



# Submission to the Arts, Culture and Creative Industries Bill 2025

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## Introduction

I welcome the introduction of the draft *Arts, Culture and Creative Industries Bill 2025*. This is a vital step toward embedding creativity as a right and a resource for all South Australians and not a privilege for some. The Bill recognises that cultural participation is not only a public good but a foundational part of who we are, and who we want to be.

As the Acting Commissioner for Children and Young People, my role is to ensure that the rights, voices and interests of children and young people are embedded in the systems that affect them. This includes legislation that shapes their access to, participation in, and leadership of South Australia's cultural life.

My role was established under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* to promote and advocate for the rights, interests and wellbeing of all children and young people living in South Australia, and to help bring about improvements to systems that impact them. This office, and others like it, have shown the critical impact Commissioners have on progressing systemic change and improvements.

This Bill has the potential to place South Australia at the forefront of global cultural rights legislation. However, to get there, it must be bold in ensuring that children and young people are not just beneficiaries of cultural policy but also the co-authors of it.

Children form an important part of the cultural economy and are highly engaged in arts, cultural and creative activities. By meaningfully incorporating youth voice, structural accountability, independent oversight, and the formal recognition of systemic arts leadership through Create SA and Carclew, the *Arts, Culture and Creative Industries Bill 2025* can not only support creativity but also uphold rights, shape futures, and build a cultural system that is responsive to its youngest citizens.

This is not just about creative expression it is a proven, evidence-based investment in the wellbeing and future of our children and young people:

- A UK study of 10,000 students found that children engaged in the arts are more likely to report good mental health, reduced behavioural problems, and higher life satisfaction<sup>i</sup>.
- Community-based arts programs have been shown to reduce youth reoffending by up to 50%<sup>ii</sup>.
- The World Health Organization has linked the arts to improved mental and physical health, reduced loneliness, and stronger social connection<sup>iii</sup>.
- UNESCO has urged the integration of cultural participation into urban and regional planning to support child-friendly cities, safety, and civic belonging<sup>iv</sup>.

The draft Bill is aligned with the following key international instruments, and needs to be strengthened by further encompassing:

- The UN Convention on the Rights of the Child (UNCRC), particularly Articles 12, 13 and 31;
- The UN General Comment No. 17 on Article 31;

- The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005);
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); and
- The Sustainable Development Goals, especially Goals 4.7 and 11.4.

Incorporating these frameworks will give the legislation the potential to be internationally leading as a model for embedding the cultural rights of children and young people in law. It would enable South Australia to align with global human rights standards and would see the state lead Australia in legislating for the creative and cultural needs of the next generation.

To do this, I recommend that:

- Definitions are included to provide clarity and scope for what is considered in this Bill including the statements:
  - “Diversity means the inclusion of people from a wide range of lived experiences and identities, including but not limited to those related to culture, language, age, gender, sexual orientation, ability, geographic location, and socioeconomic background.”
  - “Participation means meaningful involvement in the creation, experience, leadership, and decision-making related to arts, culture and creative industries.”
  - Greater clarity on what is considered ‘culture’ for the purpose of this legislation.
- Insert a new Principle enshrining young voices: “ensuring that children and young people have opportunities to influence, shape and evaluate arts, culture and creative industries policy, strategy and program delivery.”
- Recognise Create SA and Carclew’s respective roles in advancing the legislation and policy.
- Establish an independent Commissioner for Art, Culture and Creativity to oversee and hold government accountable as well as bring a broader philanthropic, corporate and social-enterprise lens that reflects the way arts, culture and creativity works across all areas of our social and economic wellbeing.

If you have any queries please do not hesitate to contact this office.

Yours sincerely



**Mimi Crowe**

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## Question 1: Do you have any feedback about the Principles of the draft Bill?

I support the Principles of the Bill in specifically recognising the importance of fostering the creativity and talent of our children and young people as being critical to the future strength of our State.

We know that the arts, music and creative activities are important to the health, wellbeing, cultural identity, education and employability of children and young people<sup>v</sup>

### Highlighting diversity

The Principles signal an essential commitment to inclusion by highlighting that every child and young person should have the opportunity to develop their creative talent with the support of the artists, creatives and cultural organisations of South Australia in their schools and communities. This explicit recognition of the rights of our children and young people is essential and must be retained.

