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22 December 2020



Dear 

### Freedom of information application

I refer to your request received by the Department of the Premier and Cabinet (DPC) seeking access under section 13 of the *Freedom of Information Act 1991* (the Act) to:

*A copy of the report of summary responses from the survey 'Board Diversity – SA funded organisations' managed by Paola Niscioli including total number of responses and the outcomes of each question.*

Under the Act, an agency has 30 days to respond to a freedom of information request. As DPC did not respond to your request within the time frame required, the department is deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory time frame had been met.

The purpose of this letter is to advise you of my determination.

One document was identified as answering the terms of your application and I have determined to provide access to this document in part.

Sections of this document contain information relating to the personal affairs of third parties. Under clause 6(1) of Schedule 1 to the Act, information is exempt if releasing it would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. I have considered that the application of clause 6(1) requires two elements, one that the information contains the personal affairs of that person; and secondly that disclosure would be unreasonable and contrary to public interest.

## OFFICIAL

I have determined that this information falls within the category of ‘personal affairs’ as listed under section 4(1) of the Act, thereby meeting the first elements of this clause. Further, I have considered whether the disclosure of this information would be unreasonable. In doing so, I have considered the relevance of this information to the public and the likelihood as to whether the person in question would consent to disclosure. I have concluded that this information was likely obtained in confidence and through measures which would otherwise make it unavailable to the public. I have considered the factors in favour of public interest and determined that these factors are outweighed by the need to maintain personal confidentiality in this instance. Therefore, I have determined that this information meets the requirements of clause 6(1) and is thereby exempt pursuant to this clause.

Further sections of this document would, if disclosed, reveal data relating to third parties external to Government which was obtained in confidence. When these third parties were approached to provide information relating to the diversity of their board, they were given assurance that the identity of their organisation would not be revealed. The current status of the report is that it is a work in progress – it is not a conclusive or final report. A steering committee involved with evaluating the findings of this report is still active, and further input from the third parties involved will be required. I have therefore removed any identifiers that would show the data of an individual organisation as to reveal this might reasonably be expected to prejudice the future supply of information to the Government.

I have considered that transparency of communications between the Government and third party organisations who receive funding from the Government is a strong factor in favour of the public interest. I have weighed this up against the assurance given that the identity of the organisations surveyed would remain confidential, alongside the fact of third party input being ongoing, and have determined to remove this information pursuant to clause 13(1) of the Act.

### Exemptions

#### ***Clause 6 – Documents affecting personal affairs***

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

#### ***Clause 13 – Documents containing confidential material***

- (1) *A document is an exempt document –*

(a) *if it contains matter the disclosure of which would found an action for breach of confidence; or*

(b) *if it contains matter obtained in confidence the disclosure of which—*

(i) *might reasonably be expected to prejudice the future supply of such information to the Government or to an agency; and*

(ii) *would, on balance, be contrary to the public interest.*

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## **FOI Disclosure Log**

In compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information (PC045)*, DPC is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DPC website. A copy of PC045 can be found at the following address: <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars> Please visit the website for further information.

## **Right to internal review**

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be addressed to the principal officer, and
- be lodged at an office of DPC, or emailed to [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au) within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you have any questions in relation to this matter, please contact Damian Gilbert, Freedom of Information Officer, on telephone (08) 8429 5489 or via email at [damian.gilbert@sa.gov.au](mailto:damian.gilbert@sa.gov.au).

**Yours sincerely**



Eamonn Maloney  
**Accredited Freedom of Information Officer**  
Office of the Chief Executive  
Department of the Premier and Cabinet

### **Attachment(s):**

- Document for release



## *Arts and Culture Plan South Australia 2019-2024*

### **Recommendation 6.4:**

## **Increase diversity across all South Australian Arts Boards**

PHASE 1: BASELINE DATA AND APPLICATION OF THESE  
MEASURES TO THE STATUS OF DIVERSITY  
CURRENTLY PRESENT IN THE BOARDS OF SOUTH AUSTRALIAN  
ARTS ORGANISATIONS

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## Document approval and control

### Version and confidentiality

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File name	Document location
Rec. 6.4: Board Diversity – Phase 1: Baseline Data Report	B864307

### Revision history

Revision version	Revision date	Summary of change	Author
0.1	27 August 2020	First draft	Clause 6(1)
0.2	14 September 2020	Revised draft based on Clause 6(1) feedback	Clause 6(1)
0.3	22 October 2020	Revised draft based on Clause 6(1) feedback	Clause 6(1)
0.4	23 October	Final for Project Sponsor review	Clause 6(1)
1.0	26 October	Final for St Co endorsement	Clause 6(1)

### Document sign off (required – YES)

Title	Name	Date signed	Signature
Mr	Clause 6(1)	27/10/2020	

## 1. Introduction

*The Arts Review for South Australia Consultants' Report* (July 2019) (the review) recognised the importance of achieving greater diversity of membership on arts boards to more effectively engage with a changing society, in line with contemporary best practice in this area in corporate<sup>1</sup> as well as arts sector<sup>2</sup> contexts.

