a moral rights scheme was initially introduced in June 1997 as part of the Copyright Amendment Bill 1997. The moral rights element of the legislation was withdrawn from that Bill in July 1998 to allow for further consultation with relevant interest groups. A revised Bill, reflecting extensive additional industry consultation, was introduced in December 1999 and passed with government amendments in both the House of Representatives and the Senate, on 7 December 2000. The legislation came into effect on 21 December 2000. Despite the efforts of some, the legislation did not directly address Indigenous communal moral rights.

Throughout 2003, the coalition promised to introduce a simple, workable and practical moral rights protection scheme for Indigenous communities, artists, galleries and the public. The government declared that under new legislation an Indigenous community would have the right to take legal action if there has been an infringement of that community's right to be identified with a work/film, the right not to be falsely identified with a work/film, and the right not to have a work/film subjected to derogatory treatment. Though draft legislation was circulated for comment, no bill was ever finalised and voted on.¹⁶¹

In their 2004 cultural policy the Howard Government declared they had:

- removed anti-competitive parallel import restrictions on computer software, CDs and the packaging and labelling on goods;
- introduced Digital Agenda amendments to Australia's copyright law to promote research, education, innovation and commercialisation of copyright material in the online environment;
- introduced a clear, fair and workable regime for Internet Service Providers (ISP) to assist copyright owners in tracking down copyright pirates on the Internet and provide 'safe

161. For a commentary on the draft bill see J. Anderson, 'Indigenous Communal Moral Rights. The Utility of an Ineffective Law', *Indigenous Law Bulletin*, 15, 2004, available at <http://www.austlii.edu.au/au/journals/ILB/2004/15.html>, accessed on 25 March 2009.

harbours' to ISPs who assist copyright owners, while ensuring that ISPs and copyright users maintain their rights to privacy and procedural fairness;

- introduced comprehensive and workable moral rights protection for Australian creators and performers, including world leading Indigenous communal moral rights legislation;
- released the Commonwealth Information Technology Intellectual Property Guidelines to boost innovation and development in the Australian IT industry by facilitating commercialisation of IP in relation to Government IT contracts; and
- launched a Digital Rights Management Guide in 2003 to assist creators, producers and traders with the management of their content in the digital environment.

The Howard Government was also pleased to announce in 2004 that, as part of the Free Trade Agreement with the U.S. copyright protection for authors, musicians and film-makers would be extended by 20 years. The wisdom of extending copyright protection by 20 years was not, however, universally accepted. Many objections to it were raised in the debate surrounding the Australia US Free Trade Agreement.¹⁶²

Resale Royalty Scheme

In July 2004, the Howard Government, which had ignored Labor Senator Kate Lundy's private member's Resale Royalty Bill introduced in March 2004,¹⁶³ issued a Discussion Paper on the [Proposed Resale Royalty Arrangement](#)¹⁶⁴ and sought public comment on various proposals. The paper identified objectives of an Australian droit scheme as being to:

- provide income support for artists
- ensure that artists share in the increased value of their work

162. For a fuller discussion of the subject and the arguments against such an extension see D. Richardson, *Intellectual Property Rights and the Australia-Free Trade Agreement*, Parliamentary Library, Research Paper No.15, 2003-04, 31 May 2004; Joint Standing Committee on Treaties, Report 61, *The Australian-United States Free Trade Agreement*, June 2004; [The Senate, Select Committee on the Free Trade Agreement between Australia and the United States of America, Final Report, August 2004](#). Many submissions to both the above committee expressed particular concern over capping existing local content requirements/quotas, and the limiting of regulation that is possible over new media.

163. K. Lundy, *Labor leadership on Resale Rights for Artists*, media release, Parliament House, Canberra, 10 March 2004, <http://www.katelundy.com.au/march04.htm#10March04>, accessed on 25 March 2009.

164. Department of Communications, Information, Technology, *Proposed Resale Royalty Arrangement*, Discussion Paper, Canberra, 2004.

- “enshrine a perceived right of visual artists”
- redress a perceived inequity between “the rights of visual artists and other creative artists” (non-creative artists presumably do not warrant support)
- provide additional incentives for artists to continue practising
- empower artists by recognising their contribution to the economic and cultural life of the nation.

The scheme would provide ongoing royalty payments to artists following the sale of their works. The promise/prospect of the scheme was broadly welcomed, but the Access Economics report, *Evaluating the Impact of an Australian Resale Royalty on Eligible Visual Artists*, October 2004, did not express full confidence that a scheme would actually deliver the increase in the visual artists’ net income.¹⁶⁵ As the forms the scheme might take were many and varied, most people were reserving their judgement until more was known about the government’s favoured direction. The government was not, however, moving quickly in the area. In 2006 Bob McMullen, with support from Peter Garrett, Shadow Parliamentary Secretary for Reconciliation and the Arts¹⁶⁶ introduced a bill similar to the earlier Lundy one, but the government did not support it.

The Major Performing Arts Inquiry

In the late 1990s there was much debate about the impact the introduction of the GST might have on the arts sector. Partly out of consideration for this potential and partly out of the realisation that many arts organisations were already suffering severe financial difficulty, in December 1998, the then Minister for Communications, Information Technology and the Arts Senator Richard Alston announced the establishment by the Commonwealth government of the Major Performing Arts Inquiry. A committee consisting of Dr Helen Nugent, Michael Chaney, David Gonski and Catherine Walter was appointed to undertake the inquiry. The committee was charged with identifying options and making recommendations on actions that can be taken by governments and the sector to ensure that Australia has a financially healthy, artistically vibrant and broadly accessible major performing arts sector. The inquiry was also required to report on the nature of the challenges facing the companies and the forces driving change in the sector. A discussion paper was released in July 1999 and the

165. Access Economics, *Evaluating the Impact of an Australian Resale Royalty on Eligible Visual Artists*, October 2004, http://www.arts.gov.au/data/assets/pdf_file/0015/16026/Viscopy_Access_Economics.pdf accessed on 15 May 2008.

