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The Hon Simon Crean MP

Minister for the Arts

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Review of the Australia Council for the Arts 2012

We congratulate Gabrielle Trainor and Angus James, who have chaired the Review of the Australia Council, on their report and its far-reaching recommendations for the Australia Council for the Arts (**the Council**). We are in support of the thrust of many of the recommendations, and assume following further consultation they should be able to be crafted so the Council will be well placed to meet the needs of the Australian arts industry as it adapts to an increasingly converged environment.

Our key areas of interest are the publishing and visual art industries. The Copyright Agency Cultural Fund, which currently distributes around \$2 million per year operates in sectors currently covered by the following Australia Council artform Boards – literature, visual arts, theatre and ATSI.A.

About Copyright Agency

Copyright Agency is a member-owned, not-for-profit organisation founded by Australia's authors and publishers in 1974. We now have more than 20,000 members, who include writers, artists and publishers.

We have been appointed by the Australian Government to manage the statutory licence scheme in the Copyright Act that enables educational use of content in return for fair payment to content creators, and a similar scheme for government use. We also offer licences, as agent for our members, for other uses of text and images, such as corporate use.

In addition, we were appointed by the Australian Government in 2010 to manage the new artists' resale royalty scheme.

We pay the licence fees we collect to the rightsholders whose content has been used. In 2010–11, this totalled more than \$121M. Our members have authorised us to allocate 1.5% of licence fees for cultural purposes, which supports a range of projects assisting writers, artists and publishers. Many of the projects also assist educational and cultural institutions.

We have recently reviewed the guidelines for the Copyright Agency Cultural Fund – attempting to address the concerns of artists working in the increasingly converged digital environment, and to clarify and make more transparent our grant making processes.

Purpose

We note the recommendations in this area and take them (including the proposed purpose) as a starting point for discussion with stakeholders which will lead to more fully articulated and calibrated description of key strategic objectives and performance indicators for the Council.

Relationship with other Arts Agencies

Copyright Agency welcomes any amendment which will clarify the role of the Council as opposed to other Government bodies. In particular, Copyright Agency supports any measure which will decrease duplication of activities and maximise the reach of funding for the arts.

Copyright Agency supports the amalgamation of Artsupport and ABAF and that this amalgamated area be run from within the Council.

The Australia Council's Role in Advocacy/ Policy for the Arts Community

Copyright Agency welcomes recommendations which would see the Council playing a central role in advocating for legislative and other measures which will nurture and sustain a vibrant Australian arts sector.

Funding Requirements

Copyright Agency thoroughly supports the recommendations relating to research and advocacy – the collection and analysis of such data will inform industry and government about the role of the arts in Australia.

Copyright Agency acknowledges that support for the arts will need to come from various sources and be delivered in various ways. The role played by the amalgamated Artsupport and ABAF in bringing the non-government sector and the arts into partnership will enable a diversity of projects to be supported.

In addition, the Council going into commercial partnership arrangements with applicants – through loans and fund-matching arrangements – is welcomed by Copyright Agency as a mechanism for supporting a broader group of recipients, and particularly for encouraging the development of works to find a commercial audience.

These additional funding sources must not come at the expense of existing grant funding from the Council to the arts, but should supplement and complement existing funding.

Copyright Agency is also very supportive of the recommendations in relation to professional development and related infrastructure in the arts sector – this work is critical to positioning Australian artists and organisations for the future.

We are also pleased to see the report's recommendation that the Council not be subjected to any further application of the efficiency dividend – in fact we'd advocate for funding to the Council to be increased to approach the levels the report refers to in Canada and New Zealand.

Governance

One of the key areas of recommended change for the Australia Council is in its Governance – increasing the role played by the Council’s Board, and amending the current art-form Boards and instituting Sector Advisory Panels. While this places a new onus on the Council’s Board to understand both various artforms as well as the new converged environment, we believe the advantages should outweigh disadvantages.

Administration – structure and execution

Copyright Agency welcomes changes which will enhance the Council’s ability to respond to applications which are aimed at the converged environment and is aware of some instances where the current artform specific boards have not been able to accommodate to innovative artists wishing to undertake cross-artform projects.

We also acknowledge that achieving maximum transparency in the grant making process and greater diversity in the peers who inform funding decisions is desirable and will instil greater community confidence in the operations of the Council.

The operation of the proposed new structures for the Council are expressed in broad terms in the report, and will need further elaboration after industry consultation and consideration.

However, Copyright Agency is also aware that while the platforms for delivery of content may be fluid and increasingly digital, much of the underlying content, particularly of trade publishing, will not change, and nor will the requirements for support that is needed.

The support given by the Council to writers and new publishing is significant to the literature sector of Australia’s creative industries, and has in fact been critical in developing a thriving Australian trade publishing sector. With the advent of digital trade in works this sector is under the greatest possible threat from foreign works as traditional barriers to trade created by shipping times and costs for works from key competitor territories (the UK and North America) have diminished.

In this transitional phase we believe it is critical for increased funding to be provided to this sector.

We have similar concerns for the Visual Arts sector and relative funding for artists.

Conclusion

We again congratulate the review Chairs on their report. We hope to be actively engaged in the consultation process that will take place in formulating the details for acting on the recommendations in the report, and as part of that will comment on any draft legislation devised to achieve this end.



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