Additionally, the review states that:

“The importance of achieving greater diversity of membership to more effectively engage with a changing society is recognised. While statistics show a satisfactory gender balance across organisations’ boards in South Australia, there is opportunity for greater cultural and ethnic diversity. There is, currently, limited Aboriginal representation. This needs to be addressed as a priority”, page 45.

“having a diverse range of skills and demographic mix on a Board is critical in the cultural sector [...] Leadership of boards needs to embrace values of diversity and community relevance. Succession needs to ensure there is a flow of new members, with a fresh perspective on community relevance, engagement and effective and efficient support to the artistic objectives of a company”, page 49.

This Phase 1 report for Recommendation 6.4 “Increase diversity across all South Australian Arts Boards” gathers statistical data from various sources to better understand the current South Australian context and establishes baseline data from in-scope organisations (Appendix 1) to uncover the existing state of diversity on South Australian Arts Boards.

## 2. National diversity data

At present, there is no consistent collection of diversity data and there are no established diversity indicators for the arts and culture sector. This is an issue that has national prominence and it was considered at the Meeting of Cultural Ministers (MCM) Officials in June 2019.

At that meeting, Officials agreed that it would be valuable to work toward harmonised collection and reporting of diversity data in the arts sector in order to build a national evidence base to inform policy development and investment in the sector. This work is being undertaken by the Statistics Working Group (SWG) and organisations within scope are those that receive multi-year funding from federal or state governments, and the proposed categories for data collection are First Nations, Cultural and Linguistic Diversity (CALD), gender and disability. The timeline on recommendations to MCM is December 2020.

In addition, the Australia Council has introduced a new diversity data set (broader than SWG’s scope of research) that it collects from its multi-year funded organisations (Appendix 2). This is important reporting that will provide an insight over time into how organisations are reflecting

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<sup>1</sup> Dhir, A. (2015). *Challenging boardroom homogeneity: Corporate law, governance and diversity*, Cambridge: Cambridge University Press.

<sup>2</sup> Australia Council for the Arts (2015). *Essential governance practice for arts organisations*, Sydney: Australia Council for the Arts. Further, the Australia Council’s Cultural Engagement Framework (CEF) is “a mechanism to ensure that the Australia Council’s vision, priorities and processes recognise and reflect diversity. The CEF guides decision-making, strategy and good practice in Council’s commitments to diversity, which are set down in The Australia Council Act 2013”

<https://www.australiacouncil.gov.au/programs-and-resources/cultural-engagement-framework/>

the broader community in their governance, management and artistic structures. This information will be shared with Arts South Australia and will be a valuable resource. However, not all in-scope South Australian organisations will be captured by the Australia Council's reporting, as many do not receive federal funding, and there will be a gap requiring additional data collection and analysis.

### 3. The South Australian context

The Arts Plan established four values to guide government decision making on arts policy. It highlights the importance of embracing diversity and promoting the inclusion and encouragement of new voices and approaches across all demographics.

The South Australian Government's *The South Australian Public Sector Diversity and Inclusion Strategy 2019-21*, defines diversity as relating to the mix of background, characteristics, experiences, professional skills and perspectives. The Strategy refers to those characteristics as "diversity streams and focuses on gender, LGBTIQ+, disability, Aboriginal people, culturally and linguistically diverse and age diversity streams"<sup>3</sup>.

In South Australia, responsibility for the arts and culture sector is designated to three different government departments. As a result, there are varying approaches to collecting and analysing diversity data. Current arrangements are as follows:

- Department of the Premier and Cabinet (DPC), including Arts South Australia, is responsible for the bulk of the arts and culture sector (refer Appendix 1)
- Department for Innovation and Skills is responsible for the creative industries, and encompasses contemporary music, screen/film and craft through the funding oversight of Adelaide Film Festival, Jam Factory and the South Australian Film Corporation, as well as other industry segments including gaming
- Department for Education is responsible for Carclew (which funds some youth small-to-medium organisations, Restless Dance and independent artists), Patch Theatre, Windmill Theatre and the History Trust of South Australia.

Government Statutory Authorities are not required to provide diversity data on board appointments. Organisations funded on an annual or multi-year basis are also not currently required to report on the diversity of their boards.

