



Australian Government



Australia Council
for the Arts

Cultural policies in Australia

Professor Margaret Seares AO
with assistance from
Dr John Gardiner-Garden

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Preface

This profile of Australia's cultural policies makes a timely contribution to the current discussions prompted by the Australian Government's proposal to release a cultural policy.

Cultural policies in Australia offers an invaluable picture of arts and cultural policies across all spheres of government and agencies concerned with all artforms, screen culture, public and commercial media, Indigenous affairs, heritage, education, training and economic policy. The profile is an important addition to the many arts research resources now available on the website of the Australia Council for the Arts. The work, however, has a further purpose.

Since being a founding member of the International Federation of Arts Councils and Culture Agencies (IFACCA), the Australia Council has benefitted greatly from this opportunity to share arts policy making expertise with our colleagues around the world.

IFACCA (www.ifacca.org) has been nominated by the founders of the highly regarded Compendium of Cultural Policies and Trends in Europe (www.culturalpolicies.net), the Council of Europe (CoE) and the ERICarts Institute, to develop an international version of the Compendium. This international resource, WorldCP, will be a central, web-based and regularly updated database of country-specific profiles of cultural policies. In the future, it will also provide the capacity to monitor and analyse global trends, providing an invaluable tool for policymakers, researchers, advocates, civil society and the global community. This capacity for comparison is made possible by all participating nations using a universal set of chapter and section titles for the presentation of the profiles.

The European Compendium contains cultural policy profiles of 41 European countries and Canada. This Australian profile will be one of the first to be added to the international database during its pilot phase in 2011. IFACCA is currently exploring adding similar profiles for Pacific, Asian and some Arab countries, with longer term plans for profiles of African and Latin American countries. Current plans are to launch a preliminary version of WorldCP.org, at the 5th World Summit on Arts and Culture, to be co-hosted by IFACCA and the Australia Council, in Melbourne in October 2011.

I would like to congratulate Professor Margaret Seares, a former chair of the Australia Council, for bringing to this pioneering work her deep knowledge of arts and cultural policy in Australia. I would also like to thank John Gardiner-Garden of the Parliamentary Library of the Parliament of Australia for his assistance. We are also grateful to the Office for the Arts in the Department of the Prime Minister and Cabinet, for their feedback. Thanks too must go to Sarah Gardner, Executive Director of IFACCA, for initiating and guiding this project to publication. It should be noted that this profile, while informed by consultations with the Australia Council, IFACCA and federal and state arts departments, is written independently and not formally endorsed by these bodies.

I wish IFACCA well for the development of their visionary international compendium, and look forward to the continued sharing of cultural policies around the world.

Kathy Keele
CEO

Australia Council for the Arts

Professor Margaret Seares

Margaret Seares is a former Senior Deputy Vice-Chancellor at The University of Western Australia.

She was Chair of the Australia Council for the Arts, the Australian Government's arts funding and advisory board, from 1997–2001, and earlier CEO with the then West Australian Department for the Arts. While at the Australia Council, she was a member of the Foreign Minister's Australia International Cultural Council and a Director of the Australia Business Arts Foundation.

Since then, Margaret has been a member of a wide range of boards, including the National Portrait Gallery, the Australian Broadcasting Corporation's Arts Advisory Committee, the West Australian Symphony Orchestra, the Creative Industries Innovation Centre, and the Expert Advisory Committee for Humanities & Creative Arts for the Australian Research Council. In 2005 she chaired the National Review of Music Education and previously chaired the National Collections Advisory Forum.

She holds a PhD from UWA in Music, with her specialty being keyboard music of the 18th century.

Margaret is currently on the board of the Perth International Arts Festival, the Chamber for Arts and Culture, and the Telethon Institute for Child Health Research in Perth, the Centre for Creative Industries, the Education Investment Fund and the National Research Infrastructure Council. She was also a member of the inaugural Advisory Council for the Australian Research Council and is a Fellow of the Australian Institute of Company Directors.

In 2003, Professor Seares was made an Officer of the Order of Australia in recognition of her contribution to the arts and education in Australia.

Cultural policies in Australia

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1. Historical perspective: cultural policies and instruments

As with any country, Australian cultural policy needs to be viewed in the context of the nation's history, its people, and its constitutional structure.

Australia has an extremely ancient history in terms of its Indigenous inhabitants, who are thought to have inhabited the continent and the island now known as Tasmania for more than 40,000 years. Despite exploratory forays by the Portuguese, the Dutch and the French, it was the British who, in 1770, laid claim to the eastern part of the continent. The first settlement occurred on January 26, 1788, when Captain Arthur Phillip led a British fleet, known as the 'First Fleet', into what later became Sydney in order to establish a British penal colony.

The British established a group of colonies, the first being New South Wales in 1788, then Tasmania (initially known as Van Diemen's Land) in 1825, Western Australia in 1829, South Australia in 1836, Victoria in 1851 and Queensland in 1859. South Australia was unique among the colonies in never having accepted convicts as all the other colonies had done or were to do at some stage in their history.

In 1901 the colonies, most of which had prospered through agricultural, fishing and, later, mining enterprises, were federated into a nation, the Commonwealth of Australia. The Federation comprises six states – New South Wales, Victoria, Queensland, Western Australia, South Australia, and Tasmania – and two territories – the Australian Capital Territory and the Northern Territory.

The Federal or national Parliament elected through this universal suffrage comprises two houses, the House of Representatives where members are elected by designated electorates established on the basis of population, and the Senate where each state is represented by twelve senators and each of the territories by two. Most states tend to have replicated this bi-cameral model, although Queensland and the two territories have only a single house of parliament.

Each of the constituencies of the Australian federation has, over the years, developed its own instruments for the development and implementation of cultural policy while, superimposed above these and with varying relationship to them, sits the national or Commonwealth policy framework. Given that each state and territory has its own 'provincial'

government, which may or may not be, at any given time, of the same political flavour as the national government, there is significant potential for creative tension in Commonwealth (i.e. national)–state relationships in all spheres, not least that of culture. Further discussion of state and territory arts and cultural agencies may be found under section 3.2.

Another significant and ongoing tension has been the position of Indigenous Australians¹ within the national polity. Neither the *Commonwealth of Australia Constitution Act 1900* (Constitution Act) nor the *Commonwealth Franchise Act 1902* included Indigenous people as citizens of Australia. It was not until 1967 that a national referendum was held to decide on a proposal to amend the Constitution Act to remove the words 'other than the aboriginal race in any State' in order to overcome the problem that, up until that date, Aboriginal people were subject to individual laws governing Aboriginals in each state. More importantly, the constitutional amendment now allowed the Commonwealth to legislate in addition to the States. The Constitutional change meant that Aboriginal people would now be counted in the national census and that they would be entitled to the same rights as all other citizens. The referendum and, later, a range of pressures both national and international, including the United Nation's *Covenant on Civil and Political Rights* had significant implications for the long and, as yet, often protracted, battles over land rights for Aboriginal Australians, and also led to increasing intervention by governments in overcoming cultural exploitation of Aboriginal peoples. For further information on cultural policies directed to support Indigenous cultures see section 4.2.4.

A further issue is Australia's status as a constitutional monarchy. Australian law is still closely connected with that of England (see section 5.1.1), there have also been moves, over the past decade, for Australia to abandon its status as a constitutional monarchy, with the monarch being the King or Queen of the United Kingdom, and become a republic. In 1999 a referendum was held for the Australian people to vote on whether or not to become a republic with a president. A key issue revolved around the mechanism for appointing a president. In 1998 a national convention on the issue had resolved that the president should be appointed by the Federal Parliament.

¹ In Australia, it is generally acceptable to use 'Indigenous' and 'Aboriginal and Torres Strait Islander' interchangeably.

This model, as opposed to direct election, did not find favour with the electorate, and the issue was voted down. There are no plans at present for a revival of the debate.

Aside from its history and its constitutional structure, another factor that inevitably impacts upon the way culture is managed and supported in Australia is the size of the country in relation to its population. According to Geoscience Australia Australia is the sixth-largest country on the planet, as well as the planet's largest island and has a landmass of over seven million square kilometres. However, the population of the nation in 2010, according to the Australian Bureau of Statistics, was only 22 million people, which is significantly smaller than many European nations that are a fraction of Australia's physical size. The spread of population and the sparseness of many inland communities have presented challenges for delivery of services of all kinds, including cultural services. The mooted introduction of a National Broadband Network is intended to make a major difference in this regard.

Development of Federal Government support for cultural agencies and institutions

Government involvement in the cultural landscape of Australia goes back to the early days of federation when in 1908 the Commonwealth Literary Fund was established initially in order to provide pensions for needy writers or their families. The fund's members included the Prime Minister, the Leader of the Opposition, and other worthies, and they were advised by academics, writers and publishers. Over time, the fund expanded its remit to the support for literature and for writers more generally, including grants for publishing and fellowships for writers and, after the War, support for student writers. The fund was ultimately subsumed into the Australian Council for the Arts, later the Australian Council, of which more will be said in section 2.1.

The next focus of attention was the visual arts when, in the first decade of federation, there was a strong push from leading Australian artists for the Commonwealth to establish a national art collection. In 1912 the Historic Memorials Committee was established, chaired by the then-Prime Minister, Andrew Fisher. Fisher agreed to the idea of the Commonwealth collecting or commissioning portraits of key contemporary government figures, together with those of the Fathers of Federation. Importantly for the fledgling nation, only Australian artists would be commissioned to paint the portraits. Because

the committee comprised largely of government figures, Fisher wisely established an advisory board drawn from artists or people working in the arts. Thus in 1912 the Commonwealth Art Advisory Board was established which remained in place until, in 1973, it was replaced by the Acquisitions Committee for the planned Australian National Gallery. Over the years, and as the significance of federation as an event faded, the Art Advisory Board broadened its responsibilities to include advice to the Commonwealth government, building a national collection, providing works for official buildings in Australia and overseas, and for touring exhibitions.

Possibly the biggest single national cultural initiative established in Australia since the coming of the British settlers was the establishment, in 1932, of the Australian Broadcasting Commission, now Corporation, commonly known as the ABC. (For additional information on the ABC, see section 4.2.6.) Originally the Australian Broadcasting Company, a non-government organisation, it was subsequently taken over by the Federal Government and gradually coordinated into a significant national broadcaster of radio, with television broadcasts commencing in 1956. In addition to news, current affairs and talks, the ABC broadcast radio drama and music. Indeed, the biggest single stimulus for the development of music in Australia came with the establishment of the ABC, as the broadcaster gradually built up a network of studio orchestras to provide the primarily live music, both classical and 'light' that went to air in the days before recorded discs were readily available in Australia.

Furthermore, in its charter which was established through the *Broadcasting and Television Act 1942*, the ABC was required to 'endeavour to establish groups of musicians for orchestral, choral and band music of high quality', and to 'devote not less than five percent of music program time to works by Australian composers'. These studio orchestras gradually developed into a national system of six professional orchestras based in each state and variously named after the state itself (the Queensland Symphony Orchestra, Tasmanian Symphony Orchestra, West Australian Symphony Orchestra) or the capital city of the state (Adelaide Symphony Orchestra, Melbourne Symphony Orchestra, Sydney Symphony Orchestra). However, the orchestras were operated and managed from the ABC's head office in Sydney, a situation that was to prevail through to the end of the century. The orchestras were funded through the ABC's annual funding allocation from the Federal Government, with some funding

also being contributed by the relevant state government and, in some cases, from local government.

In the early days of television, the ABC also broadcast concerts, including those by the state orchestras and occasionally, opera and ballet. Australian drama on television also played a major role in providing employment for actors, directors, and the like.

Aside from the ABC it was not until the post-World War II years that Australia gradually saw the emergence of a more serious and coordinated attempt at supporting a national cultural life. In terms of the establishment of major national institutions, such as a national gallery, library or museum, the seemingly tardy progress needs to be understood in the context of the national capital city itself. Canberra was and is a planned city: a compromise capital which was intended to placate the two rivals for national capital status, the cities of Sydney and Melbourne. In 1911 the Commonwealth Government held an international competition for design of the new capital, a competition won by Walter Burley Griffin and Marion Griffin. The Commonwealth Government itself did not move to Canberra until 1927, which goes some way to explaining the absence of major national institutions until somewhat later in the century.

Although advocacy for the establishment of a national library had begun in the years immediately after Federation and before Canberra was developed, partly in response to the fact that, during the 19th century the British Government had established libraries or lending organisations in each of the colonies, it was many years before this aspiration was fulfilled. The Commonwealth Parliamentary Library had fulfilled part of the role of building a national collection since its establishment at the birth of the Federal Parliament in 1901. However the dream of a national library as an equivalent to the state libraries was not realised until 1960, when the *National Library Act 1960* was passed by the Federal Parliament with the library being fully established by 1968. The Act specified that the National Library of Australia would be responsible for 'maintaining and developing a national collection of library material, including a comprehensive collection of library material relating to Australia and the Australian people'.

Likewise, after decades of advocacy for the establishment of a national art gallery, the Australian National Gallery (now National Gallery

of Australia) finally opened its doors in 1982. After World War II the Commonwealth Art Advisory Board, mentioned above, began to acquire works for a lending collection, with the intent that these works would be provided on loan to government offices and, importantly, the growing number of overseas diplomatic posts that emerged in the post-War period. This collection became a major impetus for Australian artists, an implicit if not explicit intention of the board. In 1965 the then-Prime Minister, Robert Menzies, announced that he would appoint a National Art Gallery Committee of Inquiry to report on the potential establishment of a national gallery. In 1970, the government approved the future site of the gallery, and in 1977 the first Director of the Australian National Gallery was appointed and charged with the duty of creating 'a national collection of art and a new national institution'. This process had already begun when the gallery finally opened in 1982. Because most states had an art gallery established well before this time, the national art collection was designed to complement the existing gallery collections. Hence, in addition to Australian art, the new national gallery collected significant works from modernist European and American artists, as such works were not well represented in the state collections. Likewise, works from South India were collected by the national gallery, as the state galleries did not have large collections of Indian art and sculpture. And the national gallery began to collect what was to become the largest collection of Australian Indigenous art in the country.

While the visual arts were increasingly well supported, there was no government agency, other than the ABC, charged with support for the performing arts in the years immediately after World War II. Instead, a not-for-profit organisation, the Australian Elizabethan Theatre Trust (AETT), was set up in 1954 to support the arts, primarily performing arts, with funding from both public subscription, an early example of arts philanthropy in Australia, and from the Commonwealth Government. Although the AETT initially supported performing arts companies, and funded the first moves in establishing national training schools for dance and drama, it was probably best known to the general public as a major entrepreneur for touring productions.

Whilst the AETT had a role in distributing grants to the arts on behalf of government, this role was later assumed by the Arts Council of Australia, established in 1968, which was also called upon by the Federal Government for advice on the development of the arts in Australia.

In the late 1960s, then, there were boards or committees put in place by the Commonwealth to support literature and writers, visual art and artists, touring, and grant allocation. In addition, in 1967, the government had established a further body, the Committee for Assistance to Australian Composers, an organisation that worked closely with the ABC in bringing the works of Australian composers to the public, not just through publication, but through broadcast and public performance.

Finally, the Federal Government moved to establish a new, statutory body whose role would be to pull together all these different initiatives and provide a more coherent framework for the arts in Australia. In January 1973 the then-Prime Minister, Gough Whitlam, announced that he would appoint a new, but interim, arts council to subsume the roles of all the boards and committees that had operated independently hitherto. The Australian Council for the Arts was to sit within the Department of the Prime Minister and Cabinet, with support from officials from within this and other relevant government departments. The members of the new council comprised people from the arts, but also people from the law, the financial sector, and other areas of professional life. Within the council there were seven specialist boards which effectively subsumed the roles of the previous range of boards and committees. These boards were an Aboriginal Arts Board, a Craft Board, Film & Television Board, Literature Board, Music Board, Theatre Board and Visual Arts Board. Some of the members of these new boards came from the now-defunct former boards and committees. Of particular significance was the establishment of the Aboriginal Arts Board – this being only six years after Indigenous Australians had achieved the right to be counted in the national census. The Board has played a major role, since its inception, in the development of cultural policies that have contributed to the maintenance and development of Indigenous cultures in Australia, and to the awareness by non-Indigenous Australians of those cultures.

This interim council, whose funding allocation was significantly greater than that of the previous boards and committees combined, was asked to provide the government with advice on a more permanent structure for government administration of the arts. In 1975 the *Australia Council Act 1975* was passed and the Australia Council, an arms-length statutory authority, was established, modelled broadly on the existing independent or 'arms-length' arts councils of Great Britain and Canada. The council was part of the Department of the Prime Minister and Cabinet until 1977 when it was transferred to the Department of Home Affairs, together with the other cultural institutions that were the responsibility of the Federal Government. This was the first of several moves of portfolio for Commonwealth arts and cultural institutions, as will be discussed later in this article.

Given the background of most of the boards of the Australia Council as independent entities they, not surprisingly, tended to continue operating with a high degree of autonomy. In 1975 the incoming Fraser Government established an Administrative Review Committee to look at issues of duplication and waste within Commonwealth departments and agencies, and also between the Commonwealth and the states. The Australia Council was not immune from criticism in this review, and in 1976 the *Australia Council Act 1975* was amended so that all the boards were made responsible to the council and were to function under the council's overall direction. Furthermore, the council was given a formal role in advising the government of the day on issues of arts policy. Further discussion of the Australia Council's role in implementing national cultural policies may be found in section 2.1 below.

2. General objectives and principles of cultural policy

2.1 Main features of the current cultural policy model

The department of state, most recently the Department of the Prime Minister and Cabinet: Office for the Arts (OFTA), provides an overarching monitoring and coordination role in relation to the arts and cultural agencies of the federal portfolio, including the Australia Council and the major collecting institutions. Public broadcasting is currently the responsibility of the Department of Broadband, Communications and the Digital Economy.

Australia's major cultural institutions are nearly all statutory authorities, established by Act of Parliament and with their own boards. The boards are responsible for the agency, under the terms of their enabling legislation and of the *Commonwealth Authorities and Companies Act 1997* which governs the corporate governance, financial management and reporting of Commonwealth authorities. The chairs of the agencies normally have a direct relationship with the minister while the chief executives report to their boards. The agencies provide two governance reports per year to the Department, which has general oversight of the agencies on behalf of the minister.

The primary divisions within OFTA are:

- Arts Division
- Culture Division

Within the Arts Division are:

- Arts Development and Training Branch
- Arts Policy and Access Branch
- National Network Branch

Within the Culture Division are:

- Film and Creative Industries Branch
- Collections Branch
- Indigenous Culture Branch

Within Heritage were:

- Natural & Indigenous Heritage
- International Heritage and Policy
- Historic Heritage

The National Portrait Gallery is also part of OFTA. There is a likelihood that some of these responsibilities from the previous administration will change as the Gillard Government implements new priorities, including the possible moving of some programs out of OFTA and into the Australia Council, as foreshadowed in the Labor Party's electoral commitment. For further information on the Office for the Arts see <http://www.arts.gov.au/>

When it comes to the development and implementation of arts policy, and the funding of arts projects, the lines can be somewhat blurred. While theoretically it might be assumed that the role of the Department/Office² is the creation of policy, together with the establishment of a regulatory framework for the portfolio, and that of the Australia Council the delivery of that policy, the model has in practice been much more fluid. Thus, both organisations have a policy development role, and both have a service delivery role, although this role has waxed and waned in significance for the Department, depending on the government or minister of the day.

The primacy of the Australia Council's role in the arts component of Australia's cultural policy model has also waxed and waned over the years, although never to the extent of causing a significant change to its enabling Act. At different times the council, through its chair and/or chief executive, has worked closely and directly with the minister and ministerial officers, while at others the Department has been the principal conduit of information and advice flow. The *Australia Council Act 1975* contains clauses that provide a degree of 'arm's length' relationship with the minister and government of the day, modelled on the contemporary British system. Thus, Section 6B of the Act specifies, under the heading 'Directions by Minister':

1. Where the Minister is satisfied that it is desirable in the public interest to do so, the Minister may, by notice in writing to the Chairperson, give directions to the Council with respect to the performance of its functions or the exercise of its powers.
2. The Council must comply with a direction under subsection (1).
3. The Minister must cause a copy of each direction to be laid before each House of the Parliament within 21 sitting days of the House after the direction is given.
4. Nothing in this section authorises the Minister to give a direction to the Council in relation to the making of a decision by the Council in a particular case, being a decision relating to the making of a grant, the lending of money or the provision of a scholarship or other benefit.

² The term 'Department' will be used subsequently in this discussion to embrace the Arts Division in the former Department(s) while 'OFTA' will be used to for discussions of matters post the 2010 election, when the Office for the Arts came into being.