166. See Bob McMullen, ‘First reading Speech: Artist’s Resale Rights Bill 2006, House of Representatives, *Debates*, 28 March 2006 at <http://www.bobmcmullen.com/files/Resaleroyalties.pdf>, accessed on 25 March 2009.

final report *Securing the future* was released in December 1999.¹⁶⁷ The report recommended a formula for Commonwealth-state cooperative funding, which involved the Commonwealth share of funding being highest for ‘global’ companies, and diminishing for ‘flagship’, ‘niche’ and ‘regional’ companies. In the 2000 budget the Commonwealth responded with a promise of up to \$43.3 million (over 4 years) in extra funding for major performing arts companies. It was to comprise of \$31.2 million for continuing subsidies and \$12.1 million for a one-off industry adjustment package. The Commonwealth claimed it was giving \$10 million more than recommended by Nugent, but its funding covered four years rather than Nugent’s three.

In August 2000, at a meeting of Cultural Ministers Council (CMC), Ministers considered a proposal to undertake an investigation into the financial and artistic viability of the small to medium performing arts (SMPA) sector. It would be a corollary to the Major Performing Arts Inquiry. Ministers charged the Standing Committee of Cultural Ministers Council to establish a Working Party of officials, to undertake this examination and

- affirmed the pivotal contribution of small-to-medium sized arts organisations to the cultural vitality and diversity of Australia
- agreed to commission an examination of the factors influencing the artistic and financial position of small-to-medium sized performing arts organisations
- sought a report from the Working Party of the Standing Committee for comprehensive consideration by Ministers at the next CMC meeting.

The report of the Committee was considered by Ministers at their meeting of May 2002.¹⁶⁸ The Nugent Inquiry had shown that the major performing arts companies were in dire financial straits. This report found the SMPA companies to be not in quite so dire a situation, but still suffering lower levels of funding than two years earlier, in need of more core funding, and having difficulties balancing sustainability and innovation. The report also noted a decline in in-school performances, decline in attendances at regional and national tours, and problems with audience development. The Ministers recognised that there needed to be a better understanding between the sector and funding agencies regarding creative risk taking and sustainability (in other words more on-going subsidies). The Ministers accordingly gave their support to a National Business Development Program for small to medium companies.

167. Commonwealth Government, *Securing the Future: Final Report*, December 1999, http://dpl/Books/2004/DCITA_SecuringFuture.pdf, accessed on 25 March 2009.

168. Working Party of Cultural Ministers Council Standing Committee, *Report To Ministers on an Examination of the Small to Medium Performing Arts Sector*, March 2002. http://www.archive.dcita.gov.au/_data/assets/pdf_file/0008/78326/Report_to_Ministers_on_an_Examination_of_the_Small_to_Medium_Performing_Arts_Sector.pdf, accessed on 22 February 2009.

Contemporary Visual Arts and Craft Inquiry

In mid-2001, as a corollary to the performing arts inquiry, the federal government announced that it would conduct an inquiry into the contemporary visual arts and craft sector. Melbourne businessman and arts advocate Rupert Myer was appointed as chair. After a year's work by a team of researchers, the findings were publicly released by the Arts Minister Rod Kemp on 6 September, 2002. The [*Report of the Contemporary Visual Arts and Craft Inquiry*](#) made 20 recommendations including calling for a funding boost of \$15 million annually to the visual arts and craft sector.¹⁶⁹ This was made up of a contribution of \$7 million from the federal government with an extra \$2 million to be allocated if the state and territory governments contributed a matching \$6 million. The report also recommended taxation changes to assist artists and encourage philanthropy including gifting of artworks to public collecting institutions, a variety of copyright (including moral rights) reviews and changes also with particular references to Indigenous needs, the introduction of artists' resale royalties, and the improvement of visual and craft artists' access to social security entitlements.

In the budget subsequent to the reports the Commonwealth and state governments committed \$19.5 million (over four years) for a Visual Arts and Crafts Strategy. This was regarded at the time as falling short of the investment Myer had recommended. Then on 9 December 2003, the Cultural Ministers Council announced its response to the report of the independent Contemporary Visual Arts and Craft (Myer) Inquiry and the state contribution started to make the overall new investment look closer to that Myer had envisaged.¹⁷⁰

The Orchestra Review

On 28 May 2004, the government announced yet another review following in the steps of the 1999 Nugent Inquiry. This one was to consider the effective and efficient delivery of high quality orchestral services in Australia. The review, under the chair of James Strong, was to address operational, marketplace and governance issues. In the terms of reference the review team was asked to:

make recommendation on ways in which the orchestras and governments can work together to ensure the long term vibrancy and sustainability of Australia's orchestral sector....The Review will assume the continuation of ongoing government funding support of the

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169. Commonwealth Government, *Report of the Contemporary Visual Arts and Craft Inquiry*, Canberra, 2002, http://www.arts.gov.au/data/assets/pdf_file/0018/12087/Report_of_the_Contemporary_Visual_Arts_and_Craft_Inquiry.pdf, accessed on 25 March 2009.
170. Cultural Ministers Council, 'Visual Arts and Craft Strategy', *Communiqué*, 9 December 2003, http://www.cmc.gov.au/media_releases/other_media_releases/communique_2003_visual_arts_and_craft_strategy, accessed on 25 March 2009.

orchestras at existing levels and in similar proportions from the Australian and state governments.¹⁷¹

A New Era—Orchestras Review Report was released in March 2005.¹⁷² The report made 20 recommendations—including that governments inject additional funds into the orchestras and that the symphonies in South Australia, Tasmania and Queensland be downsized. The downsizing recommendation brought a chorus of objections from all quarters.