*The South Australian Public Sector Diversity and Inclusion Strategy 2019-21* does not include diversity indicators or measures. However, there are several other data sets that can inform possible diversity indicators for arts and culture boards to inform this project. Indicators would assist Arts South Australia to measure, in-principle, whether board diversity is reflective of the South Australian community. Current diversity data for South Australia are:

- **Gender**<sup>4</sup>: male 49.3%, female 50.7%.

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<sup>3</sup> Source: <https://www.publicsector.sa.gov.au/hr-and-policy-support/diversity/SA-Public-Sector-Diversity-and-Inclusion-Strategy-and-Plan>

<sup>4</sup> Source: [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/4?opendocument](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/4?opendocument) While Census data metrics for Gender are male/ female, it is to be noted that gender categories exist across a spectrum and are today more nuanced than a binary model.

- **Age:** median age is 40 years. Children aged zero to 14 years make up 17.5%, young people aged 15 – 24 years make up 12.8% and people aged 65 years and over make up 18.3% of the population.
- **Regional/ Adelaide population:** 23% of people live in regional areas and 77% of people living in Adelaide.<sup>5</sup>
- **ATSI:** Aboriginal and/or Torres Strait Islander people make up 2.0% of the population.

In addition to the state data, the following national data can be used to determine additional diversity data for South Australia:

- **Disability:** one in five people live with a disability.<sup>6</sup>
- **CALD:** 39% identify as coming from a cultural background other than a solely Anglo-Celtic background.<sup>7</sup>

#### 4. South Australian arts and culture board diversity – current state

There are two types of boards in South Australia’s arts and culture sector: volunteer boards governing small-to-medium and major organisations, and government-appointed boards of statutory authorities and government entities. In all cases, board members are appointed for a range of reasons including skills and experience, networks and diverse skill sets.

Arts South Australia surveyed the in-scope organisations (Appendix 1) to establish baseline data to compare against the diversity indicators. The survey questions align with the data collected by the Australia Council for the Arts (Appendix 2).

An email was sent to 44 in-scope organisations on 13 August 2020 with a hyperlink to a Survey Monkey survey, with a reminder sent on 21 August. The survey closed on 25 August and 37 responses were received (84% of in scope organisations).

A full statistical breakdown of survey results is included in Appendix 3. Some organisations surveyed have specific diversity requirements in their constitution, which influence aggregate results, and this is noted below where relevant.

##### Gender diversity

- There are more women than men on arts boards (60% female and 40% male). This is particularly evident on the boards of Statutory Authorities, with 46 female and 29 male board directors.
- The survey did not seek responses on LGBTQI+ identification, however three organisations reported board members who are non-binary/ gender fluid and another organisation advised its Chair Person is a Transwoman and 70% of its board members are Queer.

##### Age

- The majority of board members are aged between 36 to 64 years (66% of total). An additional 14% are aged between 26 and 35 years, and 14% are aged over 65 years.

<sup>5</sup> Source: <https://www.sa.gov.au/topics/about-sa/living-in-sa>

<sup>6</sup> Source: Australian Network on Disability, <https://www.and.org.au/pages/disability-statistics.html>.

<sup>7</sup> Diversity Arts Australia, BYP Group and Western Sydney University (2019) *Shifting the Balance: Cultural diversity in leadership within the arts, screen and creative sectors*, Sydney, p.13

- Only 1.7% of board members are aged between 13 and 25, with only three organisations reporting board members in this age bracket.

### Living with a disability<sup>8</sup>

- This question recorded the highest responses for data not available.
- Of the 27 respondents, 11 reported board members living with a disability, equating to 7% of the total number of board members.
- Access2Arts<sup>9</sup> recorded the highest number of board members living with a disability with four members (67% of total board members), reflective of their constitution.
- When removed from the dataset, the percentage of board members living with a disability drops to 5%.

### Primary residence in regional/ remote area

- Ten organisations recorded board members living in regional/ remote areas, equating to 8% of total board members.

### Aboriginal and Torres Strait Islander

- Aboriginal and Torres Strait Islander people make up 9% of total board representation.

Clause 13(1)

- 24 organisations have 0% representation (54% of total in-scope organisations).
- Several organisations advised of their intention to increase ATSI representation.

### CALD

- This question recorded the second highest 'data not available' answer, with five organisations unable to answer on behalf of 24 board members.
- 15% of total board members are culturally and linguistically diverse.

Clause 13(1)

- 12 organisations recorded 0% CALD representation (32% of total respondents).