The original enabling Act established (s.20) that the minister 'shall, by notice published in the Gazette, establish such number of Boards, and assign to them such designations, as he thinks fit...'. The first council was established with seven art form boards some of which, as mentioned in section 1 above, were new iterations of pre-existing boards or committees.

The original boards were:

- Aboriginal Arts Board
- Craft Board
- Film & Television Board (transferred to the Australian Film Commission in September 1976 as described in section 4.3.4)
- Literature Board
- Music Board
- Theatre Board
- Visual Arts Board

At different times there have been additions or deletions of new boards, most frequently around the issues of craft, community arts or community cultural development, or in relation to new media or interdisciplinary practice. In 2010 the boards of the Australia Council comprise:

- Aboriginal & Torres Islander Arts
- Dance
- Literature
- Major Performing Arts
- Music
- Theatre
- Visual Arts

The boards have a policy and strategy-setting role for their particular art form, and contribute through their chairs to the overall policy and strategy setting of the council itself. Each board is responsible for running the council's arts grants programs for their particular art form area, whereby individual artists and organisations can apply to the relevant board for funding for projects. Some organisations are given triennial funding, while others receive their funding through competitive grant rounds. Applications are received from all over Australia and well in excess of the number of grants that each board can afford to fund.

The chairs of the boards are members of the governing council, which also includes members of the broader community, to a maximum of 14 members. The Chair of the Council is appointed by the Governor-General while the other members are appointed by the Minister for the Arts. The boards include practicing artists, individuals who work within or in relation to arts organisations, as well as members of the broader community, or 'community interest representatives', as they are known. In addition to setting overall strategic directions for the Australia Council, the governing body is ultimately responsible for the appropriate distribution of the annual funding allocation from the Federal Government amongst the boards and administrative sections of the council.

In addition to the boards there are currently two council committees. The Inter-arts Office deals, as its name would suggest, with projects that are inherently interdisciplinary in nature and which do not fall within the existing funding guidelines of the art form boards. They also include, in their remit, cross-disciplinary projects involving artists and practitioners from other fields.

The Community Partnerships Committee provides support to artists, community arts and culture organisations, and communities to undertake a range of projects and initiatives. They also support investment in key cross-sectoral partnerships that move beyond the arts into other areas of community activity and enterprise.

For further information on the Australia Council see <http://www.australiacouncil.gov.au/>

Unsurprisingly, given its role in allocating grants to the arts on behalf of the Federal Government, the Australia Council has received its fair share of criticism over the years on a range of issues which are given a succinct summary in the *Background Note. Commonwealth arts policy and administration* prepared by Dr John Gardiner-Garden of the Parliamentary Library and available at http://parliinfo.aph.gov.au/parliInfo/download/library/prspub/POHT6/upload_binary/poht61.pdf

Despite criticisms and reviews of the mechanics of the arm's length process, most particularly with the composition and operations of the peer assessment boards or panels, the Australia Council has maintained, with government support, this key feature of its make-up. However, within the states and territories, the concept of an arm's length agency has largely disappeared, and a department, or a component of a larger department, fulfils the roles that both the Australia Council and the Department fulfil at the federal level. These are much more tied to ministerial and political objectives. The state cultural institutions tend, like their federal counterparts, to be statutory agencies. In some states, the role of the department has increased to the extent that it has become the employer and finance manager for all cultural institutions, with a much-reduced role for the boards. Such changes have frequently resulted from whole-of-government reviews of the role of statutory authorities within the public sector, with an increasing appetite for reducing the number of such authorities and enhancing the power of the related departments.

While federal and state cultural policies operate quite independently from one another, there is a significant degree of co-funding of a range of major organisations, particularly the performing arts companies, by the two levels of government. Funding agreements in such instances tend to be worked through by officers from both constituencies so that they are compatible and do not impose conflicting obligations on the recipient organisations. In the case of other smaller companies, these might also receive funding from both levels of government but the arrangements around such funding are somewhat looser, although there are normally good degrees of consultation should one or other government agency be contemplating cutting the funding of the recipient organisations. Most commonly, this situation would arise should one of the boards of the Australia Council decide not to continue funding a particular organisation. The relevant state/territory department would be advised and, usually, their opinion sought on possible outcomes for the organisation. Occasionally the two levels of government will disagree on such a move, and at such points the relevant ministers sometimes become involved in seeking an agreed outcome.

Local government also plays a role in cultural policy in Australia, at a localised level. Local government is not as overtly political as it is, for example, in the United Kingdom. Individuals running for election to their local council do not always do so under the banner of a political

party. There is an overarching Australian Local Government Association (ALGA), which is the national voice of some 670 councils across the country, but it does not have a directive role in areas like culture. ALGA does formulate research and policy papers on various issues, including cultural diversity, but the implementation of cultural policy is a much devolved process and is undertaken somewhat unevenly in local councils across the country. It is notable, for example, that ALGA's website specifies its strategic priorities which do not of themselves include arts and culture:

- Strengthening local government finances
- Sustaining local roads, transport and other infrastructure
- Improving natural and built environmental outcomes
- Enhancing regional equity and regional development
- Building capacity and sustainability in local communities
- Connecting member associations and the Local Government sector
- Engaging effectively in Australian Government processes

However, the absence of reference to cultural planning amongst its strategic priorities belies the fact that many local councils have, in fact, well developed cultural plans, and some have culture divisions or staff who are charged with implementing those plans. These have sometimes been developed with support or facilitation from state government arts and culture departments.

The ALGA is represented at the Cultural Ministers Council meetings with observer status and this does provide the mechanism for communication and discussion about cultural priorities at the national, state and local levels.

2.2 National definition of culture

In the early 1990s the notion of a 'cultural policy', as opposed to an 'arts policy' became a key part of the national political discourse for the first time. The then-Minister for the Arts within the Keating Labor Government, Senator Bob McMullan, spoke in August 1993 of a proposed cultural policy statement that would provide a ten-year framework for cultural development in Australia, and one which would clarify 'the Commonwealth's role and responsibilities vis-à-vis those of other levels of government, cultural organisations, the business community and, of course, individual practitioners, performers and consumers'.

This cultural policy, entitled *Creative Nation*, was not, in fact, released until October 1994 by the Keating Labor Government, hot on the heels of a statement from the federal opposition entitled *The Cultural Frontier, Coalition Priorities for the Arts*. These two documents were the most comprehensive cultural policy statements seen in Australia to that time and, given the amount of public debate that preceded their appearance, it is not surprising that there was a considerable degree of convergence about them. Both emphasised the need to make Australian culture more accessible to the community; both focused attention on the need to support a new culture of private giving to the arts, by both business and individual philanthropists; both promised to find ways to support Australian artists in breaking in to overseas markets; and both recognised the importance of seizing on the potential of new technologies in broadening both the experience of artists and the engagement with the community.

There is no real national definition of culture within Australia's public policy discourse. The closest to such a definition is probably to be found in *Creative Nation* whose introduction states that:

To speak of Australian culture is to recognise our common heritage. It is to say that we share ideas, values, sentiments and traditions, and that we see in all the various manifestations of these what it means to be Australian ... [Culture] is the name we go by, the house in which we live. Culture is that which gives us a sense of ourselves.

For the complete policy document see <http://www.nla.gov.au/creative.nation/contents.html>

The previous Federal Minister for the Arts, Peter Garrett, re-iterated these sentiments in his own statements about the role of culture in Australia (June 2009). And in a speech to the National Press Club of October 2009 he stated that:

...culture is more than just the arts. It is the embodiment of values, traditions, expressions and, ultimately, hopes, and it manifests in and through many different mediums and across a very wide landscape. So we begin with an essential principle, namely, affirming the right that all Australians, whatever their background, have to the benefits of cultural activity.

2.3 Cultural policy objectives

While *Creative Nation* in particular has effectively remained the first and only national cultural policy, so defined, since the 1990s, the Rudd/Gillard³ Government, during its first term of office set about to develop a new cultural policy. Further to his statement to the National Press Club, Minister Garrett stated that:

... I have identified three key themes to be emphasised as we sketch out a cultural policy framework:

1. *Keeping culture strong;*
2. *Engaging the community; and,*
3. *Powering the young.*

As part of the process of developing this cultural policy framework the Minister's Department established a web forum to encourage discussion about the desired components of this framework. The forum closed in the first half of 2010. In terms of cultural policy objectives, the key item of note in the Labor Party's 2010 election promises for arts and culture was to develop a national cultural policy. This will now be the responsibility of the new Minister for the Arts.

³ During the preparation of this profile, the Prime Ministership moved from Kevin Rudd to Julia Gillard, who remained Prime Minister after the August 2010 election.

3. Competence, decision-making and administration

3.1 Organisational structure (organigram)

There is no formal diagram of the organisational structure governing decision-making within the Australian cultural system and, at the time of writing, final clarification of federal responsibilities is still to be determined.

3.2 Overall description of the system

At the national level, what is colloquially known as the 'Arts Division' has sat in various government departments, according to the decision of the Prime Minister of the day. Originally situated in the Department of the Prime Minister and Cabinet or the Department of Home Affairs, the positioning of the Arts Division was, for a time, more driven by synergies between portfolios, such as occurred during the Keating (1991–96) and Howard Governments (1996–2007), where communications, broadcasting, IT and the arts were brought together in a single portfolio or, as in the past, when the Arts Division was included within the Department of Education. At other times culture and arts appear in less synergistic relationships that are driven largely by the interests of the particular Minister. Thus, for example, in the first Rudd/Gillard Government (2007–10) the Arts Division was to be found in the Department of the Environment, Water, Heritage and the Arts, with the Minister, Peter Garrett, being a former member of the rock music group Midnight Oil and a former chair of the Australian Conservation Foundation, these twin interests being reflected in his portfolios. This marks the first time the term 'heritage' has been used in a portfolio title in Federal Government: a situation that has not prevailed past the 2010 election. After the Federal Election of August 2010, Simon Crean became Minister for the Arts, alongside responsibilities for regional and local government. All areas of his portfolio are now within the Department of the Prime Minister and Cabinet, as mentioned above (section 2.1).

Typically the Arts portfolio within the Federal Government includes:

- The Department itself, with a prime role in policy setting, in coordinating the arts portfolio, in inter-governmental relations, and in advising the minister, while also running some service programs
- The Australia Council, as the government's principal arts funding advisory body
- The film funding agencies
- The national collecting institutions
- The Australian Business Arts Foundation
- The elite training institutions (see section 8.3.4.2).

Beyond the Arts portfolio sits the Communications portfolio, which is responsible for the public broadcasting services. During the Keating Government, the inclusion of broadcasting within the same department as arts offered the possibility of greater synergies between the arts and culture institutions and the national broadcasters, synergies which were exploited to varying degrees over the next decade or so.

Within the states and territories, the arts and culture portfolios appear in a diversity of forms, as follows:

New South Wales (NSW)

The Arts and Culture cluster in New South Wales now sits within a broader department, Communities NSW [comprising Arts and Culture, Sport Recreation and Parklands, and Community Development] where overall responsibility lies with a director-general who is in turn responsible to the minister for implementing state government's policies and priorities for arts and culture, and for monitoring the management of the states' cultural institutions. The minister is, in turn, responsible to the State Parliament of New South Wales. The principal NSW Government agencies for the arts include Arts NSW (the state government's arts policy and funding body), and the major state statutory bodies (Art Gallery of NSW, Australian Music, Historic Houses Trust of NSW, Sydney Opera House, Museum of Applied Arts & Sciences – Powerhouse Museum, and State Library of NSW). Coordination, budget and agency liaison for the statutory bodies is managed by Communities NSW.

For further information see <http://www.arts.nsw.gov.au/>

Victoria

Arts Victoria is the Victorian State Government body which advises on, and implements arts policy. Arts Victoria is part of the Department of Premier and Cabinet of Victoria and reports to the Minister for the Arts. The *Arts Victoria Act 1972* requires that the agency should:

- Develop and improve the knowledge, understanding, appreciation and practice of the arts
- Increase the availability and accessibility of the arts to the public
- Encourage and assist in the provision of facilities to enable the arts to be performed or displayed
- Continually survey and assess the arts and report to Parliament on potential improvements
- Administer the Act and cooperate with other parts of government and the arts industry.

The fact that it was established by Act of Parliament has meant that the continuity of structure and reporting lines at Arts Victoria has been probably the most consistent of all state agencies.

For further information see <http://www.arts.vic.gov.au/Home>

Queensland

Arts Queensland is currently a part of the Department of Premier and Cabinet within the Queensland Government, with a deputy director-general reporting to the director-general of the department. Arts Queensland has a role in both advising the premier and government on the development of the arts in that state, administering funding programs for the arts and cultural sectors, providing corporate services for the state's key cultural statutory authorities, and providing a conduit between the arts and cultural sectors and the state government.

In addition to Arts Queensland, five key statutory authorities with their own boards – the Queensland Art Gallery, Queensland Museum, Queensland Performing Arts Centre, Queensland Theatre Company, and the State Library of Queensland – comprise the arts portfolio. As stated above, Arts Queensland provides corporate service support to the statutory authorities.

For further information see <http://www.arts.qld.gov.au/>

South Australia (SA)

In the South Australian model, Arts SA is part of the Department of the Premier and Cabinet and its role is to develop, facilitate and administer the state government's vision and strategy for arts and culture; to manage assistance to artists and arts organisations; support the state's cultural institutions; and provide advice to the premier on the direction for the arts. The directors of the state's three major collecting agencies, the Art Gallery of SA, the SA Museum, and the State Library of SA, report to the Executive Director of Arts SA who is then responsible to the Director-General of the Department of Premier and Cabinet. Each of the agencies has its own board which assists in setting policy and strategy for the agency. There is a wider range of statutory authorities including the Adelaide Festival Centre Trust, Country Arts SA, the History Trust of SA, the SA Film Corporation, the State Opera of SA, and the State Theatre Company.

For further information see <http://www.arts.sa.gov.au/site/page.cfm>

Tasmania

Arts Tasmania is part of the Tasmanian Department of Economic Development, Tourism and the Arts. It encompasses the departmental functions of the state arts agency and also provides the secretariat for the Tasmanian Arts Advisory Board which undertakes peer assessment and policy development roles on behalf of the government.

The key statutory authority in the portfolio is the Tasmanian Museum and Art Gallery, a combined museum, art gallery and herbarium which houses the State Collection of Tasmania. The gallery is administered by the Department of Economic Development, Tourism and the Arts, with a Board of Trustees having responsibility for the maintenance, care and development of the collections.

For further information see <http://www.arts.tas.gov.au/>

Western Australia (WA)

Western Australia is the only state in which the arts and culture portfolio forms a discrete department with its own director-general. In addition to administering the government's arts policy development and funding programs, the department is also responsible for the maintenance and overall line management of the State Records Office, and coordinates the corporate services for the statutory authorities within the portfolio – the Art Gallery of WA, the Western Australian Museum, the State Library of Western Australia, the Perth Theatre Trust, and an incorporated association, ScreenWest. The director-general is responsible for liaison between the portfolio and the office of the Minister for the Arts.

For further information see
<http://www.dca.wa.gov.au/>

Australian Capital Territory (ACT)

The ACT is a small federal territory excised from the State of New South Wales in which the national capital, Canberra, is situated. The Territory Government's agency, artsACT, develops and implements territory policies on the arts, funds and delivers arts programs, and maintains a range of key arts organisations including the Canberra Glassworks and the Belconnen Arts Centre.

For further information see
<http://www.arts.act.gov.au/pages/index.asp>

Northern Territory (NT)

The Northern Territory is another federal territory which occupies the northern centre of the Australian continent, and is large in size but sparse in population, with a significant percentage (49 percent) of the land owned by Indigenous communities, where a number of people have made names for themselves as visual artists and designers. The arts portfolio in the territory is part of the Department of Natural Resources, Environment, the Arts and Sport. Arts NT is part of the department and has as its primary role the support and development of the artistic and cultural potential of the territory, both through appropriate policy and financial support, and through advice to the arts sector and to the Territory Government.

The Museums and Art Galleries Board of the Northern Territory was established with primary responsibility for the cultural and scientific collections of a range of museums and art galleries in Darwin and Alice Springs on trust for the Northern Territory. These include: the Museum & Art Gallery of the NT (MAGNT), Fannie Bay Gaol, Lyons Cottage (in Darwin)

and Museums Central Australia, Connellan Hangar and the Kookaburra Memorial (in Alice Springs).

The board also provides advice to the minister in relation to the performance or exercise by the minister of his/her functions or powers and promotes community involvement in museums and art galleries in the Northern Territory and exercises any other functions conferred on it by the minister.

For further information see
<http://www.nt.gov.au/nreta/arts/artsnt/index.html>

3.3 Interministerial or intergovernmental cooperation

The principal forum through which formal ministerial dialogue has been pursued in the cultural and arts spheres has been the Cultural Ministers Council (CMC), which was established in 1984 by agreement between Australia's Prime Minister and the premiers of each state, together with the Chief Minister of the Northern Territory but which is to be disbanded in mid-2011. The council has brought together, on an annual basis (or more frequently if required) the ministers responsible for arts and cultural affairs from the Commonwealth and state governments, the New Zealand Minister, and observers from Papua New Guinea, Norfolk Island, and from the Australian Local Government Association. The council has had a standing committee, comprised of the chief executives responsible for the relevant arts and culture department in each state and at the Commonwealth level, and has typically maintains a series of working groups charged with investigating and progressing the council's priorities.

The intent behind the establishment of the CMC was to establish a body that could coordinate and collaborate on policies and initiatives in arts and culture that are of national significance for Australia. Major decisions taken by the council have included guidelines for joint funding initiatives, such as with the Major Performing Arts Inquiry (see section 4.3.3); matters to do with copyright and royalties; the coordinated management and digitisation of collections; and other issues where a national response is the most appropriate way forward.

Further details of the work of the CMC are available at <http://www.cmc.gov.au/>

At the time of writing, it is not clear how this role will be fulfilled into the future.

3.4 International cultural cooperation

3.4.1 Overview of main structures and trends

Australia does not have a major organisation such as the British Council or the Alliance Française through which cultural diplomacy is pursued. The Australia International Cultural Council (AICC) is Australia's key cultural diplomacy body and was established by the then-Foreign Minister, the Hon Alexander Downer, in 1998 as part of a renewed engagement by the Commonwealth Government with cultural diplomacy. However, it has a very limited budget and its role is more a facilitation one than a funding one.

The AICC is a consultative group co-chaired by the Minister for Foreign Affairs and the Minister for the Arts. It is composed of leaders from government, the arts and business with a common interest in promoting Australia abroad through the arts and culture. Its primary objectives are '[T]o promote Australia overseas through the arts and culture, reinforcing Australia's standing as a stable, sophisticated, innovative and creative nation with a rich and diverse culture' and 'promoting an accurate and positive image of Australia's Indigenous people.' For further information see <http://www.dfat.gov.au/aicc/>

The council has, over the years, broadened its emphases to include the promotion of Australian tourism and education, and to enhance market access for Australian cultural exports.

3.4.2 Public actors and cultural diplomacy

Early in its history the AICC realised that, with limited resources, it would benefit from playing a coordinating role between federal and state government, and non-government organisations in their respective international engagements, and that greater impact could be achieved through prioritisation of particular countries or regions reflecting Australia's broad public diplomacy and foreign and trade policy interests. The AICC mounts country-specific cultural programs which aim to strengthen and deepen ties with the countries through integrated events and activities in the performing arts, visual arts,

literature and film. The first country-specific program was undertaken in the United States in 2001. Subsequent to that, programs have been undertaken in Germany, China, Japan, Great Britain, France, Indonesia, Malaysia, Singapore, South East Asia, and India, normally through a combination of supported travel for artists or arts organisations, exhibitions within the embassies, special film screenings, and both private and public cultural events.

In 2010 the priority regions for the AICC, in order of priority, are currently:

1. Asia
2. South Pacific
3. Middle East and Africa
4. the Americas and Western Europe.

3.4.3 International actors and programs

Its position as a council within the Department of Foreign Affairs and Trade (DFAT) means that the AICC can also facilitate engagement of other DFAT cultural public diplomacy programs – such as the Embassy Film Roadshow Program, or the Aboriginal and Torres Strait Islander Program – with the country-specific or regional programs. Furthermore, some of DFAT's bi-lateral councils and foundations such as the Australia-Japan Foundation, the Council for Australian-Arab Relations, the Australia-India Council, and the Australia-Indonesia Institute, also undertake cultural exchanges with their partner countries.

The DFAT's agency Austrade has also become increasingly involved with the promotion of Australian creative industries overseas. Austrade offers practical advice, market intelligence and ongoing support (including financial) to Australian businesses looking to develop international markets. It also provides advice and guidance on overseas investment and joint venture opportunities, and helps put Australian businesses in contact with potential overseas investors.

In recent years Austrade has provided significant support for a number of areas from the creative industries, most notably music, publishing, film, Indigenous art and decorative arts, with a particular emphasis on new markets in Asia which present less of a logistical and financial challenge than do the markets of Europe and the United States.

