

REPORT ON PROCEEDINGS BEFORE

**JOINT SELECT COMMITTEE ON SYDNEY'S NIGHT TIME
ECONOMY**

SYDNEY'S NIGHT TIME ECONOMY

At Macquarie Room, Parliament House, Sydney, on Monday 12 August 2019

The Committee met at 9.30 a.m.

PRESENT

The Hon. Natalie Ward (Chair)

Legislative Council

Legislative Assembly

Ms Cate Faehrmann

Mr Kevin Conolly

The Hon. Ben Franklin

Ms Felicity Wilson

The Hon. John Graham

Mr Guy Zangari

The Hon. Mark Latham

The CHAIR: Good morning and welcome to the third public hearing of the Joint Select Committee on Sydney's Night Time Economy. I am Natalie Ward, chair of the joint select committee, and I am joined by my colleagues Kevin Conolly, the member for Riverstone, Cate Faehrmann, MLC, the Hon. Ben Franklin, MLC, the Hon. John Graham, MLC, the Hon. Mark Latham, MLC, Felicity Wilson, the member for North Shore and Guy Zangari, the member for Fairfield. Before we commence, I acknowledge the Gadigal people, who are the traditional custodians of the land on which we meet here at Parliament and I pay my respects to elders past and present of the Eora nation and I extend that respect to other Aboriginal people who are either present or viewing the proceedings on the internet. I declare the hearing open.

KERRI ELIZABETH GLASSCOCK, Director and Chief Executive Officer, Sydney Fringe Festival, affirmed and examined

The CHAIR: I now welcome Ms Kerri Glasscock Director and Chief Executive Officer of the Sydney Fringe Festival. Thank you for appearing before the Joint Select Committee on Sydney's Night Time Economy today to give evidence. Can you confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to examination of witnesses?

Ms GLASSCOCK: Yes, I have.

The CHAIR: Do you have any questions about that information?

Ms GLASSCOCK: No.

The CHAIR: We appreciate you providing a written submission to the Committee members beforehand. You can assume that we have read that. We appreciate your time put into that and the thoughtfulness of the submission. Do you have an opening statement you would like to make to the Committee before we start the questions?

Ms GLASSCOCK: Yes, I do.

The CHAIR: I would invite you to make that now, please.

Ms GLASSCOCK: Thank you for having me today and for the opportunity to speak. A 24-year-old colleague of mine recently told me that for their entire adult life our city had been under construction and that she did not feel like any of it was for her. We expect our city to develop and we look to government to help create an inclusive and dynamic city for all. As the CEO of the Sydney Fringe Festival, I work with over 2,000 early career artists in 65 venues across 21 postcode areas of Greater Sydney each year. We are the largest independent arts festival in New South Wales and contribute over \$12 million a year in economic impact during our 30-day festival. I also own and operate two small venues in Sydney, Venue 505 in Surry Hills, a licensed live music venue and Old 505 Theatre, a small independent theatre and bar. Our sector is drowning in despair. We operate businesses under the most stringent regulatory conditions in the entire country. We raise families struggling under rental and mortgage stress in the most expensive city in the country. We balance the desire to contribute to our city with the push to leave and have an easier life.

Our night-time economy contributors are leaders in their field fighting to build a vibrant city, but we can no longer do this on our own. For too long our night time sector has been bolstering up the creative capital of this city and our government has impeded it at every turn. We need a grand gesture. We need collaborative, solutions-based thinking. A great global city requires a great nightlife and a great nightlife needs to be made up of many different offerings. Under the current framework this is, quite frankly, impossible to achieve. We need strong leadership to remove red tape to enable small businesses to thrive. We need support for the cultural organisations that are solutions-driven. We need to value the cultural contribution commercially operated small venues make and we need to treat them with the same respect that we give to major cultural institutions. We need to invest in cultural entrepreneurs and respect them as the small businesses they are and we need to acknowledge that those businesses make a deliberate financial sacrifice to support cultural programs so our city has a vibrant offering. We need to take this sector seriously as the economic driver it is.

Sydney Fringe Festival has spent five years researching the regulatory hurdles that impede our sector from operating small businesses. New South Wales has fallen far behind the rest of the country in regulatory reform and for a State that wants to make it easier to do business, we have failed an enormous part of our community. Sydney Fringe Festival supports the recommendations in the findings from last year's live music and arts economy inquiry and we endorse the Committee for Sydney *Sydney as a 24-Hour City* report and its recommendations. We advocate for a State variation to the National Construction Code for a small arts venue definition to enable arts and cultural activity to take place in all types of commercial buildings. We are concerned about the strong focus on agent of change as a solution for entertainment sound issues and we encourage government to invest in organisations that are working to find positive solutions like the Sydney Fringe Festival and Live Music Office. We acknowledge the leading work being undertaken by local governments such as City of Sydney and Inner West Council, but their remit and changes can only go so far. We acknowledge the work of Create NSW and the planning department, but this work needs support and it needs to be made a priority.

I know you have received an overwhelming amount of submissions and heard an immense amount of despair, but there is low-hanging fruit here within easy reach that could provide instant relief and big wins for our State. There is best practice examples from other states and recommendations from many of us that are backed up by facts and real-time data and have been provided on numerous occasions to government in the past. I urge

government to draft a strategic vision for our night time, put someone in charge and resource its roll-out. A transformation is achievable if we collaborate and if we have strong leadership from government who decide that our city is worth saving, that our cultural capital is worth the investment of time, because that is now the one thing we no longer have. Out here on the ground, we have run out of time. We must start to repair the damage and start working together under a united strategic vision. I do not want my daughter in 12 years to feel like this city is not hers and I do not want to see our young talent flee to more affordable and supportive cities. I do not want to see more venues close and I certainly do not want to see a city where our entire night time offering is made up of 24-hour gyms and convenience stores. We can do better, and we should.

The CHAIR: Before we turn to questions from members. At the outset I acknowledge the Kelly and Christie families and the terrible circumstances that have brought us here today. We are very respectful of the families and sensitive to them when we are talking about lockouts.

Mr GUY ZANGARI: Good morning and thank you for being here today. I note in your submission request (b) that I would like you to talk to, which is the inclusion of new cultural infrastructure and all major State infrastructure projects. You talk about low-impact cultural infrastructure. Can you talk us through that and the provisions for State infrastructure in order to support the industry and how important it is from what you have put forward in request (b)?

Ms GLASSCOCK: A lot of the work that we do at Sydney Fringe Festival is breaking down the now misconception of what cultural space is. I think we often have understanding when we are thinking about cultural space that it needs to be high capacity, fixed seating, heavy drapery, seats; all the things that we expect a more traditional theatre space to be. But the reality is that most of our State artists work in small to medium-sized spaces. Our research shows that they want and need flexible small-scale space. What we advocate for on that note is let us just have an empty box. It could be a 50-square metre concrete shopfront, as much as it could be a 2,000-seat auditorium. We like to think of a world where if State are building infrastructure projects, let us ensure that there is some bare-bone space that can be put aside for cultural use; whether that has a public facing aspect as far as a performance venue or whether it is a making workshop space. Really, the cost would be nominal to ensure that a little tiny part is put aside for that in any type of major infrastructure program, be it a train station or anywhere.

Ms CATE FAEHRMANN: Thank you for appearing Ms Glasscock and your submission, with all the case studies, it was very interesting and a bit depressing as well. Create NSW has been asked by the Committee whether the lockout laws potentially have been a factor in Sydney losing creative talent and opportunities to other cities, such as Melbourne. Create NSW's response so far is they do not have any evidence of that. What is your response to that, as somebody in the creative industry? Have you seen that and do you know of people and organisations having to move to other cities or Sydney losing out?

Ms GLASSCOCK: Any evidence on that we have is anecdotal. I would preference my statement by saying, as outlined in my submission, there is not one single reason why this is happening at the moment. It is a factor of a multiple of reasons. Definitely, the lockout laws have contributed to a difficult business operating environment for cultural and arts spaces that rely on the sale of alcohol to bolster up their business model. But we are also in a city, as I said earlier, that has got an incredible rising cost-of-living, rental and mortgage pressures and this is something that is also contributing to the exodus of creatives from this city. But yes, it is undoubtedly true that people are moving to other cities to have an easier and more supported cultural practice. That is happening. Particularly people of my age and generation who are mid-career artists who now have families and are looking to balance their working life and how hard or easy it is, depending on where they are located.

The CHAIR: Following up on that point, do you have examples of that or could you take that on notice to give the committee actual examples of those?

Ms GLASSCOCK: Yes, I can take that on notice and provide some actual examples. We have many of them in our community.

The Hon. JOHN GRAHAM: The most striking thing for me in your submission was you are not here asking for a whole lot of money or asking for a whole lot of support, other than for government to take away the stop sign for your sector. You are talking about the stop sign and a whole lot of competing regulations. It is the wall of regulations that you are describing that is the most disturbing. If that happened, how much creative activity do you think could be let lose by the independent sector? What would happen?

Ms GLASSCOCK: It would take time, of course and a change of mindset, but it would be incredibly positive. Certainly the research projects that we have undertaken show that. In 2016 we undertook a project called the Off Broadway project in partnership with the Inner West Council looking at a strip of Parramatta Road and trying to place permanent cultural businesses into that strip. We had about 80 submissions from cultural

organisations, of which 80 per cent of those were deemed financially viable to move forward, as in they had a clear business case, they knew what they wanted to do, they had capital to open a space and run their business but the regulatory conditions were so cost prohibitive and time prohibitive that we could not make any of those work. Looking at those projects versus the real world, then yes, our feeling is that there are lots of people who are wanting to open their own space and create new businesses but the current regulatory framework is just so prohibitive against that, that it is nearly impossible to do.

The CHAIR: What kinds of businesses?

Ms GLASSCOCK: What was really interesting about that project was almost all of them required some type of mixed use.

The CHAIR: What were the businesses you were seeking to open?

Ms GLASSCOCK: I am on it. They are everything from a rehearsal studio through to a graphic design office that also wants to be a bar at night. What we find in our part of the sector, as broken down in my submission, is that it is very cost prohibitive to put on cultural activity. You choose to make a financial hit if you are a privately owned venue that does that. That is just the truth of the situation. So, you need an alternative income stream. You cannot just have the provision of putting on entertainment. At the moment, because the regulatory barriers are so skewed to make it difficult to have mixed use business or different streams of income, the only natural fit at the moment is the provision of sale of alcohol. So what we see is that all of our night time businesses are relying on that to buffer up, because all the other conditions placed on someone wanting to start a business are so prohibitive that you just cannot go down that road. But we need another income stream.

What we found was all the businesses in that particular project were wanting to have some type of public facing aspect to their business and also a closed door side. So, it might have been a writing studio that turned into a theatre at night. It might have been a rehearsal studio that wanted to have four or five showings a week. As soon as you add the layer of public facing onto any desire of a DA or any business model, it triggers a huge amount of regulatory conditions that are completely onerous and prohibitively expensive for the type of business you are actually proposing. In the world of the regulators, it does not matter whether you are a 2,000-seat music venue or a 25 seat rehearsal studio with a public facing. You are treated in the same way as far as the assumption of risk.

The CHAIR: I am coming from a positive place, so do not take this the wrong way; I am not having a go at you but I am interested in whether you have heard of a thing called Easy to do Business.

Ms GLASSCOCK: Yes.

The CHAIR: That is designed to turn things around from a whole lot of regulation, cost, within 90 days down from 18 months opening up a business, exactly that, a concierge to try and make it easier to do those things. Have you or any of these entities availed themselves of this option because I understand it is there but not many people know about it.

Ms GLASSCOCK: That is fantastic. The only problem, which is why we advocate for a variation in the National Construction Code, because it is one thing to have a concierge to guide you through everything, but the reality of the matter is in this State at the moment, if you want to put on any type of performance in any type of building, it triggers an immense amount of capital works and upgrades to your building.

The CHAIR: I think we are all trying to get to an outcome that is achievable. It is great to create something new but if we were to utilise existing entities that are there already in government to help—and it is not just government but the existing entities—could it be that this could be expanded to the arts or performance space to take account of exactly what you just said?

Ms GLASSCOCK: Yes, absolutely. But we would also need to review all the regulatory framework that is prohibiting that activity, because you can be guided and fast-tracked no matter what, but if you are wanting to open a 30 seat theatre that is a bar, a theatre and a rehearsal studio— or let us take bar out of it, make it a cafe, so we are not selling alcohol, if that is what we want to do, then you are still going to have to upgrade your building to become what is a place of public assembly. In the mind of the regulators, anything to do with selling a ticket and having an audience come in is triggered as a high-risk activity.

The CHAIR: That is obviously because of work health and safety, public safety; there are a whole lot of other issues I am sure that play into that.

Ms GLASSCOCK: Yes, most of it is fire safety and noise attenuation. That is fine and adequate. What we are asking for is a sliding scale, because if I am having 30 people sitting watching a poet in a corner with no amplification and no fixed seating and no heavy drapery and maybe no alcohol sales, then it is just incongruous for me to do the upgrades that would be the equivalent of me being a hard-core nightclub.

The CHAIR: If we could integrate some kind of aspect into this or into assisting with the planning and regulatory side and have that sliding scale as you say, this is a smaller venue, it simply does not require the same amount.

Ms GLASSCOCK: Yes.

The CHAIR: And perhaps a concierge or whatever it is to assist where it fits in that pendulum, do you think that might be potentially helpful?

Ms GLASSCOCK: Very positive. A risk-based sliding scale would be great or alternatively, there are other State variations already, South Australia have one for a small arts venue definition, which essentially says if you are within X number of square metres, if you only have a certain number of flights, if you have X, Y and Z, then you can operate in any class of building as a small arts venue.

The CHAIR: I think you have put some examples in your submission as well?

Ms GLASSCOCK: Yes.

The CHAIR: Unfortunately it is Melbourne, but about how that has worked.

Ms GLASSCOCK: Yes.

Mr KEVIN CONOLLY: I do appreciate that line of thinking, coming from a background in local government. It does sound like there is something that can be inserted into planning definitions and perhaps also creating a new zone that councils might be able to use in designated entertainment precincts to facilitate a path like that. Is that something you would be calling for in focal areas like Sydney CBD?

Ms GLASSCOCK: Yes. Definitely precincts are helpful if it is about overlaying a land use that says we care about night life and cultural activity in these areas to deal ahead of time with possibly some of those things that come up, noise attenuation—

Mr KEVIN CONOLLY: That is exactly where I was going. Noise is often the barrier in these uses?

