EXPLANATORY STATEMENT

Issued by the Authority of the Minister for the Arts

Australia Council Act 2013

Proclamation

Subsection 2(1) of the Australia Council Act 2013 (the Act) provides that Sections 3 to 52 of the Act commence on a day to be fixed by Proclamation. The Act received Royal Assent on 27 June 2013.

This Proclamation fixes 1 July 2013 as the day on which Sections 3 to 52 of the Act commences.

The Act modernises the enabling legislation of the Australia Council in line with the Australian Government’s response to the 2012 Review of the Australia Council (the Review) as included in ‘Creative Australia: the National Cultural Policy’. All the provisions of the Act, other than Sections 3 to 52, commenced on receipt of the Royal Assent.

Sections 3 to 52 of the Act contain provisions which update the functions, powers and governance structure of the Council to implement the Australian Government’s response to the Review, and to be consistent with the enabling legislation of other Commonwealth statutory authorities. The Act introduces a skills-based governing Board consisting of a Chair, Deputy Chair, and between five and nine other members, and the Chief Executive Officer as an ex-officio Board member. The Act also introduces corporate planning provisions for the first time, and grants the Board the power to establish committees to assist in the performance of the functions of the Board and the Council more broadly.

The 1 July 2013 commencement date allows for the Australia Council to commence operations as required under Sections 3 to 52 of the Act at the start of a new financial year. The commencement date was reached after consultation with the Australia Council.

This Proclamation is a legislative instrument for the purposes of the Legislative Instruments Act 2003.