3.4.4 Direct professional cooperation

There is a wide range of programs available in Australia for artists to link with colleagues in other parts of the world. One of the most comprehensive is the Asialink Arts Residency program. Asialink is a non-academic centre within the University of Melbourne that runs a wide range of programs that foster engagement between Australia and Asia, and its arts programs have, since the program's founding in 1991, provided opportunities for professional exchange between artists and arts organisations in the Asian region. Further information about the residency program may be found at

http://www.asialink.unimelb.edu.au/our_work/arts/residency_information

All state and territory governments have schemes that support international travel by artists, some focused on studios in overseas countries, and some focused on exchanges. The major international arts festivals also provide unique opportunities for professional collaborations between Australian and international artists. One such example is *Seven Songs to Leave Behind*, a production of the 2010 Melbourne Festival, which brings together singers from Ireland, the United States and the United Kingdom with Indigenous Australian performers.

3.4.5 Cross-border intercultural dialogue and cooperation

International Conventions

Australia is signatory to 97 international treaties dealing with intellectual and industrial property, a number of which pertain to arts and cultural objectives. A further 108 treaties involve some form of cultural agreement. The complete list may be found at

<http://www.info.dfat.gov.au/Info/Treaties/Treaties.nsf/WebView?OpenForm&Seq=2>

Like the majority of other countries who signed the General Agreement on Trade in Services (GATS) with the foundation of the WTO, Australia has made no multilateral commitments to liberalise in the area of culture. However, over the past decade Australia has engaged in a range of negotiations for bilateral and regional free trade agreements. In some of

these negotiations culture has been an issue, most prominently in the bilateral agreement with the United States. In this agreement Australia agreed to stand still in relation to local content rules for television and to limit some of its flexibility to make similar rules in relation to new media. Australia also agreed to largely harmonise its intellectual property law with that of the USA. Like many other countries Australia is a net importer of audiovisual, the majority of which comes from the USA.

In the cultural sector, one of the most significant is the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. Australia became a signatory to this convention in September 2009 and, in so doing, the Commonwealth Government committed the nation to affirmation of

... the right of state parties to protect and promote a diversity of cultural expressions... [The Convention] recognises the value of cultural goods, services and activities as carriers of meaning and identity and their integral role in sustainable cultural and economic development.

The Convention also promotes international dialogue and cooperation in protecting cultural expressions, particularly those in immediate danger or at risk of extinction.

Under the Convention, Australia is required to report every four years to the Intergovernmental Committee on measures taken to protect and promote the diversity of cultural expressions in its territory and at the international level. The first of these reports will be due in 2013. The Minister for the Arts has responsibility for Australia's commitment to the Convention.

In terms of heritage management, Australia became a signatory to the UNESCO *World Heritage Convention* in 1974, committing to the protection of the world's cultural and natural heritage places. See also section 4.2.2 and http://www.wettropics.gov.au/mwha/mwha_convention.html

4. Current issues in cultural policy development and debate

4.1 Main cultural policy issues and priorities

In September 2007 the then-Federal Opposition released its election arts policy entitled *New Directions for the Arts*. After assuming Government in October 2007, the Rudd Labor Government used this document as the basis for decision-making about arts and culture during their first term of government.

The key provisions of *New Directions for the Arts* are summarised below:

A resale royalty scheme

Labor will implement a resale royalty scheme for visual artists. This, in particular, will provide additional support for Indigenous artists who have witnessed a boom in the Indigenous art market.

Supporting Australian artists

Labor will establish ArtStart through which issues confronting young and emerging artists will be addressed through the provision of start-up assistance for professional artists.

An independent and transparent Australia Council

Labor will ensure transparent board appointments, simplified funding application processes and a greater voice for practising artists and arts entrepreneurs.

A strong commitment to Indigenous arts

Labor will respond to the Senate Committee Report Indigenous Art – Securing the Future to address the issues of sustainability and unscrupulous conduct.

Arts education for all students

Labor will work with the states and territories to improve the current provision of arts and music education in schools. Currently only 23 per cent of state school students have access to music education.

Developing the creative industries

Labor will develop a Strategic Digital Industry Plan, engaging with the digital sector in the areas of IP, government procurement and export and innovation.

Labor is committed to world-class telecommunications infrastructure and will invest up to \$4.7 billion to establish the National Broadband Network in partnership with the private sector.

A Rudd Labor Government will recognise the critical contribution of the arts to our identity, community and economy.

At the time of the next federal election, August 2010, most of these objectives had been achieved, or were close to being so. The Resale Royalty Scheme was implemented in June 2010 after passage of the relevant legislation in Parliament (see section 5.3.1). ArtStart was implemented in 2010 by the Australia Council (for further details, see section 8.1.1). A national artists in residence in schools program entitled Creative Education Partnership: Artist in Residence Initiative was launched in 2009 to provide for professional artists working in schools with students and teachers (for further information see section 8.3.2).

In the area of Indigenous art and culture the government increased its overall support, including significant additional funding for Aboriginal Art Centres that the minister has described as ‘the backbone of the industry’. A major initiative was the introduction of an Indigenous Australian Art Commercial Code of Conduct in mid-2010 after extensive consultation with Indigenous communities. Further details on programs to support Indigenous arts and culture, and on the Code of Conduct may be found in section 4.2.4.

The government also announced in 2009–10 an investment of \$17 million for a Creative Industries Innovation Centre (CIIC) to provide hands-on assistance to small and medium businesses in the creative sector to help boost productivity and enhance the potential for wealth and job creation. For further details on CIIC see section 4.2.3.

Policies that remain in draft form or in the consultation stage are the Strategic Digital Industry Plan and the National Broadband Network. The latter became a highly contentious issue during the 2010 election campaign, with the opposition campaigning against the government’s proposed expenditure on the initiative. The election has resulted in a hung parliament, with two independent politicians supporting the Labor Government. These two, representing regional electorates, have been vocal in their support for the National Broadband Network which now appears certain to proceed. The government is also working towards the development of a Contemporary Music Industry Strategy, after targeted discussion with the industry.

State and territory priorities

While the Australian system does not require, in any sense, that state and territory priorities should reflect those of the Commonwealth, the fact that arts and culture priorities tend to be determined in all constituencies in part through public consultation means that there will often be a level of congruence between the stated priorities at both levels of government, regardless of whether all governments are of the same political persuasion. Thus, the priorities articulated by the current Federal Government cited above tend to be reflected, in one way or another, in the priorities for most of the state and territory governments. Strengthening Indigenous cultures, enhancing access to arts and culture, engaging young people, both in and out of the school system, and greater engagement with on-line and digital technologies, tend to be reflected in all state and territory priorities. New South Wales, for example, states that:

Our priorities include:

- *improving services to Indigenous communities;*
- *extending the ConnectEd arts education partnership with the NSW Department of Education and Training;*
- *closer collaboration with local and state government agencies to improve arts facilities;*
- *promoting on-line access to the state's cultural collections.*

Similarly, in South Australia, 'targets and topics' include:

Creative industries: increase the number of South Australians undertaking work in the creative industries by 20% by 2014.

Film industry: double the number of feature films produced in South Australia by 2014.

Cultural engagement – institutions: increase the number of attendances at South Australia's cultural institutions by 20% by 2014.

Cultural engagement – arts activities: increase the number of attendances at selected arts activities by 40% by 2014.

Understanding of Aboriginal culture: Aboriginal cultural studies included in school curriculum by 2014 with involvement of Aboriginal people in design and delivery.

Increasingly, within the states and territories, the language of 'collaboration' and 'facilitation' is becoming more and more apparent as government funding becomes more limited in relation to need. Thus Arts Victoria states that:

To ensure the continued growth of arts and culture in the state, Arts Victoria is

responsible for many 'behind-the-scenes' activities, leading the development of and investment in a range of major projects and initiatives. These activities are often undertaken in collaboration with other government departments or arts organisations.

The trend is even more pronounced in Western Australia where the recently-released Strategic Plan for the Department of Culture & the Arts (DCA) focuses upon a policy and planning framework, rather than on the traditional outcomes-focused funding programs:

Strategic Objective 1: DCA is an organisation where the effective management of knowledge is essential to our business.

Strategic Objective 2: DCA activities are aligned within a public value framework.

Strategic Objective 3: DCA's role in delivering culture and arts policy will be strengthened by clear relationships with all stakeholders.

Strategic Objective 4: DCA will establish culture and arts infrastructure policy with a focus on the potential of new technologies.

Sitting alongside this is a *Creating Value Sector Policy* where Priority Projects for 2010–11 again tend to reflect the overall national trend, with a strong emphasis upon delivery through partnerships.

4.2 Specific policy issues and recent debates

4.2.1 Conceptual issues of policies for the arts

For decades one of the major debates in Australian arts and cultural policy has been around the proportion of government funding allocated to support individual artists and new work, as opposed to that for companies and organisations. As a result of ongoing concern, a discussion paper was put out for public debate by the Centre for Social Impact, prior to the 2010 election, proposing the establishment of a Foundation for the Artist that would engage government, private and corporate funding in supporting artists and the development of new work. The funds would complement, not replace, existing funding and support new creativity and innovation in ways that the existing systems find it difficult to do on a consistent and coherent basis and is, at the time of writing, the subject of a feasibility study funded by Commonwealth,

state and territory governments. The discussion paper is available under the heading *New Models, New Money* at http://www.newmodelsnewmoney.com.au/files/webfiles/a_foundation_for_the_artist_discussion_paper.pdf

A related and equally long-term debate that flared again in the period prior to the 2010 election was that relating to the relative proportions of funding going to new and innovative arts as opposed to what have been termed, by some commentators, the 'heritage' arts, a term embracing art forms and structures inherited from Australia's European background and, therefore, art forms that have a long history. This is not a new debate but at a time of limitations on public funding of the arts, with supply not coming near to demand, the issue has assumed a new potency. Protagonists point to the amount of funding directed by Commonwealth and state governments to the major performing arts companies in proportion to that going to smaller, so-called 'cutting edge' organisations or to individual artists. Those who work in or with the major performing arts companies point to their contribution to the production of new Australian works, to the employment they provide to artists, and to their work with the next generation of artists and audiences. The Centre for Policy Development, a public interest think tank, has been a major driver of these debates, one example of which may be seen at *What's so special about opera* at <http://cpd.org.au/2010/09/marcus-westbury-whats-so-special-about-opera/>

The situation of the individual artist is further highlighted by two reports published by the Australia Council in 2010: *Do you really expect to get paid? An economic study of professional artists in Australia* by Professor David Throsby, and *What's your other job? A census analysis of arts employment in Australia* by Professor Stuart Cunningham. Both reports are available at http://www.australiacouncil.gov.au/research/artists/reports_and_publications/artistcareers

Another major debate of mid-2010 has been the draft *Shape of the Australian Curriculum: The Arts* which sets out the planned direction for the development of the national arts curriculum for the Australian school system. The paper was disseminated for public comment in October 2010, with initial criticism coming primarily from the visual arts sector. The consultation document is available at <http://www.acara.edu.au/arts.html>

4.2.2 Heritage issues and policies

Heritage in Australia is managed at various levels of government, with an overarching responsibility sitting with the Department of Sustainability, Environment, Water, Population and Communities or the Office for the Arts within the Department of the Prime Minister and Cabinet. *The Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's key piece of environmental legislation which commenced 16 July 2000. (For further details of the Act see section 5.3.3.)

Heritage is categorised by the Department as follows:

World Heritage

Australia has 18 places included on the World Heritage List. The places are nominated by the Federal Government, for assessment by the World Heritage Committee. Given Australia's particular historic circumstances, it is not surprising that the majority of these places are part of the natural environment, with only three – the Sydney Opera House, the Royal Exhibition Building and Carlton Gardens in Melbourne, and a group of convict sites from three states – being part of the built environment from the post-European settler era. The complete list of places may be found at <http://www.environment.gov.au/heritage/places/world/index.html>

National Heritage

These places include both natural, historic and Indigenous places that are of major significance for Australia. In this category, places can be nominated by any Australian citizen, after which they go through an assessment process undertaken by the Australian Heritage Council, and are then recommended to the minister responsible for heritage who is responsible for making the final decision on each site. A number of built environment sites of historic cultural importance are included on the National Heritage list, which may be found at <http://www.environment.gov.au/heritage/places/national/index.html>

Indigenous Heritage

Australia's Aboriginal and Torres Strait Islander peoples and their ancestors have inhabited the continent for an estimated 60,000 years according to the most recent archaeological evidence. For these communities, places of importance are interlinked with long associations with the land. Thus there are sites associated with the Dreaming

and Dreamtime stories that describe how the land and its animals and people came about; sites that are known as 'sacred sites' that embody some aspects of spirituality for particular communities; and other sites that have special meaning for Aboriginal peoples from both past and present. The Australian Heritage Council includes in its membership Indigenous experts who can advise the council on the appropriate Indigenous peoples who have rights and interests in a certain place and who can express a view as to the inclusion of a place on the Indigenous Heritage list.

For more detailed information on aspects of the cultural heritage of Australia's Indigenous peoples see <http://www.cultureandrecreation.gov.au/articles/indigenous/>

Commonwealth Heritage

Places that are entirely within a Commonwealth area or outside Australia but within Australian's jurisdiction fall into this category. For the full list see <http://www.environment.gov.au/heritage/about/commonwealth/index.html>

Historic Shipwrecks

Australia being an island continent, over 6000 shipwrecks lie around the country's shores, many of which have a significant place in Australia's heritage from both pre- and post-European settlement. This category of heritage sites is managed in collaboration between the Commonwealth and the states and territories. For the full list see <http://www.environment.gov.au/heritage/shipwrecks/index.html>

Within the states and territories places of heritage significance are managed by various government departments, and non-government organisations such as the state heritage councils or the National Trust of Australia. The National Trust is a not-for-profit organisation that undertakes both custodianship of heritage places and objects, and advocacy work on behalf of Australia's heritage. There are divisions of the National Trust in all states and territories, and all rely heavily on both membership and subscriptions and also the work of legions of volunteers. Importantly, the National Trust has developed 'practical guidelines regarding heritage identification, protection and conservation practice for the Trust and for the wider community', which have helped to raise community awareness and involvement in the custodianship of heritage places and collections. For full details of the National Trust of Australia see <http://www.nationaltrust.org.au/About-Us>

4.2.3 Cultural/creative industries: policies and programs

'Cultural Industry Development' comprised a separate chapter in *Creative Nation*, with the document articulating the role governments could play in areas that would later be described as the 'creative industries'. Both state and federal governments have engaged with the concept of creative industries since that time but it was the establishment, in 2005, of the ARC Centre of Excellence for Creative Industries (CCI) at Queensland University of Technology that pushed this engagement to another level. Funded by the Australian Research Council, the Commonwealth's research funding agency, the role of the centre is to assist in driving the development of an Australian creative innovation system to maximise the national economic and cultural benefits of the digital content industries. See <http://cci.edu.au/about/>

In 2009, the Federal Government, through the Department of Innovation, Industry, Science and Research, announced the establishment of the Creative Industries Innovation Centre (CIIC) as part of its Enterprise Connect scheme. The aims of this scheme are to connect small and medium enterprises with skills and resources to assist them improve their overall business. While such approaches had been used before in more traditional areas of enterprise, such as manufacturing, the application of the model to the creative industries was breaking new ground. Under the CIIC, creative industries with a turnover of \$1m or greater are eligible to receive tailored business advice, with a coverage from the performing arts to advertising, fashion and digital and multimedia enterprises. The CIIC is based in the University of Technology Sydney, with university partners around the country, thus enabling action research to occur around the outcomes of the centre's work. For further information see <http://www.creativeinnovation.net.au/about-us/ciic-services.html>

As noted in section 4.1.1 above, most state and territory governments have identified the creative industries as significant areas for further development. An overview of developments in, and thinking about, the area may be seen in the Cultural Ministers Council report *Building a Creative Innovation Economy – Cultural Ministers Council Creative Innovation Economy Roundtable Report* at <http://www.cmc.gov.au/publications>

4.2.4 Cultural diversity and inclusion policies

One of the first actions taken by the Rudd Government on assuming office was to offer a formal Apology to the Indigenous people of Australia for past injustices, particularly as relates to the people who were removed from their families – the so-called ‘Stolen Generation’. The text of the Prime Minister’s formal apology in the Federal Parliament on 13 February 2008 reads as follows:

*... today we honour the Indigenous peoples of this land, the oldest continuing cultures in human history.
We reflect on their past mistreatment.
We reflect in particular on the mistreatment of those who were Stolen Generations—this blemished chapter in our nation’s history.
The time has now come for the nation to turn a new page in Australia’s history by righting the wrongs of the past and so moving forward with confidence to the future.
We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.
We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.
For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.
To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.
And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.
We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.
For the future we take heart; resolving that this new page in the history of our great continent can now be written.*

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

A future where this Parliament resolves that the injustices of the past must never, never happen again.

A future where we harness the determination of all Australians, Indigenous and non-Indigenous, to close the gap that lies between us in life expectancy, educational achievement and economic opportunity.

A future where we embrace the possibility of new solutions to enduring problems where old approaches have failed.

A future based on mutual respect, mutual resolve and mutual responsibility.

A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.

The apology set the tone for the first Rudd Government and saw the establishment or further extension of a range of further programs supporting Indigenous people and dealing with issues in a range of portfolios, including the Arts portfolio. Included among these programs are:

The Indigenous Culture Support program

The Indigenous Culture Support (ICS) program operates out of the Office for the Arts and supports the maintenance and continued development of Indigenous culture at the community level. The program supports activities that:

- maintain Indigenous culture through community involvement;
- support new forms of Indigenous cultural expression;
- increase public awareness of Indigenous culture...; and
- support the sustainable development of community organisations involved in cultural activities.

The Indigenous Heritage Program

The Indigenous Heritage Program (IHP) supports the identification, conservation, and promotion (where appropriate) of Indigenous heritage. The program will provide funding both for organisations and for individuals. To be eligible, a project must relate to one or more of the following five activities:

- Conservation of a place/s of Indigenous heritage significance.
- Identification of an Indigenous place/s, and/or the Indigenous heritage values of a place/s, for heritage protection, heritage listing or conservation planning.
- Heritage planning to assist with the identification, conservation and/or promotion of the Indigenous heritage values of a place/s.
- Sharing Australia's Indigenous Heritage, including projects that interpret or explain a significant Indigenous heritage place/s to promote the knowledge and understanding of Indigenous heritage, or facilitate the active teaching of traditional knowledge and understanding of customary responsibilities (where appropriate), to future generations.
- Construction of keeping places. Funds may be provided for small-scale keeping places to house remains and objects that require restricted access, where exceptional circumstances can be demonstrated.

While a range of legally incorporated entities may apply to the program for funding, the guidelines state that '[A]s the Australian Government wishes to assist Indigenous community groups through the program, preference will be given to these groups'.

The National Arts and Crafts Industry Support program

The National Arts and Crafts Industry Support (NACIS) program provides direct funding support to Indigenous art centres and arts support and advocacy organisations. The program's overall objectives are to assist art centres to become stronger and to build a more sustainable Indigenous visual arts industry. To achieve these objectives, NACIS funding assists organisations to:

- strengthen governance and business management practices in the industry;
- provide opportunities for artists to maintain, develop and extend their professional art practice; and
- provide opportunities for arts workers to develop professional skills and experience.

The NACIS program is part of a coordinated Australian Government approach to develop the Indigenous visual arts sector that is outlined in the *Indigenous Art Centres Strategy and Action Plan*.

The Indigenous Broadcasting Program

The Indigenous Broadcasting Program (IBP) supports Indigenous community radio broadcasting and provides funding support to address the broadcasting needs of Indigenous people living in remote, regional and urban areas of Australia. The IBP aims to:

- support the operations of Indigenous owned and controlled community radio broadcasting services, including Remote Indigenous Broadcasting Services (RIBS);
- support the development and broadcast of programming that focuses on the promotion of local Indigenous culture and languages;
- enhance Indigenous broadcasting services by supporting national representation that serves and develops the sector's capacity;
- support broadcasting services that are able to inform and educate Indigenous Australians on accessing the range of health, legal, education and housing services available to them; and
- assist in developing an Indigenous broadcasting sector that meets all governance and regulatory requirements.

The Maintenance of Indigenous Languages and Records program

The Maintenance of Indigenous Languages and Records (MILR) program addresses the steady erosion and loss of Australia's original Indigenous languages by providing support for the maintenance and revival of these languages. The most recent report on Indigenous languages in Australia, the *National Indigenous Languages Survey (NILS) Report 2005*, found that the situation of Australia's Indigenous languages is grave and requires urgent action. All of Australia's Indigenous languages face an uncertain future if immediate action and care are not taken.