Nevertheless, to truly reflect the diversity and values of the sector, and those of children and young people themselves, the Bill should go further in acknowledging what diversity means to young people and how they experience and define culture.

In consultations conducted by my office, young South Australians described diversity not only in terms of identity (such as culture, language, disability, gender or location), but in the full range of lived experiences that shape how they engage with the world. They spoke about the importance of freedom, expression, identity, safety, and connection. They highlighted that culture is not a static concept, it is shaped by them and belongs to them.

Additional areas for consideration in the final drafting of The Bill would be to consider including in the definitions or implementation addressing:

- Geographic inequity: Regional children must be supported beyond project-based funding cycles. Our consultation has heard from children that trust is lost when projects come in, build hope, then leave. We need sustained investment to both build and maintain trust.
- Digital exclusion: Access to technology is uneven and should be addressed in implementation. The role our schools, youth arts organisations and public libraries play in helping overcome this is integral.
- Youth invisibility: Without mandated involvement in governance, children and young people risk being overlooked in decisions made about their cultural future.

Definitions matter. The Bill should clearly define terms such as “culture” to avoid unintended exclusion or narrow interpretations. Culture encompasses not only creative expression but language, religion, food, sport, and identity.

To reflect this, the Principles should be strengthened by including a clear and inclusive definition of “culture” and “participation.” They should also explicitly recognise the

diversity of lived experiences and identities that children and young people bring to arts and culture. Key to this is ensuring young people have a voice in the design of their future arts and cultural lives.

- Include the statements:
  - “Diversity means the inclusion of people from a wide range of lived experiences and identities, including but not limited to those related to culture, language, age, gender, sexual orientation, ability, geographic location, and socioeconomic background.”
  - “Participation means meaningful involvement in the creation, experience, leadership, and decision-making related to arts, culture and creative industries.”
  - Insert a new Principle: “ensuring that children and young people have opportunities to influence, shape and evaluate arts, culture and creative industries policy, strategy and program delivery.”

## Question 2: Do you have any feedback about the Objects in the draft Bill?

More than anything, children and young people want opportunities to meaningfully participate in shaping the systems that impact them. They want to be decision-makers and creators, not just audiences. This Bill presents an opportunity to enshrine that expectation.

Currently, children and young people have no voice in the development of most policies in South Australia despite those under 18 years of age forming 23 per cent<sup>vi</sup> of the population. This is particularly true for groups such as children with disability, LGBTQI+ and gender diverse young people, and tweens.

While many local councils now have youth advisory groups to help them better understand their younger residents, and some youth arts groups focus on the interests of younger people, the State government is lagging in terms of youth engagement in policy areas including the arts and culture.

If we are to have a State that genuinely encourages a thriving artistic, cultural and creative environment, as well as one that fully supports the rights of its younger residents, it must support the interests of children and young people as consumers and participants. To do this, it is vital that the Government involves children and young people in decisions about its cultural policies and strategies as the experts in their own lives. Understanding the nuances and complexity of young people’s experiences will provide the Government and its agencies with insights into how best to focus their coordinated efforts to best uphold their rights.

This is the generation we need to thrive if SA is to prosper as a cultural and creative State today and in the future.

Participation must be structurally enabled, not just aspirational. This means ensuring equitable access especially for young people in regional and remote areas, those from culturally and linguistically diverse backgrounds, First Nations children, LGBTQIA+ young people, and those experiencing disadvantage.

To ensure continuity of leadership it is vital that clear continuity of funding and support is identified for children from birth to adulthood. The role of Create SA for arts for all and Carclew for youth arts should be clarified in the legislation as the clear accountability mechanism for policy advice and representation

By creating Carclew 52 years ago and enshrining the responsibility for grant giving to young creatives to that public authority, we created a pathway that has nurtured a movement of youth arts investment in the state. It is time to re-energise that commitment.

To reflect this, the Objects should be strengthened to commit to youth-led influence over cultural strategy and program design as members of the cultural community and to clarify the roles of Create SA and Carclew to:

- Acknowledge children and young people as cultural contributors and not only recipients or support.
- Recognise Create SA's role in supporting access to participation for all.
- Recognise Carclew as the State Government's designated public authority for youth arts and cultural engagement.
- Commit to these organisations working partnership to the benefit of the State.

