



HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 16 June 1994

ARTS COUNCIL OF NEW ZEALAND: TE WAKA TOI BILL

Proposed Amendments

JUDITH TIZARD, in Committee, to move the following amendments:

Clause 2: To omit the definition of the term "professional arts" (all the words in lines 21 and 22 on page 4), and substitute the following definition:

"Professional arts" means projects of artistic merit that endeavour to provide significant income for those undertaking the projects:

NOTE: This amendment recognises that the income of professional artists is often intermittent or insecure in terms of definition of providing a significant income.

Clause 5 (c): To omit subparagraphs (ia) to (iv) (lines 3 to 17 on page 6), and substitute the following subparagraphs:

(i) Participation, by supporting initiatives which encourage participation in the arts:

(ii) Access, by supporting the availability of projects of merit to communities or sections of the population that would otherwise not have access to them:

(iii) Excellence and innovation, by supporting activities of artistic and cultural significance which develop the creative potential of artists and art forms:

(iv) Professionalism, by maintaining and developing a professional arts infrastructure, both at national and community levels:

(v) Advocacy, by promoting New Zealand's arts and artists locally, nationally, and internationally.

NOTE: Access should be second to participation in the list of principles because the concept of access is so clearly linked and associated with participation.

PART I

ARTS COUNCIL OF NEW ZEALAND: TE WAKA TOI

Clause 8: To omit paragraph (c) of subclause (2) (lines 26 and 27 on page 8), and substitute the following paragraph:

(c) To deliver funding in accordance with decisions made by the Arts Boards and the South Pacific Arts Council:

NOTE: This would both give the South Pacific Arts Council the name that that body wishes to have, that of the South Pacific Arts Council, and give it mana by listing it among the powers of the Council, including the power to make funding decisions.

To omit subclause (2A) (lines 20 and 21 on page 9), and substitute the following subclause:

(2A) The Council shall establish regional offices of the Council to enable it to perform all its public functions regionally.

NOTE: This will clarify the intended substantial role for regional offices recommended by the Government Administration Committee, namely for regional offices to be able actively to support Maori, South Pacific, professional and community arts.

Clause 9: To omit from subclause (5) the words "South Pacific Arts Committee" (line 24 on page 10), and substitute the words "South Pacific Arts Council".

To omit from subclause (5) the words "a list of the names of the persons wishing to be so appointed" (line 26 on page 10), and substitute the words "the full list of the names of the persons wishing and able to be so appointed".

NOTE: The amendments reflect the suggested name for the South Pacific Arts Council and will clarify that the full list of people available for appointment is publicly available.

Clause 9A: To insert in subclause (2)(c), after the word "implemented" (line 7 on page 11), the words "by the Council, the Boards, the South Pacific Arts Councils, and the regional offices".

NOTE: This is to make it clear that each of these important components of the Council shall be specifically dealt with and be accountable in the Strategic Plan.

To insert, after subclause (3) (after line 13 on page 11), the following subclause:

(4) In a more detailed form consistent with the strategic plan, the Council shall prepare and publish an annual plan as soon as practicable after the beginning of every financial year.

NOTE: This would provide for an annual plan, which would not require as widespread and detailed a consultation to prepare but would provide a benchmark on which the annual report to Parliament and the public could be judged.

Clause 10: To insert in subclause (1), after the words "each financial year" (line 15 on page 11), the words "on its operations and activities in terms of the provisions of its annual plan."

NOTE: See note above. It would ensure that the annual report process is accountable by making its content able to be compared with the provisions of an annual plan.

PART II
ARTS BOARDS

Clause 14: To omit subparagraph (i) of subclause (1) (d) (lines 7 and 8 on page 13), and substitute the following subparagraph:

(i) Those of the Pacific Island people of New Zealand, including through a South Pacific Arts Council; and

NOTE: This is to reflect the suggested name of the South Pacific Arts Council, and to allow for funding for South Pacific arts to come directly from the Board as well as through the South Pacific Arts Council.

To insert in paragraph (f) of subclause (1), after the word "professional" (line 14 on page 13), the word ", recreational,".

NOTE: This would restore appropriate recognition and funding to recreational arts.