In 2009, the Australian Government announced its National Indigenous Languages Policy. The policy confirmed the Government's commitment to keeping Aboriginal and Torres Strait Islander languages alive and helping Aboriginal and Torres Strait Islander peoples connect with their language and culture.

The MILR program supports a broad range of projects, including documentation and recording of Indigenous languages and the development

of language resources and language databases to assist with the development and delivery of programs through language centres. It also supports greater coordination between language organisations; activities that promote Indigenous languages in the wider community; and innovative projects using multimedia and new technologies.

Literacy and Numeracy for Indigenous children
All Australian governments through the Council of Australian Governments (COAG) processes have committed to halving the gap in the reading, writing and numeracy achievements between Indigenous and non-Indigenous students within a decade. The government is providing \$56.4 million over four years to provide extra assistance to schools to enable them to expand intensive literacy and numeracy approaches that have been successful with Aboriginal and Torres Strait Islander students and provide professional development support to assist teachers to prepare Individual Learning Plans for Indigenous students.

The Indigenous Art Centre Strategy
The Indigenous Art Centre Strategy and action plan is a coordinated government approach aimed at building a strong and sustainable Indigenous visual arts sector, characterised by a stable and profitable base of Indigenous art centres, producing and distributing works of artistic excellence. Key goals of the strategy are to stabilise funding, provide employment and training leading to professional arts practice, provide training in business management, develop community capacity and maintenance of culture, and ensure data collection and research.

Indigenous Contemporary Music Action Plan
Australian and New Zealand Cultural Ministers have adopted a national pilot initiative and released an Indigenous Contemporary Music Action Plan to encourage all levels of government to assist the Indigenous Contemporary Music sector to achieve its full potential.

The plan aims to focus support for Indigenous musicians and producers in both northern and southern Australia and in urban, regional and remote areas. It encourages all levels of government to assist the sector to help it achieve its full potential.

The Return of Indigenous Cultural Property Program
The Return of Indigenous Cultural Property (RICP) program aims to return Indigenous ancestral remains and secret sacred objects held in major government-funded museums to their

communities of origin where possible and when requested.

Australia's major museums hold large collections of Aboriginal and Torres Strait Islander ancestral remains and objects of secret and/or sacred significance (secret sacred objects).

Most museums also have policies and programs that acknowledge and support the right of Aboriginal and Torres Strait Islander people to decide what will happen to their community's cultural property.

Over the past 20 years, museums and Indigenous communities have worked together to develop arrangements for the repatriation of Indigenous ancestral remains and secret sacred objects to their communities of origin. The return of this cultural property is a key part of the reconciliation process.

Through the program federal, state and territory governments and the museums sector collaborate to resolve issues relating to Australian collections of ancestral remains and secret sacred objects.

Indigenous Repatriation Program
The Indigenous Repatriation Program has recently been consolidated within the Office for the Arts. Administration of the international and domestic program was previously undertaken by separate government agencies. Both programs work with Aboriginal and Torres Strait Islander communities to arrange the return of Indigenous ancestral remains either from overseas institutions or within Australian domestic institutions.

The Indigenous Repatriation Program (IRP) supports the return of Aboriginal and Torres Strait Islander ancestral remains from overseas collecting institutions and private collections to their community of origin. The IRP's key objectives are to complement Australia's ongoing commitment towards addressing the injustices of our shared past and to promote healing and reconciliation through the return of ancestors to their traditional lands or communities of origin.

The Australian Government has been actively repatriating Aboriginal and Torres Strait Islander ancestral remains since 1990. Since that time over 1,000 ancestral remains have been returned.

Indigenous Australian Art Commercial Code of Conduct
In March 2010 the Commonwealth Government announced that registration was now open for art dealers looking to become signatories to a new

Indigenous Australian Art Commercial Code of Conduct. The code was developed after extensive consultation with Indigenous communities, art galleries and dealers, and with the state and territory governments. Its stated purpose is to ensure:

- fair and ethical trade with artists
- transparency with the promotion and sale of artwork
- a fair and equitable dispute resolution system for disputes arising under [the] Code.

The code was developed against a background of concern about the exploitation of Indigenous culture by a few rogue players in the art and tourism industries, going back over many years. Not only were Indigenous cultures and Indigenous artists being exploited, the individuals from all over the world who purchased Indigenous art or artefacts were occasionally the victims of unscrupulous operators. While such behaviour went largely unchecked for much of the twentieth century, in the last two decades of the century some Indigenous people were either in a position to take a stand on the issue, or were able to enlist other high-profile individuals to support them in fighting against exploitation and unethical behaviour. The code is the end result of this agitation, with its intention being to set highly ethical standards for the industry; to ensure no artists or communities are subject to exploitation; and to ensure that purchasers of art works are not unwittingly buying into an ethically dubious practice.

The code has been implemented through the establishment of a public company, Indigenous Art Code Limited into which art dealers, galleries and centres can buy. Membership is voluntary, and it is hoped that interest of consumers in whether or not they are purchasing from dealers, galleries or centres that are members of the company will be the biggest incentive for individuals to join.

The code is complemented by the Indigenous Art Charter of Principles for Publicly Funded Collection Institutions. For further details on programs to support Indigenous arts, culture and languages see <http://www.arts.gov.au/indigenous>

4.2.5 Language issues and policies

Other than programs supporting Indigenous languages, there are no overall policies regarding language in Australia, which is an Anglophone country. There is a program stream known as LOTE (Languages Other than English) offered in many schools, but the proportion of students studying a second language through to the end of

high school is estimated as being between 15–20 percent of all students, despite strong advocacy by business, government and academics that students will benefit through the study of a second language.

4.2.6 Media pluralism and content diversity

4.2.6.1 Publicly funded broadcasting in Australia

Australian Broadcasting Corporation (ABC)

The origins of the public broadcasting system in Australia date to the early 1920s, when the Federal Government commenced issuing licences for radio broadcasters. There were two types of licence: A class licences which were primarily supported by licence fees, and B class licences which were primarily supported by advertising. These gradually evolved into the public broadcasting and commercial broadcasting sectors respectively. An interim step towards a national broadcaster came when the government, in 1928–9, took over the A class licences and awarded them to a company, the Australian Broadcasting Company, which was ultimately to become the Australian Broadcasting Commission (ABC). The ABC was conceived as a single national broadcaster, supported by listener licence fees, alongside a series of commercial broadcasters, supported by advertising. The commercial broadcasters were intended to serve local interests, while the ABC served national interests. This system was duplicated when television was introduced in 1956. Both ABC radio and ABC television were modelled upon the British Broadcasting Corporation and, even today, programs sourced overseas are more frequently obtained from the United Kingdom, frequently the BBC, than any other country or broadcaster.

During World War II the ABC's radio broadcasts had become a virtual arm of government, supporting the war effort. One of the major developments at this time was the establishment of what became known as Radio Australia, a shortwave radio service directed at the Asian region. Initially part of the war effort Radio Australia is now a major disseminator of news, current affairs, music and talks programs that aim to reflect 'the Australian way of life', broadcasting in several languages to countries in the Asia Pacific region.

As a further reflection of the changes brought about by virtue of the war effort and of Australia's occasional divergence from the requirements of the British war effort to those its own, in the immediate post-war period the Broadcasting Act was altered to require the ABC to develop and

produce its own Australian news. Despite inroads by commercial radio and television, the ABC has remained, in the minds of most Australians, the authoritative voice for news and current affairs, notwithstanding ongoing charges of lack of balance in reporting from whichever political party is in power at the time.

In 1971 ABC Television began the co-production of television dramas with overseas broadcasters, and a generation of Australian actors, composers and theatre technicians honed their skills in the new medium. In 1976 the ABC's first FM stereo radio station was established and dedicated to the broadcast of classical music.

Following recommendations from a major government review, *The ABC in review: national broadcasting in the 1980s* (known as the Dix Report after review chair, A T Dix) the ABC became a corporation in 1983 with a Charter describing the following functions:

(a) to provide within Australia innovative and comprehensive broadcasting services of a high standard as part of the Australian broadcasting system consisting of national, commercial and community sectors and, without limiting the generality of the foregoing, to provide:

- (i) broadcasting programs that contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of, the Australian community; and
- (ii) broadcasting programs of an educational nature;

(b) to transmit to countries outside Australia broadcasting programs of news, current affairs, entertainment and cultural enrichment that will:

- (i) encourage awareness of Australia and an international understanding of Australian attitudes on world affairs; and
- (ii) enable Australian citizens living or travelling outside Australia to obtain information about Australian affairs and Australian attitudes on world affairs; and

(c) to encourage and promote the musical, dramatic and other performing arts in Australia.

The period following incorporation saw a continual expansion in delivery, both in relation to types of broadcasting and to location of stations and transmitters. The adoption of an FM spectrum for radio saw the introduction of a fine music station, dedicated primarily to classical music; a popular music station; a station devoted to talks,

discussion and current affairs; a news station which also has a requirement to broadcast the proceedings of the Federal Parliament when it is in session; and local radio stations in the capital cities and some regional towns. In the 1990s the ABC moved increasingly to supplement its grant from the government with income-generating businesses such as book and CD publishing. One of the ABC's most celebrated innovations of recent years has been the establishment, with funding support from the Commonwealth Government, of a dedicated television channel for children, with an emphasis upon the broadcast of quality programs and Australian content.

In 2010 a new range of digital radio and television stations has been added to the network, together with a strong online presence that has fast become the third pillar with radio and television. Across its range of radio, television, and online delivery, the ABC's presence in arts and culture is probably strongest in music from across the spectrum, and in books and writing, with many of the programs on Radio National also focusing on broader issues to do with Australian culture. The ABC's budget limitations have seen a truncation of an extensive range of Australian drama on television and, arguably, with a few exceptions, most of the best television drama is still sourced from Great Britain.

The ABC has, through its history, needed to chart a careful course in order to reconcile the requirements of its charter with the occasionally differing requirements of its principal funder, the Commonwealth Government. On the one hand it is expected to be authoritative and balanced in its news delivery, and to deliver programs through all its platforms which would not otherwise be broadcast or which might push new boundaries, while on the other hand it is expected to attract broad popular support. Its spectrum of radio stations enables this mix of objectives to be achieved, while the opening up of new digital television channels, including Australia's first 24-hour news channel, has enabled a better balance between popular and more specialist or innovative programming through the medium of television. The ABC and governments of all persuasions have stood out against the introduction of advertising on the national broadcaster as a way of increasing income, but the downside of this does mean that funding remains tight and dependence on positive attitudes from government continues to put pressure on balance and independence.

For a full range of information about the ABC see <http://www.abc.net.au/>

Special Broadcasting Service (SBS)

In 1978 the *Broadcasting and Television Act 1942* was amended and a new broadcaster, the Special Broadcasting Service was established and, in so doing, took over two existing ethnic radio stations in Sydney and Melbourne. Then, in 1980, SBS Television was established. The role of SBS was to provide foreign-language broadcasting for both television and radio. While originally there had been no firm intention that this would remain a permanent, independent service, the negative reaction to the proposal to merge the SBS into the ABC in 1986 led ultimately to the establishment of SBS as an independent corporation, through the *Special Broadcasting Service Act 1991*. The most vocal critics of the merger proposal had been Australia's various ethnic communities who feared the loss of multi-lingual broadcasting if SBS were to be merged into the solely English-language older public broadcaster.

The SBS Charter, contained in Section 6 of the *Special Broadcasting Services Act 1991*, states:

1. The principal function of SBS is to provide multilingual and multicultural radio and television services that inform, educate and entertain all Australians and, in doing so, reflect Australia's multicultural society.
2. SBS, in performing its principal function, must:
 - (a) contribute to meeting the communications needs of Australia's multicultural society, including ethnic, Aboriginal and Torres Strait Islander communities; and
 - (b) increase awareness of the contribution of a diversity of cultures to the continuing development of Australian society; and
 - (c) promote understanding and acceptance of the cultural, linguistic and ethnic diversity of the Australian people; and
 - (d) contribute to the retention and continuing development of language and other cultural skills; and
 - (e) as far as practicable, inform, educate and entertain Australians in their preferred languages; and
 - (f) make use of Australia's diverse creative resources; and

(g) contribute to the overall diversity of Australian television and radio services, particularly taking into account the contribution of the Australian Broadcasting Corporation and the community broadcasting sector; and

(h) contribute to extending the range of Australian television and radio services, and reflect the changing nature of Australian society, by presenting many points of view and using innovative forms of expression.

While federal governments of all political persuasions have remained content to have the ABC as a fully-government funded corporation, the same approach has not been adopted with SBS and, in 2006, commercial advertising was introduced to supplement public funding.

Over the years, staying true to its stated principal function of providing 'multilingual and multicultural radio and television services that inform, educate and entertain all Australians and, in doing so, reflect Australia's multicultural society', SBS has reviewed and refreshed multilingual programs. SBS radio broadcasts in more than 68 languages, while SBS television devotes most of its morning programs to news bulletins sourced from other countries and/or in foreign languages. SBS has, like the ABC, expanded its offering to the digital spectrum and also has a strong online presence although primarily through the medium of the English language. One of SBS television's unique features is its emphasis upon foreign-language films in the evenings, providing a strong countervailing force to the primarily American films on commercial television and relative dearth of films on the ABC.

For further information on SBS see <http://www.sbs.com.au/>

For Indigenous broadcasting, see section 4.2.4.

Community broadcasters

In addition to the public broadcasters, there is a large network of community broadcasters in Australia. The Community Broadcasting Association of Australia (CBAA) represents over 270 member stations that are broadcasting across the country. A number of these stations focus upon music while others focus upon talks, books and writing, drama, lifestyle and other aspects of contemporary life. Licences are granted by the Australian Communications and Media Authority,

subject to availability of a frequency. Community broadcasters derive their income from a mix of sponsorship, fees for service delivery, grants from governments at all levels, donations and, significantly, in kind from volunteer workers.

The Australian Communications and Media Authority (ACMA)

The Australian Communications and Media Authority is a government agency which has responsibility for the regulation of broadcasting, the internet, radio communications and telecommunications. The responsibilities of the authority are described on its website as:

- promoting self-regulation and competition in the communications industry, while protecting consumers and other users
- fostering an environment in which electronic media respect community standards and respond to audience and user needs
- managing access to the radiofrequency spectrum
- representing Australia's communications interests internationally.

For further information see http://www.acma.gov.au/WEB/STANDARD/pc=PUB_HOW_DIR

4.2.6.2 Commercial Media

Media ownership regulations have been a source of ongoing debate in Australia since the introduction of the *Broadcasting (Ownership and Control) Act 1987* which amended the *Broadcasting Act 1942*. The new regulations, known colloquially as the 'cross-media ownership rules' meant that one individual or organisation could not own more than 15 percent of a television licence and a daily (at least four publications per week) newspaper within the same geographic area. The intention was to support competition, enhance diversity of viewpoints and discourage concentration of media ownership in localised markets. In 1988 the Act was further modified to extend the limitations to radio licenses.

After intense lobbying from major media interests the Howard Government went to the 2001 election on a platform that included a review of the cross-media and foreign ownership rules for the media. The electoral policy proposed that exemptions from the cross-media rules would be made for companies that would establish clearly separate editorial policies for media platforms within the same area, and that would undertake to maintain locally produced news and current affairs programs. The policy also proposed the removal of restrictions on foreign ownership of television stations and newspapers.

After winning the election the government introduced the Broadcasting Services Amendment (Media Ownership) Bill 2002 to implement its election policy commitment, with some amendments that applied to regional markets. Perhaps predictably, the passing of time has seen some reduction of local content in some regional areas, bringing the issue into contention again.

In 2006 the *Broadcasting Services Amendment (Media Ownership) Act 2006* was passed, removing foreign ownership and control restrictions. However, foreign ownership of Australian media assets continues to be regulated by the *Foreign Acquisitions and Takeovers Act 1975* and Australia's Foreign Investment Policy. For the Act see

<http://www.comlaw.gov.au/comlaw/legislation/act1.nsf/asmade%5Cbytitle/D521B53B624EF88DCA2572200010B119?OpenDocument>

4.2.7 Intercultural dialogue: actors, strategies, programs

Intercultural issues within Australia need to be seen in the context of Australia's difficult history as an immigrant society, encompassing the years of the White Australia Policy, the post-War immigration history, the removal of the White Australia Policy, the increase in migration from Asia, the establishment of the ethos of a multicultural Australia and then, during the Howard Government's tenure, the symbolic removal of the word Multiculturalism from the relevant Government department's title, with 'Immigration, Multiculturalism and Indigenous Affairs' changing to Immigration and Citizenship – a situation that has prevailed, despite the change in Government. For a succinct summary of these changes and the place of intercultural dialogue in Australia, see [http://members.ozemail.com.au/~yeulee/Other/multiculturalism in australia.html](http://members.ozemail.com.au/~yeulee/Other/multiculturalism%20in%20australia.html)

According to the Australian Bureau of Statistics (ABS) 2006 Census, 22 percent of Australians were born overseas, with 13.8 percent of the population born in a non-English speaking country. Despite the impression that some public commentators in and outside the media would like to suggest, these percentages have remained virtually static since the 1996 Census. After the 70 percent of people born in Australia, the single biggest cohort remains those born in England. Further information on migration trends in Australia may be found on the Department of Immigration and Citizenship's website at <http://www.immi.gov.au/media/statistics/statistical-info/visa-grants/>

A seminal publication, also available on the Department of Immigration and Citizenship website, is the *National Agenda for a Multicultural Australia*, presented to and supported by all sides of politics in the Federal Parliament in 1989. Since that time there has been considerable further debate on how multiculturalism is perceived and played out in Australia, intersecting with some aspects of the 'cultural wars' mentioned earlier in relation to the National Museum of Australia. There are many publications on the issue, both supporting the approach to multiculturalism and diversity that is embodied in the national agenda, and proposing a more integrationist approach.

Within the arts and cultural sectors there have been significant programs introduced to assist both artists and arts organisations from non-English speaking backgrounds and to bring to the Australian community the increased diversity of form and expression that artists from other backgrounds can bring. Characteristic of these is *Arts in a multicultural Australia 2006 policy*, available at http://www.australiacouncil.gov.au/about_us/policies/arts_in_a_multicultural_australia_policy_2006

The Australia Council and the state and territory governments also support multicultural arts associations dedicated to bringing arts from Australia's diverse ethnic communities to the public. One such example is Kulcha, in Western Australia which is funded by the Australia Council, the state government, the State Lottery Lotterywest, and a range of corporate sponsors. Kulcha is involved with the presentation of concerts, multicultural festivals, community cultural development, and education programs for young people. For more details of its programs see <http://www.kulcha.com.au/about.html>. Its work is characteristic of that found in multicultural arts associations around the country.

4.2.8 Social cohesion and cultural policies

The Australian Government has introduced a range of strategies and policies aimed at delivering a more cohesive society. As part of information provided to new citizens, the Department of Immigration and Citizenship provides the following background to government initiatives on the following website:

<http://www.immi.gov.au/living-in-australia/a-diverse-australia/government-approach/social-cohesion/>

A Scanlon Foundation Mapping Social Cohesion

Survey conducted in June 2010 noted an increase in negative attitudes to immigration, with those agreeing with the view that the immigration intake is 'too high' increasing from 37 percent of those surveyed in 2009 to 47 percent in 2010, while 45 percent consider the intake to be 'about right' or 'too low'. This needs to be seen in the context of a political battle over the issue of 'boat people' – refugees arriving on Australia's shores by boat, rather than coming through the UN process. The issue became a major one in the August 2010 election with both major parties, in the words of some commentators, endeavouring to out-do each other in a 'race to the bottom'. The full summary of the Scanlon survey can be found at <http://www.apo.org.au/research/mapping-social-cohesion-2010-summary-report>

4.2.9 Employment policies for the cultural sector

There are no specific employment policies for the cultural sector in Australia. For programs to support artists see section 8.1 below.

4.2.10 Gender equality and cultural policies

The *Sex Discrimination Act* was passed in Australia in 1984 and the Australian Human Rights Commission, through the Sex Discrimination Commissioner, is responsible for the Act. The commissioner also has responsibility for a range of programs that seek to continually improve the position of women in the workplace and in the community, and these apply as much to women working in the cultural sector as to other women. Details of the commission's sex discrimination policies may be found at http://www.hreoc.gov.au/sex_discrimination/index.html

There is a range of programs at federal and state levels, both within and outside government, that seek to bring more women into decision-making roles in the public or private sectors. Of particular concern at the moment is the low proportion of Australian company CEOs or board directors who are female. According to a September 2010 Australian Institute of Company Directors (AICD) report, just 9.8 percent of board members of Australia's top 200 companies are women and this is an issue being addressed by bodies such as the Business Council of Australia and the AICD.

