

Lay, Shannen (Health)

From: Michael Abbott AO QC [REDACTED]
Sent: Wednesday, 9 July 2014 10:18
To: Health:Minister for Health
Cc: Peter.Louca@health.gov.au
Subject: FW: Boards and Committees Reform

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Dear Minister

Please find enclosed my response to yesterday's email from the Premier regarding Boards and committee reform.

Regards

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From: Michael Abbott AO QC
Sent: 9 July 2014 10:15 AM
To: 'Premier.Jay.Weatherill@dpc.sa.gov.au'
Cc: Alexandra Reid (alex.reid@dpc.sa.gov.au); Nick Mitzevich (mitzevich.nick@artgallery.sa.gov.au)
Subject: Boards and Committees Reform

Dear Premier

I received your communication regarding your decision to reform South Australian Government Boards by abolishing them. I applaud your decision to do so unless the Board can demonstrate an essential purpose that cannot be met through other means.

As Chair of the Board of the Art Gallery of South Australia (AGSA Board), there are many reasons why the AGSA Board should remain but in order to justify our continuing existence, I feel it is only necessary to refer you to three important reasons:

REASON 1 – SEPARATION

The Art Gallery fulfils a significant role in Adelaide's cultural life and it does so through acquisition of important works and exhibition of those works and other works in the permanent collection. Both acquisition and exhibition require value judgments about works of art and particularly in the field of contemporary art, there will often be a diverse range of opinions about the merits of either an acquisition or exhibition.

As a recent example, what the public now refer to as the two dead horses forming a centrepiece of the Melrose Wing shows that important contemporary works of art will always engender (as they should) both diverse views and debates in the community about the merits of such an acquisition.

It is obviously essential that the acquisition policy and the exhibition policy (to name but two aspects of the work of the AGSA Board) are in the hands of an independent and informed group of citizens of South Australia such as those who currently constitute the AGSA Board.

We as a Board take our role as the custodians of the AGSA collection very seriously and we approve each and every acquisition as well as the exhibition program.

If the Board was to be abolished then the decisions regarding these programs presumably would be made by bureaucrats operating under the direct control of the relevant Minister.

The last time this happened that I can recall was when Gough Whitlam personally approved the purchase of *Blue Poles* for the NGA – and as the person having direct responsibility demonstrated that Arts and Politics rarely mix.

I feel no need to give any further examples as I am sure you will appreciate that a degree of separation between cultural institutions such as the Art Gallery (which invite public comment, scrutiny, and debate) and the relevant Minister who has the responsibility for overall direction and control is essential.

In the case of the AGSA Board, we make the decisions in relation to artistic merit based on a variety of sources, the most significant of which are the inputs from our Director and the relevant Curator.

This is an essential task that, with respect, is unlikely to be properly performed by a bureaucracy in lieu of a Board.

REASON 2 – MONEY

If you abolish the AGSA Board, you will also be abolishing the AGSA Foundation, which every year raises millions of dollars to purchase works of art that form part of the assets of the State and the cultural heritage of South Australia.

The current collection is the single most valuable item the State owns and is valued in excess of \$600M.

We have recently purchased a Masterwork by Camille Pissarro at a cost of \$4.6M and although we are still \$100,000 short, our fundraising continues in the expectation that we will be able to achieve the full purchase price.

So far, the Government of South Australia has not contributed one cent to this purchase but I would appreciate the Government at least paying for the last \$100,000 now that we are in a new financial year, but if you are unable to find this very small amount in terms of the State budget, I will understand.

All this reinforces however the need for the AGSA Board and the AGSA Foundation. Currently, we receive nothing in our budget for acquisitions and exhibitions, although I am grateful that the Government is able to contribute significant funding to enable AGSA to put on major and significant exhibitions such as *Fashion Icons* which will open in October.

It will be very obvious to you that such a significant exhibition could not be attempted by the relevant Minister's department as the AGSA Board is able to seek sponsorship from individuals and corporates around Australia.

In short, the financing of acquisitions and exhibitions is essential for AGSA to continue to attract and increase its visitation rate every year and this can only be achieved by the existence of the AGSA Board.

REASON 3 – GOVERNANCE

This reason is implicit in what I have set out in the other two reasons but one of the strengths of the AGSA Board is that it supplies and practices good governance the Art Gallery of South Australia.

Those of us who cherish the institution and serve on the AGSA Board do it because we want to contribute to the cultural future of South Australia in general and to the prestige and vibrancy of AGSA in particular.

In the 12 years that I have been the Chair, I believe that the Board has succeeded in that role and that we have provided governance of the Art Gallery in a way that a Ministerial Department could not.

That is not to say that every decision we have made is perfect but I can say that every decision has been made in best interests of AGSA and that such decisions have been made by the Board as a group of South Australian citizens whose only concern has been the betterment of the Art Gallery.

The degree of governance afforded by an independent Board, albeit constrained by the wording of the Act and subject to direction by the relevant Minister is essential for the future of AGSA.

The model has worked well for over 100 years and should not likely be put aside and replaced with what you have described as “more contemporary approaches”.

In conclusion therefore, I do not believe the functions of the AGSA Board could be merged with another institution or that the functions of AGSA could be carried out in an alternative way.

That is not to say that the current model does not require some modification but this would depend upon the Government’s policy for Arts SA and the funding model that is currently in place.

I would be happy to take part in those discussions, if they were to eventuate, but they would not alter my view that the existence of an independent and competent Board of AGSA is essential to South Australia.

Yours faithfully

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