In May 2005, the federal government rejected the downsizing proposal, but committed funds in response to another recommendation. In a budget press release Senator Rod Kemp, Minister for the Arts and Environment, stated:

The Australian Government will commit \$25.4 million over four years to Australia's symphony and pit orchestras as part of its response to the Review of Orchestras conducted by James Strong.

... Recognising the important contribution orchestras make to the musical life of their cities, the Government has agreed to provide additional funding to the Tasmanian Symphony Orchestra, The Queensland Orchestra, the Adelaide Symphony Orchestra and also to the West Australian Symphony Orchestra to allow these orchestras to maintain their ensemble sizes.

The Government has agreed to the implementation of the key recommendations of the Strong Report including:

- funding to ensure that the current size of orchestras in Tasmania, Queensland, South Australia and Western Australia can be maintained, costing \$9.9 million;
- establishing the orchestras as independent companies limited by guarantee, at a cost of over \$4.1 million;
- a two-year program to improve artistic standards in the orchestras, at a cost of \$3.1 million;
- an initiative to improve the occupational health and safety standards and conditions for orchestral musicians, costing approximately \$0.4 million;

171. Orchestras Review 2005 (Australia) *A new era: report of the Orchestras Review 2005*, Dept. of Communications, Information Technology and the Arts, Canberra, March 2005, Appendix 1. [http://www.arts.gov.au/_data/assets/pdf_file/0020/24770/APPENDIX_1 - Orchestras_Review_2005.pdf](http://www.arts.gov.au/_data/assets/pdf_file/0020/24770/APPENDIX_1_-_Orchestras_Review_2005.pdf) accessed on 27 February 2009.

172. Orchestras Review 2005 (Australia) *A new era: report of the Orchestras Review 2005*, Dept. of Communications, Information Technology and the Arts, Canberra, March 2005. [http://www.arts.gov.au/publications/inquiries_and_reviews/orchestras_review_2005/orchestras_review_2005 - pdf](http://www.arts.gov.au/publications/inquiries_and_reviews/orchestras_review_2005/orchestras_review_2005_-_pdf), accessed on 27 February 2009.

- funding to secure the longer-term sustainability of the orchestras, at a cost of \$4.7 million; and
- funding of almost \$1.3 million to the Australian Opera and Ballet Orchestra in Sydney to assist with the orchestra's running costs while a further examination of opera and ballet in Sydney and Melbourne is under way.

This additional funding must, however, be matched by appropriate additional contributions from each of the State governments and will be linked to orchestras' acceptance of the key workplace changes recommended by the Report. Consultations with the State governments will continue over coming months to finalise these arrangements.

In responding to the Report, the Government has agreed to the key recommendations put forward by James Strong, particularly that:

- the six State symphony orchestras become fully independent companies, no longer owned by the Australian Broadcasting Corporation (ABC), noting that the service level agreements will be developed between the ABC and the orchestras to preserve the mutual benefits (Recommendations 1, 2 and 3);
- the governance and accountability requirements for the orchestras will be significantly strengthened (Recommendations 5 and 6);
- workplace arrangements for musicians will become more flexible allowing the orchestras greater ability to earn commercial revenue (Recommendation 9);
- a range of initiatives will provide improved artistic standards for orchestras, and will provide funding to develop occupational health and safety strategies for orchestras (Recommendations 10 and 12);
- funding be provided to the Australian Opera and Ballet Orchestra, preliminary to a further examination of the issues surrounding the delivery of orchestral services in support of the Sydney and Melbourne seasons of Opera Australia and The Australian Ballet (Recommendations 17 and 18);
- consistent with Recommendation 19, the Australian Government is prepared to make a commitment to the Canberra Symphony Orchestra and the Darwin Symphony Orchestra to improve their artistic success; and
- orchestras, in consultation with the ABC, should determine and implement alternative arrangements for the delivery of services and programs currently provided by Symphony Australia (Recommendation 20). Funding of up to \$1 million will be available to assist with this process of change.

In recognition of the financial difficulties faced by many of the orchestras considered in the Report, the Government has agreed to provide a \$4.7 million funding package to secure their long-term sustainability.¹⁷³

The states were asked to contribute \$7.6 million into their symphonies, taking the total additional money for the orchestras close to \$33 million. The government funding split was to remain roughly the same, 80 per cent federal and 20 per cent states, allaying state government fears that Canberra would use the Strong report to shift more of the cost of running orchestras on to the states. It should also be noted that the federal money was also contingent on the orchestras adopting a number of reforms recommended by Strong, designed to give them greater workplace flexibility, to separate them completely from the ABC and to set them up as fully independent companies.

Strong recommended a further review of the pit orchestras, Orchestra Victoria and the Australian Opera and Ballet Orchestra and those organisations urged the government to complete this as soon as possible.