Governments in Australia have typically moved ahead of the business sector in ensuring diversity of gender and cultural background on boards and committees, and this is reflected in the strong representation of women on cultural boards or as

CEOs of cultural agencies. The report *Australian Woman on Government Boards and Bodies 2008–2009* found that women held 33.4 percent of positions across 529 government boards and agencies.

The Office for Women coordinates and maintains the Government Boards Reporting System, a web-based entry, monitoring and reporting database on Australian government board, body and appointment related data, designed to provide whole-of-government status reports on the representation of women.

4.3 Other relevant issues and debates

4.3.1 Rural and regional arts

In 1996 the Keating Labor Government, which had introduced *Creative Nation*, lost government in favour of John Howard's Coalition, comprising the largely metropolitan-based Liberal Party and regionally-based National Party. Given the composition of the new government, it is not surprising that one of their first policy moves in terms of culture and arts was to establish, within the Australia Council, a Regional Arts Fund, which would provide financial support for regional arts centres, museums, artists and arts organisations and seek to encourage a degree of community engagement with arts and culture in regional and remote communities. Given that many such communities may be situated several hundred or, in some states, more than a thousand, kilometres from the state capital or from other centres, such support was an extremely important attempt to engage communities that often felt alienated from their metropolitan counterparts. In 2006 funding for this program was increased so that more regional arts development officers could be employed to work with artists and communities, to enhance skills, and also to work with the armies of volunteers whose work in regional and remote communities is vital to the maintenance and functioning of those communities. While the Australia Council maintained accountability for the fund, it was in practice devolved to a Regional Arts Committee to make key decisions about funding allocations.

Further recognition of the needs of regional and remote communities came with the establishment, arising from *Creative Nation*, of four key touring programs

Playing Australia

Playing Australia is the Federal Government's national touring program for the performing arts. It is designed to assist the touring of performing arts across state and territory boundaries where this is currently not commercially viable and there is a demonstrated public demand. A principal objective of Playing Australia is to support tours to regional and remote Australia. This includes theatre, music and opera, dance, puppetry and circus. Further information is available at <http://www.arts.gov.au/regional/playing-australia>

Visions of Australia

Visions of Australia provides funding to eligible organisations to develop and tour exhibitions of Australian cultural material across Australia. Exhibitions are expected to have a predominantly Australian source or theme, as opposed to the touring of internationally-sourced exhibitions. In addition to Visions of Australia there is also a Contemporary Touring Initiative that assists collecting institutions and other organisations with the costs of developing and touring major exhibitions of contemporary Australian visual arts and craft across Australia. Further information is available at <http://www.arts.gov.au/regional/visions-of-australia>

Festivals Australia

Festivals Australia provides funding for regional and community festivals to present quality cultural projects that come under the general rubric of 'festivals'. Eligible projects are required to present programs or activities that have not been previously presented and that could not be afforded without the funding. Further information is available at http://www.arts.gov.au/arts/festivals_australia

Contemporary Music Touring Program

The Contemporary Music Touring Program provides funding support to the contemporary music sector for touring primarily to regional and remote areas touring, and can involve the movement of artists to, from or around those regions. It aims to increase access to contemporary music for audiences in regional and remote areas. Further information is available at <http://www.arts.gov.au/regional/cmtpp>

As noted previously, while these programs have, to date, been delivered by the Department, the Labor Party electoral commitments foreshadowed that they would be moved to the Australia Council for future implementation.

4.3.2 The Book Industry Package Assistance Plan

In 1996 the Federal Government introduced a Goods & Services Tax (GST) to Australia, which added, for the first time, a value-added tax to most purchases, including books. As a response to the widespread concerns about the potential for increased prices for books and the consequent impact upon authors, publishers and, ultimately, readers, the government introduced a Book Industry Assistance Plan that contained within it a series of quasi-compensation measures. These included:

- The Educational Lending Right scheme, under which payments are made to eligible Australian creators and publishers whose books are held in educational libraries, such as school, TAFE (Technical and Further Education) and university libraries, on the basis that income is lost from the availability of their books in these libraries. The stated objectives of the scheme are 'to make payments to Australian creators and publishers on the basis that income is lost from the availability of their books in educational lending libraries, and 'to support the enrichment of Australian culture by encouraging the growth and development of Australian writing and publishing'. Eligible creators include authors, editors, illustrators, translators and compilers, while eligible publishers include those whose business consists wholly or substantially of the publication of books and who regularly publish in Australia.
- The Educational Textbook Subsidy Scheme, with the subsidy capped at 8 percent of the retail purchase price of books;
- The book promotion campaign, initially known as Books Alive, now Get Reading, administered by the Australia Council;
- The Primary School Libraries Scheme, to enable primary schools to purchase Australian books; and
- The Book Production Enhanced Printing Industry Competitiveness Scheme, with funds provided over four years to enable the book production industry areas to become more competitive and to adopt new technologies.

The Book Industry Assistance Plan as such terminated in the 2003–4 financial year, but the Educational Lending Right Scheme, and the Get Reading program continue to be funded and administered by OFTA and the Australia Council respectively.

4.3.3 Major inquiries and reviews ⁴

Between 1999 and 2006 the Federal Government established a series of inquiries and reviews into the sustainability of various sectors of the arts and cultural sectors. While these reviews were announced by the Commonwealth, the fact that the states/territories were also major players in the funding and support of the areas in question, and that any recommended changes in funding or structure would have implications for the states/territories, meant that all reviews were agreed, either at the Cultural Ministers Council, or as a result of bi-lateral discussions between the federal minister and his various state/territory counterparts.

The Major Performing Arts Inquiry

The *Creative Nation* policy program had proposed the establishment of a new committee under the auspices of the Australia Council, the Major Organisation Fund (MOF), which would focus on the funding and overall direction of the country's key performing arts organisations. The major organisations were defined as those performing arts companies that had a minimum turnover of \$1m per year. Membership of the MOF was sought keenly, as it provided, among other things, triennial funding rather than annual funding. There were, however, some odd exceptions to the group of companies funded through the MOF. These included the largest performing arts organisations in the country, Opera Australia, which was funded directly by the Department of Communications, Information Technology and the Arts, and the six state orchestras, whose Commonwealth funding came through the ABC's Concert Division and, later, its divested incarnation, Symphony Australia.

By the late 1990s a number of major organisations had encountered significant financial difficulties, some of them chronically and some of them by virtue of one or two poor seasons. Given the high profile of these companies either nationally or within their respective states, the Minister for the Arts, Senator Alston, commissioned a review into the artistic and financial health of the companies, with a view to reaching a more sustainable funding model for them. A review committee was established and charged with recommending to the federal and state governments the best way forward to achieve financial stability, artistic vibrancy and audience accessibility for the companies. The final report of the review team, *Securing the Future* was released at the end of

⁴ Note: in the Australian government context, terming a study an 'inquiry' implies there will be funding associated with its outcomes; the terms 'review' or 'evaluation' carry no such implication.

1999 and, amongst its many recommendations was one advocating the establishment of a new formulae for federal-state funding and decision-making in relation to the companies. For the first time, a funding 'sliding scale' was recommended for the companies, according to their designation under the categories of 'global', 'Australian flagship', 'niche' and 'regional flagship' (later changed to 'state flagship'). Those companies designated global were to receive 90 percent of their government funding from the Federal Government, and 10 percent from the state in which they were based. Australian flagship companies were to have an 80/20 percent formula applied; niche, a 50/50 percent; and state flagships, a 20/80 percent formula. For the state orchestras the splits were to be either 85/15 percent, if deemed Australian flagship, or 75/25 percent if state flagship.

It was hoped that the establishment of these formulae, plus formalised federal/state decision-making would discourage bailouts of companies in financial distress. In reality, this has not gained a lot of traction as the political implications of a major company becoming insolvent have been too much for state or federal politicians to tolerate.

In addition to standardisation of funding formulae, the review also recommended that Opera Australia and the six state orchestras, plus the Australian Opera and Ballet Orchestra, be funded through the Australia Council rather than through the Department as was the current practice. To facilitate this, a broader change was introduced into the Australia Council where a new board was established, known as the Major Performing Arts Board (MPAB). The changes to the council were not without some controversy, as the inclusion of Opera Australia and the eight orchestras meant that the new Major Performing Arts Board would be dealing with a funding envelope that was significantly larger than those of any of the other boards, including the Music Board. Concern was expressed that the council would be too focused upon these major companies, a concern that has raised its head from time to time ever since. For further information see *Securing the Future: Final Report of the Major Performing Arts Inquiry* at <http://www.cmc.gov.au/publications>

The Contemporary Visual Arts and Craft Inquiry
As part of what ultimately had become a series of reviews, the Federal Government announced a Contemporary Visual Arts and Craft Inquiry in mid-2001. The outcomes of the inquiry were announced in September 2002 and included a range of recommendations, central among them being a significant increase in funding to

the visual arts and craft sector. Importantly, this recommendation was predicated on a split of \$7m p.a. from the Commonwealth, with the states/territories contributing a total of \$6m p.a., which would then trigger an additional \$2m from the Commonwealth. While the exact sums proposed by the inquiry were not achieved in their entirety, there were funding increases forthcoming from both levels of government. In addition to direct funding, the inquiry recommended new initiatives to encourage the donation of artworks to public collecting institutions, the introduction of resale royalties, and changes to support Indigenous visual artists, all of which have been introduced since that time.

For further information see *Report of the Contemporary Visual Arts and Craft Inquiry* at <http://www.cmc.gov.au/publications> and the report into the implementation of the inquiry at <http://www.apo.org.au/research/visual-arts-and-craft-strategy-2004-2009-evaluation-report>

The Orchestras Review

Following ongoing concerns about the viability of some of Australia's major professional orchestras, the Howard Government announced, in 2004, a review into the effective and efficient delivery of orchestral services in Australia. The terms of reference for the review required it 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'. Significantly, given the financial stress facing most of the orchestras, the terms of reference went on to state that 'the review will assume the continuation of ongoing government funding support of the orchestras at existing levels and in similar proportions from the Australian and state governments.' This put paid to any hopes that the orchestras had for increased funding from either or both levels of government. The report entitled *A New Era – Orchestras Review Report* was released in March 2005. For some orchestras there were recommendations of increased but focused funding, while for others there were proposals for reduction in orchestral size in order to achieve sustainability. This recommendation was roundly rejected, including by cabinet ministers from the affected states, and was subsequently abandoned. But of greater long-term significance were recommendations that the orchestras entered the final phase of divestment from the ABC and became fully independent companies, with agreements in place with the ABC and Symphony Australia to maintain some of the services previously provided by the ABC. Of greatest significance for many of the orchestral musicians were recommendations dealing with

workplace reform, and the Federal Government's refusal to allow the musicians to remain members of the Commonwealth superannuation and insurances schemes. Governments at both levels contributed funds to facilitate the various transitions proposed by the review, with the funds contingent on the orchestras adopting the recommendations of the review, particularly those relating to workplace and industrial reform. As regards the pit orchestras, Orchestra Victoria and the Australian Opera and Ballet Orchestra, the review proposed a further investigation of their long-term viability. For the review report see <http://www.arts.gov.au/about-office-arts/public-consultations-submissions/archived-consultations/orchestras-review-2005>

National Review of Music Education and National Review of Visual Arts Education: see section 8.3.2.

The Small to Medium Performing Arts Report
Following the Major Performing Arts Inquiry, performing arts companies that were not under the auspices of the Major Performing Arts Board began to agitate for a review of their own part of the sector. In mid-2000 the Cultural Ministers Council established a working party to look at the financial and artistic viability of the small to medium performing arts companies. The report of the working party was presented and debated at the meeting of the CMC in May 2002. Issues of key concern included the tension between achieving financial sustainability and artistic innovation; some issues around audience development; a declining ability to afford regional touring; and growing inhibitors to schools programs, particularly in areas of risk and public liability requirements. While initially there was no large sum of money allocated to this group of companies but, instead, a series of programs to enhance the business development of this group of companies was established, in 2007 the Federal Government announced a commitment of additional funding of over four years, with the then-Minister, Senator George Brandis, commenting that:

Australia's small-to-medium performing arts companies create much of our new artwork and activity, and the increased funding will ensure the ongoing sustainability of this burgeoning sector... A number of investigations in recent years showed that while small to medium organisations are managing their resources more effectively and increasing their income, their costs have also increased markedly. The increased funding will underpin a significant increase in new work and community activities including skills development and training for artists and in community education and access programs.

For further information see *Report to Ministers on an examination of the small to medium performing arts sector* at <http://www.cmc.gov.au/publications>

Parallel Importation of Books

In July 2008 the Council of Australian Governments (COAG), comprising the Prime Minister, the State Premiers, Territory Chief Ministers, and staff, asked the Australian Productivity Commission to look into the section of Australia's *Copyright Act 1968* that restricted what is known as the parallel importation of books into Australia. Under Australia's copyright law there have been provisions that allowed Australian publishers 30 days to publish an Australian version of any book that has been released anywhere in the world. If the book was published within 30 days, all booksellers were obliged to purchase the publication from the Australian publisher and were not permitted to import the book from an overseas publisher. The commission was also asked whether the restrictions furthered the objectives of the Copyright Act (see section 5.1 below) and whether they provided a net benefit to Australians.

After many months of research, public discussion and reading of submissions, the commission released its final report in July 2009, recommending that the parallel importation restrictions be removed. The commission's report is available at <http://www.pc.gov.au/projects/study/books>

However, after a heated public debate over the issue, the Federal Government decided not to change the Australian regulatory regime for books. The government argued that the strong competitive pressure from international online booksellers meant that any removal of restrictions would add further pressure to the Australian book printing and publishing industries. The responsible minister's press statement stated that 'The Productivity Commission report acknowledged that removing these restrictions would adversely affect Australian authors, publishers and culture. The Commission recommended extra budgetary funding of authors and publishers to compensate them for this loss. The Government has decided not to commit to a new spending program for Australian authors and publishers'. The minister also expressed the view that 'If books cannot be made available in a timely fashion and at a competitive price, customers will opt for online sales and e-books'. And he warned the Australian book printing and publishing industries that they would need to respond to the increasing competition from imports without relying on additional government assistance.

Contemporary Music Industry Strategy is under development at the time of writing. See also the Cultural Ministers Council report on *Supporting Australia's Live Music Industry: Suggested principles for best practice* at <http://www.cmc.gov.au/publications>

4.3.4 Government support for screen culture

In the early part of the 20th century Australia had a brief flowering of film activity, with the films often produced by theatre companies as a means of extending their markets. Films about Australia's past, in particular films about the bush, often with a focus on bushrangers or other swashbuckling types, were particularly popular and were part of the long engagement between the Australian population, predominantly urban, and the ideal of being a country forged from the vicissitudes of the outback or bush.

Such was the interest and concern about the impact of the new 'moving picture' industry that a Royal Commission on the 'Moving Picture Industry in Australia' was held in 1927–28. With the exception of the Northern Territory, the commissioners held 147 sittings in Canberra and all states taking evidence from over 260 witnesses. The commission investigated and made recommendations mainly about customs tariffs, income tax and the general economics of the industry but also investigated other issues including censorship. In addition, a range of measures were recommended to promote 'Empire and Australian pictures' for commercial, 'moral' and cultural reasons '...to improve national sentiment'. However, very few of the commission's recommendations were ever implemented.

Gradually in the years between the wars the nascent film industry foundered, partly due to competition from international distributors who also owned some of the local cinema chains and, of course, favoured their own products. As the industry struggled, more actors and technicians moved overseas in order to find work, thus increasing the problems for a home-grown industry. Then, in 1956, television was introduced in Australia, compounding the problems for the film industry as a whole.

It took government intervention to get the industry on its feet again. Following reviews and reports on the needs of the film and television industries, the Gorton Government announced, in 1969, a program of assistance. This was to include a body that would assist in financing feature films, an experimental film fund to encourage new people into the industry, and a national film and television

school. Thus the Australian Film Development Corporation was established in 1970, becoming the Australian Film Commission (AFC) in 1975. The Australia Council's Film & Television Board was transferred to the AFC, while the Film & Television School remained an independent entity.

The AFC was given a mandate to promote the creation and distribution of films in Australia, and to preserve the country's film history. A portion of its funding came from the Federal Government and it also derived funding from its returns on investments in film production and from interest on film development loans. The combined funding enabled it to provide assistance for the production of Australian film and television. The AFC also provided development assistance and support for film-makers, and played a major role in the promotion of Australian film and television internationally. Over time it developed international co-production agreements that benefitted the Australian film industry through access to further production finance and international expertise, while promoting Australian film and film-makers abroad.

In a significant new development, the AFC established, in 1985–6, an Aboriginal Advisory Committee whose role it would be to support either Indigenous film-makers, or film-makers working on projects that dealt with Indigenous concerns. Once again, production assistance, script development, and other forms of input were provided to applicants. This began an important stream of Australian film-making that has remained strong and has established the careers of several Indigenous actors and film technicians.

In addition to the support provided by the AFC the Commonwealth Government also sought to support the film industry in Australia through the use of tax concessions. The first such moves came in 1978 when tax incentive schemes were introduced, known throughout the industry as '10B and 10BA', in reflection of the relevant divisions of the amended *Income Tax Assessment Act 1936*. These schemes were aimed at attracting individuals or companies to invest in Australian films and, in so doing, claim a tax deduction of 150 percent of the amount of their investment. Furthermore, they did not have to pay any tax on the first 50 percent of the investment. It has been well documented that these new and generous concessions led to considerable investment in the Australian film industry and, in turn, gave rise to a great flowering of Australian film, television, and documentary production. These incentives multiplied many times over the direct support from government that came

from the AFC. Over the years, the amount of the concession fluctuated in accordance with both the interest of the government of the day in the industry and, equally significant, the preparedness of the Federal Treasury to accommodate this reduction of taxable income. The taxation incentives schemes have been managed between the department responsible for the arts portfolio and the Australian Taxation Office, not the film agencies.

In 1988 the Commonwealth Government established a new film agency, the Film Finance Corporation (FFC) as a wholly-owned company through which was channelled the government’s direct funding for film and television production. FFC had a focus on projects at the upper end of the financial spectrum: feature films, telemovies, television mini-series and documentaries, with the market being expected to fund less expensive formats, while the AFC maintained its role of funding development and niche projects. In 2006–07, government funding represented 17 percent of the total funding for Australian produced and co-produced feature films in production. From its establishment until 2008, the FFC invested in 1,079 projects with a total production value of \$2.58 billion.

A third film agency, Film Australia, was established as the Commonwealth Film Unit in 1946 with a primary role to assist in the post-war nation building exercise by creating an audio-visual record of Australian life through documentaries

and educational programs, initially for the cinema but increasingly for television. Film Australia became a fully government-owned and funded corporation in 1987 and had, by that time, become one of the largest television documentary producers in Australia. Its extensive library of audio-visual materials was also accessible to developers of educational material and, in more recent years, new media outputs, while its studios were also utilised by independent film and television producers. Probably its best-known production was *Colour of War: the Anzacs* which exemplifies the nature of the national interest documentaries generated by Film Australia.

In 2006 a review of government film funding support was convened, arising from concerns in the public arena that the film industry in Australia was, once again, in a poor state. In July of that year an issues paper was distributed for comment by the Department of Communications, Information Technology and the Arts (DCITA). Among many issues canvassed was one relating to the most appropriate model for direct government support, which was a harbinger of things to come. In posing the question ‘What is the most appropriate model for direct Government support to the film industry? Is the current agency structure a model that is delivering the best possible outcomes?’ the issues paper noted the range of federal government agencies involved in the film industry, with their functions and overlaps described as follows:

Individual professional development	AFTRS, AFC, Film Australia
Production funding for emerging talent	AFC, FFC, Film Australia, Australian Children’s Television Foundation (ACTF), Australia Council
Production funding for established talent or where there is major private support	AFC (feature film development, new media), FFC, ACTF, Film Australia
Support through tax incentives	DCITA; Australian Tax Office
Access and outreach programs	AFC (screen culture programs and National Film & Sound Archives), Film Australia, ACTF
Preservation	AFC (National Film & Sound Archives), Film Australia
Sales and marketing	AFC, FFC, ACTF, Ausfilm, DCITA
Support for business/enterprise development	AFC, AFTRS, Film Australia
Research	AFC, DCITA

The paper went on to note the benefits of having a 'many doors approach' to government support, but also stated that 'it has been argued that a consolidation of existing funding avenues could provide a more strategic approach to both the assessment of film projects and to the achievement of other support objectives'. It later suggested that '[O]ne approach could be to re-configure agency responsibilities so that functions such as business development, access and outreach, collections, archiving/preservation and marketing are delivered in a more consolidated way'.

