

DRAFT SECOND READING SPEECH

HON. WILL HODGMAN MP

Cultural and Creative Industries Bill 2017

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Madam Speaker

I move that the Bill now be read a second time.

The Tasmanian Government is a strong supporter of the Arts and is focused on implementing best practice models for funding, governance and legislative arrangements.

We are committed to ensuring Tasmania's cultural and creative sector thrives long into the future and remains a dynamic and vibrant part of who we are.

Our cultural sector is a major contributor to the Tasmanian brand, it is a growing and important part of our economy, employing people and attracting people to our state.

With our cultural industries becoming increasingly important drivers of our economy, the Tasmanian Government is realigning the institutional arrangements to create, foster and develop the sector to ensure appropriate governance.

This will ensure that Tasmania's key public arts and cultural organisations, artists and screen practitioners can operate effectively to meet challenges, build on their strengths, and nurture a vibrant, productive arts and cultural sector.

To that end, the Government, as part of its first *365 Day Plan*, undertook a legislative and governance review of the arts sector to ensure Tasmania's arrangements are contemporary and positioned to meet current and future challenges.

Following consultation with the sector, two principles stood out. The provision of whole of industry advice to Government and the retention of an independent, peer assessment process underpinning the provision of funding to the sector.

In December 2015, the Government released the *Cultural and Creative Industries Strategy*, which sets out a framework for growing the cultural and creative industries in Tasmania.

One of the actions outlined in the Strategy was to implement the outcomes of the legislative and governance review of the Tasmanian Arts Advisory Board and the Screen Tasmania Advisory Board.

We are now at the pointy end of this process and this Bill implements the recommendations to improve the governance and funding advisory structures.

Importantly, the Bill provides that the fundamental principle of peer assessment is reinforced in a statutory framework.

Further to the public consultation relating to the reviews that I have mentioned previously, targeted stakeholder roundtables were also conducted on the particulars of the Bill currently before the House.

Four independently-facilitated roundtables were conducted across the State, in Burnie, Devonport, Launceston and Hobart. These roundtables were well attended and a variety of views were heard. I thank all stakeholders for their time in attending these roundtables and for their valuable insight and expertise.

Additionally, the Tasmanian Arts Advisory Board and Screen Tasmania Advisory Board were consulted separately and amendments were made to the Bill following all of these discussions.

Madam Speaker, this Bill will reform current institutional arrangements, particularly for the Tasmanian Art Advisory Board (TAAB).

The Tasmanian arts sector has been well served by the Tasmanian Art Advisory Board since its inception in 1975. The TAAB has been long-standing in establishing programs of support for the arts in Tasmania and in providing advice to government on arts funding and policy matters.

I would like to take this opportunity to acknowledge the time and effort of those who have served on the TAAB during the more than forty years of its operation.

Madam Speaker

Put simply, the current funding arrangements for this sector are cumbersome, out of date and administratively complex. It is now time to bring these arrangements into a more modern framework.

Whilst every other State jurisdiction in Australia makes arts funding decisions through some form of peer assessment, Tasmania is the only one to continue to operate this function under legislation.

The current process is burdensome, particularly for applicants and brings with it a range of inefficiencies and missed opportunities, including a strategic approach when it comes to advice to the responsible Minister and cooperation within this comparatively small sector.

Further, the nature of this historically arts-based structure has worked against an understanding of the evolving character of the sector and its strong connections across multiple facets and differing sectors within our community.

Madam Speaker

It is the intent of this Bill and of the Government to streamline and clarify this process and make it easier for artists, producers and organisations to apply for support in Tasmania.

Several issues are central to this process. Firstly, grants will remain peer assessed. This is a critical part of good decision-making in the sector and enshrining this in legislation will ensure greater transparency and accountability.

Secondly, it is the Government's intention to implement an independent advisory body to ensure the Minister receives information and advice on a whole of industry basis.

The proposed Ministerial Advisory body will see better coordination across the industry and provide a sounding board for new ideas.

Madam Speaker, the Government recognises that there is a need for it to solicit broad, strategic advice on the challenges, risks, and opportunities for the cultural and creative sector as a whole.

That advice needs to encompass the diverse nature of the sector and a variety of views to continue to provide considered, informed, long-term thinking for the development of the sector.

This Council, appointed by the Minister, would have a clear Terms of Reference, to provide the cultural and creative sector, and the Tasmanian government, with a cohesive, collaborative and contemporary advisory structure for the future development of cultural policy.