The role of the Australia Council

In 2004, although the coalition supported the Australia Council's work, commentators articulated several concerns. Firstly, funding was not keeping up with inflation and the insistence on an efficiency dividend kept growth in grants to about 1.5 per cent a year at a time when the cost of employing people was growing by up to 4 per cent.¹⁷⁴ Secondly, five years on from the 1999 Nugent Inquiry (discussed above) there had been no commitment to review the funding formula. Thirdly, extra funding had not been forthcoming to respond to the needs of the small to medium sized dance and theatre companies as identified in two recent reports. Fourthly, the Australia Council was by-passed in the process which led to the government in May 2004 announcing a \$5 million grant to Maria Vandamme's Melba Foundation to produce a CD series—a grant equivalent to half of the \$10 million increase granted to the Australia Council.¹⁷⁵ Fifthly, the appointments of David Gonski, Jonathon Shier,

173. R. Kemp, (Minister for the Arts and Sport, *Orchestras Review 2005—Australian Government Response*), media release, Parliament House, Canberra, 10 May 2005 http://www.minister.dcita.gov.au/kemp/media/media_releases_for_2005/orchestras_review_20_05_australian_government_response, accessed on 27 February 2009.

174. R. Usher, 'Need to keep arts funding on the rails', *The Age*, 2 July 2004.

175. See K. Strickland, 'Playing the purse strings', *The Australian*, 27 May 2004 and the Music Council of Australia, *Policy Position for the 2004 Election*, <http://www.mca.org.au/web/content/view/128/6> accessed 25 March 2009, in particular the section where they argue a need to 'restore the lost value of funding to the arts through the Australia Council over the years in which increases have not kept up with inflation' ... 'increase the funding to the Australia Council overall by inflation plus 5% a year' ... reconfirm support to statutory independence and arm's length from government for the Australia Council. This is to say, the government has the prerogative to give policy direction to the Australia Council, and tag funding to specific policy initiatives, but may not instruct the Council to fund

Christopher Pearson and Craddock Morton to head respectively the Australia Council, chair of the ABC, SBS and the National Museum made Prime Minister Howard look as if he was trying to reorient some of Australia's leading cultural institutions.

Arts Education

The long term health and financial viability of many of the above named major arts organisations can not be considered without considering arts education—for it is this that produces both the artists and the arts consumers.

The coalition prided itself in its 2004 cultural policy of supporting excellence in arts education:

Tomorrow's artists are in training today. In order to maintain Australia's vibrant cultural environment, we must ensure that our training institutions are dedicated to the development of talent and the realisation of potential. With the Coalition's support, our national arts training institutions have trained many of our greatest artists, performers and technicians.¹⁷⁶

In March 2004, the then Minister for Education, Science and Training Dr Brendan Nelson, announced a National Review of School Music Education.¹⁷⁷ The purpose of the review was to investigate the quality and status of music education in Australian primary and secondary schools and to determine how both could be increased for the benefit of all students. A team from Murdoch University, the Universities of Western Australia, Sydney and Queensland and the Northern Territory Department of Education were undertaking the review. The review steering committee was to be chaired by Professor Margaret Seares, and the review commenced in August 2004.¹⁷⁸

specific recipients'...ensure that 'For other Commonwealth funding to the arts for which the Department for the Arts is the conduit, all applicants should be subjected to an expert, transparent and, unless inappropriate because the applicant is a major national institution such as the National Gallery, competitive assessment process, and funding decisions should be made on the basis of this assessment and government policy objectives'.

176. Liberal, The Nationals, *A Stronger Economy A Stronger Australia: Strengthening Australian Arts*, The Howard Government Election 2004 Policy, p. 15, <http://www.ozpolitics.info/election2004/2004LNP/ACF3D10.pdf> accessed on 27 April 2009.
177. B. Nelson (Minister for Education, Science and Training), *Music education takes centre stage*, media release, 26 August 2004, <http://www.dest.gov.au/Ministers/Media/Nelson/2004/03/n657260304.asp>, accessed on 25 March 2009.
178. B. Nelson (Minister for Education, Science and Training), *National review of school music education underway*, media release, 23 August 2004, <http://www.dest.gov.au/Ministers/Media/Nelson/2004/08/n891230804.asp>, accessed on 25 March 2009.

Apart from supporting the above review, however, there was little in the government's actions or policy statements on arts education that demonstrated a commitment to improving arts education at the grass roots.

Standing in contrast were the commitments in Labor's new national cultural policy *Creative Opportunity*.¹⁷⁹ On pp.12–13 of that document Labor promised:

- \$10 million over 3 years for a 'Music Education for Children' policy to improve music participation in schools and the community
- additional funding for Musica Viva in Schools
- the creation of an annual Prime Minister's Music Education Award for innovation and excellence in the provision of music education in government primary schools, and
- the recasting of Australia Council and DCITA grant eligibility requirements to include the need for grant recipients to include in their grant program an interactive arts education component.

These initiatives received scant coverage in the press even though some had potentially significant cultural import. To date, despite all the rhetoric in policy statements and administrative guidelines about 'participation in the arts', grant criteria invariably explicitly preclude funding of activities which might be thought to be 'educational' or participatory (and not just 'excellent' and 'innovative'). The change proposed might have started to close the gap between rhetoric and practice and help ensure that Australia Council and Departmental arts funding were more sustainable investments in Australian culture.

In November 2005, the report of the *National Review of School Music Education* was released.¹⁸⁰ The report found that school music education in Australia was of inconsistent quality and not equally available in all schools across the country, that many children were missing out on quality music education experiences, or simply missing out on music altogether; that many generalist primary teachers lacked the confidence and skills to teach music and needed more support; that schools needed more support for music facilities and equipment; and that there needed to be stronger partnerships between schools, the community and industry groups.

