

ARTS AND CULTURE TRUST BILL 2021

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.09 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Arts and Culture Trust Bill 2021. Most of the state's most iconic theatres, such as His Majesty's Theatre, are managed by the Perth Theatre Trust—the PTT. The PTT has served this role for many years in accordance with the powers granted to it under the Perth Theatre Trust Act 1979—the act. While the act has done what it was designed to do, it has also restricted the PTT's potential and prevented it from moving beyond the narrow role assigned to it, which is to manage theatres. Successive governments over many years have identified the need for reform for the PTT and the management of state cultural assets. This included the 2015 agency expenditure review and the earlier reviews conducted by the Public Sector Commission. The McGowan government initiated a number of reforms to ensure that the public sector is modern and high performing and maintains its ability to deliver future services to the community.

Although there have been some amendments to the act over the past 40 years, these amendments were not related to comprehensive and wide-ranging reforms needed for a PTT that will effectively meet current government or community needs. The McGowan government has a vision of a PTT that will manage not only theatres, but also cultural centres and other valuable cultural assets—a vision that cannot be achieved with the PTT in its current form. For this reason, this bill will completely replace the legislative framework under which the PTT formerly operated. The PTT will be transformed into a new statutory authority known as the Arts and Culture Trust—the trust. This new authority will have greater responsibilities, broader powers and more flexibility to manage, care for and develop cultural assets for our future generations.

Creation of a new and modern trust: The trust will be similar to the PTT in some regards. It will be a key government arts entity. It will be a statutory authority. It will be managed by a board. It will have a list of duties and the legal powers needed to carry them out. It will be accountable to the Minister for Culture and the Arts, the government and the Parliament. However, the trust will also have many important differences. The most important of these reforms relates to the trust's core functions. The trust's responsibilities will not be limited to theatres; it will be empowered to manage all kinds of cultural venues, including outdoor spaces such as the Perth Cultural Centre. This will include state-owned assets assigned to the trust and potentially any privately owned assets that enter into partnership with it. The trust will also have a greater power to engage in business arrangements subject to the Treasurer's approval.

Many reforms in the bill relate to the board that will manage the trust. The new trust's board will consist of nine members, compared with the PTT's eight members. This will make quorums and majority decisions easier to obtain. The bill will require board members to have specific skills and experience that relate to the trust's operations. It will also require board members to have different skills. This will ensure that the board has a broad spectrum of knowledge to draw upon. Moving to a skills-based board will no longer see almost half of the trustees nominated by the City of Perth. Although this made sense in the early days of the Perth Theatre Trust, the PTT now manages theatres in Subiaco and Albany. The new trust will reach even further and potentially be responsible for assets across the whole state. This change is not a reflection on the City of Perth in any way; it simply reflects the fact that the management of the trust is a statewide concern, not just for the City of Perth.

There will also be reforms in the bill to increase the trust's accountability, beyond the annual audits by the Auditor General, to ensure that its affairs will be transparent and beyond reproach. The trust will be subject to special safeguards, including the use of information and the disclosure of conflicts of interest.

Increased partnership with arts organisations: an important provision in the bill will allow the government to declare a state-funded arts organisation to be a resident company for the purposes of the bill. This reform will provide clarity for the relationship that exists between these designated state-funded arts organisations and the trust.

Maximising commercial potential: the bill will also grant the trust with increased power to participate in commercial activities and business arrangements. This will provide the trust with the ability to optimise the potential of the assets it controls, including assets that are located near major commercial and tourism hubs. An example of this role involves attracting and contracting events, activities and commercial tenancies to enliven the Perth Cultural Centre and encourage people to visit both the PCC and the resident cultural institutions: the Art Gallery of Western Australia, the State Library of Western Australia and the Western Australian Museum Boola Bardip. Place activation activities include short-term events, such as the annual Fringe World Festival staged in the PCC, as well as permanent or temporary food and beverage outlets. By allowing the trust to capitalise on this

potential, it will be able to maximise its resources and create flow-on benefits for local businesses around trust property. It will also help create much-needed jobs in the cultural tourism sector, along with the hospitality and retail sectors.