<sup>8</sup> The Australia Council's Disability Action Plan, defines disability as: "The Social Model of disability distinguishes between the impairment of the person (the condition, illness or loss/lack of function) and disability (the barriers and discrimination created by society). These barriers are seen as being the disabling factors which prevent or limit opportunities. They may take the form of attitudes, discrimination or the physical environment. Disability may be permanent or temporary, and is often not visible. Mental health is included in this definition; however, not everyone who is diagnosed with a mental health condition identifies as having disability. According to the latest ABS National Health Survey, of the 1.8 million people of working age with mental illness in Australia, less than half (43 percent) reported having disability. The term 'disability' can also include people who are deaf or hard of hearing. People from the Deaf community may not always identify as having disability or impairment, and may identify as part of a cultural and linguistic group with their first language being Auslan (Australian Sign Language).

[https://www.australiacouncil.gov.au/workspace/uploads/files/\\_dan\\_2017-2019\\_fin-584735b28651d.pdf](https://www.australiacouncil.gov.au/workspace/uploads/files/_dan_2017-2019_fin-584735b28651d.pdf)

Clause 13(1)

When compared with the diversity indicators, the aggregate data demonstrates gaps in the appropriate level of representation compared with broader community composition in the following areas:

- **Gender:** men are under-represented on arts boards at 40% (indicator: 49%).
- **Age:** members under 25 are under-represented at 1.7% (indicator: 12.8%).
- **Living with a disability:** members living with a disability are under-represented at 7% (indicator: 20%).
- **Primary residence in a regional/ remote area:** members living in a regional/ remote area are under-represented at 8% (indicator: 23%).
- **Aboriginal and Torres Strait Islander:** members are over-represented at 9% (indicator: 2%), however 54% of total organisations reported 0% representation.
- **CALD:** members are under-represented at 15% (indicator: 39%), with 32% of total organisations having 0% representation.<sup>11</sup>

## 5. Recommendations

It is recommended that the Steering Committee:

1. note the diversity indicators reflecting the South Australian community
2. note the findings of the survey of South Australian arts organisations board diversity
3. agree to proceed to Phase 2 of the project, which will determine benchmarks; examine existing board recruitment and selection practices across the two structures; and devise a recommended strategy for increasing board diversity for differing arts structures.

For more information:

Clause 6(1)

Arts South Australia

Clause 6(1)

Clause 6(1)

W [dpc.sa.gov.au](http://dpc.sa.gov.au)

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<sup>11</sup> According to Diversity Arts Australia, BYP Group and Western Sydney University (2019) op.cit. “There are discrepancies between the high population of Australians who are from a CALD background (Australian Bureau of Statistics, 2016), the high rates of CALD participation in the creative sector (Australia Council for the Arts, 2017) and the low levels of representation of CALD people in the Australian creative sector, including decision-makers (Kim Ho, 2017; PricewaterhouseCoopers, 2016; Screen Australia, 2016).”