179. Australian Labor Party, 'Labor's National Cultural Policy: Creative Opportunity', *Policy Document*, 2004 http://www.ozpolitics.info/election2004/2004ALP/arts_policy.pdf, accessed on 25 March 2009.

180. R. Pascoe, S. Leong, J. MacCullum, E. Mackinlay, K. Marsh, B. Smith, T. Church and A. Winterton, *National Review of School Music Education, Augmenting the Diminished*, Department of Education, Science and Training, Canberra, 2005, http://www.dest.gov.au/sectors/school_education/publications_resources/profiles/school_music_education.htm, accessed on 25 March 2009.

The Minister responded to the above report in a press release on 21 November 2005.¹⁸¹ He declared:

It shouldn't matter where you live, your circumstances or the economic means of your family. Every child in this country has no less a right to learn how to play a musical instrument than they do to learn to read, write, count and communicate.

He went on to announce that he would convene a National Music Education Summit to be held in the first half of 2006 to discuss the review's recommendations and to develop a comprehensive and detailed response:

"In the interim, I will also ask Teaching Australia, formerly known as the National Institute for Quality Teaching and School Leadership (NIQTSL), to consider the Report of Music Education in its deliberations over a model for university teacher training," Dr Nelson said. Dr Nelson also announced funding of \$100,000 a year for four years, to be provided to the Australian Society for Music Education for awards for outstanding music teachers and school leaders.

Music will be made a priority under the Australian government's \$139 million Quality Teaching Programme. A further \$500,000 will be committed to developing curriculum resources in priority areas.¹⁸²

He also noted that:

... music education can expect a significant practical boost with the first stage announcement of the Howard Government's \$1 billion Investing in Our Schools Programme revealing a huge demand from school communities for assistance with their music facilities. More than \$4 million will be provided in Round One for a range of new instrument purchases and music and performance room upgrades.¹⁸³

Labor's 2006 and 2007 Policy Papers

On 31 July 2006, Peter Garrett, the Shadow Parliamentary Secretary for Reconciliation and the Arts, released the *Federal Labor Arts Policy Discussion Paper*.¹⁸⁴ In a press release on that day, *An Arts Policy for the Times*, he said the paper:

181. B. Nelson (Minister Education, Science and Training), *The future of School music education—national review finds need for higher standards and greater consistency*, media release, Parliament House, Canberra, 21 November 2005, <http://www.dest.gov.au/Ministers/Media/Nelson/2005/11/n2045211105.asp>, accessed on 25 March 2009.

182. *ibid.*

183. *ibid.*

184. P. Garrett (Shadow Parliamentary Secretary for Reconciliation and the Arts)

identifies a range of problems associated with the Arts under the Howard Government, including:

- Government interference in the funding process, as well as political board appointments;
- Bureaucratic indifference and its stifling effect on creativity;
- Unsustainable funding arrangements which place increasing pressure on artists and arts organisations; and,
- Failure to respond to the dynamics of the growing digital economy where creativity is central.¹⁸⁵

On 14 September 2007 the Australian Labor Party released its pre-election arts policy, *New Directions for the Arts*.¹⁸⁶ The policy confirmed, among other things, the ALP's commitment to introduce a resale royalty scheme for visual artists.

The Rudd Government

The 2008 Budget

In the 2008 budget a commitment was made to increase youth participation in the arts. To this end, over the next four years, the Australia Council would receive \$6.6 million to increase opportunities for young and emerging artists, and \$5.2 million to fund professional artists' residencies in schools and universities. The Minister said that these measures would 'expand the opportunities for young people to experience the arts and create new opportunities for the next generation of ... artists'.¹⁸⁷ The budget, however, continued to include the obligation for the Australia Council to make \$2.0 million in operational savings to satisfy a 2 per cent efficiency dividend. The budget, moreover, did not support the more robust strengthening of arts education in schools which had been called for in the November

Federal Labor Arts Policy Discussion Paper (no date but released 31 July 2006), http://www.alp.org.au/download/now/federal_labor_arts_policy_discussion_paper.pdf accessed on 26 March 2009.

185. P. Garrett (Shadow Parliamentary Secretary for Reconciliation and the Arts), *An Arts Policy for the Times*, media release, <http://www.petargarrett.com.au/204.aspx?print=Y> accessed on 26 March 2009.

186. Australian Labor Party, *New Directions for the Arts*, 14 September 2007, http://www.alp.org.au/download/now/new_directions_for_the_arts.pdf accessed on 27 April 2009.

187. P. Garrett (Minister for the Environment, Heritage and the Arts), *New initiatives for a creative Australia*, media release, Parliament House, Canberra, 13 May 2008, http://www.environment.gov.au/minister/garrett/2008/pubs/bud_20080513h.pdf accessed on 30 March 2009.

2005 report of the National Review of School Music Education¹⁸⁸, in the August 2006 workshop convened following that report, in the ALP's 2004 and 2007 election policy documents, and in the Towards a Creative Australia sessions at the 2020 Summit.