Ms GLASSCOCK: Yes. Laying out assumed use is good. The issue we have in Sydney in particular comes back to again the cost of real estate and of doing business in this city. What we find is most cultural space operators do not actually choose their venue, it chooses them. What I mean by that is many of them are not owner occupiers, they are renting and they also happen to go where it is easiest to open their business. This is to do with those layers of regulation. If you happen to have a space that has already got some type of licence attached that has been operating in some world as some type of public-facing business, you are more likely to go there than even another location where the location might be better. My concern with the precinct model—although I support it because we do need a density of diverse activity to make a night time—is that most people do not always get to choose. If there were benefits overlaid with a precinct arrangement, my concern would be that many other venues are outside of those areas.

Mr KEVIN CONOLLY: Would you not be able to get to those benefits?

Ms GLASSCOCK: I prefer to look at things of how do we solve the solutions around the venue itself and those venues. This comes back again to a valuing of those commercial businesses as cultural institutions, even though they are small businesses, and working out how we can help them do what they want to do.

Mr KEVIN CONOLLY: You made one comment that I picked up on. You said that you were concerned about the focus on agent of change as a model, which we thought had some merits. Can you elaborate on that concern?

Ms GLASSCOCK: Yes. Our concerns are not necessarily the norm or as popular because a lot of people are advocating for agent of change. My concern is just for that reason. Agent of change was created in cities that had a dense population of venues. We know we have lost half our venues in Sydney. We do not have a dense population of venues and my concern in the current real estate market and in the current set-up of Sydney is that agent of change is being set up to benefit developers, because essentially it is a first there first served basis. The only people who can afford to purchase land or purchase space are property owners, not venue owners. Whilst I see the merit in it for an existing venue and developments coming in, we have concerns about it for this particular city because we know that creative businesses rarely choose where they do and they do not own property.

The CHAIR: Could you give a quick example of one of those spaces or venues where you would like to have it in this space but you cannot? Are there examples of places you have wanted or could you take that on notice?

Ms GLASSCOCK: I can take that on notice.

The CHAIR: If you could give us a concrete example of "we would love to have had it here but we could not"?

Ms GLASSCOCK: Sure, I can get you some of that.

The CHAIR: We are talking at a general level but it would be great to have some examples we could work with.

The Hon. MARK LATHAM: On the noise question, how big a drag on your venues are the noise complaints as handled by local government and, if not agent of change, what policy would you recommend for allowing this industry to have a legitimate base of venues?

Ms GLASSCOCK: It is a good question. It is very onerous and that is because at the moment we have multiple agencies that all are able to and do respond to noise, so complainants, return and difficult complainants can go through many different avenues to complain. I have had instances with my business where we have rangers turn up about a noise complaint and we were not even open that day. That happens a lot. Then we have to go through for half an hour with them and prove that we were not open. The onus is on the business owner always. We do not have that many noise complaints but we have had some in the past where they are purely genre based; you get a complaint based on the type of music that is being played. It is continual. I have colleagues that deal with it on a weekly basis. It now is prohibitive to many people's businesses. Just down the road from where I live, the Town and Country, which is the famous pub in the country music songs, they have had to close their beer garden at 8 o'clock because they cannot do business. I am sure you have heard so many stories about this over the last couple of weeks. But yes, it is an issue.

For us, we advocate of course for a single agency, where possible, to deal with these things: remove the duplication of authority within the regulatory authorities so you have a single point of contact with someone who can deal with these. We also advocate for a turnaround in the way complaints are dealt with. The onus cannot always be on the business operator to prove that they are not in the wrong. That is what we find all the time with how the regulatory authorities deal with performance venues in general. There needs to be a change of culture and attitude in that.

The Hon. MARK LATHAM: You are saying the lockouts could be lifted but the noise issues could still suppress the night-time economy and these creative arts industries.

Ms GLASSCOCK: My point in the submission and in all of this is there is not a silver bullet. Whilst lockouts should be looked at to be removed of course, they should be looked at in a suite of changes because we have unique situations here in Sydney that are different to other States and other cities. Expense is definitely one; how the real estate market works is another. We have got lots and lots of different things that are unique to our city. Yes, noise is still going to need to be dealt with even if lockouts are removed. The building code is going to need to be dealt with even if lockouts are removed. Duplication of regulatory authorities is going to be looked at. This is why we are advocating for a strategic plan that is given priority and a time frame that is collaborative and solutions based that works with the sector, where we can sort this out and get it done, because there is more than one issue.

The CHAIR: We have just a couple of minutes left. I love your solutions-based and collaborative work. The Committee will be quoting those.

The Hon. BEN FRANKLIN: First, I thank you for the incredible work that you do in the Sydney Fringe Festival. It is an internationally acclaimed festival and I publicly acknowledge your leadership in that space.

Ms GLASSCOCK: Thank you.

The Hon. BEN FRANKLIN: Regarding one of your other recommendations about small- to medium-sized venues, we have heard some evidence from a number of people in the industry, the music industry as well as other creatives, saying that we have a dearth of venues in Sydney—everything from 100- to 150- and up to 500-seat venues. Could you speak to this issue and particularly what the Government can do to assist, ideally looking at other examples from around the country or the world?

Ms GLASSCOCK: Yes, absolutely. This is my favourite topic.

The Hon. BEN FRANKLIN: Excellent!

Ms GLASSCOCK: First of all, I would like to preface this by saying that the majority of artists in our State will never work on the main stages of this State. That is just a reality. It is a very small percentage of people who work at the Opera House, in the major festivals, at the Sydney Theatre Company [STC]. Those are valid and great but almost of us earn our living in the small-to-medium sector. That might be a 150-seat jazz club like mine; it might be a small 80-seat theatre, et cetera, et cetera.

These spaces also are absolutely vital for the development of talent, of our economy and also of feeding our export for arts and culture. At the moment we do not have nearly enough.

For me, definitely having a look at how these can be supported by government, be they included in major infrastructure projects, be it supporting the regulatory changes that will enable the private sector to do it. But also there is definitely going to need to be some type of government investment into some small-scale cultural infrastructure. We have seen no commitment from the Cultural Infrastructure Plan for any investment in small to mediums; it is all about the large-scale cultural space. That is great: as a global city we need renowned cultural infrastructure. But we also need the small- to medium-sized where people actually earn their living and work.

The Hon. BEN FRANKLIN: Would you argue that the creation of such spaces is critical to the establishment of both the economic and cultural benefits for the future in Sydney and New South Wales?

Ms GLASSCOCK: Yes, absolutely. For us, we would love to work with government where it is about how do we actually seed fund some of these spaces to enable private sector to do it themselves. We are working on a project in Kings Cross at the moment that has some State Government support and local government. It is just about that. It is creating a business model that says we know that that upfront loading is the tough bit. We know that once people are out and open they can do business and keep the doors open. How do we then look at this as an entrepreneurial model to seed fund the creation of these spaces if we are not going to invest in the capital works ourselves.

The CHAIR: We will have to finish there. Thank you very much Ms Glasscock for coming along today, for your written submission and the suggestions you have made. The Committee members may have additional questions for you. If we do, if we send those to you, the replies to those would form part of your evidence. Would you be happy to accept written questions from us?

Ms GLASSCOCK: Yes, of course.

The CHAIR: You have taken a couple of questions on notice. We ask that the answers to those be returned within seven days to the Committee staff. They will be in touch with you.

Ms GLASSCOCK: Yes.

The CHAIR: Thank you for your appearance today and all the work that you are doing.

(The witness withdrew.)

MICHAEL RODRIGUES, Chair, Night Time Industries Association, sworn and examined

The CHAIR: Thank you for joining us today and appearing before the Joint Select Committee on Sydney's Night Time Economy to give evidence. Can you confirm that you have been issued with the Committee's terms of reference and information about the standing orders?

Mr RODRIGUES: I have.

The CHAIR: Do you have any questions about that information?

Mr RODRIGUES: I do not. My position is the chair of the Night Time Industries Association. I am also the managing director of Time Out Australia. I am representing the Night Time Industries Association for this hearing. I am also happy to take questions in my capacity as the managing director of Time Out Australia should the Committee so choose.

The CHAIR: Thank you and thank you for your written submission. You can assume that members of the Committee have had the opportunity to read that. Did you have a short opening statement you would like to make to the Committee before we invite questions?

Mr RODRIGUES: I do. I have sat alongside the Committee for the last few days. Thank you for all your work here. The comments I make are kind of in the context of that evidence that has been given and you will be pleased to note I have no desire to reiterate the economic data and evidence that many of our members who have presented evidence here and others have tabled. Suffice to say that we have a material problem that I think we all agree needs to be addressed.

Our organisation did not exist up until a year ago. It formed because a growing number of businesses across the night-time economy—arts, culture, live performance, hospitality, hotel and retail—recognised there was a crisis and in order to fix it they needed to get on the same page and do three things. Firstly, talk to government in an objective way about what the industry needs on the whole. Secondly, build alignment between the various participants in the night-time economy so that working together they can provide a compelling offer to the city's residents and tourists. Lastly, promote that offering to the punter. I cannot labour the point hard enough. Our membership base comprises organisations who to some degree compete with each other for entertainment dollars but they are increasingly putting differences aside in order to address the multitude of challenges affecting the sector.

Your many witnesses have argued their individual challenges, as well they should. But what we need at an overarching structural level if we are to enhance Sydney's night-time economy is simply for government to back the sector. Specifically, Michael Rose from the Committee for Sydney began this inquiry with much the same narrative we just heard from Kerri. We respectfully ask government to paint a vision, set goals for growth and put someone in charge with the necessary authority to marshal the various arms of government that impact the night-time economy, and there are many. In words of one syllable, the industry needs tighter collaboration with all stakeholders, including police and health. But make no mistake, this is not sit down and have a cup of tea at a roundtable and get back to business. We have a solid history of that approach not achieving very much. Like our esteemed Madam Chair, I share the view that Sydney, not Melbourne, is Australia's global city.

The CHAIR: Thank you, Mr Rodrigues, I might quote you on that.

Mr RODRIGUES: But the one thing that there is no metric for is the extent to and the spirit in which the stakeholders collaborate. In my view, this is where Melbournians do a better job than those of us here in our harbour city. If there is one thing we should steal from Melbourne it is that: It is the ability to unite behind a common vision to collaborate and to achieve. We have so many natural assets, world-class venues, incredibly talented artists and creatives, improving transport infrastructure and natural beauty to boot. We have increasing alignment in the industries that comprise the night-time economy and a group of inner-city councils who are looking to open up their evening's trade. We have liquor accords and industry bodies all standing at the ready to do their part to revitalise Sydney. In summary, we have got most of what is needed. If a car is the right analogy, we just need the steering wheel, a driver and some gas and we will get the show back on the road. But without government appointing a champion and doing its bit to facilitate medium- to long-term collaboration between the stakeholders I fear our night-time economy will forever be stuck in second gear.

The CHAIR: Thank you. Can I get to the pointy end of our challenge?

Mr RODRIGUES: Sure.

The CHAIR: This Committee is tasked with finding—if I might paraphrase in advance—a balance. Many witnesses and yourself have referred to the balance between providing a thriving night-time economy and

how we do that in a safe environment to look after our community. In your view, what does that look like? You have spoken about collaboration and I have seen lots of heads nodding around the table. What does that look like to you and how do we approach that?

Mr RODRIGUES: I think the first thing to understand is the complexity of the ecosystem. Frankly, we just have not done that before. It is curious to New South Wales, partly because it has been the capital city where everyone comes to achieve. It gets a disproportionate amount of investment, the best of talent. A lot of our celebrated actors have come from other States to make it here. It is to some degree then obscured, some of that complexity, because for every business that fails three more appear with investment from outside sometimes to make a go of it. We just cannot sit on our laurels. The reason why our 35-page submission is accompanied by 16 recommendations is because in isolation trying to deal with just one element of it will not make a difference. We could appoint and deal solely with the issue of noise regulation like a single agency—that will not solve Sydney's problems. We could address lockout—that will not solely solve Sydney's problems. A holistic solution is needed. I guess that is why I led with that opening statement. What does collaboration look like?

I run a business and I am sure many people in this room do. If the leader does not get up with a vision and say "This is what we want to achieve, this is the time frame for which we want to achieve it by, these are all the people who have a role to play in doing it and this is what you all need to be doing; do you all agree?" we will not get anywhere. I just want to call this out. This might be oversimplifying it but there are two sides to this argument as it has been framed. We have heard from the health side of that and we will hear from police later. Of course, the loss of life has been tragic and I acknowledge that.

The issue between the two sides of the argument—we need to find a way to bring the parties together and not in a piecemeal, sit-down-once-and-go-away, back-to-business way but with something tangible to work on. The reason why we are recommending Purple Flag as a pilot for one or two precincts is to create an environment in a limited situation where we can see this collaboration hopefully work towards what success looks like. If you went into Newtown today—and this came up in the evidence of the royal surgeons and St Vincent's—no-one could name why we had not seen a disproportionate increase in acute trauma in Royal Prince Alfred Hospital [RPA]. I know why. Because we have a diverse nightlife in Newtown, smaller venues doing a variety of different things, an audience that has accepted the terms on which they should go out and licensees and businesses who have said no to certain things, including for example, party buses arriving. That was a proactive step that those licensees in the Newtown entertainment precinct got together and said, "We do not want that. We are going to call that out".

If you were to label Newtown as potentially a working model of success, I think these things need to be looked at carefully. We should not just make statements that it is successful but if we were to say that is kind of the thing we are after. How do we get that in other areas, including Kings Cross? The discussion has been we are going to go back to the bad old days. The bad old days do not exist as a matter of time. This is five years hence. What we are saying is that if we have a model of what success looks like over here, why can't we have it over here and over here and over here, with each precinct reflecting the unique characteristics of that area. We are not trying to replicate Newtown, we are just trying to find something that looks like this that works in that area.

The CHAIR: Thank you for pointing to that and being constructive. We have heard sufficiently about what the issues are. I am interested in moving forward in what does it look like, so that is very helpful. Thank you.

Ms CATE FAEHRMANN: Thank you for your detailed submission and the recommendations are extremely useful. I also found very useful a lot of the case studies around what is going wrong. Everybody is talking about collaboration and moving forward, but part of that is also acknowledging the heavy-handed approach by agencies in terms of the regulation, the regulatory environment, but how far is that used. It is a change of culture potentially that we need to look at over the next couple of years as well. I point to two examples in the submissions this morning. One I did not get to ask Ms Glasscock about, which I think you can help with as well.

On page 22 of your submission you talk about the fact that the blitz on outdated conditions by the New South Wales Government effectively did not work because venues were fearful that more conditions would be imposed on them. You ask a range of questions, which would be interesting for us to ask some of the agencies later, so thank you for that. Can you provide the Committee with a few examples? Talking to the Sydney Fringe Festival submission, it also says that anecdotal evidence is that applications have been lodged that have been consistently opposed by police, regardless of the individual components or potential for jobs and cultural diversity in terms of licence applications. We are hearing a lot about that in submissions. Can you provide examples or speak to your frustration in relation to that?