To be clear, the Ministerial Council is to be directly decoupled from the funding assessment processes that are given formal structure by this Bill.

Madam Speaker

The modernisation of cultural and creative industries governance will also impact on the operations of Arts Tasmania and Screen Tasmania.

It will also allow for a clearer distinction between policy and strategic direction, and the management of financial and non-financial support for the sector.

It is the goal of this body to help the Government shape and understand the sector's complex relationship and needs. To enable the cultural and creative industries to evolve and flourish into the future with the support it needs.

As a Government, we are focused on reducing the administration burden on the Arts and Screen sectors. We need to make it simpler for people to apply for funding and to encourage applications, not inhibit them.

I would like now to turn to specific provisions of the Bill.

Consistent with current legislative arrangements, the Bill provides that it is the Minister who is the ultimate decision maker and who approves the provision of assistance to the sector.

In addition, the Bill recognises the need for flexibility and to ensure efficiency in the decision making processes. To enable this, the Bill allows for the Minister to delegate that power to officers or employees employed under the *State Service Act 2000*.

Madam Speaker, the Bill provides for responsibility to approve funding programs to rest with the Minister.

Those programs are required to be developed by the Secretary or delegate and the Secretary will submit those programs to the Minister for approval.

Madam Speaker in some certain circumstances, it may not be efficient or practical, for every application under a funding program to be assessed by an expert panel.

Flexibility is important and it may be more reasonable for some programs to be assessed without the need for a panel to be established, with approval from the Minister.

Applicants will be aware when they seek to apply for assistance under an approved program what the assessment process for that funding program will be. It is the intent of this Bill to set a high bar for when applications will not be assessed by an expert panel.

The Minister may also expressly require assessment of applications by an expert panel, regardless of contrary advice.

The Minister is also responsible for appointing a register of experts.

These experts must be experienced, qualified and well respected within their particular fields and in general by the industry. The register may also contain persons who have specific technical knowledge that would assist panels undertake tasks associated with the assessment of applications and the provision of recommendations to the Minister.

This is likely to occur when elements of an application sit outside the traditional arts, screen or cultural knowledge.

Importantly, there will be one single register to encompass the entirety of the cultural and creative industries sector. This provides much-needed flexibility in convening panels to assess applications which may involve, for example, live performance or an emerging film technique.

The responsibility for establishing expert panels will be undertaken by the Secretary. Panels could be ad-hoc or standing, depending on the requirements of the program for which they are assessing applications.

The intent of these arrangements would allow the Secretary to appoint a single, standing panel for Screen Tasmania's program, reflecting the relatively small number of applications, whilst also allowing the panel arrangements for Arts Tasmania's programs to be structured in a different way according to the needs of that part of the sector.

Panel members will be entitled to appropriate remuneration and payment for expenses incurred for their roles as panel members. The Secretary will determine those remuneration levels.

A panel will be required to assess applications based on merit and in accordance with the criteria of the approved program.

The Bill also requires panel members not to be appointed where they have a conflict of interest in relation to an application, and provides protection in terms of liability for acts undertaken in good faith when performing their responsibilities as panel members.

Madam Speaker, to reinforce the independent peer assessment, the Bill provides clear protections for the independence of panels in providing recommendations on the provision of assistance under funding programs.

The intent of the Bill is to ensure that a panel is the only body that can formulate and determine the recommendations that are to be provided to the Minister. Therefore, no other person can step in and influence, direct, control or alter those recommendations.

As is current practice, the Bill also ensures there is administrative support for the panels.

In addition, as a last resort mechanism, should a panel be unable to provide a recommendation or unable to discharge its functions, it can resolve to refer the matter back to the Secretary of the Department for a determination.

Madam Speaker, the purpose of this Bill is to put in place modern funding mechanisms and assessment processes to ensure Tasmania's creative industry is well supported.

The Bill strikes the right balance to enshrine the principle of independent peer assessment with flexibility to ensure that processes are efficient and decisions can be made in a timely manner.

It will provide Arts Tasmania and Screen Tasmania with the tools and ability to do what they do best – supporting and nurturing Tasmania's creative industry.

The Tasmanian Government is a strong advocate for the removal of duplication and red-tape.

The government's focus is on supporting our creative industries and providing the best outcomes.

With a modern funding and legislative framework the industry will be sustained and further cement Tasmania's reputation as a cultural and creative hub.

I commend the Bill to the House.