The above sum of just over \$1 million a year for the artist in residencies program bears little comparison with the £332 million committed in November last year by the U.K. government to support a national commitment to better music education in schools. The latter included money for free music tuition for every primary school child for at least a year, children's choirs, orchestras and other ensembles, banks of new musical instruments, a programme to put singing back into the classroom, projects to involve children in deprived areas in music (based on highly successful Venezuelan project, El Sistema) and for extending the partnership work that made the Music Manifesto initiative a success.¹⁸⁹

- Beyond the above three major areas of announcement, the 2008 budget also provided:
- \$7.6 million (already announced in February) over four years to support the already existing National Arts and Crafts Industry Support Program through which funding is directed to Indigenous art centres and advocacy organisations
- \$11.8 million over four years for the Regional Arts Fund Program to support sustainable cultural development in regional and remote Australia. This represented a slight fall on the previous year's commitments, but the budget also committed \$10 million over four years for a not unrelated program to be called Creative Communities¹⁹⁰ promised during the 2007 election as a response to the Australia Council's Community Partnerships Scoping Study Report 2006¹⁹¹
- \$2.4 million over four years to support contemporary Australian music through the Australian Music Radio Airplay Project (AMRAP)—a program which commenced

188. R. Pascoe et al., *National Review of school music education, Augmenting the Diminished*, Department of Education, Science and Training, Canberra, 2005, http://www.dest.gov.au/NR/rdonlyres/C9AFAE54-6D72-44CC-A346-3CAF235CB268/8944/music_review_reportFINAL.pdf accessed on 19 May 2008.

189. (U.K.) Department for Children, Schools and Families, 'Every primary school to become a musical school', press notice, 21 November 2007, http://www.dfes.gov.uk/pns/DisplayPN.cgi?pn_id=2007_0216, accessed on 25 March 2009.

190. Australian Labor Party, 'Fresh ideas for the arts', *Election 07 fact sheet*, <http://www.petegarrett.com.au/resources/1/pdfs/creativecommunities.pdf>, accessed on 19 May 2008.

191. Australia Council, *Community Partnerships scoping study: creative communities*, June 2006, http://www.australiacouncil.gov.au/_data/assets/pdf_file/0019/1882/cp_scoping_study.pdf, accessed on 19 May 2008.

operation in 2000 with \$1.5 million in federal funding provided to the Community Broadcasting Foundation.¹⁹²

It is also noteworthy that collecting agencies such as the National Library and National Museum received effective funding cuts. The National Library's budgeted income for 2008–09 (\$71.3 million) is only \$1.3 million more than estimated actual income for 2007–08 because detracting from a projected (mostly interest) revenue increase of \$2 million, is a \$0.6 million efficiency dividend. Similarly, the National Museum of Australia's budgeted income for 2008–09 of \$45.6 million is \$1.6 million less than the estimated actual of \$47.2 million for 2007–08. This is not only because of some one-off funding received during 2007–08, but also because the efficiency dividend, in the absence of any funding increase, will reduce revenue from the government by \$0.5 million.

Indigenous Art

In a media release on 8 August 2008¹⁹³ the Minister for the Environment, Heritage and the Arts, Peter Garrett announced the Australian government response to the mid-2007 Senate Indigenous Arts Inquiry¹⁹⁴, saying it included:

- support for the development of an industry-wide code of conduct to enhance the industry's sustainability and to protect artists from unscrupulous conduct;
- enhancement of NACIS funding, including the introduction of three year operational funding to improve financial certainty;
- a scoping study to consider the implications and effectiveness of an art centre in Alice Springs;
- further work to examine the issues around authenticity and labelling schemes including looking at the operation of international schemes as well as current and former schemes in Australia; and,
- promotion of current programs to assist the transition of art centres to greater economic independence.

192. See the AMRAP page on the Community Broadcasting Foundation web-site: http://www.cbf.com.au/Content/templates/cbf_funded_projects.asp?articleid=17&zoneid=6, accessed on 19 May 2008

193. P. Garrett (Minister for the Environment, Heritage and the Arts), *Australian Government responds to Senate Indigenous Arts Inquiry*, media release, 8 August 2008, <http://www.petargarrett.com.au/598.aspx> accessed 25 March 2009.

194. Senate Environment, Communication, Information Technology and the Arts Committee, *Indigenous Art—Securing the Future*, Canberra, June 2007, http://www.arts.gov.au/indigenous/senate_inquiry, accessed on 25 March 2009.

In the media release Garrett also called on the industry to finalise the development of a code of conduct so it be considered at the Cultural Ministers Council in October.

The response was mixed. One commentator called it a ‘masterpiece of inaction’, and commended the Minister for turning down the proposal for a new Aboriginal art support funding scheme and for meeting other recommendations with ‘further work’ and ‘scoping studies’, in short, for offering ‘a whole lot of nothing’, ‘because governments have no place as grand moral arbiters guiding the remote Aboriginal world’s proudest success story’.¹⁹⁵

The Australian National Academy of Music

In late 2008 the Commonwealth’s intention to withdraw funding from The Australian National Academy of Music (ANAM) sparked considerable public debate. The Academy had been part of the Keating Government’s 1994 *Creative Nation* package of initiatives. Although first thought to have been intended for Canberra, it was announced as being planned for Melbourne. It was to ‘develop highly gifted musicians to international standards and enable them to establish careers from an Australian base’.¹⁹⁶ It was established on 10 April 1995 as a joint venture of the Commonwealth and Victorian governments whose respective contributions were formalised in a memorandum of understanding (MOU) on 21 June 1995. It opened in 1996 as a body that would report to the Commonwealth department responsible for the arts, but be controlled by the University of Melbourne. The Howard Government continued to support ANAM with about \$2.5 million annually. The fact that entry was purely by audition, that there was no formal assessment and that there were only about 15 enrolees, meant the academy drew periodic criticism in the media.

