Australia Council Amendment Bill 1988

Date Introduced: 25 May 1988
House: House of Representatives
Presented by: Hon. Gary Punch, M.P., Minister for the Arts and Territories

Digest of Bill

Purpose

To amend the Australia Council Act 1975 (the Principal Act) to give the Minister power to give general policy directions to the Australia Council (the Council); and to alter the membership of the Council and its Boards.

Background

In 1975, the Government established the Council as a statutory authority to formulate and carry out policies aimed at raising the standard of the arts in Australia. The Council has a membership of fourteen part-time members plus a full-time General Manager. Members of the Council are appointed by the Governor-General and include a number of persons who practise, have practised, or are associated with the arts.

Subordinate to the Council are eight art-form Boards. Board members are appointed by the Minister and a majority of Board members must be persons who practise the arts or are associated with them. The eight art-form Boards are responsible for Aboriginal arts; community arts; crafts; design; literature; music; theatre; and visual arts. The Boards develop policy and administer grants for their respective art-form under powers delegated by the Council. The Commonwealth Government assigns a single annual appropriation to the Council for support of arts activities. Appropriations for the Council in 1986–87 totalled $49.73 million. The Council allocates this amount among the Boards, central programs and administration.

Government control over Council policy is relatively limited. Although the practice has generally not been for Ministers to provide the Council with specific directions, the Principal Act provides the Minister with powers to direct the Council in the exercise of its delegations (i.e. how and when the Council may delegate its powers to a Board, a Committee or a Council officer), and to approve the form and content of the Council’s estimates of expenditure.

In September 1986, the Report of the House of Representatives Standing Committee on Expenditure Inquiry into Commonwealth Assistance to the Arts (the McLeay Report) was released. The main recommendations of the McLeay Report were that communication links between the Minister and the Council should be clarified, and that membership of the Council and boards be broadly based to reflect public interest.
Main Provisions

Community interest representative is defined in clause 2 to be a person who is not a professional artist and whom, in the Minister's opinion, understands, the interests of the general community in relation to the arts.

Clause 3 will insert new sections 6A and 6B into the Principal Act. Proposed section 6A provides that the Council, in the performance of its functions, is to have regard to the arts policies of Commonwealth and State Governments, and to any matter the Minister specifies. Proposed section 6B provides that the Minister may, if satisfied that it is desirable in the public interest to do so, give directions to the Council with respect to the performance of its functions or the exercise of its powers. Proposed sub-section 6B(4) provides that the power of Ministerial direction is not to apply to decisions of the Council with respect to individual grants, the lending of money or the provision of a scholarship or other benefit.

Clause 4 will amend section 9 of the Principal Act to remove the requirement for two Commonwealth Government officers to be members of the Council and to allow for appointment of members representing the general community interest.

Clause 10 will amend section 20 of the Principal Act to provide for the establishment of a special co-ordinating Board.

Clause 11 will amend section 22 of the Principal Act to provide that the Minister may appoint the Chairperson and members of the Council, and the Chairpersons and members of Boards, to the new co-ordinating Board created under clause 10. Clause 11 also provides that Boards are to have at least one community interest representative. In selecting persons to be appointed as members of a Board, the Minister will be required to give consideration to Council advice on Board appointments.

Clause 14 will amend section 34 of the Principal Act to require Ministerial approval to enter into contracts of more than $100,000.

References


For further information, if required, contact the Education and Welfare Group.

20 October 1988

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