To amend the Australia Council Act 1975 so as to alter the structure and functions of the Australia Council.

Provisions and Background

Clauses 3 and 4 remove from the Council's responsibilities the operation of the Public Lending Right Scheme. This scheme is to be transferred to the Department of Home Affairs because its scope extends far beyond the field of literary and artistic publications.

Clause 6 reduces the number of members of the Council from between 15 and 19 to between 10 and 14. Under the existing Act, the Chairman of each of the Council's seven Boards is a member of the Council. Clause 6 provides that such number (not being less than 2) of these Chairmen may be appointed to the Council as the Governor-General thinks fit. Other persons (not less than 4) who practise or who have practised a craft, literature, one of the performing arts or one of the visual arts, or who are associated with the arts in some way may, as the Governor-General thinks fit, be appointed to the Council. Clause 6 also provides that the Chairman of the Council may be appointed either as a part-time or a full-time member, while other members shall be part-time. (At present the Chairman must be part-time). In these matters, under clauses 22, 23 and 24, current members of the Council shall continue their terms of office under the existing provisions of the Act.

Proposed new sub-section 11(4A) provides that a person who is 69 years old shall not be appointed or reappointed as a full-time Chairman of the Council, and a person shall not be appointed or reappointed as a full-time Chairman of the Council for a period which extends past his 65th birthday.

Proposed new sub-section 11(4B) provides that a member of the Council who is Chairman of a Council Board
holds office until he ceases to be Chairman of the relevant Board.

Proposed new section 12 enables the Minister to grant leave of absence to a full-time Chairman of the Council on such terms and conditions as the Minister determines.

Clause 9 replaces the existing section 14 with a new section 14 in which more detailed provisions are set out relating to the termination of the appointment of a member of the Council by reason of misbehaviour or physical or mental incapacity.

Proposed new sub-sections 20(2), (3) and (4) insert a procedure for revoking the establishment of a Board of the Council and for terminating the membership of that Board.

Proposed new sub-section 21(3) enables the Council to direct a Board in connexion with its functions, including a direction to act or refrain from acting as specified.

Clause 14 repeals section 25 under which the Board could grant leave of absence to a member upon such terms and conditions as the Board determined.

Proposed new section 36A provides that the Council may invest in a specified manner any of its moneys which are not immediately required.

Proposed new section 41AA provides that a person who is both a member of the Council and the Chairman of a Board shall be entitled to remuneration in respect of each office.

24 June 1980

Education and Welfare Group
LEGISLATIVE RESEARCH SERVICE