Mr RODRIGUES: Yes. On a day-to-day basis a lot of our venues are trying to comply with regulations or owners are trying to open spaces. It is an all too often heard complaint that the development application [DA]

and the liquor licence both require sign-off from police. What happens is you will sign a lease and take up the space, apply for your DA, that will go to police, come back, you will apply for your liquor licence, that will go to police and come back. There are two bites of the cherry around what police can do around a venue that intends to serve alcohol, which is questionable. I think it may vary from local area command to local area command.

Ms CATE FAEHRMANN: In terms of how they deal with those applications?

Mr RODRIGUES: Yes, in terms of the attitude, potentially, of police. It is hard because each venue's experience is going to be different, I guess. It is one of the challenges that the sector is facing, that duplicated process. But also—and this is the cultural aspect—is there a direction to police to object to every application? Is that standard operating procedure? Speaking specifically to the case study that we raise, the habit has been that whenever anyone applies for a variation to their licence, that licence gets opened up again and they risk more conditions being put on their licence. I think the Australian Venue Co. applied under this process and spent quite a bit of money in order for the condition to be removed and then had other objections raised by police. It points to a lack of understanding of the actual day to day of what goes on.

That is where you have got liquor accords, you have got industry bodies who are all there to advise and get involved. But that process that was issued under the music and arts economy inquiry. I just do not know that it was particularly well thought through, discussed with the industry and then implemented—a three-month blitz with a fee waiver. The amount of money that was saved on the waiver did not correlate to the expense of the process to go through. I do not know the answers to these questions, which is why I like to ask them. I do not know that the blitz has achieved much, if anything.

Mr GUY ZANGARI: Thank you, Mr Rodrigues, for your submission, very detailed and some great points, particularly the 16 points unlocking \$16 billion in 16 steps.

Mr RODRIGUES: I thought you would like that.

Mr GUY ZANGARI: Throughout the whole process of our discussion people are talking about your point 15, the night-time champion, the night mayor or the night czar or coordinator, for use of another word. In discussing regulations, red tape and bureaucracy, are we moving down the line of adding another layer or is this better served to get whoever is there at the moment through the Small Business Commissioner, say, or a Minister to bring that together? What we want to do is move forward but not over-complicate things. What is happening here is there are noise complaints, planning, DAs, et cetera. It is being done in other countries and certainly it can be successful here but we want to move forward and not over-complicate things. Good idea, but how do we streamline it that it does not just become a talkfest and that things do not get done?

Mr RODRIGUES: The first thing I would say is that I think it is really helpful to look at overseas models or interstate models. It is valid to say why doesn't Victoria have one, it is doing such a great job? What that points to is that the nuances of each location are different. A mayor does not work here because a lot of these controls are held by State Government. As I said at the opening, if we want to actually retain \$16 billion, you have got to accept that you need a proper structural fix. I do not know that anyone in industry wants another layer and this is where you are running the show.

The Government is best placed to advise and work out, based on the recommendations of industry, how this would work, if it was to be considered and considered properly. I have been at pains to point out the extent to which alignment and collaboration is occurring on this side of the table. It is between, for example, the Night Time Industries Association, the City of Sydney and the Committee for Sydney who are planning, at least via the City of Sydney, to table something further with a plan for how we would see this working, which is endorsed by at least the Night Time Industries Association and potentially the Committee for Sydney as well. Obviously, I cannot speak for them.

I am not the expert on exactly what the Small Business Commissioner does but I worry that if you heard the extent of all these issues—to what extent does the Small Business Commissioner liaise with police and health and planning and liquor, gaming and racing, et cetera. These are all major elements of government. At last count I think there were eight or nine different government departments that have a say on the impact on night time. Transport is key. What we are going to have here is a phenomenal investment in transport infrastructure that nobody uses after 8.00 p.m. in the lower CBD. Justin Hemmes was in here saying the same thing the other day. I do not know. I would flip the question and ask is \$16 billion a year important or not?

Mr KEVIN CONOLLY: Mr Rodrigues, that \$16 billion you are talking about comes from the Deloitte study, does it?

Mr RODRIGUES: That is the number that they are citing—

Mr KEVIN CONOLLY: And you would be aware that it is based on the fairly simplistic notion that if our economy looked like the same economy as the UK. You are not aware of the underlying factors that make the UK night-time relatively bigger than its daytime economy, perhaps?

Mr RODRIGUES: I understand that the Deloitte number has been based on the percentage comparison between what the UK does out of night-time economy and—

Mr KEVIN CONOLLY: The proportion of its economy which is night-time rather than daytime?

Mr RODRIGUES: Correct.

Mr KEVIN CONOLLY: I suggest that there are probably a lot of different assumptions in why that is the case and what is measured by that.

Mr RODRIGUES: That is right, yes.

Mr KEVIN CONOLLY: It is not that there is a \$16 billion spend that somebody has that they are holding back and will not spend because of our current environment?

Mr RODRIGUES: I can understand where your line of questioning is going and I respect that. The challenge is that we will not know what we are missing until we can go forward and reclaim it. You are looking at the hotel sector, for example, where we are seeing a decline in revenue per available room night.

Mr KEVIN CONOLLY: I am looking at the hotel sector and we were told the other day that it has invested in a 35 per cent increase in capacity over coming years, suggesting that there is a fair degree of confidence in that sector too.

Mr RODRIGUES: I think I can direct you to the submission by Tourism Accommodation Australia [TAA] and also ours, which shows that there is a decline in revenue per average room night and that we have a problem where potentially growth in supply is exceeding growth in demand.

Mr KEVIN CONOLLY: Again, the numbers we have been presented with in response to that question have shown a 35 per cent increase in overnight stays over the past four years and a 31 per cent increase in overall visitor numbers to Sydney. It does not paint a picture of decline or that we are missing out on that. All I am saying is that I would be careful in suggesting that there is somehow \$16 billion around waiting to be spent. That is not to detract from any of the very sensible observations that you make about our planning system and attempts to coordinate. I just query whether there is any more science to that number that Deloitte has presented to us.

Mr RODRIGUES: I think that is a matter for Deloitte, to be fair. All I am saying is that our members are saying that there is an economic opportunity here that businesses are hurting. You have seen the numbers that Australian Venue Co. for example, have presented between the decline in their performance of their venues in Victoria and New South Wales. I am saying that opportunity cost is hurting.

Mr KEVIN CONOLLY: Absolutely. We have had plenty of examples of individual people in the night-time sector saying that. The question—that the Chair started out with—is, if we are to balance priority on safety with attempting to foster a healthy night-time economy, how can we do the two? Which elements of those laws around safety, particularly lockouts, last drinks serves and all other elements of the package, are most an impediment from your point of view?

Mr RODRIGUES: Just so I can understand the question: You are asking me to prioritise—

Mr KEVIN CONOLLY: There is a suite of measures—

Mr RODRIGUES: —prioritise a suite of measures?

Mr KEVIN CONOLLY: —that controlled alcohol usage fundamentally. Which of those do you suggest needs changing and could be changed?

Mr RODRIGUES: I think first and foremost lockout needs to be removed because of the brand damage that it is doing to the city globally in terms of its reputation. Some of the evidence that was given in the music and arts inquiry was around the desirability of the city for touring artists. You have heard examples of Madonna, so forth, having a negative experience in Sydney. I think that there has been quite a bit of evidence given around not a wholesale return to the 2014 position. The venue side of this discussion has indicated that the controls that are currently in place would serve the purpose of allowing good operators to operate and bad operators to be appropriately dealt with. On the spot, I think that that is quite a big one but I stand by my opening statement—the key piece that is missing is the leadership position within government. Our job in this inquiry is to present you with the evidence to the best that we have it. In terms of what comes next—

Mr KEVIN CONOLLY: —sorry if I am asking you to do my job, which is kind of what I am doing.

Mr RODRIGUES: Yes and I have to argue the case as best I can. I think that there is a role—and look, until someone is in that role and looking at all of this stuff and trying to balance it, it is a bit presumptive to work out what the next step will be. We know that planning is impacting it but it also seems like a terribly complicated piece of legislation that I do not really have my head around. What you can do quickly in that area might be a bit of a challenge. The reason I am recommending something like Purple Flag is because it can become a proof of concept of what is possible if you seek collaboration. Then as people start seeing success maybe that gets you more buy-in from all the people who are impacting this within the bureaucracy, within government to say, "This is good, look at the growth we are getting, this is what we want to see, we should see more of it."

Ms FELICITY WILSON: Mr Rodrigues, thank you for your contribution. My question relates to the Hon. Kevin Conolly's contribution. I am really interested to what extent alcohol plays a role in your members' businesses and therefore to what extent, not so much as lockout laws and last drinks, but to what extent alcohol as an element supporting your members' businesses and therefore a contributor to that proportion of the economy. We heard from Ms Glasscock. I thought there was a really broad range of different types of creative industries and elements of the economy that could be broadened and strengthened without a reliance on alcohol. Can you let me know from your members' perspective the role that alcohol plays in their business model?

Mr RODRIGUES: Sure. In terms of the membership base as it currently stands we have a good number of hospitality groups; similarly we have a good number of Arts companies and players in the music space—Australasian Performing Right Association [APRA], for example, Sydney Theatre Company, Bell Shakespeare. The extent to which alcohol plays a part in each of those businesses would be hard for me to comment. What I would observe is that, generally speaking, it is a part of the going out experience for many people but you have heard evidence on the decline of alcohol consumption. I think that particularly in younger audiences there is increased awareness around the problems associated with alcohol.

One of the fastest growing categories is the non-alcoholic spirits category—so non-alcoholic gin, for example—a company called Seedlip—I think I will let Diageo speak to their stake in that. These are some of the trends. I think that what all stakeholders understand is that a diversity of night-time economy is what we are after and it is the mix of opportunity for people to go out and enjoy a variety of activities that the city needs to be able to deliver on. Unlike the 2014 situation where, for example, particularly in the Cross, alcohol may have been the sole reason to go out for an experience, what we observe is an ambition for a wider range of night-time activities that are not alcohol focused. I think, to some extent, that is what Newtown is providing.

It is interesting, I think, that there is a new festival in the Canterbury/Bankstown area, which is around Ramadan and Eid. I imagine that is an alcohol free environment and these are things that we want to see encouraged. There is no shying away from the presence of alcohol in the night-time economy, and to answer your question specifically, the business as provided by a number of our members. There is a universal acceptance of alcohol to be a support or a facilitator of, as opposed to the sole focus, and if it does not need to be drunk, great. An equally valid experience out.

Ms CATE FAEHRMANN: This is possible a question directed to you in your capacity in terms of Time Out. Thinking about where Sydney seems to have slid on various scales of desirability, liveability and fun and everything around the world. Depending on this Committee's recommendations and what the Government chooses to do with them, if the lockout laws were abolished in a couple of months time and Sydney was essentially open for business and we got the regulatory framework a little more balanced, what would the Government need to do to promote Sydney to the world. What is your recommendation?

Mr RODRIGUES: I think it would take some time for that ecosystem to re-establish itself in the CBD area. There are elements where it is vibrant and if you were to run a marketing campaign based in Sydney you probably be best off running over to King Street in Newtown or Enmore Road to shoot some night video there. It is one of these things you want to get the product into a decent place before you start going and spruiking that to the world. As I mentioned in the submission, since this inquiry has been announced we have lost three stalwarts of the Sydney restaurant dining scene including Longrain. For years chefs have been saying to me, "Mike, things just aren't the same way that used to be." Particularly in the CBD area. Happily the market would take it as such a strong signal that you would see a lot of activity relatively quickly from the industry. There are some great venue providers with great assets in the CBD itself.

If it were me I would be thinking, right, we need a program to make sure things are moving again in the right direction and then commence a targeted public awareness campaign. You would want to get some of those entertainers who have had a negative experience back over and say, look, the show is working better now, can you tell all your mates. That is a question that New South Wales tourism and others would weigh in on. It is definitely not terminal and it is not bad. I think that is one thing I want to point out. We have such a great city and

there are great things to do, we could just be doing a lot better. Some of the stats you have heard today around the decline of Sydney as a desirable place to visit are disappointing.

The CHAIR: I have one question. Recommendation number 12 of your 16 steps talks about introducing a one-stop shop for approvals. I am interested in the existing infrastructure to see if we can utilise that to quickly implement some of these things if approved. Have you heard of Easy to do Business?

Mr RODRIGUES: Yes. I think I cite it in my submission.

The CHAIR: Do you think that might be an avenue for this?

Mr RODRIGUES: Yes. Subject to what Ms Glasscock was saying, which is unless you have the right overall regulatory landscape getting ushered through the queue quite quickly to a dead end is not a great outcome. I do not mean that to be facetious. I am saying, yes, it seems like a great thing. Applying it around some of these issues should be looked at. As Ms Glasscock said, if you do not have the right regulatory landscape in place.

The CHAIR: That at least is a start. It is a concierge that is designed to take it from 18 months to 90 days.

Mr RODRIGUES: Totally. And perhaps the Easy to do Business team could report back and say here is all the problems that people are having and how does that feed back into the night time economy? That might show the pressure points, for example. Things that I have mentioned already.

The CHAIR: I think the challenge is people knowing about it and utilising it. It seems to be a way forward but I do not know how many of your members know about it.

Mr RODRIGUES: I only became aware of it in preparing for this submission.

The Hon. BEN FRANKLIN: I would like to move to recommendation 4 about the concept of creativity as an economic driver. I want to talk about a couple of things. First, to pick up on the question that I asked the previous witness about the practical ways to do that. You make reference to the importance of providing venue space emerging artists and young creatives.

Mr RODRIGUES: Yes.

The Hon. BEN FRANKLIN: If you could talk about that a little I would be grateful. Secondly, can you discuss in a more macro level—I am worried that there is a section of the community, who see creativity not as an economic driver but as almost an indulgence. Something, I want to make clear, with which I fundamentally disagree. I would be interested in your comments about how we can help to change that narrative to take advantage of some of the opportunities that a number of the other cities that you cite in your submission clearly have that we are not perhaps doing as well.

Mr RODRIGUES: I fear I am going to be run out of the room in a second for quoting Melbourne again.

The CHAIR: You started out so well.

Mr RODRIGUES: I did. If I am being honest, part of the reason I am sitting at this table is because as the guy that started Time Out 13 years ago two years ago I felt like moving to Melbourne. Our business is shifting to Melbourne. Numbers are growing stronger for Time Out in Victoria, staff are getting relocated there, this is where a front edge leading business is looking at the tea leaves and thinking, I don't know about this. To Mr Franklin's point; Victoria has a really good advance step on this. It sees creativity as an economic driver and it backs it in. I will give you one clear example of this and it goes to the way we can think about our large institutions and our natural assets and how we can apply them.

