AUSTRALIAN MAJOR PERFORMING ARTS GROUP

Mr Stephen Palethorpe
Committee Secretary
For the attention of:

The Hon. Sterle
Chair
Senate Standing Committees on Rural
and Regional Affairs and Transport
rrat.sen@aph.gov.au

10 April 2013

Dear Senator,

Thank you for the opportunity to comment on the Australia Council Bill 2013, which is currently the subject of inquiry by the Senate Standing Committees on Rural and Regional Affairs and Transport.

AMPAG, established in 1999, is the peak body for Australia's major performing arts companies and by default for the wider cross section of the subsidized small to medium performing arts industry. Our core membership comprises 28 not-for-profit companies ranging in size from Opera Australia and the Sydney Symphony Orchestra to mid-sized companies like the Australian Chamber Orchestra and Queensland Theatre Company and smaller ones such as the West Australian Ballet and State Theatre Company of South Australia—see Appendix A. At last month's launch of *Creative Australia*, the then Minister for the Arts, the Hon. Simon Crean, announced his intention to introduce 'a new act for the Australia Council, to update and clarify its purpose and provide a clear legislative mandate for future activity', and to 'modernise the Australia Council's governance structure to make sure its planning and corporate structures reflect its size and importance in Australia's arts sector'.

AMPAG supports in general terms the restructure of the governing board of the Australia Council to ensure it has the appropriate business and governance skills to manage risk—see Appendix B. The proposed changes reflect the recommendations of the Australia Council Review conducted by Gabrielle Trainor and Angus James in May 2012. The review affirmed the inaugural Chair Mr H.C 'Nugget' Coombs' original vision for the Australia Council as relevant today, but recommended that the Council's enabling legislation be modernised so that the governance of the Australia Council allows it to better respond to the industry's dynamic needs.

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Recommendation—advisory committees

However, we believe that the council must continue to draw and rely on specialised advice on art forms and the MPA companies for administration of grant funds and development of sector strategic direction.

AMPAG has viewed the legislation and the accompanying explanatory memorandum. The legislation allows the Australia Council Board to create an advisory committee with similar responsibilities and powers to that of the current major performing arts board (MPAB) but it is not mandatory for the Board to create such a committee. Our support for the reforms is contingent on such an entity being created.

Recommendation—tied funding

AMPAG supports the Australia Council Bill 2013 on condition that Clause 10-3 operates concurrently with clause 12-2 in so far as it relates to MPA base funding allocation. Base funding to the major performing arts companies is provided by the Minister, as negotiated within the tripartite agreements between the company, the Australian Government and the relevant state government. We believe tied funding such as this must continue for the companies to be able to be sustainable and engage in long-term planning, audience development, community engagement and support of new artists.

> 10(3) Despite anything contained in this Act, any money or other property held by the Council on trust, or accepted by the Council subject to a condition, must be dealt with in accordance with the obligations of the Council as trustee of the trust, or as the person who has accepted the money or other property subject to the condition.
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> 12(2) The Minister must not give a direction in relation to the making of a decision by the Council, in a particular case, relating to the provision of support (including by the provision of financial assistance or a guarantee).

Recommendation—Indigenous culture

We understand the need for the legislation to avoid specificity so that it can be responsive and applicable in diverse circumstances. However, we believe the Australia Council Bill 2013 should recognise our Aboriginal and Torres Strait Islander cultures, given the special place that they hold in the cultural fabric of our nation and their unique position as the world's oldest, continuous living culture.

Yours sincerely

Bethwyn Serow
Executive Director

Appendix A: List of AMPAG Member Companies & their location

Adelaide Symphony Orchestra	South Australia
Australian Brandenburg Orchestra	New South Wales
Australian Chamber Orchestra	New South Wales
Bangarra Dance Theatre	New South Wales
Bell Shakespeare	New South Wales
Belvoir	New South Wales
Black Swan State Theatre Company	Western Australia
Circus Oz	Victoria
Malthouse Theatre	Victoria
Melbourne Symphony Orchestra	Victoria
Melbourne Theatre Company	Victoria
Musica Viva Australia	New South Wales
Opera Australia	New South Wales
Opera Queensland	Queensland
Orchestra Victoria	Victoria
Queensland Ballet	Queensland
Queensland Symphony Orchestra	Queensland
Queensland Theatre Company	Queensland
State Opera South Australia	South Australia
State Theatre Company of South Australia	South Australia
Sydney Dance Company	New South Wales
Sydney Symphony	New South Wales
Sydney Theatre Company	New South Wales
The Australian Ballet	Victoria
Tasmanian Symphony Orchestra	Tasmania
Western Australian Ballet	Western Australia
West Australian Opera	Western Australia
West Australian Symphony Orchestra	Western Australia

Appendix B: A Joint Statement in Support of the Australia Council Bill 2013

At the launch of Creative Australia last week, The Hon Simon Crean, Minister for the Arts, announced his intention to introduce "a new act for the Australia Council, to update and clarify its purpose and provide a clear legislative mandate for future activity", and to "modernise the Australia Council's governance structure to make sure its planning and corporate structures reflect its size and importance in Australia's arts sector."

The Australia Council Bill 2013 will be introduced to Parliament this Wednesday 20 March 2013.

Collectively, the organisations below represent the united performing arts industry in Australia, including major performing arts companies, the small-to-medium sector, commercial and independent producers, contemporary music promoters, touring coordinators, performing artists, and venues from metropolitan, rural and regional Australia.

Our support for the reforms is given on the understanding that a strong and robust arm's length, peer-assessment process for all funding decisions will continue. The proposed changes reflect the recommendations of the Australia Council Review conducted by Gabrielle Trainor and Angus James in May 2012.

The review affirmed the inaugural Chair Mr H.C 'Nugget' Coombs' original vision for the Australia Council as relevant today, but recommended that the Council's enabling legislation be modernized so that the governance of the Australia Council allows it to better respond to the industry's dynamic needs.

Endorsed on 18 March 2013 by:

Live Performance Australia

APACA Australian Performing Arts Centres Association

AMPAG

theatre network victoria

PATA Performing Arts Touring ALLIANCE

REGIONAL arts AUSTRALIA

equity