On 9 July 2004 the Minister for Arts and Sport, Senator Rod Kemp issued a press release announcing Australian National Academy of Music and the Australian Youth Orchestra Review. The review was to be guided by an advisory committee headed by Jonathan Mills and to report by the end of 2004, but a report was never officially released. There were however, media reports that that the review’s report had been finished and included recommendations that ANAM be reconstituted as a fully independent public company, that it should ‘seek to learn from the experience of the Australian Institute of Sport’ in areas such as governance, publicity and scholarships, and that it seek an increase in government funding to \$8.2 million in 2009.¹⁹⁷ The government’s 2007 budget allocated no increase in funding.

The new Rudd Government Arts Minister, Peter Garrett, made no official announcement on either reducing or increasing ANAM funding or on reviewing or releasing review of the

195. N. Rothwell, ‘Cautious Garrett exhibits masterpiece of inaction’, *The Weekend Australian*, 9 August 2008, p.11.

196. *Creative Nation: Commonwealth Cultural Policy*, October 1994, section entitled Commonwealth Support for the Arts, p. 25, <http://www.nla.gov.au/creative.nation/support.html> accessed 27 April 2009.

197. C. Perkin, ‘[Academy’s sporting chance](#)’ *The Australian*, 1 November 2008, p. 21.

body. The Minister was, however, later reported to have written to ANAM on 25 August giving them till the end of October to meet certain demands regarding governance, and on October 22 as having advised ANAM that funding would cease for 2009.¹⁹⁸ ANAM declared the decision precipitous and unsupported and there was widespread outcry from the domestic and expatriate artistic community, a petition and many questions in the chamber. The Minister sought to assure all concerned that there would be continuity for existing students and a program or institute to replace ANAM. On 19 November 2008, the Minister signed a memorandum of understanding with the University of Melbourne creating an Australian Institute of Musical Performance¹⁹⁹. Concerns continued to be expressed and at the beginning of December ANAM student and staff, to give their concerns greater profile, flew to Canberra and gave impromptu performances at Parliament House. Soon thereafter the Minister announced a plan to let the academy keep its name, director, funding and South Melbourne home for one year, pending a decision on its future.²⁰⁰

Resale Royalty legislation

As noted in an earlier section, the desirability of introducing a visual arts resale royalty (*droit de suite*) scheme had been much debated in the years of the Howard Government. It had been called for by many reports, sketched out in two Private Members Bills introduced by federal Labor MPs (Kate Lundy in 2003 and Bob McMullan in 2005) and has been part of ALP policy in opposition.²⁰¹ The debate did not abate under the Rudd Government.

One imperative offering momentum to the prospect of the scheme was the international move towards implementing resale royalty rights. Consistent with the *Berne Convention*, the sale of an Australian work will usually only attract a resale royalty in a country if a reciprocal right exists in Australia for artists of that country. Running against the pressure to introduce a

198. *ibid.*

199. C. Perkin, 'New Music school to be truly national: Garrett', *The Australian*, 19 November 2008, p. 7.

200. C. Perkin, 'That's much better, minister', *The Australian*, 9 December 2008, <http://www.theaustralian.news.com.au/story/0,25197,24770829-16947,00.html> accessed 27 April 2009.

201. For example, the Australian Copyright Council report, *The Art Resale Royalty & Its Implications For Australia*, February 1989; *Our Culture Our Future: A Report On Australian Indigenous Cultural And Intellectual Property Rights*, Aboriginal and Torres Strait Islander Commission, Canberra, September 1999, at <http://www.austlii.edu.au/au/journals/AILR/1999/51.html#Heading3>, accessed on 26 March 2009; The report of the Contemporary Visual Arts & Craft Inquiry ('The Myer Report'), Commonwealth Department of Communications, Information Technology and the Arts, Canberra, 2002, at http://www.arts.gov.au/public_consultation/cvac_inquiry/report, accessed 26 March 2009; and D. Throsby & V. Hollister, *Don't Give Up Your Day Job: an economic study of professional artists in Australia*, Australia Council, Sydney, 2003, http://www.australiacouncil.gov.au/_data/assets/pdf_file/0016/2905/entire_document.pdf, accessed on 26 March 2009.

scheme, however, was the continued criticism that overseas schemes were complex and not always benefiting those intended. In April 2008, the government was reported as receiving a private report from Access Economics that warned a non-retrospective scheme might not collect enough money to cover administrative costs (collecting only about \$3.4 million in the first five years, rising to \$11.7 million in the first decade and \$38.5 million after 20 years—with about 20 per cent of income going on administration).²⁰²

In May 2008, Arts Minister Garrett announced that Australia would introduce a scheme and that it would bring Australia into line with similar resale royalty arrangements operating in the United Kingdom and Europe.²⁰³ Conscious of reports that had found some of these overseas arrangements were unnecessarily complex and not always benefiting those intended, he promised that ‘the scheme would reflect the particular characteristics of the Australian art market and maximise the benefits to artists’.²⁰⁴ He anticipated that an open tender process would be conducted in the second half of 2008 to select an organisation to set up the collecting agency.²⁰⁵

A debate on the government’s proposed scheme held at Sydney’s Danks Street arts complex on 18 November 2008, revealed misgiving from both those opponents and supporters of a resale royalty. Opponents accused the copyright collecting agency Viscopy of empire-building. Proponents saw the fact that the royalty would only pertain to works bought after the scheme is introduced and only on subsequent resale, as possibly meaning insufficient revenue to cover administration costs and as possibly not activating reciprocal rights with overseas collecting agencies.²⁰⁶ Viscopy and the government advanced conflicting legal judgments on the constitutionality of making the scheme retrospective. If the government were to attempt to make the scheme retrospective, it was argued that the auction houses might mount a High Court challenge that would delay the schemes planned July 1 introduction.²⁰⁷

When the government’s bill was tabled on 27 November 2008 it was apparent that the planned scheme would not be retrospective. As at February 2009 the bill has yet to be passed.