The Australian Centre for Moving Image [ACMI] introduced a co-working space into its premises two or three years ago. That is a State institution saying: What can we do that is slightly different that brings private enterprise into our walls? A co-working space that is curated has seen a great exchange of ideas between aligned businesses within a government institution that has seen Victoria—I may have to come back with a specific number—or Melbourne boasts one of the leading VR companies now. It has come through that process or at least taken advantage of it. It makes sense. You have entrepreneurs working in an institution, here is something I need to exhibit. Where can we exhibit it? I do not know. What about within the institution itself?

They are doing it with ACMI and the State Library of Victoria has a similar program. They have an incubator program, Te Papa in Wellington with Peter Jackson living around the corner. The government is saying let's seed fund enterprise within the walls of the institution. I do worry in New South Wales that we look at arts as arts. It is why I think the creative industry's narrative is one that needs to be told more explicitly for the reason that creativity lives anywhere. By understanding it and not confining it to just two words, "arts" and "music", you give it the opportunity to expand.

We talk about innovation in New South Wales, but innovation is not just technology. Technology is the tool to unlock this. I think that we do not see creativity as an economic driver; again, if we did, we would be talking about the Minister for creative industries, which we do not have. The point our submission makes is that if you look at all those other leading economies where this has been done well it goes hand in hand with nightlife—not least of all because a lot of people who derive their income from creativity are often supported by hospitality jobs.

The CHAIR: We will have to finish there. Thank you for appearing before the Committee today. The Committee may wish to send you additional questions in writing, the replies to which would form part of your evidence. Would you be happy to receive written questions and provide a reply?

Mr RODRIGUES: Yes.

The CHAIR: I do not think you took anything on notice, but if you did those answers are to be returned to the committee staff within seven days. Thank you for your assistance today; we appreciate it.

Mr RODRIGUES: Thank you.

(The witness withdrew.)

Mr TYSON KOH, Director, Keep Sydney Open, affirmed and examined

The CHAIR: I welcome Mr Tyson Koh, director of Keep Sydney Open. Thank you for appearing before the Joint Select Committee into Sydney's Night-Time Economy today to give evidence. Do you have a short opening statement?

Mr KOH: On behalf of Keep Sydney Open I would like to thank the Committee for the opportunity to present this testimony this morning. I would like to begin by asking a question that has rarely been asked over the past five years: Why is Sydney the only city in the world with lockout laws? It is true that venues in cities all over the world cease service at various times but no other international city locks patrons out a significant amount of time before they close. Whangarei in New Zealand is the only city outside of Australia with a lockout. New York, London, Paris, Tokyo, Whangarei—said no-one ever. The Committee is tasked with balancing the needs of Sydney's night-time economy with safety. The underlying goal is to enable the city to reach its full potential. Given the global momentum towards 24-hour cities this will never happen as long as the lockout laws are in place.

It has been amusing to read the submissions from organisations with an opposing view to Keep Sydney Open trying to posit that our night-time economy is stronger than ever. Answering these claims are the net loss of 176 venues within the lockout precinct, the fall in live music ticket revenue, the half a million young people abandoning the city centre and negative coverage received from CNN, the BBC, *The Guardian*, *New York Times* and *Timeout*. However, nothing is more compelling than simply walking around at night. I thank the committee for taking the time to tour the city after dark. You have seen it with your own eyes: The atmosphere, the excitement, the music, the crowds, the inspiration are simply not there.

Some unhelpful and misleading information has been put forth over the years in this debate. A tactic used by supporters of the lockout laws is to make nightlife about alcohol and subsequently discuss the effects of alcohol. Viewing the night-time economy through this lens distorts the issue at hand and conflates issues that go beyond the remit of this committee. Reading some of the submissions, one would think that the lockout laws are in place to prevent cirrhosis of the liver, heart disease and cancer—conditions that apparently only exist in Sydney. The Royal Australasian College of Physicians and Foundation of Alcohol Research and Education have said it themselves: There are over 5,500 deaths per year caused by alcohol. However, essentially the lockout laws were effected by the tragic deaths of two people—a drop in the ocean, really.

One needs to question the disproportionate efforts by certain organisations to curb the night-time economy when the real dangers are elsewhere. Drinking at home accounts for over 80 per cent of alcohol consumption. Ironically the lockout laws encourage drinking in home environments, where it is cheaper, unregulated and void of the social and economic benefits that engaging with the city has. Page 16 of the St Vincent's report acknowledges a pre-existing downward trend in assaults; likewise, we acknowledge that the reduction in assaults recorded after the commencement of the lockout laws is on top of previous reductions. However, this reduction is heavily skewed as the drop in visitors and foot traffic to the area has been so dramatic that napalming the area would have had the same effect.

We also know that over the same period similar reductions were experienced in areas outside the lockout precinct, such as Campbelltown and Gosford. We have to ask if we could have achieved a reduction by doing nothing. It points to the significant effect on non-domestic violent crime made by amendments to the Liquor Act in 2008. Figure 5 on page 19 of the St Vincent's submission actually shows an increase in alcohol-related injuries until 2016, the subsequent decline no doubt due to the lack of people frequenting the area. We are yet to see figures from other hospitals on changes to their presentations since the lockout laws were introduced.

A low point in the conversation has been the opportunistic claims by St Vincent's Hospital linking the lockout laws to domestic violence [DV]. The truth is that DV rates have been stable in the last five years and have even seen an increase in the last two years; the lockout laws have obviously been in effect this whole time. Another shameful episode was Professor Gordian Fulde, the former emergency department director at St Vincent's Hospital, stating on national television that if you want a drink at night "you can go to the casino". That is a direct quote. Let me put this in perspective. It is estimated that between 400 to 500 people suicide each year as a result of gambling. It is truly an epidemic. However, we have a high-profile member of one of the most respected professions sending young people to the belly of the beast where they are exposed to far greater risks. Really, this dogged defence of the lockout laws at all costs has been truly mad. We have seen misleading statistics on facial injuries that fail to put the cause of injuries into context, that fail to normalise the data and factor in trends in other populations.

The CHAIR: Mr Koh, I am going to stop you there. We have very limited time because we started a little bit late.

Mr KOH: I understand.

The CHAIR: Can I say, as I have said to other witnesses, that it is important we are sensitive to the tragedy suffered by the Kelly and Christie families and I ask that you be respectful of those. Secondly, it is for this Committee to judge the evidence before us.

Mr KOH: Okay.

The CHAIR: What we would like to hear from you is your suggestions and recommendations. We will take into account the evidence that other parties have presented to us. If you have something that you would like to say from your perspective about other aspects, we would be happy to hear that.

Mr KOH: Okay.

The CHAIR: In the interests of time and members having the opportunity to ask you questions I ask that you finish up very quickly, please.

Mr KOH: Okay, sure, I understand. Keep Sydney Open is not doubting that there is a decline in non-domestic assaults in Kings Cross but we note that there has been no change in the CBD. Even if we are to accept the Bureau of Crime Statistics and Research's revised figure of 7.4 per cent, the question needs to be asked whether that is enough and whether all this cultural and economic pain that we have suffered as a city—which Keep Sydney Open has been highlighting over the last five years—has been for very little change. We would also like to note that a lot of the changes that have occurred, particularly in the Kings Cross area, can also be put down to other changes within the night-time landscape. These include services such as ridesharing, changes to taxi licences that made taxis more available, street lighting, first aid services and trends in youth drinking, which we have highlighted in our submission.

We need to work together to make Sydney after dark more vibrant, inclusive and safe. In light of this it has been especially disappointing to see the New South Wales Police Association take a political view and demand lockout laws that are not in place anywhere else, except Whangarei. Keep Sydney Open genuinely believes that the police have a vital role to play. We need to start engaging in the discussion on how to support the community, not prevent it from congregating. The claim that now 40 officers are now free to work in the city does fly in the face of the extra 1,500 police that have been announced for New South Wales over the next four years and is juxtaposed with the heavy-handed police operations at music festivals, venues and train stations replete with sniffer dogs and strip searches.

The night-time economy and its stakeholders wish to work alongside police but they are lobbying in a way that damages civil liberties in this State, and that has been to the detriment of their standing for many in the community and it has a negative impact both on the NSW Police Force and the wider community. Keep Sydney Open over the years has been accused of being a front for, and also funded by, the alcohol industry. It is an accusation that has been made by resident groups, health organisations and also some political opponents. However, this is not true. I would like to take the opportunity here in my testimony to the Committee to say that that is absolutely baseless. Instead we represent people. I think that is what is really sorely missed here.

This has been framed as an argument or a conflict between the alcohol industry, venues and also safety. Quite simply, that is not true. As an organisation we have become a movement that is now a political party. The issues that we have been fighting for compelled 82,000 people to vote for us in the last State election. Our supporters believe that alternative measures, such as extra transport, amenities, police, education and government oversight through a dedicated night-time economy office, would be far better at achieving the goals set by the terms of reference of this Committee than a lockout.

We believe that not every punter is created equal: Neither is every venue. Venues that provide incredible cultural experiences that are well run deserve a chance to prove themselves and operate beyond the cease-of-service-times currently set. The night-time economy is about spending time with friends, meeting people, music, dancing, food, drink and generally enjoying life and time away from work. It is about jobs and businesses and night life is also a space where people can be who they want to be and get a sense of what life is truly about. Sydney has so much potential. We have the potential to be one of the world's great 24-hour global cities. We were heading in that direction once upon a time, so we believe that it is time to make good on that promise on behalf of every Sydneysider who demands something more from their hometown. I implore the Committee to set us on that path once again.

The CHAIR: Thank you, Mr Koh. Before I invite members to ask questions, I will ask you one. I personally did not find the police and St Vincent's testimony amusing, I found it to be quite serious.

Mr KOH: Neither did I.

The CHAIR: I am not going to debate it with you. What I am going to focus on, however, is your indication that we need a collaborative approach. As you may have seen, this Committee is a cross-party, cross-House joint select committee. I think it is very clear that every intention is that this is a collaborative Committee. Indeed perhaps the only way forward is to not be political and not point-score but to actually work together on a solution that might work.

Mr KOH: Agreed.

The CHAIR: To that end—and thank you for your written submission—can you tell us what positive suggestions you have, what that might look like and what sort of collaborative joint approach, involving health and safety, and what success might look like in ensuring that we have that balance?

Mr KOH: Yes, absolutely. Keep Sydney Open, since the beginning of our campaign, has been involved in the global network of advocates that work in the night-time economy space. What we generally find is that the experiences here in Sydney are true all over the world, which is to say that it involves venues, it involves punters, it involves residents and police and health services. What we have found by looking at evidence is that public transport, in particular, plays a vital role. This is backed up by research that has come through the Burnet Institute and various other organisations. Indeed that is what we have found here in Sydney.

The CHAIR: Have you provided that Burnet Institute information as part of your submission?

Mr KOH: Yes. It is a reference in our submission.

The CHAIR: Where is that?

Mr KOH: In the section which says—I am sorry the rest of it is in here so I cannot find it right now but it is in the submission.

The CHAIR: You might take that on notice and specifically provide that to the Committee, thank you.

Mr KOH: Sure. But that has actually happened here in Sydney. So since the introduction of UberX, they have stated that within the first year of the lockout laws that they transported 50,000 people outside of the lockout precinct. That also did coincide with a reduction in assaults within the area. That change in assaults is often attributed purely to the lockout laws alone but there are other changes within the landscape that occurred at the same time.

The CHAIR: Thank you. Questions from members?

Mr GUY ZANGARI: Thank you very much for your submission. I want to talk about business and investment in order to keep the night-time economy diverse and interesting for locals, interstate visitors and international people. What do you suggest would be mechanisms to support venues in order to create this investment and flourish, but businesses as well?

Mr KOH: Sure, okay. I think one of the most significant roadblocks for that happening is the fact that there is a legislative signal to businesses and also people in other countries—other people in the night-time economy space—to invest in the area. As long as that regulatory signal is there it is going to be very difficult for people who want to invest in the area—millions of dollars into various venues and initiatives and festivals, et cetera—to actually want to engage with Sydney.

In our view, that needs to change. One of the big themes of our submission was basically the power of narrative and the power of the story that people are believing. I think to a great extent it is justified that Sydney is closed at night time. I think that in order to change that narrative, the lockout laws, certainly as a label in itself, need to change. The fact that we are a city with lockout laws, that needs to change. I think that ultimately the free market operates in a way that, as long as there are not specifically targeted implications for setting up businesses within their sector, automatically I think the night-time sector will flourish naturally.

Mr GUY ZANGARI: Without focusing too much on alcohol, you are looking at the diverse range of the night-time economy. What is the scope that you see for that? If you park aside the alcoholic part of it, where do we need to move in order to get people back in? Keep Sydney Open—what is the thinking there about this diverse night-time economy? What is the picture you are painting?

Mr KOH: Sure. The association between alcohol and night life is one that we have tried to address from the very beginning of our campaign, but there is that signal there that tells people, "No, there's not going to be that much for you if you move into the city", despite the fact that there are concerts, that there is the odd club night, that there is theatre, et cetera, in small doses. I believe that Sydney has not reached its full potential as far as putting on cultural events. I do not think shopping goes until as late as it should. I do not think that galleries open as late as they should. Night-time theatre is unknown to a whole generation of young Sydneysiders.

It is true that at a lot of these kinds of institutions you can get a drink, but in the same way that not all night life is centred round alcohol, not all alcohol is linked to harm. I think that there is a certain maturity that we are yet to reach because I think we do infantilise the night-time space somewhat and that the diversification is therefore not allowed to exist—the diversification that exists in other cities.

Mr GUY ZANGARI: You talk about the maturity. How do we then as Sydney, as Sydneysiders in New South Wales become mature in this aspect? How do we become mature about it?

Mr KOH: The narrative really needs to change and the fact is that Sydney at night is safe. The State Government did remark prior to the lockout laws that Sydney was one of the safest cities in the world and I agree that since the lockout laws have been in effect that certainly the King's Cross area is even safer. While the lockout laws, and we remark this in our submission, may have been appropriate once upon a time, it just does not reflect the city that Sydney is today or should be in the future. It is all about narrative. I believe that the Government should start investing in a promotion, a marketing strategy campaign, that sells Sydney at night time both to our international peers and also to ourselves, I believe. Because also, as we have said in the submission, it is the psychological impact of the lockout laws that is far more difficult to try and untangle than any of the economic or cultural ramifications.

The CHAIR: Thank you, Mr Koh. We are out of time I am afraid. Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public, would you be happy to provide a written reply to further questions?

