



Arts Council of New Zealand Toi Aotearoa Act 2014

Public Act 2014 No 1
Date of assent 31 January 2014
Commencement see section 2

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Arts Council of New Zealand Toi Aotearoa Act 2014.

2 Commencement

This Act comes into force on the day that is 3 months after the date on which it receives the Royal assent.

Part 1
Preliminary provisions and provisions
relating to Arts Council

Preliminary matters

3 Purpose and principles

- (1) The purpose of this Act is to continue the Arts Council of New Zealand Toi Aotearoa, the national body for the arts established under the Arts Council of New Zealand Toi Aotearoa Act 1994, in order to encourage, promote, and support the arts in New Zealand for the benefit of all New Zealanders.
- (2) In achieving the purpose of this Act, all persons performing functions or exercising powers under it must—
 - (a) recognise the cultural diversity of the people of New Zealand; and
 - (b) recognise in the arts the role of Māori as tangata whenua; and
 - (c) recognise the arts of the Pacific Island peoples of New Zealand; and
 - (d) recognise and uphold the principles of—
 - (i) participation, by supporting initiatives that encourage participation in the arts; and
 - (ii) access, by supporting the availability of projects of merit to communities or sections of the population that would otherwise not have access to them; and
 - (iii) excellence and innovation, by supporting activities of artistic and cultural significance that

- develop the creative potential of artists and art forms; and
- (iv) professionalism, by maintaining and developing a professional arts infrastructure at both the national and community levels; and
 - (v) advocacy, by promoting New Zealand's arts and artists locally, nationally, and internationally.

4 Interpretation

In this Act, unless the context otherwise requires,—

1994 Act means the Arts Council of New Zealand Toi Aotearoa Act 1994

arts includes all forms of creative and interpretative expression

Arts Council of New Zealand Toi Aotearoa and **Arts Council** mean the Arts Council constituted by 1994 Act and continued by this Act

community arts—

- (a) means projects undertaken within a community that—
 - (i) may represent either a specific geographical area or defined community of interest; and
 - (ii) allow for access and participation by the wider community; and
- (b) includes recreational arts

community arts council means a council provided for by section 16

community arts provider means a body designated under section 14

Minister means the Minister who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

professional arts means projects that provide significant income for those undertaking the projects

projects includes productions, workshops, educational programmes, individual art works, programmes involving individuals, companies, or organisations, and other kinds of arts activities.

5 Act binds the Crown

This Act binds the Crown.

*Arts Council of New Zealand Toi Aotearoa***6 Arts Council of New Zealand Toi Aotearoa continued**

- (1) This section continues the national body for the arts known as the Arts Council of New Zealand Toi Aotearoa as a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (2) The Crown Entities Act 2004 applies to the Arts Council except to the extent that this Act expressly provides otherwise.

*Functions and powers of Arts Council***7 Functions of Arts Council**

- (1) The principal functions of the Arts Council are to—
 - (a) encourage, promote, and support the arts in New Zealand for the benefit of all New Zealanders;
 - (b) promote the development of a New Zealand identity in the arts;
 - (c) allocate funding to projects for professional and community arts, including funding for—
 - (i) Māori arts; and
 - (ii) the arts of the Pacific Island peoples of New Zealand; and
 - (iii) the arts of the diverse cultures of New Zealand;
 - (d) uphold and promote the rights of artists and the right of persons to freedom in the practice of the arts;
 - (e) maintain relationships with other agencies and organisations;
 - (f) give advice to the Minister on any matter relating to or affecting the functions of the Arts Council;
 - (g) perform any other functions conferred on it by this Act, any other enactment, or the Minister.
- (2) In carrying out its functions, the Arts Council—
 - (a) must set guidelines for the allocation of funding; and
 - (b) may set guidelines for community arts councils and community arts providers; and