## Appendix 1 – In-scope organisations

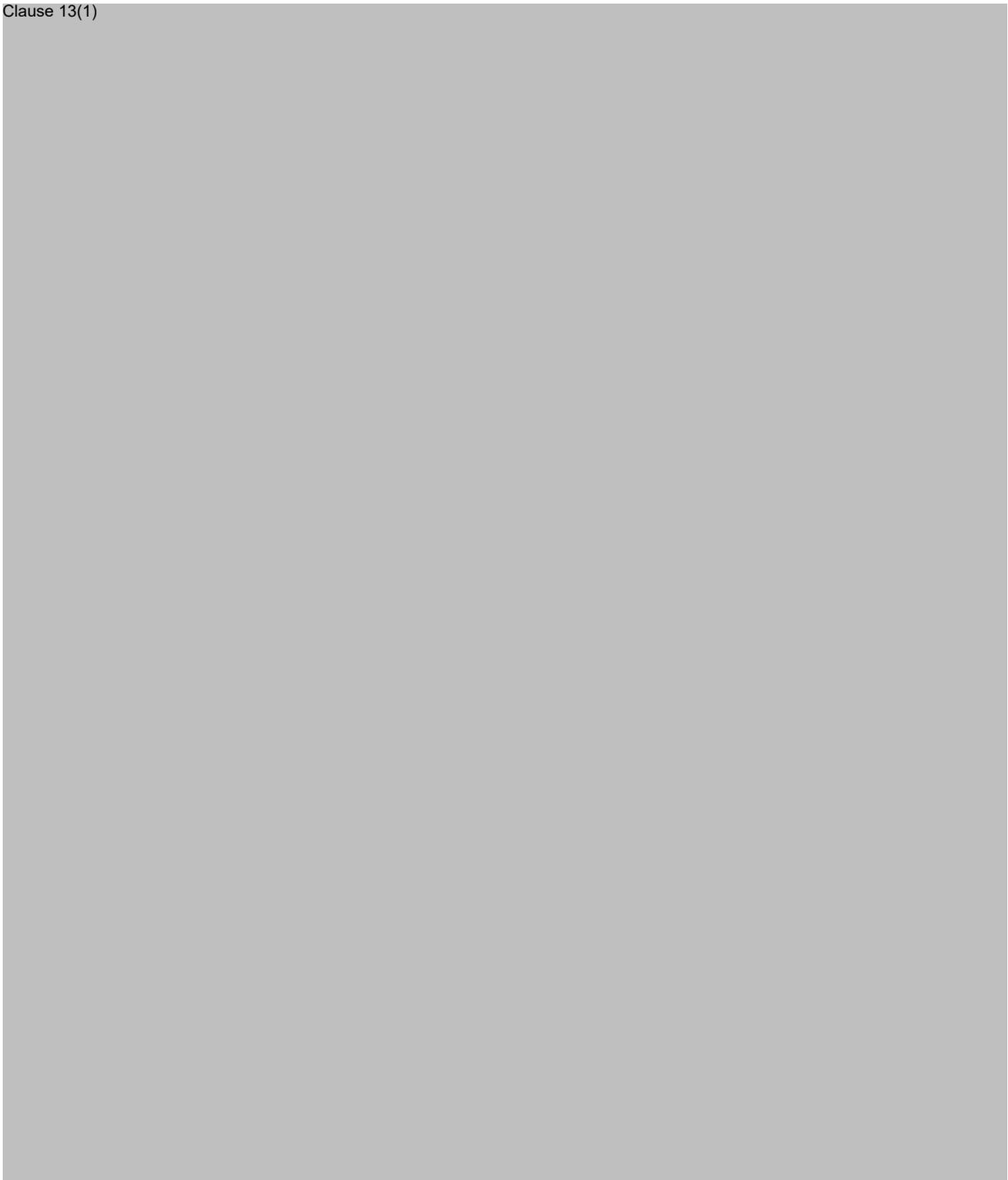
The scope includes: small to medium organisations, major organisations, statutory authorities (shaded in grey) and public corporations in the arts and culture sectors that have a board of management structure and are in receipt of government funding.

All organisations report to Department of the Premier and Cabinet, except those marked:

∞ Department for Education

~ Department for Innovation & Skills

Clause 13(1)





## Appendix 2 – Diversity data collected

Source (extract): THE AUSTRALIA COUNCIL'S STATISTICAL DATA FORM FOR  
MULTI-YEAR FUNDED ORGANISATIONS, 2020

### Board Composition

#### Board Composition

How many members of the Board?

**Gender** Woman  Man  Non-binary/ gender fluid  Different gender not listed  Prefer not to disclose  Data not available

People whose gender identity is different to what they were assumed at birth

**Age** 0-12  13-25  26-35  36-64  65+  Prefer not to disclose  Data not available

**Living with disability** Yes  No  Prefer not to disclose  Data not available

**Primary residence in regional/remote area** Yes  No  Prefer not to disclose  Data not available

**First Nations** Yes  No  Prefer not to disclose  Data not available

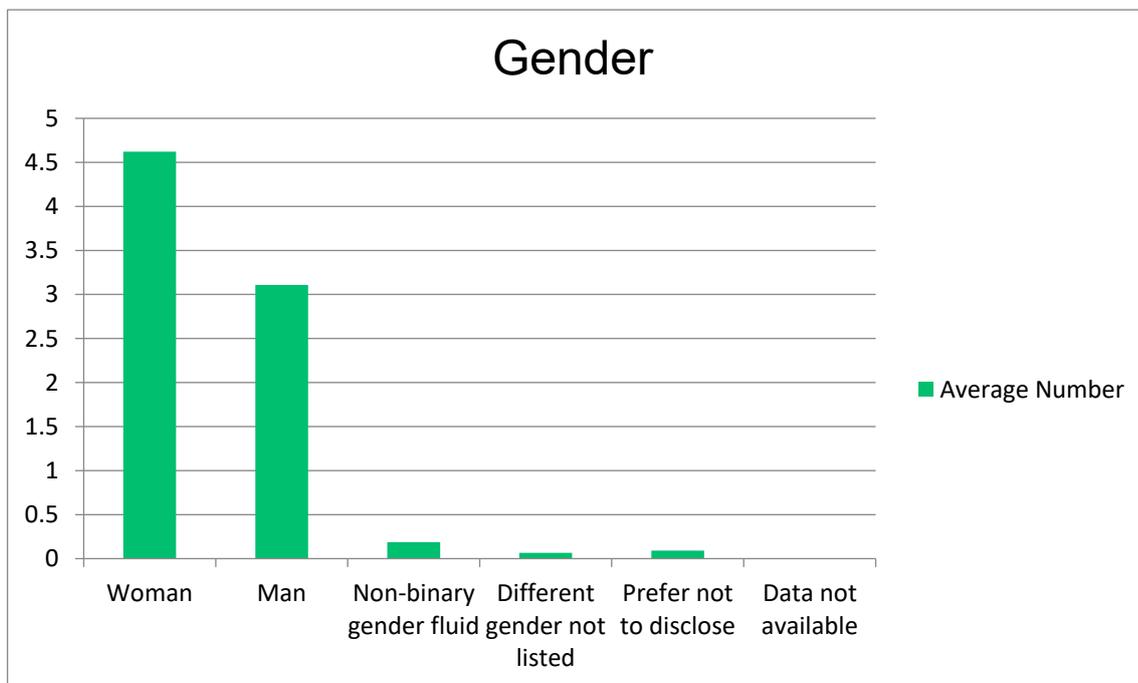
**Culturally and linguistically diverse (CALD)** Yes  No  Prefer not to disclose  Data not available

