

## Statement regarding Australia Council funding for *IMMACULATE*

Wednesday 7 October 2020

It has been suggested in some fora that the Australia Council has overturned a peer-assessed funding decision in relation to Casey Jenkins' *IMMACULATE*. This is not the case.

It has also been suggested that the Australia Council has made this decision based on negative media coverage of *IMMACULATE*, or because of government intervention. This is also not the case.

The funding for *IMMACULATE*, an activity that was introduced as a variation to a peer-assessed career development grant, was rescinded because it was not in keeping with the original peer-assessed grant and created potential legal risk for the Australia Council.

The original grant was awarded in the Council's peer-assessed February 2020 competitive grant round. It was not provided through the Resilience Fund, as has been suggested in some media coverage.

The original grant was for career development to support opportunities for international market development and presentation. It did not include *IMMACULATE*.

The original grant required variation due to the impact of international travel restrictions arising from COVID-19. The Council received an extremely high volume of contract variation requests due to the pandemic that were expedited quickly and with the commitment of being as flexible as possible. It was in this context that the variation request was approved before being sufficiently reviewed and escalated due to the potential legal risk of *IMMACULATE* as a new activity. Our process regarding variation requests has since been reviewed and adjusted.

Grants for experimental arts are intended to explore challenging new concepts in the creation and experience of arts and culture. This sometimes can lead to uncharted legal and ethical territory. Our expert peer assessors carefully consider this as part of their deliberations. The decision to fund *IMMACULATE* was not made by peers and did not have the benefit of this consideration.

When details of the variation request were escalated, the Council sought advice to identify potential legal issues related to this activity. Legal advice identified the possibility that a legal claim could be brought in the future, and the Council determined this was not an acceptable risk for a corporate Commonwealth entity.

The Council has been in contact with the artist to advise we consider it necessary to rescind the variation to the original grant, effectively withdrawing support for this specific project. However, the artist has been invited to submit an alternative project variation proposal.

The Australia Council has received some feedback from members of the public following media coverage of the project. This was not a factor in the decision which relates to potential legal risk.

The Minister has not directed the Australia Council on this matter, nor was media coverage a factor in the decision.

Council staff do routinely alert artists to negative media coverage relating to their projects in order that the artist may take the necessary precautions regarding their online presence to minimise the harm they may experience from trolling and other negative behaviour.

The Australia Council is committed to supporting challenging works that push the boundaries of artistic expression. We have a duty, however, to ensure that adequate consideration has been given to the implications of projects supported by a Commonwealth corporate entity. Our decision not to support *IMMACULATE* is informed by the potential legal risk it presents. It is not a statement on the project itself.