It did not come as a great surprise, therefore, that in May 2007 the Federal Government announced the creation of a new agency which would evolve from a merger of the Australian Film Commission, the Film Finance Corporation Australia, and Film Australia. Screen Australia was subsequently created under the *Screen Australia Act 2008* and from 1 July 2008 took over the functions and appropriations of its predecessor agencies the AFC, FFC, and Film Australia, with a view to ensuring a creative and sustainable screen industry for Australia across the chain of development, production, promotion, distribution and access. That its emphasis is not solely upon film is demonstrated by the fact that in June 2010, Screen Australia announced that it will review its funding of television production to ensure that the organisation is supporting the television production industry and Australian programming in an optimum way, across the spectrum from quality drama, children's television and documentaries on matters of national significance. This is the latest of several reviews of the film industry convened by the federal government over the years, and all have addressed the issue of

the desirable level of funding for an industry that operates in a very small marketplace and with a highly competitive international industry. This ongoing interest in achieving an optimum policy setting for film is indicative of successive government policy settings, whereby Australian film are seen as a vital part of the nation's cultural life.

For further information on Screen Australia and the Australian screen industries see <http://www.screenaustralia.gov.au/>

Screen Australia also has a close relationship with the Australian Children's Television Foundation (ACTF), which was established in 1982 as a national not-for-profit organisation committed to providing Australian children with high quality television programs that are both innovative and educational. As well as its own productions, the ACTF acts as an Australian and international distributor of programs made specifically for children, and also provides both script development funding and production investment funding for other children's television producers. The ACTF receives its own funding from the Commonwealth and all state and territory governments. For further information see <http://www.actf.com.au/>

Concurrently with the establishment of Screen Australia the Federal Government established the National Film & Sound Archive (NFSA) as an independent statutory authority. In 1935 the government established a National Film and Speaking Record Library as part of the then Commonwealth National Library. Subsequently, it became the National Film and Sound Archive, which was created as a separate Commonwealth

collecting institution in 1984 together with a council to guide it in its operation. In 2003, under the name ScreenSound, it had been incorporated within the Australian Film Commission but was then removed when the AFC was subsumed by Screen Australia, a move welcomed by many who saw the previous merger of a film development agency and an archival agency as less than optimal.

The NFSA describes itself as ‘...the treasure house of Australian audiovisual history’ and it has responsibility for preserving, documenting and sharing Australia’s moving images and sound recordings from the very first film images to the present day and beyond. The collection is made available to all Australians in a variety of ways: through supplying footage and recordings for use in television and radio productions, through regular screenings of some of Australia’s greatest films, and through a range of public presentations ranging from travelling exhibitions, to web access. For further information see <http://www.nfsa.gov.au/>

The Australian Film Television & Radio School see section 8.3.4.2.

Within the states, publicly-funded support for the film industry began in 1972 with the establishment of the South Australian Film Corporation (SAFC) which provided investment and facilities for films and television. The significant success that the SAFC had with three major Australian films, *Picnic at Hanging Rock* (1975), *Sunday Too Far Away* (1976) and *Storm Boy* (1976), no doubt had an impact on other state governments which quickly established their own screen support agencies. This brought new sources of investment to the development of the Australian film and television industries, new opportunities for co-productions both within and external to Australia, and encouraged major distribution chains to become involved with the presentation of Australian films to the public.

4.3.5 Children in Art Protocols

In May 2008 one of Australia’s leading photographers, Bill Henson, triggered a major controversy when the opening night of an exhibition of his work at a commercial gallery in Sydney was cancelled after eight individual complaints were made to police voicing concerns about an invitation from the gallery to a ‘Private View’ that depicted photographs of a nude 13-year old girl. In the process of removing the images from the gallery, police found more photographs of naked children on exhibition among various large format photographs of nonfigurative subjects, which they later sought to examine for the purposes of determining their legal status under the *New South Wales Crimes Act 1900* and child protection legislation. Following discussions with the gallery and a decision by Henson, the gallery cancelled the opening and postponed the show, while the police announced their intention of charging either Henson or the gallery or both with ‘publishing an indecent article’ under the Crimes Act. This then led to a major debate on censorship, and the role of children in art.

While the New South Wales Department of Public Prosecutions ultimately declared that they would not pursue the issue, the controversy triggered the Federal Government to request that the Australia Council develop a set of protocols for artists working with children. The resulting protocols address the depiction and employment of children in artworks, exhibitions and publications that receive Australia Council funding, and include an overview of applicable state and territory laws that form the basis for a set of reasonable minimum standards to help artists and organisations who work with children to do so with proper care and responsibility. Adherence to the protocols is now a condition of receiving an Australia Council grant.

The protocols came into effect on 1 January 2009 and were reviewed in early 2010. The review found that the protocols were generally well received and assisted artists and organisations to understand their responsibilities, rights and obligations when working with children. Following the review, some amendments have been made to clarify the intent of the protocols and make it easier for people to understand their responsibilities and comply with the requirements. Some artists indicated, through the review, that the protocols would assist them in protecting the rights of children, and in understanding the regulatory framework for their particular state, while others said the protocols would either have no impact on their practice, or would make them less inclined to work with children in certain contexts. The Arts Law Centre voiced the concern that the protocols would increase the pressure for compliance, and also argued strongly against retrospectivity, on the basis that it would be almost unworkable. Concerns were also voiced about the cost, in time and money, of getting work classified through the Classification Board.

Changes were then made to the protocols to ameliorate these issues as far as possible. In particular, in terms of the time and costs involved with submission to the Classification Board, the revised protocols instead set in place a requirement that:

Australia Council funded organisations exhibiting contemporary images of naked or semi naked children or distributing contemporary images of children who are not naked must:

- comply with all relevant laws and regulations in the state or territory in which the project takes place;
- give thoughtful consideration to the rights of the child; and
- take all reasonable steps to satisfy themselves that the artist complied with relevant laws when creating the image.

At the end of the funded activity the Australia Council may request evidence that this requirement has been followed.

4.3.6 Arts and disabilities

In 1992 the Commonwealth introduced the Disability Discrimination Act which was explicit about barriers faced by people with disabilities, and set out to protect the rights of individuals with disabilities. The introduction of the Act gave increased focus to issues such as physical barriers in public buildings and spaces, including arts venues and cultural institutions; barriers for individuals with visual impairment, which had particular implications for the publishing industry and for collecting institutions; and for the hearing impaired, with significant implications for broadcasting, and for performing arts institutions among others. The advocacy group, Arts Access Australia, as the peak body for a network of state and territory arts and disability organisations, has worked in both the government and private sectors to enhance awareness of these issues and to ensure that they are included in future planning for arts and culture. In 2009 the federal and state/territory ministers agreed on a *National Arts and Disability Strategy*, to guide future thinking and planning in this area. For further details see National Arts and Disability Strategy at <http://www.cmc.gov.au/publications>

5. Main legal provisions in the cultural field

5.1 General legislation

5.1.1 Constitution

Australian law is based upon English common law. The Australian legal system is underpinned by the *Constitution of Australia*, which describes the legal and governmental systems of Australia. Until the 1970s Australian law remained closely linked with British law, as the High Court of Australia was bound by the doctrine of precedent to follow judgements from the Privy Council. The commencement of the legislative process to sever this doctrine began in 1968 but was not completely severed until 1988.

The Australian Constitution speaks of the particular powers that are exclusive to the Commonwealth⁵, in particular those relating to customs and excise and, of particular significance for the cultural sector, communications, which in practice includes broadcasting. Most other powers are listed in the constitution as concurrent, and this was done so that the newly federated states could maintain their existing laws until such time as the Federal Parliament enacted new ones. A separate section of the Constitution requires that, should there be a conflict between a Commonwealth and a state law, that of the Commonwealth will prevail.

Over the years, and particularly since the Commonwealth took over the power to levy income tax during World War II, the Commonwealth government has either taken on powers formerly held by individual colonies, such as defence and foreign policy, higher education, aged care, and national transport policy, and newer powers such as broadcasting and communications, or has shared powers with the states, such as in schools, hospitals, roads and rail, and many others, including the support of cultural activities. The assumption of the power to levy income tax and, in recent years, the introduction of a Goods and Services Tax, have both meant that the financial weight lies with the Commonwealth Government. For more detailed coverage of the Australian constitutional framework see <http://australia.gov.au/about-australia/our-government/commonwealth-government>

5.1.2 Division of jurisdiction

The legal framework is established through federal laws enacted by the Parliament of Australia, and laws enacted by the parliaments of the states and territories. Whereas the laws passed by the Commonwealth Parliament apply to the whole of Australia, those passed within the states/territories are not binding outside that particular jurisdiction. However, an Australian common law system is ensured through the fact that the national equivalent of a supreme court – the High Court – has jurisdiction over the state supreme courts and is the last court of appeal in the land and also has a unique role in hearing cases about, and interpreting, the Australian Constitution. Ultimately, a decision by the High Court that a law is unconstitutional means that it is invalidated, regardless of whether it has been passed by a parliament, federal or state.

5.1.3 Allocation of public funds

Funding for culture and the arts at the federal level is provided from the Treasury to the department/office to the Office for the Arts, which then makes the relevant appropriations to the portfolio's cultural agencies, including the Australia Council. A similar process occurs within the states. There is no national lottery system for funding the arts in Australia, but the State of Western Australia has a lottery system run by the state agency Lotterywest whose legislation requires the agency to make an annual allocation of funds to the State Treasury for direct appropriation for arts and culture, sport, and health, based on a fixed percentage of overall sales of Lotterywest products.

5.1.4 Social security frameworks

Australia has a wide-ranging social security framework that provides support for individuals and families on the basis of an assessment that includes a means test. The latter does not include the family home. Beneficiaries include the unemployed, the long-term ill, families with children, individuals with a physical or mental disability, single parents, and others with particular needs. Artists and arts workers are eligible to apply for support according to the eligibility criteria of Centrelink, the agency responsible for providing social security benefits to the community. For further details of the social security framework see <http://www.fahcsia.gov.au/Pages/default.aspx>

⁵ In Australia the term "Commonwealth" is used as both a noun but also as an adjective interchangeably with the term "Federal", the latter being used more frequently in reference to actions, policies and issues associated with the Government of the Commonwealth.

5.1.5 Tax laws

There is no specific tax relief scheme for artists in Australia, although this is something that has been discussed off and on for many years. A report in 2008 by Brett Freudenberg of Griffith University in Queensland, entitled *The current Australian tax treatment of the arts industry* provides useful coverage of the approach taken to artists and arts companies by the Australian Tax Office and the Federal Department of Finance. The report, together with other reports on artists and taxation, is available on the Arts Queensland website at <http://www.arts.qld.gov.au/publications/tax.html>

5.1.5.1 Tax incentives to invest in film and television production

As described in section 4.3.4 above, the Commonwealth Government has offered a package of tax incentives for screen producers since the 1980s.

The Australian Screen Production Incentive is the Australian Government's primary mechanism of supporting film and television production. This scheme provides tax incentives for film, television and other screen production in Australia and is available in three streams:

- the producer offset, to encourage the production of Australian film and television projects by providing a refundable tax offset for expenditure on projects (40 percent offset for film; 20 percent for television)
- the location offset, a 15 percent rebate which supports the production of large-budget film and television projects shot in Australia
- the PDV offset, a 15 percent rebate which supports work on post, digital and visual effects production (PDV) in Australia, regardless of where a project is shot.

The latter two streams were established in order to attract more offshore film and television productions to Australia. In May 2010 the government advised of changes to the location and PDV offset schemes to encourage greater take-up of the scheme by overseas production companies. The requirement for productions of \$15m to \$50m to spend a minimum of 70 percent of the total production budget in Australia was removed, and the minimum qualifying expenditure threshold for the PDV offset was reduced from \$5 million to \$500,000. For further detail see <http://www.arts.gov.au/film-tv/australian-screen-production-incentive>

5.1.5.2 Tax incentives to encourage philanthropy

Cultural Gifts Program

The Cultural Gifts Program was established in 1978 as a means of encouraging the donation of items of cultural significance from private collections into public institutions. This can include books, visual and decorative arts, Indigenous arts and cultural artefacts, social history and scientific collections and archival material.

Donors are eligible for tax incentives in that the market value of the gift is fully tax deductible, with the deduction able to be spread over a period of five years. Gifts given under this scheme are also exempt from capital gains tax. The market valuations are provided by independent valuers who are approved by the program. Over the years the program has stimulated over \$660m in donations to public cultural institutions. The program is administered by a secretariat in the Department of the Environment, Water, Heritage and the Arts in accordance with the gift provisions of the income tax and with the advice of an expert committee, the Committee on Taxation Incentives for the Arts. For further information see http://www.arts.gov.au/tax_incentives/cgp

Private Ancillary Funds (PAFs)

The Federal Government has a category of fund, recently retitled Private Ancillary Fund, which is a vehicle for private philanthropy. PAFs can be established either as a bequest or as a trust, on a non-profit basis, to provide funds or benefits to 'Deductible Gift Recipients' (a fund or organisation that can receive tax deductible gifts) which includes relevant organisations in the culture and the arts sector. The fund can receive donations from the founder and associates of the founder of the fund, and during each financial year at least 5 percent of the market value of the fund's net assets must be distributed. Funds may apply to be 'Deductible Gift Recipients' so that donations into the fund are eligible for tax concessions. The funds are governed by a set of rules in accordance with the *Tax Administration Act 1953*. For further information see

http://www.ato.gov.au/nonprofit/content.asp?doc=/content/00215720.htm&page=2-P13_1310

5.1.6 Labour laws

Labour law has been a highly contested area in Australia over the past decade. The Commonwealth is able to make laws in relation to industrial relations based on the corporations power in the constitution, but the states also make such laws, particularly in relation to workplace safety, hours of operation and so on. The Howard Government moved to make substantive changes to existing labour laws such that provisions governing dismissal, the rights of unions in the workplace, the role of the Australian Industrial Relations Commission in resolving disputes, and the position of the states in the industrial relations framework were all called into question. The outcome was a piece of legislation entitled *Workplace Relations Amendment Act 2005*, commonly known as Work Choices, and an Act which undid a number of the provisions of the *Workplace Relations Act 1996*. Key among these were the deeming of unfair dismissal laws as invalid for workers in companies with more than 100 employees; the removal of the so-called 'no disadvantage test' which had hitherto protected workers who were affected by changes in industrial legislation and, of particular concern to the unions, the curtailing of the right to strike, of the rights to enter workplaces and, most contentious, the removal of the role of unions in the industrial bargaining process by requiring workers to lodge agreements directly with a new Workplace Authority, rather than the Industrial Relations Commission which had been the traditional recipient. Employees were encouraged to enter Australian Workers' Agreements, rather than be part of collective agreements.

The legislation was hugely contentious for both individual employees, and the union movement. It became a key issue in the Federal Election of 2007, as the Australian Labor Party (ALP) vowed to abolish it. Labor under Kevin Rudd subsequently won the election, with Work Choices being one of the biggest issues of the campaign, and repealed the entirety of the *Workplace Relations Amendment Act 2005* (as amended from the *Workplace Relations Act 1996*) shortly after assuming office. The new *Fair Work Act 2009* was the resultant mechanism put in place to govern Australia's labour laws. For further details of the Act see <http://www.fwa.gov.au/index.cfm?pagename=legislationfwact>

All Australian employees, including cultural workers, are covered by this framework. Foreign cultural workers are allowed to work in the performing arts and film and television sector only if they have been granted a special purpose Entertainment Visa. To obtain this visa they need to be sponsored, usually by their prospective employer or producer, who in some cases may need to demonstrate they are not able to employ an Australian national in the role.

5.1.7 Copyright provisions

The Copyright Act 1968

The *Copyright Act 1968* has undergone significant revisions since it was first enacted, modelled upon British copyright law. The original intention of the Act was, as stated by the government committee which recommended its establishment, '...to give to the author of a creative work his [sic] just reward for the benefit he has bestowed on the community and also to encourage the making of further creative works'. In so doing, the Copyright Act also allows for 'fair dealing' by which a certain amount of material may be copied without infringement, most notably within the education sectors.

Under the Australian legislation protection is provided to music, moving images and films, recorded sounds, literature and writing, computer programs, choreography, craftworks, design, but not to ideas and concepts themselves.

The *Copyright Amendment Act 2006* introduced new provisions permitted under private copying which allow for recording of television or radio programs for later private listening/viewing; for recording of one's own sound recording for private purposes; and for copying of privately-owned material from one format to another – for example, scanning of a book or photograph. Other amendments were introduced for collecting institutions, described as 'key cultural institutions', to make preservation copies of material.

In 2005, as part of amendments to the Copyright Act arising from the Australia–US Free Trade Agreement (AUSFTA) performers' rights were established for Australian citizens/residents who contributed to the creation or conducting of a performance. This applies to stage work, musical performance, dance, poetry, circus performance, book readings, and dance. In the terms of the Act, permissions are required from performers for recording, broadcast, or distribution of performances.

The Act is administered by the Commonwealth Attorney-General's Department, which receives advice and information from the Copyright Council of Australia. For further information see <http://www.ag.gov.au/>

Copyright Amendment (Moral Rights) Act 2000

The right of the artist to be attributed as the maker of the artwork, and to have the integrity of the artwork protected, was finally enshrined in legislation in Australia with the *Copyright Amendment (Moral Rights) Act 2000*, after more than a decade of debate and consideration of the issue. In 1988 the Copyright Law Review Committee had recommended against introducing legislation at that time, despite the fact that the Berne Convention, to which Australia was a signatory, had enshrined such rights. Provisions of the Act were contested by a range of parties, from film-makers to architects and designers, leading to significant modifications prior to enactment. The Australian legislation does not require an artist to assert their moral rights; rather, they are conferred automatically once the work is created. For the legislation see

<http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/857C217B16A05CF4CA256F72000B5F27>

At the same time as the moral rights legislation was under preparation, a separate bill, the *Copyright Amendment (Digital Agenda) Bill 2000* was prepared by the Commonwealth, dealing with liabilities for moral rights infringement by internet service providers. The Bill became an Act in 2000. See

[http://www.ag.gov.au/www/agd/agd.nsf/Page/Publications_CopyrightAmendment\(DigitalAgenda\)Act2000-2000](http://www.ag.gov.au/www/agd/agd.nsf/Page/Publications_CopyrightAmendment(DigitalAgenda)Act2000-2000)

The *Trade Marks Act 1995* governs the use of trade marks in Australia and enables the owner of a trade mark to stop another person from using the same or similar trade mark within Australia. Registered trademarks are submitted under the Act and provides an exclusive right to use the mark. For further details of Australia's trade mark regime see <http://www.ipaustralia.gov.au/trademarks/index.shtml>

The *Designs Act 2003* is intended to protect a designer against copying or opportunistic appropriation of the same or very similar design. It introduced a new regime for registration of industrial designs in Australia, with clearer definitions, better enforcement and management of intellectual property, and stricter eligibility and infringement tests. For a copy of the Act and summary of its features see http://www.ipaustralia.gov.au/new_designs/index.shtml

5.1.8 Data protection laws

Australian data protection laws are contained in a variety of Commonwealth, state and territory Acts, most frequently under the title of 'Privacy Act'. Principal amongst these is the *Commonwealth Privacy Act 1988*. Originally applying to Commonwealth Government entities, in 2000 the *Privacy Amendment (Private Sector) Act 2000* was introduced to cover some private sector organisations as well. The various privacy Acts, Commonwealth and state, govern the use and disclosure of information about individuals.

Privacy protections have also been introduced into two Commonwealth Acts covering telecommunications, as this is an area of responsibility that resides solely with the Commonwealth. The *Telecommunications Act 1997* governs the conduct of telecommunications, telephone, and ISP providers in relation to individual privacy, while the earlier *Telecommunications (Interception) Act 1979* deals with areas such as surveillance, interception and the like. For detailed coverage of Australian privacy legislation see <http://www.efa.org.au/Issues/Privacy/privacy.html>

5.1.9 Language laws

Australia has no prescribed language laws.

5.2 Legislation on culture

The following Commonwealth Acts that pertain to culture are administered by the Minister for the Arts.