Mr KOH: Yes, absolutely.

The CHAIR: Good. Thank you for appearing before the committee today.

(The witness withdrew.)

(Short adjournment)

NATASHA MANN, Executive Director, Liquor and Gaming NSW, affirmed and examined

ROSE WEBB, Deputy Secretary, Better Regulation Division, Department of Customer Service, Liquor and Gaming NSW, affirmed and examined

BRIDGET BARRETT, Executive Director, Service NSW for Business, Service NSW, affirmed and examined

CARMEL MEZNARIC, Director, Council Engagement, Service NSW, affirmed and examined

The CHAIR: I now welcome representatives from Liquor and Gaming NSW and Service NSW. Thank you for appearing before the Joint Select Committee into Sydney's Night Time Economy to give evidence today. Can you please confirm you have been issued with the Committee's terms of reference and information about the standing orders that relate to examination of witnesses?

Ms MANN: Yes.

Ms WEBB: Yes.

Ms MEZNARIC: Yes.

Ms BARRETT: Yes.

The CHAIR: Thank you for the responses to questions on notice that the Committee members have sent to you and information you have provided to the Committee members before today, we appreciate it. Do any of you have a short opening statement you would like to make before we invite questions?

Ms WEBB: Yes Chair, we would like to make an opening statement. Thank you very much for the invitation to appear this morning. We welcome the important work the committee is undertaking in what is a very complex and sensitive space. As I have mentioned I am with the Better Regulation Division, Department of Customer Service of which the regulator, Liquor and Gaming NSW, is now part. I have with me this morning Natasha Mann, the Executive Director of Liquor and Gaming NSW and also joining me are Bridget Barrett and Carmel Meznaric who can talk to you a little bit about the Easy to do Business program and initiatives to make it easier for people to navigate the regulatory requirements to start, run and grow their businesses including cafes, restaurants and small bars.

As the regulator, Liquor and Gaming NSW is required under the Liquor Act to regulate liquor in a way that is consistent with community expectations, to facilitate the balanced development of the liquor industry in the public interest and to contribute to the responsible development of related industries such as live music, entertainment, tourism and hospitality. As the Committee members have heard over the last week, community expectations can vary and there often are competing public interests. Sometimes even the data and evidence we are relying upon is contested or difficult to draw conclusions from. However, for us it is about trying to achieve the balance between reducing the risk of alcohol-related harm in a licensed premises while administering a regulatory framework that does not stifle responsible, diverse and vibrant industry.

There are over 17, 000 liquor licenses across New South Wales and of these around 7 per cent are for businesses in the Sydney CBD and Kings Cross precincts. It is our experience that the majority of venues are well run, safe, and play an integral role in the cultural fabric of our communities. However, irresponsible practices and poorly run venues do still exist across the whole State. As the regulator we have a suite of powers to deal with this under the Liquor Act. Our starting premise is to work with licensees through our Community Access and liquor accords team to ensure they understand there are regulatory obligations and how to comply with them. We have developed a package of resources and provide support through our dedicated liquor accords team to over 140 liquor accords throughout the state.

Where venues are doing the wrong thing they can be subject under the Liquor Act to monetary penalties, they can have restrictive conditions imposed on their license or, at the most extreme end of misconduct, they can have their licences suspended or cancelled. Where the risks are great and the evidence of a need for stronger measures persists we escalate our interventions and shift our enforcement focus accordingly. Precinct-wide interventions and measures in Kings Cross and the Sydney CBD were implemented by the Government when existing regulatory controls were clearly not adequately coping with unacceptable levels of violence and there was evidence further action was needed. These precinct-based regulatory interventions have provided one very swift and effective means of dealing with unacceptably high levels of alcohol-related violence. To make sure that these types of interventions remain appropriately recognised the importance of monitoring and reviewing them on a regular basis to determine whether they continue to meet the underlying policy objectives and take account of the latest evidence and stakeholder views.

Past reviews focused on the precinct-based measures have included the Callinan review and the Kings Cross ID Scanner Review and also evaluation of small bars legislation. Changes made by the Government in recent years include later lockout and last drinks times for live entertainment venues, increasing the capacity of small bars to 100, relaxing rules for CBD and Kings Cross small bars to extend trading times to 2.00 a.m. and removing drinks restrictions, as well as removing alcohol sales data reporting requirements in Kings Cross. The point I think we are trying to make this morning is that it is not a static space; it has been regularly monitored, revised and refined as any regulatory regime should be.

We are also quite aware at Liquor and Gaming NSW of the need for our licensing regime to accommodate new and emerging business models so in 2016 the patron capacity for small bars was lifted from 60 to 100 persons and since then the number of small bars has more than doubled in New South Wales. Two new licensing trials are currently underway within Liquor and Gaming NSW to support small business, a microbreweries license trial in the inner west and Newcastle and a trail of pop-up licenses to encourage industry entrepreneurs and creatives to put on low-risk activities to enlighten the night-time economy. In conclusion we welcome the opportunity to be involved in this committee process, to help the Committee's consideration of whether a proper balance has been struck between community safety and maintaining a vibrant night-time economy. Liquor and Gaming NSW looks forward to working with the committee and to enforce laws accordingly.

The CHAIR: Thank you very much, Ms Webb. We appreciate the time you have put into the submission and the information. It is clear that this Committee has a task of balance ahead of us and we are very aware of that and we appreciate your comments in that regard.

The Hon. JOHN GRAHAM: Thank you, Chair. Thanks for the answers to the questions on notice; they have been very useful. I want to particularly ask about the Liquor and Gaming NSW aspect of that and specifically the violent venues regulation. When we had a discussion with the NSW Bureau of Crime Statistics and Research [BOCSAR] on Friday they were saying looking at the CBD the lockout effects, looking at every venue, are starting to wash out of the CBD. But they pointed to the long-term change in assaults in New South Wales, not just in Sydney, and were pointing back to this violent venues scheme. At pages 4 and 5 of the answers, this really does look like a very successful regulatory intervention. You can literally see violence dropping in these key venues and that accords with the view that was put to us that much of the violence is happening in a small number of venues. Focusing on those might be a very effective way to deal with this. I am just interested in your view about how that scheme has worked? Is that part of the answer where we are lasering in on these venues where most of the trouble is happening?

Ms WEBB: I might get Ms Mann to answer that question.

Ms MANN: Thank you. Yes, we regard the Violent Venues Scheme to be a very effective one and, as you have mentioned, the data tells that story. At its peak, in about 2009 we had, I think, 66 venues on that list. As you can see now, we have none in the level 1 category, two in the CBD in the level 2 category and six overall.

The Hon. JOHN GRAHAM: That is very different to where we started.

Ms MANN: Very different, yes.

The Hon. JOHN GRAHAM: Because it looks like nearly 40 venues on level 2 at the start and 60—

Ms MANN: Absolutely. I think it really brings a venue's sharp attention to the fact that there is an issue there that they need to work on and, as the regulator, we are engaging with them very closely to see what mechanisms and controls they have in place and to help them with those where they need it. We regard it to be a really effective one.

The Hon. JOHN GRAHAM: Intuitively that makes sense. This is good, risk-based regulation—hit the venues that are causing the problems rather than a one-size-fits-all rule.

Ms MANN: Yes, it is definitely an effective scheme.

The Hon. MARK LATHAM: Thank you for the material and the work that you are doing. Is it the view of the agency that social and in particular youth attitudes towards alcohol have changed over the past decade? We are getting updates about statistics from the NSW Bureau of Crime Statistics and Research [BOCSAR]. Some of the material collated by ClubsNSW, for instance, off BOCSAR data, indicates that over the past decade, lockouts or no lockouts, there has been a steady decline in non-domestic alcohol-related assaults and, in fact, the decline in Sydney is not as rapid as in other parts of the State—in particular, a place like Campbelltown, which I know has recently come down by 71 per cent in the decade, which is stunning. In your work and in anecdotal material that comes back to the agency, what has been the change in public attitudes to alcohol and, in particular, binge drinking?

Ms WEBB: I think we are probably hearing many of the same anecdotal things that the Committee is hearing and also the statistics. I might get Ms Mann to elaborate.

Ms MANN: What we do know is that young people are drinking less and that is playing itself out in the venues and, as you have mentioned, that decline across the State. I think that the work that our agency is doing in engaging with venues is really important in getting those rates down across the State. We work across the State and we deploy inspectors, our community access team and our link records team. I think we have a role and we have contributed to that. You are absolutely right, you are seeing rates declining statewide.

The Hon. MARK LATHAM: Do you think that it is based on changing social attitudes? As a parent, young people have interests other than alcohol which might not have been around 20 or 30 years ago. Do you have any handle on what is driving that? It is a social change and is to be welcomed; it is a very good thing. It is sort of refreshing—maybe "refreshing" is the wrong word but it is to be welcomed. Do you do any survey work on what has changed there?

Ms MANN: As an agency and as a regulator we haven't engaged in that survey work. I did find Mr Rodrigues's submission interesting in that it talked about societal changes generally. People do seem to be going out less. You can sit in the comfort of your couch and order alcohol, order food and watch Netflix, so everything is there for you, which means that you do not necessarily need to leave the home. I would expect that that is playing itself out in terms of assault rates, potentially, as well.

The Hon. BEN FRANKLIN: Just a few questions that come up from different evidence that we have received over the period of the inquiry. The first is regarding the Violent Venues Scheme. There has been a suggestion that the scheme operates purely on numbers: if a venue has 10 incidents then it is treated exactly the same as if it had one million patrons a year as a venue that might have only 10,000 patrons a year. The argument that is made is that it should be a pro rata consideration given in terms of the size of the venue. How do you respond to that?

Ms MANN: This is certainly something that we have engaged some of the bigger players on for some time and they have put that to us—that we need to do this on a per capita basis and we need to look at the severity of the assaults. I think that is one view. I think the alternative view is do we want to be saying that just because you are operating a big venue and you are trading late at night we tolerate assaults in your venue—

The Hon. BEN FRANKLIN: That any number of assaults is acceptable?

Ms MANN: I think the argument would run that actually if you are electing to run a business model which is inherently of a higher risk—trading later, bringing in more people, which may I say also generates more profit for you—then you need to put those measures in place to make sure that you adequately deal with that risk. I do not think we want to be saying that you are big and late and therefore we tolerate assaults. I would say that those bigger, later-trading venues are doing a good job. To your point about the violent venues list, we have seen those numbers come down; we have seen the big venues that trade late put in effort to get those numbers down and I would say to them, "You are doing a good job. Keep up the good work. Do not stop now."

The Hon. JOHN GRAHAM: Can I just jump in to ask, are you opposed to any tweaking or is it closed altogether or in principle very cautious?

Ms MANN: Definitely not closed to tweaking. I think that Violent Venues Scheme and some of our schemes can be looked at but in terms of that per capita argument I think that we need to exercise caution.

The Hon. BEN FRANKLIN: The next issue that we have heard evidence around is patrons who are intoxicated being ejected out into the street. There have been a number of venues that have suggested that they would actually welcome being able to keep those people on the premises, potentially in a chill-out room or somewhere where they can have water and food. They see that that could well be part of their social responsibility and potentially make the surrounding area less risky or violent by doing that. Is that something that would be considered by your body?

Ms MANN: I think that is definitely something to be considered.

The Hon. BEN FRANKLIN: How could it work?

Ms MANN: Obviously, there is an issue under the Liquor Act at the moment in terms of the fact that you are not permitted to serve an intoxicated person or to permit intoxic. What we would generally see is that when an intoxicated person is on the premises, some venue operators remove them onto the street and that is obviously not what we want. In terms of the concept of a "dry room" I think we could explore that. There are issues with that in terms of the liability perspective from venues. If you have a whole bunch of intoxicated people in a room I do not know what you do with that in terms of security. I guess, as the regulator, we would say that people should

not be getting to that point of intoxication anyway, if people are doing their jobs. But sometimes they have drunk at another venue or they have drunk at home and come in. I think we would not want to see venues using that to escape the intox provisions of the legislation but I do think it is worth exploring. Whether it is on venue premises—I think there have been trials years ago in other places where they have done it. I think it is worth looking into.

The Hon. BEN FRANKLIN: If you have any ideas about how such a scheme might operate you are welcome to take that on notice and some views would be terrific.

The CHAIR: Perhaps what regulatory change might need to be considered in order to facilitate such a concept?

Ms MANN: Yes, happy to do that.

The Hon. BEN FRANKLIN: Thank you. There is one final issue from me. Something that has been raised a number of times is people having a nip of whiskey or whatever—and obviously, that falls under any drink containing more than 50 per cent spirits or liqueur—that is not able to be consumed after midnight. A number of venues and other organisers would suggest that that is a little draconian and should be lifted and that where the onus of responsibility should be, in terms of policing and making sure people are not sculling shots and simply trying to get intoxicated quickly, is through the responsible service of alcohol [RSA] and through the venues and the staff. What would you say to that?

Ms MANN: Certainly in certain circumstances if you are a high-end whiskey bar it does not make much sense. In that sort of scenario I did want to let the Committee know that you can apply for exemptions, and we have granted two exemptions in the CBD already for that sort of business model. Small bars are also not required to comply with that provision. So I think that those drinks restrictions provisions were put in place at a time and in a particular context where people were going to the bar and doing lines and lines of shots repeatedly after midnight. That is why they were put in but they were put in some time ago and I think it is probably worth looking at whether they need to be in place across the board going forward.

The CHAIR: Thank you for the information you have provided. You were speaking about the growth in the number of small bars. We have heard lots of what has not worked and what has changed in Sydney but I am very interested in going forward what is working and what potentially can work. Could you speak to the growth in small bars? Particularly, that seems from our observations, to have been an area that works well in terms of getting the balance right of safety and providing a great environment and also a great opportunity for an innovative type of new bar. Could you talk about why we have seen that growth and in terms of the regulation whether Easy to do Business has assisted or what has brought this about?

Ms WEBB: I might get Ms Mann specifically to talk about the licensing arrangements. Also Ms Barrett can talk about the work the Government has been doing to make it easier for people establishing a small bar not only to deal with the liquor licensing arrangements, but also more generally on all the other regulatory obligations.

Ms MANN: We listened to industry and heard that there was a need for this business model. And when you look at the research, it shows that this business model is low-risk. So we really wanted to try and facilitate that growth. As you have mentioned, Chair, we have seen that growth in small bars, particularly in the CBD. I love going out to the CBD and enjoying those small bars. I think they are fantastic and I think they have really added to the complexion—

The CHAIR: It is a part of the obligation of your job, is it not, research?

The Hon. BEN FRANKLIN: You've got to do it, test all 44.

The CHAIR: We found that we needed to research too and we are taking that quite diligently.