For accountability purposes, the bill requires the trust to obtain the approval of the minister and the Treasurer before entering into certain business arrangements beyond an agreed financial limit or class of arrangement. This will ensure that the power is used with appropriate checks and will provide maximum benefit for trust operations. These business arrangements will give the trust the opportunity to increase the quantity and diversity of the performances on offer at its venues. They will also allow the trust to present international and national artists that would not come to Perth without investment by the trust.

Declaration of places to be venues: the Perth Theatre Trust is currently restricted to managing the specific theatres vested in its care. The current legislative regime is restrictive and does not easily facilitate short-term events or opportunities that can arise within the cultural and artistic sectors. To enable the new trust to hold artistic and cultural events to be enjoyed by the community, the bill will grant the minister with the power to declare any part of the state a venue, if it is intended to be used partially or wholly as a place for cultural and artistic purposes, and for any duration of time that the minister thinks appropriate. A declaration will enable the area to be used by the new trust to hold events and will provide the trust with broad powers to manage and conduct those events. This reform will provide a long overdue opportunity for the government, through the trust, to host cultural and artistic events anywhere in the state.

Consolidation of the state's cultural assets: under the current legislative regime, arts and culture assets fall under the management of the state government, including the Perth Cultural Centre and the Sunset Heritage Precinct. There is a growing argument that many of these assets should be managed by an organisation that specialises in cultural asset management. For this reason, the bill will grant the government with the power to vest any of the state's artistic and cultural assets, including public spaces, under the control of the trust. This will provide a long-overdue opportunity for the government; it will give the state a mechanism that it can use to consolidate cultural assets under a trust that is best placed to manage them, and then use those assets by hosting arts and cultural events to be enjoyed by the community and to attract visitors to this state.

Create now, enjoy later: the bill expands the previous definition of "activity" being related only to an event, performance or production, to include activities related to creating works to be enjoyed at a later date. Our experiences with COVID-19 have demonstrated more than ever that livestreaming and accessing content at a convenient, later time is here to stay. This provision will allow the trust to establish, own and operate the proposed \$100 million state-of-the-art screen production facility, which is a key election commitment. This facility will contain a number of purpose-built, highly sound-resistant stages and other onsite facilities, such as offices, construction space, parking, set storage and other amenities. The construction of the facility will create more than 580 jobs, with approximately 2 800 film production and precinct hospitality jobs supported per year for the longer term. The studios will support the creation of feature, factual and animation productions for television and cinema screens, as well as commercials, streaming and gaming. The government's commitment to this facility fills the gap that has been a major disadvantage in attracting international productions to Western Australia, despite our state's unique and diverse natural pristine beauty, stunning light, vast open blue skies and local talent. Showing Western Australian stories, culture and landscapes will showcase our state to the world, providing a boost for tourism.

Accountability of the trust: as a statutory authority and part of the public service, the new trust will be accountable to the minister, the government and the Parliament, and will be required to comply with all legislation governing the public sector.

Protection of trust property: in order for the trust to have the ability to ensure the orderly operation of permanent and temporary trust venues and to recognise the broader remit of the new trust, the bill will also allow the Governor to make regulations on various operational matters regarding trust property. This will include management of venues; admission of people to trust property; the behaviour of people who visit trust property; consumption of liquor at trust venues; the imposition of fees by the trust; and parking management on trust land. These regulations can be enforced with fines, and will provide the trust with a greater ability to manage and protect the assets vested in its care.

Transitional arrangements: this bill will transform the Perth Theatre Trust into the Arts and Culture Trust. The bill includes consequential amendments to other pieces of legislation. These amendments will remove references to the Perth Theatre Trust and replace them with references to the new trust where necessary. The bill also includes transitional provisions to allow an orderly handover of the Perth Theatre Trust's assets, liabilities and contractual obligations. This will ensure that the transition will not compromise any pre-existing matters or, importantly, the rights of employees. If the bill is unable to provide for a transitional matter, the Governor will have the power to make regulations to deal with that matter.

This bill provides a significant and long-overdue reform to the management of cultural assets in this state.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

The McGowan government believes this bill will provide great benefits to our state both now and in the future. It will ensure that this government and future governments protect and develop the cultural riches that the people of Western Australia have entrusted to us.

I commend the bill to the house and I table the explanatory memorandum.

[See paper [448](#).]

Debate adjourned, pursuant to standing orders.