Australia Council Act 1975
[http://www.comlaw.gov.au/Search/Australia Council Act 1975](http://www.comlaw.gov.au/Search/Australia%20Council%20Act%201975)

Australian Film, Television and Radio School Act 1973
[http://www.comlaw.gov.au/Search/Australian Film\\$C\\$ Television and Radio School Act 1973](http://www.comlaw.gov.au/Search/Australian%20Film%20Television%20and%20Radio%20School%20Act%201973)

National Film and Sound Archive Act 2008
[http://www.comlaw.gov.au/Search/National Film and Sound Archive Act 2008](http://www.comlaw.gov.au/Search/National%20Film%20and%20Sound%20Archive%20Act%202008)

National Gallery Act 1975
[http://www.comlaw.gov.au/Search/National Gallery Act 1975](http://www.comlaw.gov.au/Search/National%20Gallery%20Act%201975)

National Library Act 1960
[http://www.comlaw.gov.au/Search/National Library Act 1960](http://www.comlaw.gov.au/Search/National%20Library%20Act%201960)

National Museum of Australia Act 1980
[http://www.comlaw.gov.au/Search/National Museum of Australia Act 1980](http://www.comlaw.gov.au/Search/National%20Museum%20of%20Australia%20Act%201980)

Australian National Maritime Museum Act 1990
[http://www.comlaw.gov.au/Search/Australian National Maritime Museum Act 1990](http://www.comlaw.gov.au/Search/Australian%20National%20Maritime%20Museum%20Act%201990)

Protection of Movable Cultural Heritage Act 1986
[http://www.comlaw.gov.au/Search/Protection of Movable Cultural Heritage Act 1986](http://www.comlaw.gov.au/Search/Protection%20of%20Movable%20Cultural%20Heritage%20Act%201986)

Public Lending Right Act 1985
[http://www.comlaw.gov.au/Search/Public Lending Right Act 1985](http://www.comlaw.gov.au/Search/Public%20Lending%20Right%20Act%201985)

Screen Australia Act 2008
[http://www.comlaw.gov.au/Search/Screen Australia Act 2008](http://www.comlaw.gov.au/Search/Screen%20Australia%20Act%202008)

The following Acts are administered by the Minister for Sustainability, Environment, Water, Population and Communities:

Aboriginal and Torres Strait Islander Heritage Protection Act 1984
[http://www.comlaw.gov.au/Search/Aboriginal and Torres Strait Islander Heritage Protection Act 1984](http://www.comlaw.gov.au/Search/Aboriginal%20and%20Torres%20Strait%20Islander%20Heritage%20Protection%20Act%201984)

Australian Heritage Council Act 2003
[http://www.comlaw.gov.au/Search/Australian Heritage Council Act 2003](http://www.comlaw.gov.au/Search/Australian%20Heritage%20Council%20Act%202003)

Historic Shipwrecks Act 1976
[http://www.comlaw.gov.au/Search/Historic Shipwrecks Act 1976](http://www.comlaw.gov.au/Search/Historic%20Shipwrecks%20Act%201976)

5.3 Sector specific legislation

5.3.1 Visual arts

Resale Royalty Right for Visual Artists 2009
The desirability of establishing a resale royalty scheme ('*droit de suite*') had been hotly debated in Australia for many years before the Rudd Government announced, in May 2008, that such a scheme would be introduced, bringing Australia into line with models existing in Europe. A particular incentive for the government was the potential to benefit impoverished Indigenous artists from remote communities who, it was claimed, would often sell a work for a paltry sum, or even for goods rather than money, only to have the same work sold by dealers on the world market for hundreds or thousands of dollars more. The announcement of the scheme led to fierce debate from opposing camps, with those opposing the scheme expressing concerns about the potentially costly and complex administration, the potential to affect prices, and the impact retrospectivity would have for auction houses and gallery owners. Those supporting the scheme highlighted the benefits for artists and pointed to the existing model of royalties for musicians, but were concerned that, if the scheme were not applied retrospectively, there would not be enough funds to enable it to function properly. In the event, the scheme commenced in June 2010, with a determination that artists are eligible to receive 5 percent of the sale price of their original work(s) when those works are resold in the marketplace and achieve a price of \$1000 or more. In addition to applying to living artists, the scheme covers a period of 70 years after an artist's death. For further information see <http://www.resaleroyalty.org.au/>
The Act is at <http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/F2261E5FD5E5DB5ACA25768C0023E016?OpenDocument>

5.3.2 Performing arts and music

Musical works, sound recordings and artistic works are all protected by copyright under the Copyright Act.

5.3.3 Cultural heritage

Protection of Movable Cultural Heritage Act 1986

This Act aims to protect Australia's heritage of movable cultural objects. In giving effect to the 1970 UNESCO Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property, it also supports foreign countries' right to protect their heritage of movable cultural objects. The Act covers a wide range of movable cultural heritage objects, ranging from Indigenous art and artefacts to objects significant for Australia's agricultural heritage.

The Act regulates the export of cultural heritage objects from Australia. One class of objects, 'Class A', may not be exported on the basis of their significance for Australia.

These include:

- Victoria Cross medals awarded to Australian service personnel;
- Each piece of the suit of metal armour worn by Ned Kelly at the siege of Glenrowan in Victoria in 1880; and
- Aboriginal and Torres Strait Islander objects which cannot be exported. These are:
 - Sacred and secret ritual objects
 - Bark and log coffins used as traditional burial objects
 - Human remains
 - Rock art
 - Dendroglyphs (carved trees)

Objects under 'Class B' require a permit for export and include:

- Australian Aboriginal and Torres Strait Islander Heritage
- Archaeology
- Natural Science
- Fossils and Meteorites
- Applied science or technology
- Heritage Machinery
- Fine or decorative arts

The Act is administered by the Department of the Prime Minister and Cabinet, and is at

[http://www.comlaw.gov.au/Search/Protection of Movable Cultural Heritage Act 1986](http://www.comlaw.gov.au/Search/Protection%20of%20Movable%20Cultural%20Heritage%20Act%201986)

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the Australian Government's key piece of environmental legislation which commenced in July 2000. The Act involved the Federal

Government joining with the states and territories to establish a national scheme of environment and heritage protection and biodiversity conservation. Under the framework established in the Act the Commonwealth Government is responsible for the protection of matters of national environmental significance, with the states and territories having responsibility for matters of state and local significance.

The objectives of the EPBC Act are to:

- provide for the protection of the environment, especially matters of national environmental significance
- conserve Australian biodiversity
- provide a streamlined national environmental assessment and approvals process
- enhance the protection and management of important natural and cultural places
- control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife
- promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources.

The Act is administered by the Department of Sustainability, Environment, Water, Population and Communities. For further information see

<http://www.environment.gov.au/epbc/about/index.html>

5.3.4 Literature and libraries

Public Lending Right Act

The *Public Lending Right Act* was enacted in 1985. Despite this, the Public Lending Right Scheme had been in operation since it was approved by the then-Prime Minister, Gough Whitlam, in 1974. The scheme was modelled on that which was already in operation in Sweden in the 1950s, and was the subject of intense lobbying by members of the Australian Society of Authors. Through the Scheme, authors and publishers are compensated for revenue foregone when books that are for sale are also available for lending through a public library. Claimants are required to be Australian citizens, books must have an ISBN, and authors must be entitled to a royalty when their books are sold. Publishers must be in the business, and the book being claimed for must be for sale.

The Scheme is now administered by the Department of the Prime Minister and Cabinet, having been briefly the responsibility of the Australia Council from 1976 until 1980, and is at http://www.arts.gov.au/literature/lending_rights

5.3.5 Architecture and spatial planning

Refer to section 5.1.7.

5.3.6 Film, video and photography

See section 5.3.8.1.

5.3.7 Mass media

See section 4.2.6.

5.3.8 Other areas of relevant legislation

5.3.8.1 Film and internet censorship

Given its powers, under the terms of the Australian Constitution, to make laws governing broadcasting and communications, the federal government has responsibility for the legal framework governing online services and the importation or export of audiovisual material, including computer games. Under the auspices of this constitutional framework, the Commonwealth introduced a Film Censorship Board to which, from 1949, the states and territories gradually delegated their censorship powers. The role of the board was to examine imported films and videotapes and to register and classify films and videotapes for public exhibition, both on behalf of the states and territories in accordance with their own legislation, and on behalf of the ABC and of the Australian Broadcasting Tribunal. In 1983, the Commonwealth and all states and territories agreed on a uniform scheme of classification for publications and videotapes, which would be implemented through the Film Censorship Board. After long and protracted negotiations, the Commonwealth introduced the *Classification (Publications, Films and Computer Games) Act 1995* which contained a single National Classification Code, setting out the principles to be followed in the classification of material. At the same time the Film Censorship Board was replaced by the Classification Board, which has responsibility for the classification of films, videotapes, publications and computer games. Further information on the Classification Board is at http://www.classification.gov.au/www/cob/classification.nsf/Page/ClassificationinAustralia_Whowere_ClassificationBoard_ClassificationBoard

The most contentious area within the classification field has been that of non-violent erotica, which has caused ongoing debate particularly related to film and video and, increasingly, online publication. However, there have also been some celebrated recent cases of banning of certain books (for example, those dealing with the practicalities

of voluntary euthanasia, or extreme erotica).

Various attorney-general departments in states and territories also been involved in some controversies involving the visual arts, such as that surrounding the exhibition of the Serrano work *Piss Christ* at the National Gallery of Victoria in 1997. The work, no stranger to controversy, initially sustained verbal attacks from various churches but was finally removed from display following by a physical attack on the work by two young men.

In 2009 the Federal Government introduced what are described as 'cyber-safety measures' which introduced mandatory ISP-level filtering of 'refused classification-rated content', and a grants program to assist ISP providers to block additional content when requested by households. This is part of an ongoing debate regarding internet censorship which has, at time, had trouble maintaining the balance between, in the Government's words, 'safety for families and the benefits of the digital revolution'.

http://www.dbcde.gov.au/online_safety_and_security/cybersafety_plan

Application of Code 4 of the Commercial Radio Codes of Practice to digital radio

Commercial radio in Australia operates under the authority of the Australian Communications and Media Authority (see section 4.2.6.1). The industry operates under a series of codes that deal with issues not part of the license conditions, through its arm Commercial Radio Australia.

Code 4 is described as implementing 'the object, set forth in the *Broadcasting Services Act 1992*, of promoting the role of broadcasting services in developing and reflecting a sense of Australian identity, character and diversity, by prescribing minimum content levels of Australian music'. This aspiration was converted into minimum quotas for the broadcast of Australian music on commercial free-to-air services, as set out in the code:

http://www.commercialradio.com.au/index.cfm?page_id=1170

However, a review of the code by Commercial Radio Australia in 2010 has proposed that the requirements will not apply to new digital services, and the Australian music industry has expressed concern that, given the move to digital and ultimate switch-off of analogue, this will be to the detriment of Australian music and to the original intentions of the Broadcasting Services Act. The revised code was approved by ACMA in July 2010.

6. Financing of culture

6.1 Short overview

There have been no significant changes in the public financing of culture in Australia, but rather a steady flattening of the budgetary allocations for operating funding from both federal and state authorities, occurring over a period of years. These have not been as a direct result of the global financial crisis, as has occurred in other countries but, rather as a result of governments trying to address the problem of growing government deficits, with resulting appropriations to arts agencies more often than not failing to keep pace with inflation.

The impact of the relatively small rate of increase in funding for major arts companies and cultural institutions in particular has seen a concerted attempt to engage corporate Australia in sponsorship. Figures from the Australia Business Arts Foundation found that corporate sponsorship rose by about 2 percent in 2008–9, despite the global financial crisis, to reach around AUD\$100m (76 euro), while private philanthropy rose to around AUD\$108m.

6.2 Public cultural expenditure

6.2.1 Aggregated indicators

In 2008–09 (the latest year for data provided by the Australian Bureau of Statistics) the three tiers of government – federal, state/territory, and local provided a total of AUD\$6,772.5m (euro 4,795.5m) funding for cultural activities.

In 2007–08 cultural funding corresponded to 1.5 percent of GDP. Figures for 2008–09 are not available.

In 2007–8 the share of cultural expenditure of the total public expenditure was 1.6 percent of total general government expenses.

6.2.2 Public cultural expenditure broken down by level of government

Table 1: Public cultural expenditure: by level of government, Year 2008–09

Level of government	Total expenditure in Australian dollars	Total expenditure in EUR [Oct/2010]	% share of total
Federal	2,584.5m	1,830.05m	38
State/Territory	3,033.7m	2,148.12m	45
Local	1,154.2m	817.271m	17
TOTAL	6,772.5m	4,795.50	100%

Source: Australian Bureau of Statistics *Cultural Funding by Government Australia 2008–09*

Total expenditure increased by 7.8 percent from 2007–08. The changes in distribution from 2007–08 are marginal, with local government increasing fractionally its percentage of the whole expenditure. This is probably due to the uptake of cultural engagement by local governments throughout the country.

6.2.3 Sector breakdown

Field/Domain/Sub-domain	TOTAL	
	in 1000	in %
I. Cultural Heritage	3,133.3	46.3
Museums and other cultural heritage	960.7	
Archives	237.2	
Libraries	1,124.9	
Intangible Heritage / Folk Culture	n/a	
II. Visual Arts	120.7	1.7
Fine Arts / Plastic Arts/Photography	115.6	
Design / Applied Arts	5.1	
III. Performing Arts	628.8	9.3
Music	119.3	
Theatre, Music Theatre, Dance	139.1	
Performing arts venues	241.2	
Other performing arts	129.2	
IV. Books and Press	50.1	0.7
V. Audiovisual and Multimedia	1,643.1	24.3
Cinema	238.2	
Radio and Television	1,392.8	
Multimedia	12.1	
VI. Interdisciplinary	n/a	
VII. Not covered by domain I-VI	1,196.5	17.7
TOTAL	6,772.5	100

Notes to the above: (i) The total provided in item VII above is largely consumed by 'environmental heritage' which the Australian Bureau of Statistics (ABS) includes under 'cultural funding'. (ii) Because of the grouping of activities by the Australian Bureau of Statistics, it is not possible to directly match some expenditures to the proposed headings, particularly under the heading 'interdisciplinary'. The ABS data does not provide a breakdown of the administrative expenditure on culture which is included in the category of 'other arts'. While this could to some extent be derived from departmental accounts, the spread of cultural expenditure across a range of departments at the federal and state levels (e.g. broadcasting, film, television), and the often-micro level of the expenditure, makes this a difficult and potentially inaccurate task. Likewise, cultural education is spread across many administrative areas and departments, state and federal, and is not specifically covered by the ABS data.

6.3 Trends and indicators for private cultural financing

Artsupport Australia

Artsupport Australia was established by the Australia Council to encourage philanthropy in the cultural sector. Its officers, based around the states and territories, provide advice to the cultural sector on philanthropy and work closely with philanthropists, trust and foundations to put them in touch with artists or arts organisations who may be seeking support for projects. It also provides advice to the corporate sector. Artsupport's website provides guidance to the cultural sector on issues to do with philanthropic gifts and taxation at a time when there has been considerable change in issues such as deductible gift status, the role of private trusts, and the like. It has also been an important avenue of advice for individual artists, particularly young artists, seeking support for career development. For further information see

http://www.australiacouncil.gov.au/philanthropy/artsupport_australia

Australia Business Arts Foundation (ABAF)

The Australia Business Arts Foundation was originally established as the Foundation for Culture and the Humanities, as part of the suite of initiatives established in the 1994 *Creative Nation* policy. Over time the work of that foundation focused more and more upon galvanising corporate sponsorship and philanthropy for the arts, and in the late 1990s discussions began about changing the name to focus this more clearly. ABAF works with both the business sector and the culture and arts sector to enhance connections and remove impediments to the establishment of funding partnerships. They provide a range of professional advice and professional development materials focused for both business and for the arts, and also undertake a role of highlighting publicly the strength of corporate giving to the arts in Australia but also the potential for this giving to increase.

ABAF is governed by a board, and has a council comprising representatives from over 70 leading Australian businesses. It receives its core funding from the Office for the Arts through the Cultural Development Program. For further information see:

<http://www.abaf.org.au/>

7. Public institutions in cultural infrastructure

7.1 Cultural infrastructure: tendencies and strategies

Public–private partnerships in the building of cultural infrastructure in Australia remain in the minority, with the establishment of infrastructure being seen as primarily the role of government. State governments tend to be the major players in the building and maintenance of cultural

infrastructure, with the Commonwealth only responsible for the establishment of national institutions, normally in the nation’s capital, Canberra, although the Commonwealth will often contribute to the cost of building new infrastructure within one of the states or territories. Conversely, in terms of virtual infrastructure, including public broadcasting, the Commonwealth is the major player (see section 4.2.6.1).

7.2 Basic data about selected public institutions in the cultural sector

Cultural institutions funded by federal or state authorities only.

Domain	Cultural institutions (subdomains)	Number (2010)	Comment
Cultural heritage	Cultural heritage sites (recognised)	44	Post European settlement national cultural heritage sites
	Museums (organisations)	9	7 state/territory; 2 national. Does not include local and community museums funded partially through local government
	Archives (of public authorities)	8	7 state/territory; 1 national official government archives
Visual arts	public art galleries / exhibition halls	9	7 state/territory; 2 national galleries; not including regional galleries
	Art academies (or universities)	30+	Over 30 universities and technical colleges belong to the Australian Council of University Art & Design Schools
Performing arts	Symphonic orchestras	9	The six professional state orchestras, plus two federally-funded pit orchestras plus the Australian Chamber Orchestra
	Music schools	23	23 music schools are members of the National Council of Tertiary Music Schools
	Music / theatre academies (or universities)	2	Victoria College for the Arts; West Australian Academy of Performing Arts
	Dramatic theatre	5	Official ‘state ‘theatre companies
	Music theatres, opera houses	8	State-funded performing arts spaces in all state/territory capitals
	Dance and ballet companies	6	Professional companies
Books and Libraries	Libraries	8	7 state/territory; 1 national. Most local authorities also maintain their own library
Audiovisual	Broadcasting organisations	2	Two national public broadcasters. State funding also goes to Indigenous broadcasting as described in 4.2.4 above

7.3 Status and partnerships of public cultural institutions

Australia's major national public cultural institutions include:

The National Library of Australia
<http://www.nla.gov.au/>

The National Gallery of Australia
<http://nga.gov.au/AboutUs/admin.cfm>.

The National Museum of Australia
<http://www.nma.gov.au/index.html>

Australian National Maritime Museum
<http://www.anmm.gov.au/site/page.cfm?u=1199>

National Archives of Australia
<http://www.naa.gov.au/>

National Film and Sound Archive
<http://www.nfsa.gov.au/>

The National Portrait Gallery
<http://www.portrait.gov.au/>

The Australian War Memorial
<http://www.awm.gov.au/>

Bundanon Trust
<http://www.bundanon.com.au/>

Museum of Democracy at Old Parliament House
<http://www.moadoph.gov.au/>

Questacon
<http://www.questacon.edu.au/> - canberra

All of these institutions receive their core funding from the Commonwealth Government and, while all have philanthropic programs in operation, the patterns of giving in Australia to cultural institutions, at both the federal and state levels, tend to focus on the donation of art or artifacts, or the funding of individual galleries/recital rooms and the like within the buildings, usually in exchange for naming rights. There is a continuing belief in Australia that it is the role of governments to fund capital infrastructure and core running costs for cultural institutions and, while governments speak increasingly of the importance of private philanthropy and corporate support for culture and arts, there is no evidence that the community at large has taken up the notion with any force of conviction.

8. Promoting creativity and participation

8.1 Support to artists and other creative workers

8.1.1 Overview of strategies, programs and direct or indirect forms of support

According to the Australian Bureau of Statistics (ABS) the 2006 census of Population and Housing found that there were approximately 296, 183 people whose main job was in a cultural industry in census week, in comparison with 299,266 for the previous census in 2001. The complete data on employment by segment within the cultural industry, with the percentage changes from 2001 to 2006 may be found on the ABS website at <http://www.abs.gov.au/ausstats/abs@.nsf/Products/8A74BF003124D29ACA2576550013CE21?opendocument>

In terms of support for individual artists in addition to strategies already discussed, such as the Resale Royalty Scheme, and support programs for Indigenous artists, the Australia Council and all state and territory agencies run grants programs for artists, usually on the basis of application and peer review. The most extensive programs are those offered by the Australia Council for the Arts but, because these are national schemes, they are also the most extensively subscribed, and success rates are often lower than 30 percent. Full details of the Australia Council's funding programs may be found at <http://www.australiacouncil.gov.au/grants>

The Australian Government maintains information on grant schemes that are available through Federal, State and local governments for all sectors of the community. The website Grantslink lists some 54 grants under 'Culture and Heritage', ranging from Australia Council and state government grant schemes, to international touring funding councils. The full list may be seen at <http://www.grantslink.gov.au/>

The funding of the major performing arts companies is also seen as a mechanism to provide employment for artists in the performing arts sector. A range of other bodies, including business or local government, also provide ad hoc grants for artists, often associated with commissions for public art.

In keeping with a 2007 election policy commitment to assist young artists, the Federal Government, through the Australia Council has initiated a new scheme known as ArtStart, for commencement in 2010. Under the scheme small grants are provided to recent arts training graduates as a contribution towards the costs of establishing themselves as professional artists. It is envisaged that the scheme will assist young artists to move more quickly to gaining employment or earning income from their practice.

There has long been concern in arts and education circles that Australia's education and training institutions graduate a lot of young artists who then struggle to establish a practice and make a living in the relatively small marketplaces in which they live. While on its own this scheme cannot address the problem it can, with complementary strategies to build demand for the work of artists, begin to make a difference.