People who identify as First Nations and CALD

## Appendix 3 – Diversity survey results

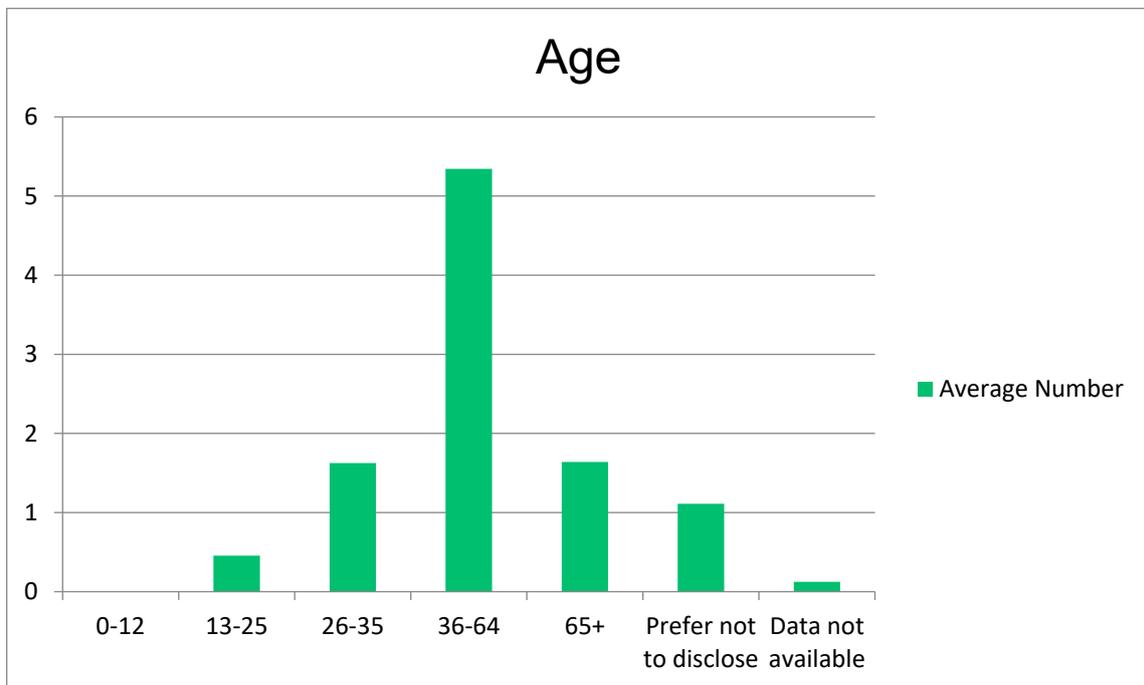
### Gender

Answer Choices	Average Number	Total Number	Responses		
Woman	4.62	171	100.00%	37	
Man	3.11	115	100.00%	37	
Non-binary gender fluid	0.19	3	43.24%	16	
Different gender not listed	0.07	1	40.54%	15	
Prefer not to disclose	0.09	1	29.73%	11	
Data not available	0	0	27.03%	10	
				<b>Answered</b>	<b>37</b>
				<b>Skipped</b>	<b>0</b>