Ms MANN: If you look at our liquor licensing fees the small bar application fee is the lowest. It is sort of 200-or-something dollars annually to run a small bar. As I have mentioned, the small bars are exempt from a lot of the conditions because they are low risk. We also have a program at the moment where we are encouraging other bars that actually look and smell and feel like a small bar but have a different type of licence to convert to the small bar licence.

The CHAIR: Can I ask how you are doing that? We are hearing a lot of information that it is difficult, there are all these licences, it takes a long time, it costs a lot of money, we do not have the resources. Can you tell us specifically how you are encouraging that and what you are doing? It sounds like a great story.

Ms MANN: Sure. I might turn to my colleagues at Easy to do Business because they can talk you through that.

Ms BARRETT: Thank you. The Easy to do Business program is a partnership program with the Better Regulation Division [BRD] service and the Small Business Commissioner. Its focus is on helping people understand the regulatory requirements. Our focus area is small bars, cafes and restaurants. We actually have a number of service offerings under this program. We have a digital platform that spells out across the three levels of government what the requirements are. That can be about getting a lease, it can be about an Australian Business Number [ABN] and it can be about insurance. It is really, really comprehensive how-to guides. That starts to let people know about different licensing options.

Also within that platform, someone can actually ask for a business concierge. The business concierge is a free service. The business concierge might take one phone call from a particular client or they might be with that client for three or four months. And what they basically do is hold their hand through that process. The business concierge can contact other government agencies on behalf of the client and, if they are apart of our partnership program in that particular council, they can also contact council. The business concierges gives guidance. They do not give advice, but they will walk someone through that process.

The CHAIR: Can I be very rude and interrupt you on that particular point about councils because we have heard some evidence that the difficulty is the many layers and the different entities you are dealing with. How do you interact with council for a small bar operator or someone that wants to provide something innovative and does not have a lot of resources to walk through this? Do you hold their hand and walk them through it. Where does that interact with council? How do we make it happen or are you already doing it?

Ms BARRETT: We have a partnership council program. At this point in time across New South Wales we have 113 councils signed up, which I think covers 92 per cent of the population.

The CHAIR: Could I ask you to provide the Committee with information about that, please? I do not know that I have it. It may have been provided, but I have not seen it.

Ms BARRETT: Sure.

The CHAIR: If you could take that on notice, just to provide some more around that.

Ms BARRETT: With that actual council partnership, what we do is make sure that we actually understand, because each council is different in terms of their requirements. We have our business concierge people understand that particular council piece. We also have a relationship manager placed in that local government area [LGA]. In terms of Sydney Council, we just have to sign up with them. And we go official with them later on this month. That partnership allows us to have that knowledge, but it also allows council to actually refer people to our program. It takes away some of the resources for them to focus them over to us, and we are then the source of truth across Commonwealth, State and local government for that particular client.

The digital platform also allows people to actually, if they want professional advice, click on a link which will actually take them—if they put down what their area is, it will take them to that area. They will then see it is Business Connect. We are connecting them to Business Connect. They will see a profile of people that can actually give that advice to them. They have a look, they see which one feels right to them, they contact them and then they have four hours of actual professional advice as well. The platform also allows them to have their own digital dashboard. If you like, going through those different processes across those levels of government, it provides a checklist for them and where they need to go next and what they need to do. And finally, we are working with Liquor and Gaming in partnership for a digitised process for new licences which will essentially let people have a targeted process. They will have a survey which talks about their particular needs. It will show them different options in terms of licences. So it is all designed to actually streamline the process for them.

The CHAIR: Okay. I will get to other members' questions. I will just ask if one approach might be based on—I have to sigh before I say it—the Melbourne arrangement where there are a number of entities at the table together. Is that something that you have considered you might be able to participate in?

Ms BARRETT: We certainly work with other regulators.

The CHAIR: And also police, licensees, providers, music, entertainment?

Ms BARRETT: What we would predominantly do is work with the regulator and use our research in terms of what the pain points are for the particular clients. But we really want to get into a space where we are looking at all those pain points and the regulatory version.

The CHAIR: Thank you. It sounds like you have done that with the small bars.

The Hon. JOHN GRAHAM: For the transcript, I think a range of the witnesses were agreeing with your response there.

The CHAIR: Was that yes? Were you all saying yes?

Ms WEBB: Yes, that is right. I think Liquor, Gaming and Racing, independently of Easy to do Business, also has very close links obviously with councils and the police in any case. And then we can bring that to bear with our relationship with Easy to do Business.

Ms FELICITY WILSON: I have two different questions. One relates to the conversation with Mr Franklin earlier about variations to licences, for instance, for neat spirits. Some of the evidence that we have heard is that it is actually quite complex to make some of those different applications because each variation attracts a separate application and a separate fee. So if you want to have neat spirits, if you do not want to use plastics, some of the different variations there. Can you talk to us about if that is the case and whether or not that can be changed, if that is the case?

Ms WEBB: I think there certainly is some complexity to the current licensing arrangements and the fee arrangements. That is acknowledged by Liquor and Gaming. As we have mentioned, Liquor, Gaming and Racing recently came into the Department of Customer Service and so I guess some of our focus is on reducing some of those regulatory complexities and pain points for our customers. It is certainly an ongoing process of looking at how we can make it at least clearer for people, what the arrangements are, and working out whether some of these complexities are really driving towards a good policy outcome or whether they are just unneeded complexities. We are certainly keeping that under review, and that it is a little bit of the mission of the new agency as well.

Ms FELICITY WILSON: Can I ask whether that means that you could actually make some of those changes without direction from this Committee, if those changes were appropriate?

Ms WEBB: It is a government decision to make a regulation, so we would have to do it by regulation.

Ms FELICITY WILSON: The second question I have is that you mentioned some trials for different types of licences, the pop-up trials and some low-risk licenses. Correct me if I am wrong, but we are talking about music and maybe creative, which reflects the conversation we were having this morning about creative industries and trying to get them to be able to open different spaces, but it has been quite difficult to get those licences. Can you give some more information on that?

Ms MANN: Yes, this came out of the parliamentary inquiry that occurred late last year. It was really the Government's commitment to try to encourage more of this. That is where the pop-up came from. We are more than happy to give the Committee information about pop-up and what it means and how you do it. But, in summary, it is exactly what you said—to try to encourage the creative, the dance, the theatre—those sorts of things—occurring and making that process as painless and as fast as possible and as cheap as possible.

Ms FELICITY WILSON: In another hearing we heard about people who had an existing business, such as a bookstore, who wanted to have an evening event. Would it apply in that circumstance?

Ms MANN: I think it potentially would. I would not like to comment unless I saw the scenario, but yes, potentially. The same with microbreweries; that happened earlier on. These were the microbreweries in the inner west who said to us that they wanted to be able to sell their product when people are coming to taste it. You always have these emerging business models, and when you look at the actual regulatory framework they do not always fit neatly into them. Our challenge is constantly trying to make sure that we are not stifling those sorts of business models, which is why we have done that microbrewery trial in the inner west and also in Newcastle now.

The CHAIR: One of the things for this Committee is it could actually be a very exciting opportunity for us to provide some gateway to some very new, innovative concepts. It sounds like you are quite supportive and open to those suggestions.

Ms MANN: Absolutely.

Ms CATE FAEHRMANN: I think the pop-ups and the small bars and everything are fantastic. What we are also hearing from a lot of submissions and a lot of stakeholders is about the ongoing events. The Night Time Industries Association's submission talks about the example of immersive cinema, which is quite extraordinary, in terms of the barriers that they found here in Sydney compared to Melbourne, for example. Unfortunately, we will lose immersive cinema to Brisbane and Melbourne as a result of these barriers, some of which are things like noise restrictions and liquor licensing conditions that restrict the sale of four bottles of wine, for example. The whole thing is like a big picnic, so that is a bit strange.

Another example was the Sydney Festival and the kind of festival village in the Spiegelent, the conditions associated with that. We have had a heap of examples of very onerous restrictive conditions. You said that you are reviewing some of the conditions to simplify it, because the Government has suggested you simplify it. In response to the parliamentary inquiry last year into the music and arts economy, the Government's response

said that the night-time economy task force had been established and it is looking at red tape. I want to ask you about the red tape reduction. The Minister is saying that the task force is working hard to reduce red tape to encourage a more diverse night-time economy. What I heard in your response was not about encouraging, it was just simplifying. What is ILGA doing to encourage new businesses to make it easier and perhaps less expensive, not just to simplify it? Have you been directed by the Government to do this?

Ms WEBB: In relation to the task force specifically, Ms Mann should be able to answer. We might take those specific examples that you mentioned on notice just so that we can give a comprehensive response. I think in my opening statement I did mention that we are always engaged in a balancing act between making sure that community expectations of the regulation are met with encouraging industry and innovation. Certainly, the easy-to-do business measures that we have taken are trying to encourage people to be able to form and start new businesses as quickly as possible. We are always balancing those situations.

Ms CATE FAEHRMANN: It is definitely not what we are hearing from many, many businesses who have appeared before this Committee, with respect.

Ms WEBB: Okay, we will take that information and we will certainly answer those issues.

Ms CATE FAEHRMANN: I recognise that the Government policy is not—

Ms MANN: If I could add to that, I read that submission and I particularly looked at that immersive cinema issue. I asked the team to look into what had happened there. It appears that what had happened there is that some sort of agreement had been reached between the organiser and police before it even made its way to us, around the no-wine-bottles issue, in particular. I suppose that highlights the need for what people have been talking about, which is collaboration across agencies and with industry. There are so many people involved in this, so in that particular example that had already been agreed. We were, in a sense, just endorsing an agreement that had been made between police and the organiser on the wine bottle issue. That is just to give you some context to that, because I was also interested as to how that had occurred.

Ms CATE FAEHRMANN: Thank you. We might ask police about that later. The other part of my question was around specific red tape reduction, not in terms of just simplifying things but whether it is to make it cheaper or make it easier for businesses to start.

Ms MANN: Absolutely.

Ms CATE FAEHRMANN: We have heard about small bars.

Ms MANN: Yes, absolutely. I think the New South Wales Government has made it really clear, publicly but also to me as a public servant, that they expect us to—and it is enshrined in the Liquor Act that when we are regulating—we need to bear in mind the public health and safety on one side but also that vibrancy and diversity and trying to encourage that. We are certainly not trying to stifle or stymie that from occurring. Yes, there is red tape reduction but I have talked about some things like the new licence types to facilitate and encourage people to have a go at these business types. We are saying to them, "We are trying to provide you with the framework and mechanism to do that. We are making it faster for you and we are making it easier for you to do that." There is the night-time economy task force, on which Liquor and Gaming sits. It is not run by us and I believe you have a witness coming in later on this afternoon you can talk to that better than I can. The focus of that task force is really looking at how we can do all the things you have said—how we can reinvigorate, reactivate and encourage; it is not just about red tape reduction.

Ms CATE FAEHRMANN: Do you think New South Wales can look to other States in terms of how they regulate their businesses and improve the way we do that in New South Wales?

Ms MANN: I think we are always open to looking at ways of improving. We borrow from other jurisdictions a lot, as they do from us—absolutely.

Ms CATE FAEHRMANN: Ms Webb, you are nodding. Would you like to comment as well?

Ms WEBB: I just want to confirm that, yes, as I think I said in my opening statement, always considering ways in which we can improve the regulatory arrangements. Certainly reduction of red tape and improved customer service are things we would always take into account. As Ms Mann said, we have lots of interjurisdictional contact and so we do watch closely what happens in other jurisdictions.

Ms FELICITY WILSON: I am interested in talking about Kings Cross. We speak a bit about density of licences and the number of hours when alcohol historically was available. In some of the interactions we have had with St Vincent's Hospital, they spoke in particular about how Kings Cross is unique, in some ways, globally or historically, because of the kind of density of alcohol and hours of availability and volume of alcohol. Do you have any observations or reflections, given we are thinking that Kings Cross is quite unique, in the way in which

it is regulated or if we should consider it to be a different precinct in the way we regulate it to other parts of the city or the State? Do you have any other observations about the venues that are operating there?

Ms MANN: I think that is right. Pre these interventions there were unacceptable levels of violence in Kings Cross and it was because you have the golden mile, the strip, and people were going between venues. They were intoxicated, they were bumping up against each other and they could not get home when they were tired and drunk and needed to get home. Taxis would say, "I'll charge you \$200 to take you down the road to Surry Hills". There were all those factors that were happening. The Cross of today, by everyone's acknowledgement—and I know that this Committee has done a visit—is not that place anymore. That is borne out by the NSW Bureau of Crime Statistics and Research [BOCSAR] statistics—I think the latest has shown a 53 per cent decrease in violence.

As people have said, nobody wants to see a return to the violence levels of the past. Where we need to exercise a bit of caution is that, instead of just saying Sydney is open for business again if lockouts are removed—I have heard a lot of Committee members talk about the importance of that—it has to be done in a measured way, because we do not want throngs and throngs of people descending and thinking there are no controls in place and they can engage in riskier than usual behaviour. Everyone has to be at that table, if that occurs. As the regulator, that is certainly something that we are looking towards and thinking about.

The Hon. BEN FRANKLIN: I am looking at your response to questions on notice, particularly the venue inspections question number 14. It seems to jump around an enormous amount—the number of venue inspections undertaken in Kings Cross in 2014, there were 298 and in 2016 there were seven. In 2014 in the Sydney CBD there were 760, but in 2019 there were 77. What accounts for that?

Ms MANN: The numbers do jump around. I think we should have put some context in those numbers for you, but I will give you the context now. Basically, you are looking at the higher numbers in Kings Cross in the 2013-14 period, because that was really when these interventions were starting to occur. We did a lot of work with the venues there to make sure that they understood what their obligations were and how to comply with them. There was a lot of intensive effort put in on our part to make sure that venues knew what they had to do and were going to be compliant. That is where you see that increase.

There is a very simple explanation for the decrease in 2016 and that is that our organisation was undergoing a massive restructure. We lost 50 per cent of our inspectors, or there was a turnover of 50 per cent, so we just did not have the resources to be able to do it. That is the simple fact of it. You see some spikes where we are doing particular interventions. In one year, 2017, we did a targeted inspection on restaurants with primary service of alcohol [PSA] and there are quite a few of those in the precinct. That is where you see this spike. In terms of the current year figures, they are low because they are only year-to-date.