8.1.2 Special artists funds

See above. In addition to these funds, dedicated funds exist for artists under an array of 'percent for art' schemes maintained by state and local governments throughout the country, which mandate that a percentage of the cost of a new or renovated building should be dedicated to public art to enhance that building.

8.1.3 Grants, awards, scholarships

See above. The Australia Council maintains a complete list of all its funding avenues available for artists, including fellowships, at

<http://www.australiacouncil.gov.au/grants>

Fellowships and scholarships are also available for artists through state and territory governments, universities, and some of the international council programs operating out of the Department of Foreign Affairs and Trade.

8.1.4 Support to professional artists associations or unions

The Australia Council supports a range of organisations whose role is to support and advocate for artists. Such organisations include the National Association for the Visual Artists (NAVA), AusDance, the Music Council of Australia, the Community Arts Networks of Western Australia and South Australia, the Arts Law Centre, Arts Access Australia, Multicultural Arts Victoria, and the like. The same, and similar, organisations may be supported by state branches of such organisations.

Industrially, actors are represented in the industrial arena by the Media, Entertainment and Arts Alliance (MEAA), which is affiliated with the Australian Council of Trade Unions and which grew out of amalgamations of traditional unions such as the Australian Journalists' Association and Actors' Equity. The Musicians' Union represents musicians; the Australian Writers' Guild is an industrial and professional organisation representing performance writers. Other writers are represented by the Australian Society of Author.

Live Performance Australia is the employer organisation in the performing arts sector; while the Screen Producers Association of Australia represents independent film and television producers and is affiliated with FIAPF (Fédération Internationale des Associations de Producteurs de Films).

8.2 Cultural consumption and participation

8.2.1 Trends and figures

The Australian Bureau of Statistics (ABS) provides regular overviews of cultural consumption and participation in Australia. A list of available reports is available on the ABS webpage *Arts and Culture in Australia: A Statistical Overview, 2010* at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/productsbytitle/B5DEC25B3155FC38CA2572FE007753AE?OpenDocument>

As may be seen, the reports include overviews of Participation and Attendance; Household Expenditure; Funding by Government and Business; Cultural Trade; Output of Cultural Industries; Tourism, and the like.

One of the most recent reports is *Participation and attendance* which looks at how people spend their time in relation to culture and the arts. The report, undertaken in 2006, contains the following extract:

Watching or listening to TV was found to be the activity which took up most people's leisure time. On a daily basis 87% of Australians Watched or listened to TV for an average of just under 3 hours (179 minutes), down slightly from the 1997 figure of 182 minutes. This means that in 2006, Australians aged 15 years and over spent a total of 42 million hours Watching or listening to TV each day.

Other activities on which Australians spent a large amount of time included Listening to the radio and Reading.

The Time Use Survey found that Visiting entertainment and cultural venues attracted about 4% of the population who spent on average about two hours (114 minutes) when they attended. The total time spent by all Australians on Visiting entertainment and cultural venues (1.3 million person hours per day) was similar to the time spent on Religious activities and Listening to records, tapes and CDs (1.3 million person hours per day and 1.1 million person hours per day respectively)

The full report, with statistical data, may be found at <http://www.abs.gov.au/ausstats/abs@.nsf/Products/50AF4D0592FC8E86CA2576550013B9FE?opendocument>

See also the *Cultural Ministers Council report on arts and culture in Australian life: A 2008 statistical snapshot* at http://www.culturaldata.gov.au/publications/statistics_working_group/australias_arts_and_cultural_sector

8.2.2 Policies and programs

Increasing access to arts and cultural activities is a recurrent theme in the policies of virtually all Commonwealth/State/Territory government (see also section 4.1). A number of programs designed to increase consumption and participation and consumption have already been mentioned in this profile, such as the Get Reading initiative (see section 4.3.2), and the Playing Australia and Visions of Australia schemes (see section 4.3.1). Two further strategies utilised extensively throughout the country are community arts initiatives and festivals.

Community arts initiatives

The Australia Council supports major community arts and cultural development projects through its creative communities partnership initiative that has been allocated new funding by the Federal Government of \$10m per year over four years. An important component of the scheme is the establishment of partnerships between arts organisations or artists and non-arts partners. It is also intended that the funded projects should have a life beyond the project. The council's guidelines state that the partnerships are intended to support 'opportunities for Australians to participate in meaningful arts and cultural activities in the places where they live, encouraging innovation and enhancing community wellbeing'. Local government has been a significant player in terms of applications for funding, and many local government authorities have their own community arts schemes that bring together practising artists and members of the municipality.

Festivals

Festivals have become an intrinsic part of Australia's cultural life, in regional areas as much as in the big metropolitan cities. Festivals Australia (see section 4.3.1) provides support for smaller-scale and theme-specific festivals across the country, as do state and local governments.

Such festivals are a major strategy for engaging members of the community with arts and culture, as well as enhancing participation of individuals within their community. Many of these festivals are run in large part by armies of volunteers, with relatively few of them having professional support for any extended period of time. The state capital cities all offer festivals on a bigger scale, and which feature a mix of Australian and international artists and companies. Established in 1953 the Perth International Arts Festival is the oldest continuing multi-arts festival in the southern hemisphere, followed by the Adelaide Festival in 1960. The original motivation for establishing both these festivals was to address the cultural isolation of their communities by bringing major international arts events to the cities while, in recent decades, there has been a growth in Australian content that sits side-by-side with that drawn from abroad. Sydney, Melbourne and Brisbane have subsequently established their own major international festivals, while Tasmania has established a unique festival entitled *Ten Days on the Island* that celebrates island cultures. All of the festivals are funded directly by their state governments and local councils with the exception of Perth, which is a part of the University of Western Australia and which receives its base funding from Lotterywest, the state lottery, the University, and the City of Perth.

The Federal Government runs, through the Australia Council, a program known as the Major Festivals Initiative that provides funding for co-commissioning between two or more of the major festivals. The commissions may include overseas partners as well. Some important new Australian works for stage and concert platform has been generated by this program.

Film festivals are also a longstanding part of cultural life. The oldest and largest film festivals are in Sydney and Melbourne. Dating from the 1950s they grew out of the strong film society movement of that time. All the mainland capital cities now have an annual film festival and these have been supplemented in recent time by a growing number of specialist and short film festivals in both the capital cities and in regional Australia. The Melbourne and Adelaide film festivals are also notable for the investment they make into production of films that are associated with the festivals. Of note also is the annual short film festival and competition, TropFest, which has grown over 15 years from a small local event in Sydney to a national event.

8.3 Arts and cultural education

8.3.1 Institutional overview

Education policy setting and funding are somewhat complex within Australia's federal system. The state and territory governments have the major responsibility for the management and administration of education in Australian schools and, as such, there has been a history of differing policies, curricula, accreditation, assessment, staffing policies, and the like. The Commonwealth Government has, with the states and territories, provided funding for each education system and, increasingly in recent years, for the fee-paying independent and Catholic education systems. Vocational education and training (VET) has traditionally also been funded by the Commonwealth and states, with responsibility for delivery resting with the states. However, during the years of the Howard Government, private training providers were given encouragement to set up in competition with the state-funded institutions.

In terms of the university system, the Commonwealth Government is the major funder of Australia's 37 public universities, even though most of Australia's universities are established under state acts, with states responsible for the overall accreditation of higher education institutions. There are also three private universities, and a growing number of branch colleges of overseas universities based in Australia.

8.3.2 Arts in schools

Eight key learning areas have been the focus of teaching in all Australian schools over the past decade, one of which is The Arts. Other subjects, such as design, are available as electives. In 2008–9 the Rudd/Gillard Government introduced a national curriculum for the first time in Australia, whereby all students will work within a standardised curriculum framework. The curriculum is being developed in stages over a period of years, with development of the national arts curriculum commencing in 2010 for final implementation in 2013. The Federal Department of Education Employment and Workplace Relations is responsible for overseeing the development of the national arts curriculum, which involves widespread consultation within the teaching and arts professions, as well as the state and territory education authorities.

In the wider cultural context, Indigenous perspectives will be written into the National Curriculum to ensure that all young Australians have the opportunity of learning about and respecting the cultures of Aboriginal and Torres Strait Islander peoples.

Outside the formal education policy area, arts education initiatives have been introduced by the federal and all state and territory governments, usually as partnerships between the education and arts agencies. At the federal level, the Artists in Schools program was an electoral commitment by the then-Labor Opposition, and was one of the earliest commitments to be funded by the new government.

Lying behind the new initiatives in arts education are two national reviews: the National Music Education Review (2005) and the National Review of Visual Arts Education (2008) http://www.australiacouncil.gov.au/research/education_and_the_arts/reports_and_publications/first_we_see_the_national_review_of_visual_education both of which identified significant gaps in provision of music and visual arts education in the school system, noted a decline in discipline-specific training in trainee teachers, a lack of systematic engagement of artists in schools and, at the same time, some outstanding case studies that could be emulated across the nation. The findings of these reviews enabled significant lobbying by arts and education groups to ensure that the arts were given a place in the national curriculum.

One issue that came up in both reviews was the desirability of having more artists working in Australian schools and this, as outlined in section 4.1, formed part of the policy framework for the Rudd/Gillard Government. The government has implemented, through the Australia Council and in collaboration with the states and territories, its Artists in Schools Initiative, and is currently undertaking a review of the scheme to evaluate its success.

8.3.3 Intercultural education

Australia's primary intercultural education policy is the National Aboriginal and Torres Strait Islander Education Policy which comprises 21 long-term goals, most of which deal with improving and enhancing the education of Aboriginal and Torres Strait Islander peoples. However, the 21st goal sets out '[T]o provide all Australians students with an understanding of and respect for Aboriginal and Torres Strait Islander traditional and contemporary cultures', and this significant instrument for increased intercultural understanding is reflected in the policies of all state and territory education authorities, whose governments committed to a plan to implement the policy at a Ministerial Council meeting of Ministers of Education in 1995. Details of the policy may be found at <http://www.dest.gov.au/archive/schools/indigenous/aep.htm>

8.3.4 Higher arts education and professional training

In 1989, changes in the Australian higher education system saw a range of specialist arts training organisations, such as conservatoria and drama schools, incorporated in the new Unified National System of higher education, usually through mergers or affiliations with universities. Australian universities now house a range of arts schools and departments, with disciplines ranging from the traditional university pursuits of musicology, composition, visual art history and museology, to new emerging disciplines in the digital arena. In 2009 9.4 percent of all commencing students in the higher education system were enrolled in creative arts courses, an increase of 15.9 percent on 2008.

8.3.4.1 Research: The Australian Research Council (ARC)

The ARC is a statutory authority within the Federal Government's research portfolio, currently positioned within the Department of Innovation, Industry, Science and Research. It provides advice to the government on matters related to research, represents Australia internationally on a range of governmental research agendas, and runs the principal non-clinical national competitive grants scheme for the university and research institution sectors.

One of the grants schemes, the Linkage Grant Scheme, supports projects that bring together a research partner from within a university or research institution, and an industry partner from outside the higher education system. The term 'industry' is interpreted broadly to include not-for-profit organisations or institutions such as museums, peak bodies, architectural practices and the like. The Australia Council and the Australian Broadcasting Corporation have also undertaken partnerships with universities under this scheme. Characteristic of these is one that investigated the use of public space for cross-cultural big screen events, which is a partnership between Melbourne's Federation Square, the Art Centre Nabi in Seoul and the Australia Council with research being undertaken by the University of Melbourne and the Australia Council. The Australia Council is currently involved with twelve linkage projects under this scheme.

In 2010 the creative and performing arts, together with design, joined all other university disciplines in undergoing a review of research performance, as part of the Excellence in Research Australia (ERA). Considerable work went into establishing criteria that would determine research outputs and research outcomes in the arts and cultural sectors that are both assessable and replicable across the system, and there were very positive outcomes for some Australian performing and creative arts schools. For information on ERA see <http://www.arc.gov.au/era/faq.htm>

Within the Australian higher education system there are some 200 museums and collections, ranging from natural science, visual art, and Indigenous collections to specialist collections of medical specimens. A Council of Australian University Museums and Collections works under the auspices of Museums Australia to further the development of these museums through provision of information and advocacy to university managements, and general facilitation for the sector. In 2005 the government initiated a report on the state of Australian university museums and galleries which can be found at http://www.collectionsaustralia.net/sector_info_item/22

8.3.4.2 National professional training institutions

In addition to the arts schools and departments of the 37 public and three private institutions in the higher education system that receive their base funding on the basis of formulae initially determined by the Federal Department of Education Employment and Workplace Relations, there is another group of training institutions that have remained independent of the university system and which are funded through the Office for the Arts. These are:

The Australian Ballet School (ABS) was established in 1962 as a national school for elite training in classical dance, with the aim of seeing its graduates move into the Australian Ballet or other top international dance companies. See <http://www.australianballetschool.com.au/>

The Australian Film Television and Radio School (AFTRS) commenced operations in 1973 and provides advanced training in screen arts and broadcasting, for students wishing to move into cinematography, directing, editing, documentary-making, screenwriting, digital media, producing, costume design, production design, animation, television, screen composition, sound design and radio. See <http://www.aftrs.edu.au/>

The Australian National Academy of Music (ANAM) is a national performance-based training institution that brings young musicians from around the country for an intensive year-long program of study with teachers from Australia and abroad. Established as part of the Creative Nation policy framework, ANAM was subject to Federal Government review, both formally and informally, over a period of some two years, with threats of withdrawal of federal funding being made by the new Minister for the Arts, Peter Garrett. This has resulted in some significant changes at ANAM and the situation appears to have stabilised for the organisation, partly as a result of establishing a close alliance with the University of Melbourne and of developing stronger links with other tertiary music schools, and partly through a revamped governance structure. See <http://www.anam.com.au/>

The Australian Youth Orchestra (AYO), which developed from Australia's first National Music Camp in 1948, has as its focus the training of young pre-professional musicians (ages 12–30) drawn from across Australia at a series of specialised music camps, tours, and other development opportunities. The AYO also works to develop young composers and conductors and has played an important role over many years in the developing of the next generation of orchestral players, conductors and of composers. See <http://www.ayo.com.au/Content/Page.aspx?CID=1>

The Flying Fruit Fly Circus, founded in 1979, is Australia's only full-time circus training institution for young people that offers an elite full-time program for school-aged children and provides professional performance and touring opportunities for young circus artists. See <http://www.fruitflycircus.com.au/about-us>

The National Aboriginal and Islander Skills Development Association (NAISDA) Dance College arose from the flourishing of contemporary Australian Indigenous dance from the 1970s. The first formal year-long training in dance for Indigenous students rapidly saw the emergence of a touring arm, the Aboriginal and Islander Dance Theatre (AIDT), that performed both nationally and internationally. While several Indigenous dance organisations – most notably Bangarra Dance Theatre – grew out of this period of development in Indigenous dance, NAISDA evolved from the skills training side of the program. NAISDA will accept for audition any Indigenous dancer from between the ages of 18 and 30 for its four-year diploma. See <http://www.naisda.com.au/>

The National Institute of Circus Arts (NICA) was established at Swinburne University of Technology and in 2001 had its first intake of degree students for the Bachelor of Circus Arts, with over 100 people applying from all over Australia for its 23 places. Funded primarily through DEWHA, NICA graduated its first cohort of graduates in 2003 and continues to attract interest from young Australians in its courses. See <http://www.nica.com.au/>

The National Institute of Dramatic Art (NIDA) is Australia's centre of excellence for training in theatre, film and television. In addition to acting, NIDA also offers courses in cognate disciplines such as lighting, sound, scenery construction, costume making, stage management, and the like. Graduates from NIDA comprise some of Australia's best-known actors and directors both nationally and internationally. See <http://www.nida.edu.au/>

8.3.5 Basic out-of-school arts and cultural education

Out-of-school arts education ranges from music lessons provided by studio teachers, many of whose students study for the Australian Music Examinations Board grade exams, or their international equivalents, to visual art programs sponsored by the major state and Commonwealth institutions such as the Portrait School run by the National Portrait Gallery. Most of the major performing arts companies also offer education activities both within and outside school hours, such as the STC ED program offered by the Sydney Theatre Company for both students and teachers. One of the most significant out-of-school programs is that offered by the Australian Youth Orchestra for young musicians (see section 8.3.4.2 above) and its state-based equivalents.

8.4 Amateur arts, cultural associations and civil initiatives

Specific data on amateur arts in Australia is difficult to obtain, the emphasis having been, for a long time, on funded production and participation in funded activities. More information is available about volunteering in the cultural sector, which is picked up through periodic surveys by the Australian Bureau of Statistics. An ABS Voluntary Work Survey of 2000 was made the basis of the report *Australia's Cultural Volunteers 2000* published by the Cultural Ministers Council and available at

http://www.culturaldata.gov.au/publications/statistics_working_group/cultural_participation.

The report indicated that:

Australians gave their time to a wide range of organisations. Those organisations categorised as 'sports and physical recreation', 'education, training and youth development' and 'community and welfare' were the most popular, with each of these receiving help from about one million people aged 18 years and over in 2000. By comparison, 280,200 people (about 2% of the population) undertook voluntary work for 'heritage and arts' organisations...

In terms of people engaging with the arts as amateurs, the Australian Bureau of Statistics collected some data on a limited set of cultural hobbies (art and craft, writing and music) in the 2007 survey of *Work in Selected Culture and Leisure Activities*.

For the purposes of the survey a hobby was defined as an activity that was undertaken only for oneself or for family or friends, that is, the output was not for general consumption.

The survey showed that there were 2.1 million people aged 15 years and over in Australia who were involved in art and craft as a hobby activity only. This is down from 2.5 million people in 2004. The survey also showed that there were 356,900 people involved in writing as a hobby only and 265,000 involved in music as a hobby only. This is up from 317,200 and 158,700 respectively in 2004.

In most states and territories there are community arts networks that support arts in the community, whether by professionals or amateurs. The strongest of these are arguably those in South Australia and Western Australia. Further details may be seen at <http://www.cansa.net.au/> and <http://www.canwa.com.au/>

The Association of Community Theatre operates outside the funded or commercial theatre arena but, as its website illustrates, it has over 300 members from small theatre organisations around the country. See http://www.showline.com.au/html/community_theatre.html

There is a wide range of community arts centres in Australia, supporting the efforts of amateur and professional artists in their regions. Again, little data is available on the work of these centres in a consolidated form, although many of the centres have websites that describe the activities of their own centre.

9. Sources and links

9.1 Key documents on cultural policy

Australian Government, *Creative Nation. Commonwealth Cultural Policy, October 1994* at <http://www.nla.gov.au/creative.nation/contents.html>

Bennett, T., Spearritt, P. and Throsby, D (eds), "Cultural Policy in Australia" in *Culture & Policy* vol.8, no.1 (Cambridge: Cambridge University Press, 1997)

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Cunningham, S. *Framing Culture: Criticism and Policy in Australia* (Sydney: Allen and Unwin, 1992)

Eltham, B. and Westbury, M. *Cultural Policy in Australia*, online forum at <http://morethanluck.cpd.org.au/sharing-the-luck/cultural-policy-in-australia/>

Stevenson, D. *Art and Organisation: Making Australian Cultural Policy* (Brisbane: University of Queensland Press, 2000)

Throsby, D. *Does Australia Need a Cultural Policy* (Sydney: Currency House, 2006)

9.2 Key organisations and portals

Cultural Policy Makers
Office for the Arts, Department of the Prime Minister and Cabinet
<http://www.arts.gov.au/>

Australia Council
<http://www.australiacouncil.gov.au/>

Arts New South Wales
<http://www.arts.nsw.gov.au/>

Arts Victoria
<http://www.arts.vic.gov.au/Home>

Arts Queensland
<http://www.arts.qld.gov.au/>

Arts SA
<http://www.arts.sa.gov.au/site/page.cfm>

Arts Tasmania
<http://www.arts.tas.gov.au/>

West Australian Department of Culture and the Arts
<http://www.dca.wa.gov.au/>

artsACT
<http://www.arts.act.gov.au/pages/index.asp>

Arts NT
<http://www.nt.gov.au/nreta/arts/artsnt/index.html>

Cultural research, advice and statistics
Australian Bureau of Statistics
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/productsbytitle/B5DEC25B3155FC38CA2572FE007753AE?OpenDocument>

Cultural Ministers Council
http://www.culturaldata.gov.au/publications/statistics_working_group/australias_arts_and_cultural_sector

Key organisations
Australia Business Arts Foundation
<http://www.abaf.org.au/>

Australian Broadcasting Corporation
<http://www.abc.net.au/>

Australian Major Performing Arts Group
<http://www.ampag.com.au/>

Australian Parliamentary Library
<http://www.aph.gov.au/library/>

Museums Australia
<http://www.museumsaustralia.org.au/site/index.php>

Note: The former government cultural portal was closed in 2010 but can still be accessed for archival purposes on <http://www.cultureandrecreation.gov.au/>