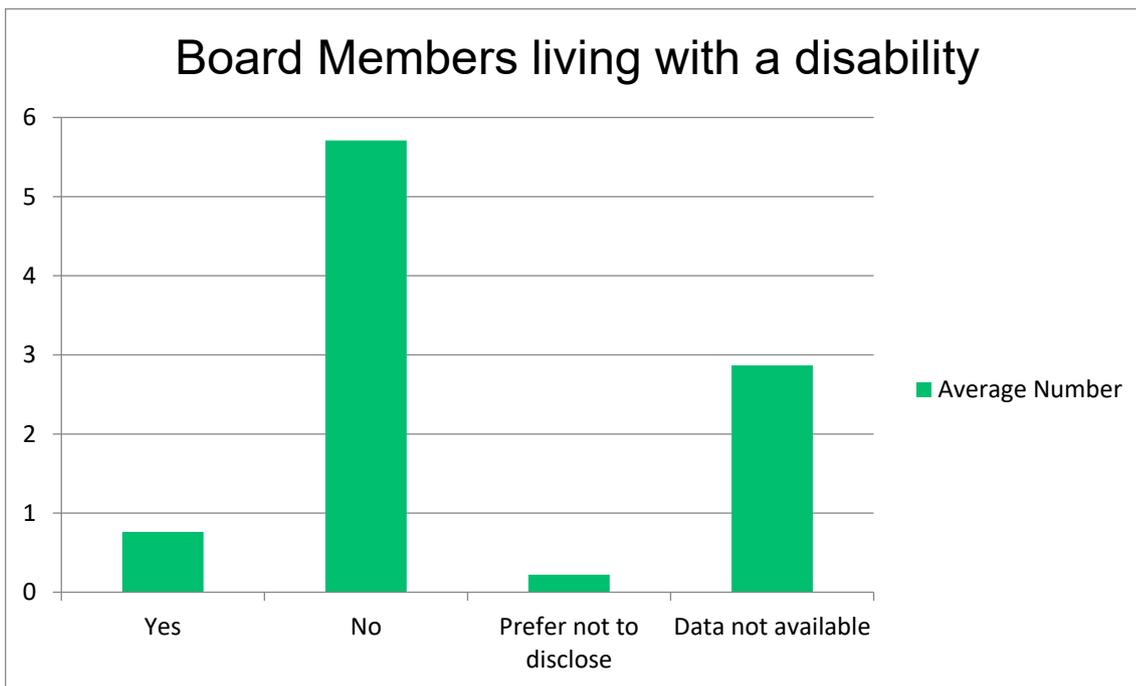
## Age

Answer Choices	Average Number	Total Number	Responses	
0-12	0	0	27.78%	10
13-25	0.45	5	30.56%	11
26-35	1.62	39	66.67%	24
36-64	5.34	187	97.22%	35
65+	1.64	41	69.44%	25
Prefer not to disclose	1.11	10	25.00%	9
Data not available	0.125	1	22.22%	8
			<b>Answered</b>	<b>36</b>
			<b>Skipped</b>	<b>1</b>



