



## CLB Special Art Edition

### Interview with The Hon Tony Burke MP

The Hon **Tony Burke** MP was sworn in as Minister for Employment and Workplace Relations and Minister for the Arts on 1 June 2022. He is a member of the Australian Labor Party (**ALP**) and has served as MP for Watson since 2004. The Minister held cabinet positions in the governments of Kevin Rudd and Julia Gillard from 2007 to 2013. Taking a look back, Tony Burke completed his combined arts law degree at Sydney University and has long held a keen interest in music. **Ashleigh Fehrenbach** (co-editor of the CLB and Senior Associate at RPC) interviewed Tony to discuss his role as Minister and the Government's new national culture policy, *Revive*, which is setting the course for Australia's art sector for the next five years.

**ASHLEIGH FEHRENBACH:** Minister, it is a pleasure to interview you for this special edition of the CLB, focussing on the intersection of art and the law. Before we formally kick off, could we get a snapshot into a day in the life in your role as both Minister for Employment and Workplace Relations and Minister for the Arts?

**THE HON TONY BURKE MP:** The best days start with three things: coffee, music and poetry. Although more often than not, one of those three gets delayed because I'm doing interviews or attending events.

Beyond that the key feature of my day is that there is never a routine. If Parliament is on, there are endless tactics meetings and procedural decisions to be made. If it's not a sitting day, I spend about half my time on the road – the other half either working in my electorate or taking meetings in my Sydney office. But no matter how the day is constructed I always make sure that I find time for poetry and music – listening to it and playing it.

**FEHRENBACH:** Did you enjoy studying law? Do you think your legal background has influenced your decision-making as Minister?

**BURKE MP:** Law wasn't my first choice. I actually spoke to my careers adviser at school about becoming a theatre director. The careers adviser lied to me and told me there were no such courses – and it wasn't until I was Minister for the Arts three decades later that I was making a speech at NIDA and realised there was in fact a theatre director course there I could have done.

Some of what I studied in law though I still use routinely. Areas like copyright, industrial law, constitutional law and administrative law – in one way

or another those courses still have a practical impact every week.

**FEHRENBACH:** Tell us about *Revive*, Australia's new national culture policy. How did this initiative come about?

**BURKE MP:** The last time Australia had a national cultural policy was ten years ago when Labor was last in government. I was the Arts Minister responsible for implementing it. We lost government in 2013 and that cultural policy was abandoned, with nothing to replace it.

Coming back into government last year I committed to delivering a new National Cultural Policy based on that abandoned 2013 national cultural policy, which was called *Creative Australia*.

Our new cultural policy, *Revive*, is that policy. It's a five-year plan to renew and revive Australia's arts, entertainment and cultural sector, following the most difficult period for the sector in generations.

*Revive* adopts five pillars as policy focuses: First Nations first; A place for every story, a story for every place; Centrality of the artist; Strong cultural institutions; and Engaging the audience.

We knew Australians were invested in the new cultural policy so we held an extensive public consultation process all around Australia and received over 1,200 submissions.

I appointed five expert Review Panels and an overarching National Cultural Policy Advisory Group to identify key issues and themes raised throughout the consultation process and to provide sector-led expertise across the full remit of the five pillars. As the Prime Minister said at the launch of *Revive* in January this year, *Revive* very much came from the sector itself.

**FEHRENBACH:** How will *Revive* ensure that Australia's laws are fair and supportive of artists' rights?

**BURKE MP:** The second pillar of *Revive*, 'centrality of the artist' demonstrates the Government's commitment to supporting the artist as a worker.

This pillar focuses on providing safer workplaces for everyone in the sector and recognises that fair pay and conditions for arts and cultural workers are essential.

It's why we established Creative Workplaces, a body chaired by Kate Jenkins AO, which will provide advice on issues of pay, safety, codes of conduct and welfare across the sector. Since the launch of *Revive*, the Government has also:

- Expressly prohibited sexual harassment in the Fair Work Act 2009.
- Established a new sexual harassment jurisdiction in the Fair Work Commission. Workers now have a choice whether to make complaints about workplace sexual harassment to the Fair Work Commission or the Australian Human Rights Commission.
- Introduced a positive duty in the Sex Discrimination Act 1984 that requires employers to take reasonable and proportionate measures to eliminate certain forms of unlawful sex discrimination, including sexual harassment, as far as possible.

**FEHRENBACH:** The *Creative Australia* Act came into effect recently on 24 August. What are you most looking forward to as part of that legislation and the *Creative Australia* Initiative?

**BURKE MP:** The establishment of *Creative Australia* is a significant milestone achieved under *Revive* and has been delivered just 7 months after the National Cultural Policy was released.

Creative Australia is not simply the next chapter when it comes to the arts and culture in Australia; it's a different way of doing things.

The new legislation has expanded the entity's functions to include philanthropic and private sector support for the arts as well as the creation of significant new work areas - Music Australia and Creative Workplaces.

Music Australia will deliver targeted support and investment to empower Australia's contemporary music industry to rebuild and realise its local and global potential.

This responds directly to calls for change from the sector - delivering dedicated support to grow Australia's contemporary music industry.

The other new body is Creative Workplaces - which will raise and set workplace standards across all art forms, with organisations seeking Government funding being expected to adhere to these standards.

There is still more to be delivered by Creative Australia and the next priority will be establishing a First Nations body in 2024, following extensive consultation with the First Nations arts and culture sector.

**FEHRENBACH:** Can you tell us a bit about the proposed streaming legislation and what it means for Australian content?

**BURKE MP:** Under *Revive*, the Government has committed to introducing an Australian content obligation on streaming platforms to ensure continued access to local stories and content.

The Minister for Communications, Michelle Rowland and I are conducting consultations with the industry.

We want more Australian stories to be told.

At the moment, in Australia, if you're watching free-to-air TV there are content obligations on Australian content. If you pick up the remote and flick over to commercial TV there are content obligations on Australian content. If you flick over to pay TV, there are content obligations on Australian content. But the second you pick up the remote and turn on a streaming platform - there are no content obligations on Australian content.

That will change. From the 1<sup>st</sup> of July next year there will be Australian content obligations on streaming platforms.

That will mean more Australian stories being told - both here at home, and overseas.

**FEHRENBACH:** Last but not least, what is your favourite piece of art work in Parliament House?

**BURKE MP:** There's an Arabic word cloud painting in my Parliament House office by Hossein Valamanesh, who only passed away last year. It's really personal for me.

When I was Immigration Minister at the end of the Rudd Government I was determined to get all unaccompanied children out of the detention centres. There were 400 when I took on the job and it wasn't until the day before the 2013 election that I was able to get the last ones out.

A couple of months after that, a word cloud was sent to me by the adviser who'd done all that work, Brad Chilcott, of all the names of the kids we got out of detention.

This artwork matches that - but the only word, in Arabic, is love, written over and over again. Some of those kids still stay in touch with me and I think about them every time I look at this painting.

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