The Hon. MARK LATHAM: The Committee visited Newcastle. Back in the day, the Sydney lockouts were known as the Newcastle solution but when we visited one of the prominent small bars had closed down for economic reasons. The Honeysuckle people told us of the development of the signal box or the closure of the heavy rail and the licence there was restricted to only being able to have a drink if seated. All of this is very restrictive on Newcastle's night-time economy jobs, in a region that needs jobs for other purposes, the realities that have hit them and also the massive multibillion-dollar investment by government over many, many years to make Newcastle and places like Honeysuckle a tourism and investment jobs mecca. Do you have any views on the situation in Newcastle? There are parallels with Sydney in the need to have less restrictive licensing and a more active night-time economy to maintain the social and economic wellbeing of that important region.

Ms WEBB: We could probably take that on notice to get you some figures about the number of licenses and the number of cancellations, which might give an indication.

Ms WEBB: Newcastle is a really interesting example because they came first. They were doing this stuff before the Sydney lockouts came into place. It is done by way of licence condition, as you would be aware. There were really unacceptable rates of violence in Newcastle earlier on; it was one of the most violent places for going out to drink. The Independent Liquor and Gaming Authority had some approaches from some of the venues about two years ago now, I think, who said we need to review this. The authority engaged Jonathan Horton, QC, who did a really extensive review of it. He went and spoke to all the venues, he spoke to some prominent activists in that region and he spoke to researchers and so forth. He came to the view that actually not much ought to change at all. That was, as I said, after a very extensive review process. Probably it is only a matter of time before we need to reconsider and look at that again, but that review is relatively fresh for now.

The CHAIR: Thank you but we will have to finish now because we are one minute over time. Thank you for appearing before the Committee today and providing your information to the Committee. Clearly, you have demonstrated there is an openness and that has already worked for small bars, for which you are to be

congratulated. I am sure this Committee may have further recommendations for you and we would appreciate your working with us on those. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms WEBB: Of course, yes.

The CHAIR: You have taken a couple of questions on notice and the Committee asks that you return your responses within seven days to the committee staff, in accordance with our resolution. Thank you for your time today and your great work.

(The witnesses withdrew.)

MICHAEL WILLING, Assistant Commissioner, NSW Police Force, sworn and examined

DAVID DUTTON, Executive Director, Clinical Operations, NSW Ambulance, affirmed and examined

The CHAIR: I now welcome representatives from the NSW Police Force and NSW Ambulance. Thank you for appearing before the Joint Select Committee into Sydney's Night Time Economy to give evidence today and thank you for the important work you do every single day. You have provided some information to us and we appreciate that. Please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses.

Assistant Commissioner WILLING: Yes, I have.

Mr DUTTON: Yes, I have.

The CHAIR: Do you have any questions about those?

Assistant Commissioner WILLING: No.

Mr DUTTON: No.

Assistant Commissioner WILLING: I am also Commander of the Central Metropolitan region for the NSW Police Force.

The CHAIR: Before I invite you to make a brief opening statement, if you have one, I want to acknowledge the Kelly and Christie families. Throughout this process we have endeavoured to deal with the issue of lockouts in a sensitive way, knowing that the burden that this Committee has weighs heavily on us. We know that you on the front line deal with the fallout of those and other issues every day and we thank you for your service. Do you have an opening statement for the Committee?

Assistant Commissioner WILLING: Good afternoon. Thank you for the opportunity of speaking this afternoon on behalf of the Commissioner of Police and members of the New South Wales police force on what are important issues for the community as a whole. By way of brief background, about a month ago I moved from the role as the Commander of the NSW Police Counter Terrorism and Special Tactics unit into my current role as Commander of the Central Metropolitan Region, with responsibility for a wide geographical area, incorporating the Sydney CBD and surrounding areas.

I have also been given organisational responsibility for being our corporate spokesperson for alcohol-related crime. Since arriving, around a month ago, I have endeavoured to do everything I can to get up to speed on the issues surrounding, not only the night-time economy, but my portfolio areas. Can I begin by clearly stating that the number one priority for the New South Wales police force is maintaining public safety. At the same time the New South Wales police force fully supports the endeavours to develop and enhance Sydney's night-time economy. I want to repeat that point because it is quite important to us. We fully support a vibrant night-time economy for Sydney. But that vibrant night-time economy must be a safe night-time economy, offering a diverse range of activities, appealing to a broad range of people, including families and children.

We simply cannot tolerate the levels of alcohol-fuelled violence that we have seen in the past. As this Committee well knows, alcohol misuse continues to be a significant burden on the community. In our experience, the biggest contributing factor to violence is levels of intoxication. This must continue to be a focus for us, as police, in maintaining public safety. In terms of the complex issues before this Committee, it is our view that no single intervention is likely to have a substantial impact in the suite of measures that have been introduced from around 2008 onwards, including those in 2014—were, have been and continue to be effective and relevant in curbing alcohol-related violence.

Obviously there are different views on those issues. In particular, the so-called lockout laws. But I believe that we can get the balance, between a vibrant night-time economy and ensuring community safety, right. The New South Wales police force will work collectively with other government agencies and other stakeholders, as we come across them, to ensure that we do. Thank you

The CHAIR: Thank you, Mr Dutton.

Mr DUTTON: Thank you, Chair. NSW Ambulance responds to over one million triple zero calls every year across the State. We respond to a full range of conditions, from minor injuries to life-threatening incidents. Paramedics deal on a daily basis with patients affected by both alcohol and drugs—sometimes with tragic consequences as the Committee is all too aware. Paramedics are the frontline first responders, along with our police colleagues. NSW Ambulance paramedics are the first link in the chain that becomes the patient's journey

through the health system. Their role, as the most recently accredited national health profession, is to provide immediate care and transport to that patient, and deliver them safely and promptly to a facility of definitive care.

Paramedics create clinical records to assist them with this treatment and this often becomes the first document in the patient's health record. It is important to note that these records, however, are not created for the purpose of data-collection or statistical information. This can sometimes restrict the amount of information that is able to be gleaned from them. NSW Ambulance has worked with a number of agencies and the evidence is clear, as is the anecdote from front-line paramedics and paramedic managers. There is less violence on the streets at Kings Cross and Sydney CBD post the introduction of the measures the Committee is considering, particularly in the early hours of the morning, when the most extreme forms of violence and injury patterns resulted. Thank you.

The CHAIR: Thank you both. You may be aware the Committee went out and met with Kings Cross police and also St Vincent's. Both were very helpful and informative, in addition to their submissions and appearing here, in our conversations with them, proving to be very balanced, and very considerate. We are very thankful for that. It has been quite a journey through this process.

The Hon. JOHN GRAHAM: Assistant Commissioner, one of the views that has been put to the Committee is that really two per cent of the venues are responsible for 98 per cent of the issues here. Now, the maths will not be exact, but I was interested in your view about whether that is broadly right—that the core part of this problem is in a small number of venues?

Assistant Commissioner WILLING: Clearly, from 2008 onwards there was a serious issue with alcohol-related violence in and around the Sydney CBD and the Kings Cross area. In terms of where the violence was emanating from, certain venues attracted more attention from police officers and the regulatory authorities than others. But, in saying that, police officers are obliged to enforce the regulatory framework across the board. So, yes, that is one view. But at the end of the day, we cannot focus our resources completely on a small portion of the industry, aside from the industry as a whole.

The Hon. JOHN GRAHAM: On Friday we were talking to the Bureau of Crime Statistics and Research [BOCSAR] about why rates on domestic assault have dropped around the State, as well as in these areas and in Sydney. They were pointing to the Violent Venues Scheme, as one of the key schemes. Liquor and Gaming NSW has provided some information which shows this really looks like a very successful regulatory and policing enforcement. Is that your view?

Assistant Commissioner WILLING: I think it is difficult to focus on one particular aspect of the regulatory framework. The suite of measures, and there are a number of measures that came into play from 2008 onwards, have been effective. It is difficult to isolate the effectiveness of a certain strategy. Our view is the collective framework has been very successful and is successful to this day.

The Hon. JOHN GRAHAM: One of the things that a number of submissions have pointed to, specifically in the Cross, is certain types of operators. What they mean is operators close to criminal elements in the Cross. Have you got any views about how much that has contributed to the problem in the past and whether that is gone, or gone for good?

Assistant Commissioner WILLING: Police officers target organised crime elements across the board. The correlation between organised crime and/or licensed premises is something we are mindful of. We act on intelligence on a daily basis, targeting organised crime operations, whether or not they are involved in licensed premises, or other types of premises and/or industry as well. It is difficult for me to comment any further than that because I do not want to get into operational matters around how it is that we target organised crime.

The CHAIR: We understand that. Members are aware of that, thank you.

The Hon. MARK LATHAM: Mr Dutton and Assistant Commissioner, thanks for the wonderful work you organisations do for the people of New South Wales. It is immensely appreciated. One of the challenges for this Committee, is to try and separate cause and effect. To get a handle on what is actually working and what is, perhaps, not necessary into the future—and the broader objective of stimulating jobs and investment for an international city, which is a big responsibility for public representatives. The BOCSAR statistics are fascinating because they show for non-domestic alcohol-related assaults, the rest of New South Wales—other than Sydney—has had a 10-year systemic decline, 51 per cent, due in large part to the great work of the police.

In Sydney itself it is 41 per cent. So with lockouts, it has been lower than the rest of New South Wales. For some of the local government areas, the figures are remarkable. A 71 per cent reduction in Campbelltown without lockouts. Do you think these statistics do show, in cause and effect, that there has either been an improvement in licensing and policing, in social attitudes about drinking, particularly binge drinking, or a

combination of all those factors that without lockouts these results are very good and these measures are not any longer necessary in the Sydney CBD?

Assistant Commissioner WILLING: I think that your point around perhaps it being a combination of all those factors is probably accurate. Across the board, there are a number of issues that go into the causes of non-domestic violence assaults. Not just alcohol. There are a range of different issues that are associated with that. It is very difficult to drill down to exactly what it is, in terms of particular areas because each area is unique across the State. Each area has a range of demographic, a range of policing issues that contribute to levels of assaults and other types of crime, as well.

The Hon. MARK LATHAM: Do the police generally notice an improvement in social attitudes to drinking, particularly among young people? There does appear to have been a beneficial shift?

Assistant Commissioner WILLING: Certainly in my region in the last few weeks anecdotally I have been advised that there does appear to be a shift for the better.

Mr KEVIN CONOLLY: I continue the theme of trying to isolate cause and effect or at least hone in on specific measures. It is clear what the regulations around shots is—to stop rapid intoxication.

Assistant Commissioner WILLING: Yes.

Mr KEVIN CONOLLY: It is clear what the measure around scanners is—to target individuals who cause trouble. It is clear enough from the medical point of view why we would have a last drinks—to curtail the overall time that alcohol is consumed.

Assistant Commissioner WILLING: Yes.

Mr KEVIN CONOLLY: What is the particular focus or intent of a lockout at 1.30 a.m., 90 minutes before the end of that last drinks? What are we trying to achieve specifically by that measure, do you think?

Assistant Commissioner WILLING: I think originally in Newcastle, as the Committee would be well aware, when they first came in it was about the movement of people between venues and some of the antisocial behaviour that can arise during that. The same applies here in this context. But I come back to what I said before, the difficulty facing this Committee is trying to identify what it is that is beneficial, what it is that actually is making the difference. That is a very difficult task. For us, we cannot isolate whether or not it is locking somebody out—which is a terrible term—from a venue at 1.30 in the morning.—

Mr KEVIN CONOLLY: I will come to that.

Assistant Commissioner WILLING: —or the cessation of alcohol consumption at 3.00 a.m. which we think is very effective from our experience on the street, or whether or not it is the lack of glass in premises after midnight, the consumption of shots and those sorts of things. It is very difficult to isolate it. Quite frankly, we are unable to do that.

Mr KEVIN CONOLLY: If I can pursue that line of thinking though.

Assistant Commissioner WILLING: Sure.

Mr KEVIN CONOLLY: I assume the intent is to stop people who are drinking at one venue, moving to another and cascading through various venues and more likely to be intoxicated as a result. If those venues that were open for late trading had restricted entry rather than lockouts and they were given a statutory scheme where they could use a breathalyser to ensure the person entering the premises was not intoxicated, would that achieve much the same effect?

Assistant Commissioner WILLING: Difficult to judge. That is seriously a matter for government to pursue.

Ms CATE FAEHRMANN: We have heard from many witnesses that it is not just the lockout laws themselves that seem to be stifling Sydney's night time economy and businesses but it is the overall regulatory environment, including a lot to do with licensing. When businesses need to put on an event or do something new, they have to apply to three different agencies, at times one of which is the police. I quote from the Sydney Fringe Festival's submission to this Committee:

The anecdotal evidence from industry and local government is that as applications have been lodged (this is licensing applications) they have been consistently opposed by police, regardless of the individual components or potential for jobs and cultural diversity.

We heard an example this morning in relation to something called Immersive Cinema. I asked the CEO of the Independent Liquor & Gaming Authority [ILGA] why full bottles of wine were not allowed at what is essentially a big picnic, but were allowed in Melbourne. He said that the applicants applied to the police, the police worked

everything out with them, including not to have full bottles of wine. Everything had been done by the time it went to ILGA. We are hearing that time and time again, that the police are roadblocks on this and they are imposing onerous conditions. You said you have just started in this position, Assistant Commissioner Willing, but what is your response to that and have you been hearing this yourself within the police, that this is an issue that needs to be addressed?

Assistant Commissioner WILLING: No, I have not, at all. I was aware of testimony this morning before this committee along those lines, but my response to that is that we enforce the law and the regulatory framework as it is. Our number one underlying concern is community safety. If a licensing officer or a police officer is concerned about community safety when it comes to a condition, they will make that concern known. But I have not heard of police officers being a roadblock to those types of applications at all.

Ms CATE FAEHRMANN: One of the other issues that a lot of stakeholders have been saying is a huge block in terms of events in Sydney and New South Wales compared to the rest of the country is user-pays policing. For instance, let us go back to Immersive Cinema again. Why would the police in New South Wales be imposing the condition for so many more police at such a bigger cost to events than Melbourne and Brisbane police are proposing? Do you acknowledge that it is a much bigger cost than those other two States?

Assistant Commissioner WILLING: They are policy issues that I need to defer to the Minister to answer, to be perfectly honest, in terms of it. We apply a user-pays policy—

Ms CATE FAEHRMANN: But you set that?

Assistant Commissioner WILLING: We apply it and the policy is in line with government policy, but I will defer to the Minister to answer that.

Mr GUY ZANGARI: Thank you, Assistant Commissioner and Mr Dutton, and welcome. With community safety being a number one priority, throughout the hearing we have heard about licensees taking it upon themselves to implement programs where they are getting involved with patrons in order to make them aware of hydration methods, such as talking to them in a proactive manner and street wardens to walk around within the precincts. In your view, what can further be done to enhance these measures when it comes to alcohol harm reduction policies so that everyone is at the table working together with police, to make the job for police to be there to ensure law and order but that other stakeholders have a key role in this as well, particularly licensees and possibly volunteers on the street assisting police?