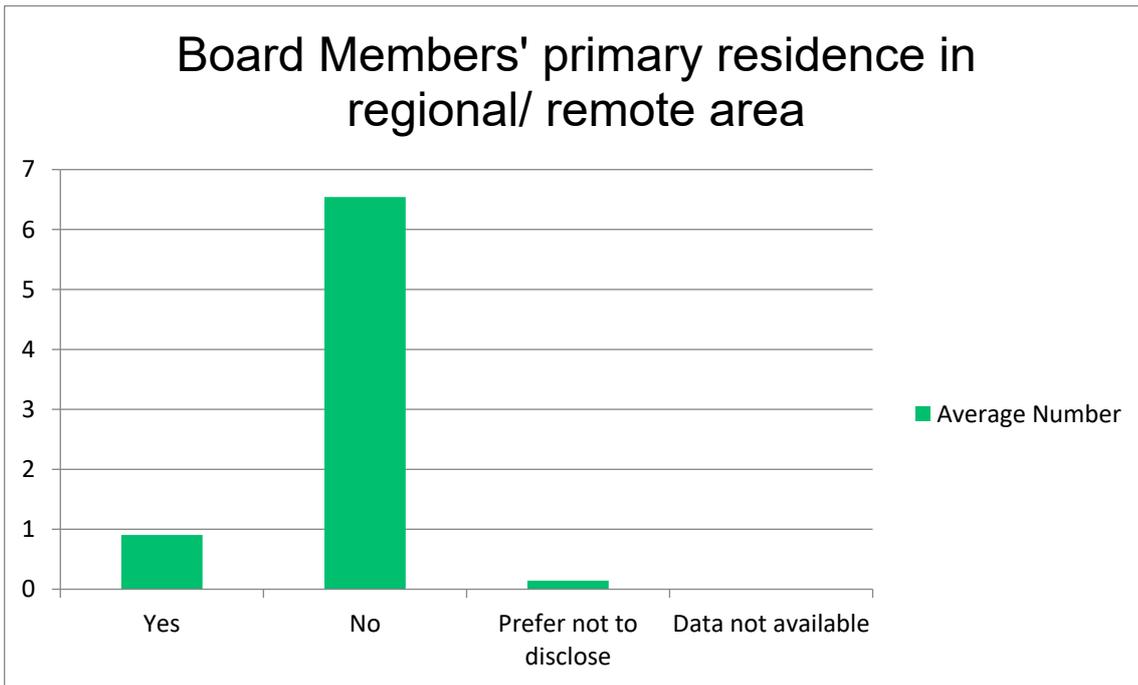
## Living with a disability

Answer Choices	Average Number	Total Number	Responses	
Yes	0.76	16	56.76%	21
No	5.71	177	83.78%	31
Prefer not to disclose	0.22	2	24.32%	9
Data not available	2.87	43	40.54%	15
			<b>Answered</b>	<b>37</b>



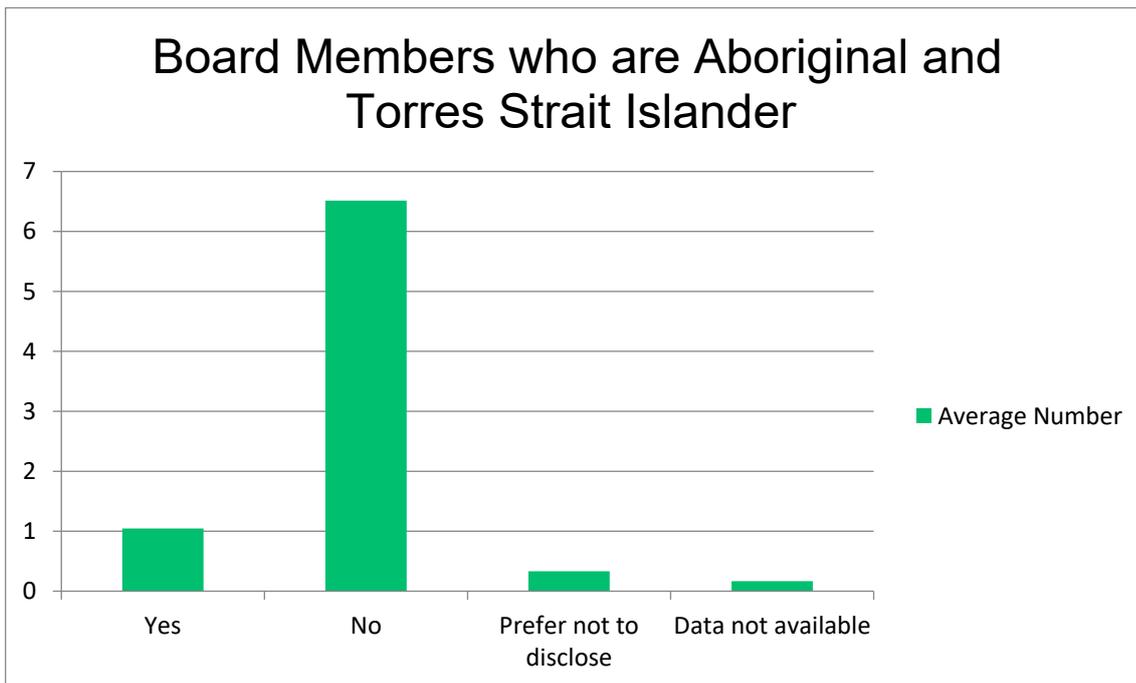
### Primary residence in regional/ remote area

Answer Choices	Average Number	Total Number	Responses	
Yes	0.90	19	56.76%	21
No	6.54	229	94.59%	35
Prefer not to disclose	0.14	1	18.92%	7
Data not available	0	0	16.22%	6
			<b>Answered</b>	<b>37</b>



## Aboriginal and Torres Strait Islander

Answer Choices	Average Number	Total Number	Responses	
Yes	1.05	23	59.46%	22
No	6.51	228	94.59%	35
Prefer not to disclose	0.33	2	16.22%	6
Data not available	0.17	1	16.22%	6
			<b>Answered</b>	<b>37</b>



## Cultural and Linguistic Diversity

Answer Choices	Average Number	Total Number	Responses	
Yes	1.56	42	75.00%	27
No	6.21	180	80.56%	29
Prefer not to disclose	0.17	1	16.67%	6
Data not available	2.4	24	27.78%	10
			<b>Answered</b>	<b>36</b>