202. K. Strickland, ‘Critics pressure Garrett about resale plan’, *Australian Financial Review*, 27 November 2008, p. 44.

203. P. Garrett (Minister for the Environment, Heritage and the Arts), *Resale royalty rights for Australia’s visual artists*, media release, Parliament House, Canberra, 13 May 2008, <http://www.environment.gov.au/minister/garrett/2008/pubs/budmr20080513i.pdf>

204. *ibid.*

205. *ibid.*

206. K. Strickland, ‘High Court challenge looms over royalty scheme’, *Australian Financial Review*, Thursday 20 November 2008, p. 48.

207. *ibid.*

Other developments pending

After the 2008 budget the Joint Committee of Public Accounts and Audit undertook an inquiry into the effects of the ongoing efficiency dividend on smaller public sector agencies. On Thursday, 4 December 2008, the Committee tabled its report entitled *Report 413: The Efficiency Dividend: Size does matter*.²⁰⁸ In this report the Committee expressed an understanding of the situation of the cultural agencies in particular and:

The Committee has recommended that the first \$50 million of agencies' eligible appropriations (excluding departments of state) should be exempt from the dividend. The 1.25% dividend would then apply to all of an agency's appropriations above this amount. The practical effect of this is an agency with eligible appropriations of less than \$50 million would have a zero efficiency dividend. The old system should continue to apply to departments of state due to their success with NPPs.²⁰⁹

The government has not yet responded to this Committee's report.

The government has also not yet indicated how it might improve access for artists to social security, as promised as part of the Australian Labor Party's 2007 election policy and as promised (in the form of an 'ArtStart' program) by Peter Garrett when Shadow Minister for the Arts in his September 2007 paper *New Directions for the Arts*.²¹⁰ The promise was to harmonise Australia Council, Centrelink and the Australian Tax Office rules and determine the most equitable way to treat earnings and royalty payments for artists currently receiving welfare.

In December 2008, eight months after the 2020 Summit at which its establishment was proposed, Arts Minister Peter Garrett announced the membership of a Creative Australia Advisory Panel.²¹¹ Its objectives have not yet been finalised, but it was reported that one of its main tasks would be the finding of new income streams and mechanisms for the arts, and that this may include exploring the concept of a national endowment for the arts.

In July 2008 the Council of Australian Governments took the Australian book trade by surprise by initiating another review of the provisions in the Australian Copyright Act that

208. Joint Committee of Public Accounts and Audit, Report 413: The Efficiency Dividend: Size does matter, Canberra, 2008
<http://www.aph.gov.au/house/committee/jpaa/efficdiv/report/fullreport.pdf> , accessed on 2 March 2009.

209. *ibid.*, p. xxv.

210. P. Garrett, *New directions for the arts: supporting a vibrant and diverse Australian arts sector*, Australian Labor Party, September 2007,
http://www.alp.org.au/download/now/new_directions_for_the_arts.pdf, accessed on 19 May 2008.

211. C. Perkin, 'Cultural think tank to advise Garrett', *The Australian*, 9 December 2008,
<http://www.theaustralian.news.com.au/story/0,25197,24771980-16947,00.html> accessed on 27 April 2009.

restrict parallel importation. The Productivity Commission was asked to report on the current provisions of the Copyright Act 1968 (the 'Copyright Act') that restrict the parallel importation of books, and provide advice on the potential for reform in the area. In November 2008 the Commission released an issues paper outlining some key matters to be addressed, suggesting that parallel restrictions should apply for only 12 months (after which importation would be freely permitted), and calling for public submissions.²¹² Public debate on the subject has been intense with hundreds of submissions received and with coalitions of bookshops and buyers arguing strongly for the removal of restrictions on parallel importation and coalitions of authors and publishers arguing for their retention.²¹³ The Commission's final report is presently pending.

Finally, in the context of the government responding to the global economic crisis with stimulus packages, the Australian Performing Arts Association called on the federal government to invest part of its newly announced \$20 billion Building Australia Fund in cultural centres.²¹⁴ Indeed, the current economic situation has also been reported as contributing to falling income for major performing arts organisations and an Australia Council review of the six state orchestras that had received a large funding injection in 2005, suggested that some of these organisations may again soon be seeking additional funding.²¹⁵

212. Productivity Commission, *Copyright Restrictions on the Parallel Importation of Books*, Productivity Commission Issues Paper, Australian Government, November 2008, http://www.pc.gov.au/_data/assets/pdf_file/0006/84453/issues-paper.pdf accessed 28 April 2009.

213. See, for example, Rosemary Sorensen, 'Words flay on books inquiry', *The Australian*, 20 April 2009, <http://www.theaustralian.news.com.au/story/0,25197,25405044-16947,00.html> and concerns posted by Australians For Australian books at <http://www.ausbooks.com.au/category.php?id=7>, both accessed 28 April 2009.

214. AAP, 'Artists call on govt to boost infrastructure funding', 23 September 2008.

215. C. Perkin, 'Tune in to hard times, orchestras warned', *The Australian*, 5 February, 2009, <http://www.theaustralian.news.com.au/story/0,25197,25009935-5013575,00.html> accessed 27 April 2009.

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