### **Question 3: Do you have any feedback about the Guidelines in the draft Bill?**

No specific comments.

### **Question 4: Do you have any feedback about the Functions of the Minister in the draft Bill?**

The Bill lays strong foundations for system-wide cultural planning, but its impact will ultimately depend on whether it mandates coordinated action across government and ensures that implementation is equitable, transparent and youth-inclusive.

Accountability cannot rely on discretion alone. It must be legislated, independent, and visible.

I recommend that an independent Commissioner for Art, Culture and Creativity be established. The Commissioner's role will be to oversee and hold this work accountable as well as bring a broader philanthropic, corporate and social-enterprise lens that reflects the way arts, culture and creativity works across all areas of our social and economic wellbeing.

Recommendation: Create a Commissioner for Art, Culture and Creativity to:

- Monitor implementation of the Act and the Cultural Policy.
- Table independent reports in Parliament.
- Ensure participation in policy formation inclusive of artists, creatives and children and young people.
- Advocate for and monitor fair working conditions for artists.
- Conduct systemic reviews into equity and access.

### **Question 5: Do you have any feedback about the State Arts, Culture and Creative Industries Policy as referenced in the draft Bill?**

To embed cultural participation into the systems that shape children's lives, the Bill should require government agencies beyond the arts, particularly in education, health, child protection, regional development and youth justice, to develop cultural participation plans. These plans should align with the Cultural Policy and be co-designed with children and young people where appropriate.

The Chief Executives' responsibilities, through Create SA's and Carclew, should include explicit cross-agency coordination for all arts with a remit for Carclew to lead youth-focused implementation.

Recommendation:

- Mandate cultural delivery planning across government
- Clarify the Chief Executive's duties to include clear connection of Create SA and Carclew as levers for systemic change and the role of a new Commissioner to ensure advocacy and accountability.
- Embed requirements for performance monitoring and transparency.

### **Legislate for a whole-of-government implementation plan**

To turn strategy into impact, the Bill should require the development of a Cultural Implementation Plan, outlining:

- Agency responsibilities
- Key annual timelines (ie an annual report to Parliament)
- Resourcing mechanisms, including for youth-focused organisations.

### **Improve opportunities for arts and cultural education**

Despite the proven importance of the arts, music and other creative activities on the health, wellbeing, cultural identity, education and employability of children and young people arts education is strongly linked to socio-economic advantage. While wealthier schools can afford to provide opportunities for students to learn and engage in a range

of arts, music and other cultural and creative education and activities, children in poorer schools and those in rural and regional areas are missing out.

At the same time, the majority of the Australian population (74 per cent) believe that arts and creativity play an important role in the lives of children and young people's learning and development that is worthy of investment.

It is essential that investment is made not only in delivery of the arts curriculum but also in extra-curricular youth arts opportunities.

### **The role of local government**

Local Government is a key delivery partner for young people's cultural lives particularly in regional and outer metropolitan areas. Councils support festivals, youth programs, and critically, public libraries, which remain among the most inclusive, trusted and accessible cultural spaces for children and young people.

The Bill should recognise the role of Local Government and vital role public libraries play in connecting children, families, schools and communities.

- Encourage formal partnership with Local Government in the development and delivery of place-based cultural strategies.
- Recognise public libraries as essential cultural infrastructure, particularly for underserved and digitally excluded young people.



## Endnotes

<sup>i</sup> McDool, E., Powell, P., Roberts, J., & Taylor, K. (2020). The impact of creative activities on the mental health and wellbeing of children and young people. *Social Science & Medicine*, 261, 113211.

<sup>ii</sup> Blagg, H., Tulich, T., & Williams, E. (2022). Creative Justice: Arts-based youth diversion in community settings. *University of Western Australia Law Review*.

<sup>iii</sup> Fancourt, D., & Finn, S. (2019). What is the evidence on the role of the arts in improving health and well-being? A scoping review. WHO Regional Office for Europe.

<sup>iv</sup> UNESCO (2021). Culture: Urban Future – Global Report on Culture for Sustainable Urban Development.

<sup>v</sup> <https://www.culturallearningalliance.org.uk/evidence/>

<sup>vi</sup> 2021 Census All persons QuickStats, South Australia, Australian Bureau of Statistics, <https://www.abs.gov.au/census/find-census-data/quickstats/2021/4>