To insert, after paragraph (f) of subclause (1) (after line 14 on page 13), the following paragraph:

(fa) To co-operate with educational, health, judicial, social service, local government, and other appropriate bodies to develop, promote, and support projects that encourage participation in, and appreciation of, the arts:

NOTE: This would restore the educational and arts access functions that are an important part of the current Queen Elizabeth the Second Arts Council of New Zealand Act 1974. See also proposed clause 24c below.

To insert in paragraph (ga) of subclause (1), after the word "providers" (line 19 on page 13), the words "and community arts councils".

NOTE: This will ensure that all Community Arts Councils are covered.

Clause 17: To insert, after subclause (5) (after line 6 on page 15), the following subclause:

(6) At least one member of the South Pacific Arts Council shall be a member of the Arts Board.

NOTE: This is to give adequate mana and a voice for the South Pacific Arts Council in Board policy making.

Clause 19A: To insert in subclause (1), after the words "community arts" (line 26 on page 15), the words ", including any local authority,".

NOTE: This is to remove any doubt that a local authority can be a community arts provider.

Clause 19C: To insert in subclause (1), after the words "specific geographical area" (line 19 on page 16), the words "or any defined community of interest".

NOTE: This makes this clause consistent with clause 19A dealing with community arts providers. This would allow specifically for Pacific Islands and other ethnic group Community Arts Councils.

Clause 19E: To insert in subclause (1), after the words "local authority" (line 5 on page 17), the words ", including where desired an iwi authority,".

NOTE: This clarifies that iwi authorities, particularly for Community Arts Councils established by the Maori Arts Board, can act as the administrative local authority for the purposes of this Act.

To omit from subclause (6) the word "may" (line 25 on page 17), and substitute the word "shall".

NOTE: This wording was originally approved by the Government Administration Committee in deliberation and is more appropriate to ensure consultation occurs.

PART III

MISCELLANEOUS PROVISIONS

Clause 24A: To insert after the word "fund" (line 13 on page 20), the words "to be called the New Zealand Authors' Fund" and, after the word "compensate", the words "adequately and fully".

NOTE: The name of the Fund was originally moved in the Government Administration Committee in deliberation. It is also desirable to ensure that the Fund remains at a level that provides some security of income and compensation to authors.

New clause 24B, as set out on page 2 of Supplementary Order Paper No. 12: To add the following paragraph:

(e) "South Pacific Arts Council".

NOTE: This would give status and protection to the name of the South Pacific Arts Council.

New clause 24c: To insert, after proposed new clause 24B (as set out on page 2 of Supplementary Order Paper No. 12), the following new clause:

24c. Education bodies—(1) Every educational body shall have regard to the needs of the Arts Council of New Zealand Toi Aotearoa, Te Waka Toi, the Arts Board, the South Pacific Arts Council, community arts providers, and community arts councils in carrying out the functions conferred on them by this Act, and to the desirability of developing the practice and appreciation of the arts as integral aspects of education in New Zealand.

(2) Every educational body may for the purposes of subsection (1) of this section make available to any council or board referred to in that subsection, on such terms and conditions as the educational body thinks fit, such premises and other amenities as are within its control.

NOTE: This restores the section in the Queen Elizabeth II Arts Council Act 1974 ensuring that educational bodies assist in developing the practice and appreciation of the arts.

New clause 25A: To insert, after clause 25 (after line 22 on page 20), the following new heading and clause:

Other Amendments and Repeals

25A. Powers of council in relation to recreation and community development—Section 601 of the Local Government Act 1974 is hereby amended by inserting, after subsection 3, the following subsections:

"(3A) Without limiting the generality of subsection (1) of this section or any other powers of the Council, whether under this Act or any other enactment, the Council may, under that subsection,—

“(a) Prepare a cultural and arts plan or policy for the district in consultation with community arts councils, recognised community arts providers, iwi authorities, and other appropriate community organisations:

“(b) Support, facilitate, undertake, or fund cultural and arts activities, facilities or groups in their district including any community arts councils and other designated community arts providers.

“(3B) Every cultural and arts plan or policy for the district shall conform to the District Plan.”

NOTE: This would provide clear statutory authority for local authorities to support cultural and arts activities and to develop and implement cultural and arts policies.

SCHEDULES

Second Schedule: (first amendment, relating to Part II of the First Schedule to the Ombudsmen Act 1975, set out on page 2 of Supplementary Order Paper No. 12):

To omit the item “the South Pacific Arts Committee”, and substitute the item “The South Pacific Arts Council.”