Assistant Commissioner WILLING: We are willing to consider anything that contributes to public safety. There are likely innovative ideas out there that we are quite happy to meet with stakeholders and talk through. In terms of the current measures that are in place at the moment, my advice operationally from police officers on the street, things like the extended use of banning notices would be quite handy for us from a precinct perspective, across the board. Some of the measures that are in place now we believe are effective collectively. But in terms of your original question, we are willing to consider anything that contributes to public safety.

The CHAIR: Can I hone in on that, in particular. On our site visit to Oxford Street we heard that a number of operators had a WhatsApp group and they were able to share information quickly and easily.

Assistant Commissioner WILLING: Newtown is the same.

The CHAIR: It seems quick, easy, effective and cost effective. They said that was very useful. Is that something that the police could potentially participate in also?

Assistant Commissioner WILLING: It is an issue that we could explore. Most certainly anecdotally, I am told that it works quite effectively in Newtown, but it is an example of operators taking responsibility for themselves to do what they can to ensure that venues communicate with each other as a group to address the issues. I think it is quite commendable.

Mr GUY ZANGARI: Mr Dutton, regarding the paramedics that are at the frontline. Recently there has been a lot of discussion around assaults to paramedics in what they do day in and day out. With regard to the precincts and assaults on paramedics prior and post-lockouts, has there been a decline or a steady increase or has the status quo remained?

Mr DUTTON: The information that I have with me today is from 2016 through to 2018, so it does not quite cover the period the committee is interested in. It is important to note a couple of trends. First of all, overall the reports of occupational violence against ambulance paramedics are increasing. There are a number of reasons behind that, but one of them was a concern that actually this issue has historically been under-reported. The organisation led by Commissioner Morgan and with the full support of Minister Hazzard has been very clear on

this issue about a zero tolerance approach to violence against ambulance paramedics and all first responders. We often walk into these venues side by side with our colleagues.

Pleasingly though, the number of paramedics assaulted who are receiving medical attention and the number of paramedics who were assaulted who will then go on to have some form of compensable injury has been trending down over the last three-year period. That is encouraging, that we are getting more reporting to flush the issue out to consider the preventative measures that we might take, because clearly as an organisation we would prefer to be having a conversation about how we prevent an assault to a paramedic going about assisting a patient, than responding to how well we might treat one of our own and then the course of injury for them to return to full-time duty.

The CHAIR: I am interested in that preventative approach and then I will go to other questions. In terms of moving forward Melbourne seems to have a forum that anecdotally seems to work quite well. This Committee is not averse to looking to other jurisdictions for what works well. Can I ask if you are aware of that and if you talk to your Victorian colleagues about what seems to work for them vis-à-vis what might work here?

Assistant Commissioner WILLING: I can advise the Committee that in two weeks time myself and my colleagues and representatives from the Sydney City Council and Liquor and Gaming are going to Melbourne to meet with relevant stakeholders down there to look at what they do down there. As I said in my opening, this is new to me in terms of this portfolio, but we share common concerns and common issues across jurisdictions when it comes to community safety from a policing perspective. We will be down there in a couple of weeks to have a talk to them and see what we can bring back that works.

The Hon. JOHN GRAHAM: We are certainly interested in your collective views.

The CHAIR: I commend you on doing that. The collaborative approach is what is going to work with this. If anything is going to work we all must be at the table together. Can I ask you looking forward what does success look like? Is there some sort of forum or entity or committee that you could see yourselves participating in with licensees?

Assistant Commissioner WILLING: Absolutely. From a policing perspective we would be willing to work with anyone, all stakeholders. A whole of government committee if that is what the Committee recommends and government chooses to do, a wider stakeholder committee, we need to be at the table and we are quite willing to be at the table. Indeed, we are quite willing to take a leadership role when it come to engaging with stakeholders and trying to move forward and to achieve a successful outcome.

The CHAIR: With licensees at the moment, what is in place to work with licensees in a preventative way and dealing with ongoing community issues? We have heard about licensing coming back six weeks after something happened and saying to operators, "Well, this happened six weeks ago", and they then cannot investigate what happened properly.

Assistant Commissioner WILLING: Right.

The CHAIR: Is there an ongoing conversation or a way that you work with licensees at the moment?

Assistant Commissioner WILLING: There is. Our licensing police speak to licensees on a daily basis about issues. We also contribute to education campaigns, we work with liquor accords across the board on a daily basis. The last few weeks I have been out myself talking to key stakeholders in the industry to try to understand the different views that are involved in it and the nuances of the issues that are confronting the issues before this Committee. But, on a daily basis licensing police are speaking to licensees.

The CHAIR: It is not all doom and gloom.

Assistant Commissioner WILLING: Not at all.

The CHAIR: Vivid seems to work quite well. There are some things that seem to be working.

Assistant Commissioner WILLING: There is some great stuff going on out there.

The CHAIR: What do you attribute that success to?

Assistant Commissioner WILLING: Communication and collaboration. Everyone understanding each other's needs and stakeholder role in these issues, but working together. The collaborative approach underpins success in a variety of forms, including this issue.

The CHAIR: We do not have any instructions, we are open to all suggestions. One has been the creation of a night time mayor, a tsar, a night commissioner. Some criticism of that is that it is just another level of bureaucracy and those resources could be put into something that already exists or people on the ground. I am

interested in what you think might work and compared with the New York example where Mayor Giuliani brought in just a whole lot more police on the ground. A lot of police were there, yes, having photos with tourists but they equally said the sheer numbers of resources put into police presence being there assisted greatly in cleaning up New York. Can you comment on those two propositions?

Assistant Commissioner WILLING: Police numbers and the deployment of those numbers are obviously a matter for the government and the Commissioner of Police. I do not really want to go any further than that. New York in itself is a different city to us. The question is: What does Sydney want to be and what does Sydney want to look like? That is an integral issue the Committee is trying to wrestle with. In terms of a night time mayor and those type of issues presented, our view is that any collaborative approach is likely to be better than not speaking to each other and not working with each other. So, we are open to anything when it comes to that collaboration. That is probably the only way I can answer that.

The CHAIR: I understand.

Ms CATE FAEHRMANN: Assistant Commissioner, we have heard from a number of witnesses that young people in Sydney do not have a great relationship with the police, particularly young people who are going out. That is as a result of people experiencing and hearing about ongoing harassment such as strip searches, sniffer dogs, much different to what it was 10 years ago. If you look at social media, the papers reported this, there is a lot of young people attending festivals and venues and having not great experiences with the police. How do you respond to that?

Assistant Commissioner WILLING: First of all, the issues that you raise in terms of strip searches and drug dogs, those sort of things, are again policy issues that I will defer to our Minister to comment on.

Ms CATE FAEHRMANN: The Minister is not appearing before this Committee.

The CHAIR: The witness is answering the question as he is able.

Ms CATE FAEHRMANN: Just in case he thought the Minister was appearing.

Assistant Commissioner WILLING: In terms of your suggestion that police officers do not have a good relationship with young people out and about at night, that is what I understand you to say, I disagree with you. I think we have a very strong relationship across the board with the young community in Sydney. Of course there are examples from time to time where that relationship is strained. But I do not agree with that assertion that we have a less than collaborative relationship with young people.

Ms CATE FAEHRMANN: We heard from Mr Hemmes on Friday.

Assistant Commissioner WILLING: Yes.

Ms CATE FAEHRMANN: A question I asked him was in relation to police presence in and around venues. I mentioned the strip searches and sniffer dogs outside venues but also there is the police inside venues. We know that venues have to have a lot of security now, CCTV, that is the law in every space other than the bathrooms of course, within venues as well as, he describes, security in high vis vests standing on every podium looking into the crowd. What additional role, if we have CCTV, security, everything else, random inspections, what additional role do police inside a venue, walking into venues in uniform provide in terms of security?

Assistant Commissioner WILLING: Police have powers that other security operatives do not have. The presence of a police officer in uniform inside a venue could well instil a greater sense of safety. There are a range of different powers that could occur.

Ms CATE FAEHRMANN: What type of powers do you mean?

Assistant Commissioner WILLING: Powers of arrest.

The Hon. BEN FRANKLIN: I would like to ask about Kings Cross. We have heard evidence that Kings Cross has changed basically forever. If some of the laws brought in in 2014 and earlier were changed that Kings Cross would not go back to the way it was because of the demographic shift and various venues shutting down, some of the worst. I am interested in your comments on that issue?

Mr DUTTON: I share with you the experience of paramedics in that space. They describe a very stark change particularly in those early hours of the morning. Noting all of the comments before the Committee about clearly linking causation with effect I think we would be concerned with the safety of ambulance paramedics and we would be concerned for the safety of the general public if the effect of any change was to water that down and see a return of the behaviour. That is not to say we would not support examining in detail anything that might make a change for the better but we want to be very clear that we do not see a regression.

Assistant Commissioner WILLING: I can only repeat the comments of my colleague, we agree completely with that.

The Hon. BEN FRANKLIN: If there was to be a lifting of the lockout laws, I am not pre-empting anything but considering some of the changes. Would you support a full review of any new actions that we took in perhaps 12 months time to see what the impact and the effect had been in order to ensure the sort of regression you talk about has not happened? Would that be a fair statement?

Assistant Commissioner WILLING: I think so. I think any change, if that is what the Committee recommends and/or the Government decides to do, would need to be perhaps incremental and need to be with some built in review to see what arises from it.

The Hon. BEN FRANKLIN: An issue I raised in the last session is under the liquor act intoxicated people should not remain in venues. A number of venues then seek to push them out onto the streets. That potentially can sometimes be an unhelpful situation if there are others of the same ilk. A number of venues have actually said to us they would be open to keeping them in their establishments, providing them with water and food possibly in a chill out room, something like that. They do not have the power to do that at the moment. I am interested in your comments about possible looking at that as a potential option.

Assistant Commissioner WILLING: From my perspective, again we would be willing to consider anything that contributes to public safety and if that is via keeping people inside licenced premises and not on the street that is something that is part of any process that might flow from this we are happy to consider.

Mr DUTTON: It will not surprise you that I agree with my colleague. I think the driving question to that is about the safety for the individual.

The Hon. BEN FRANKLIN: Absolutely.

Mr DUTTON: Unfortunately, when ambulance paramedics are called once someone has been injured we know that more than 80 per cent of those people will end up in an emergency department. Any conversation that we can have as a community about how we might stop or prevent or lessen that I think would be worthwhile.

The Hon. BEN FRANKLIN: One final question, and I apologise if it is in the report you have given. I have read it but not in depth. In terms of the number of incidents that happen in a venue rather than outside the venue, what would the split be outside on the road in a public area?

Assistant Commissioner WILLING: That is a difficult question to answer, to be honest. In terms of what type of incident?

The Hon. BEN FRANKLIN: Alcohol-related violence.

Assistant Commissioner WILLING: Assault?

The Hon. BEN FRANKLIN: Yes.

Assistant Commissioner WILLING: I would have to take that on notice and provide the Committee with a breakdown if that is possible.

Ms FELICITY WILSON: I also wanted to speak about Kings Cross. Firstly, we talk a lot about global cities and our comparison to them here in Sydney. May I say that when we travel around the globe often we see people in uniforms and there is a sense of fear. I would say in Sydney and across the State when I see a police officer I feel safer. So, thank you for the work that you do. I think that is done particularly because of the attitude you have towards members of the community and to venues. I wanted to know if you would be happy to reflect on that. We had some conversations at Kings Cross police station. I am not sure how much of that you are able to share particularly because you are new in the position. We talk a lot about proactive policing. I think it is a change we see not just in alcohol and violence and liquor but more generally across the force. We see a great deal of increased proactive policing.

Assistant Commissioner WILLING: Yes.

Ms FELICITY WILSON: But also increased focus on investigations that we get outcomes and have some deterrents. Are you in a position to reflect on, particularly in a Kings Cross context, if you have seen that change and what the resourcing of the police, the types of work that the police are doing to make a proactive positive outcome in Kings Cross?

Assistant Commissioner WILLING: Well, yes, it is a wide question. It is not easy to answer. However, proactivity and the drive for a proactive policing is instilled across the entire NSW Police Force and has been for some time. Certainly our commissioner drives commanders in terms of proactive policing because we know it

impacts on crime in any social behaviour across the board. Kings Cross has a relatively new commander who has just taken over there. In my discussions with him a key focus of what he is doing is driving proactivity there and also meeting with and talking to community members.

In terms of investigations and those types of things, when it comes to high-end assaults and those that cause grievous bodily harm, glassings, those sorts of things, significant resources go into investigating those matters and putting people before the court for those types of matters. The more complex the matter the more investigative resources that are involved. In the past we have seen significant resources go into matters like the Thomas Kelly death. At the time I was the commander of the homicide squad in New South Wales. I know the resources that went into that matter at the time to put somebody before a court for that matter as well. So, proactivity, the types of resources that go into an investigation are things that commanders balance all the time. Sometimes with our limited resources it is a matter of really using data and analysing where it is that we best apply those resources as well.

Ms FELICITY WILSON: When it comes to ID scanners, is there a benefit from an investigative perspective?

Assistant Commissioner WILLING: We believe so.

Ms FELICITY WILSON: There have been conversations around sexual assaults.

Assistant Commissioner WILLING: Yes, we believe so. I am advised by officers on the ground in Kings Cross of occasions where crimes have been solved by the use of ID scanners from outside the precinct where offences have been committed in other locations and offenders have been identified and located within licensed premises because they have scanned their identification.

The CHAIR: On that point, could you provide the Committee with some information about the success of those investigations?

Assistant Commissioner WILLING: Yes. I can do that.

The CHAIR: Inside/outside how many and what they involved?

Assistant Commissioner WILLING: Yes.

Mr KEVIN CONOLLY: Without asking you to talk in detail about operational deployments we were told by an earlier witness that in the bad old days before these changes on a Friday and Saturday night there had to be 30 or 40 extra cops brought in from other commands to supplement manpower in the Kings Cross and CBD areas and that was a drain on other commands. Have these changes reduced that impact and made that unnecessary?

Assistant Commissioner WILLING: You are right, I am not going to go into detail in terms of operational strategies, but I can say whilst the numbers at Kings Cross have been relatively similar over the years, we still do supplement those resources with officers from a variety of different areas in the police force on a daily basis depending on intelligence, depending on what is confronting officers at the time. It has not changed so much in terms of the numbers of resources coming in but it is about where you deploy them and what you do with those resources that counts.

The Hon. JOHN GRAHAM: You may or may not be able to comment on this. One of the views that has been put is that transport is a crucial part of this and in summer the provision of greater transport has enabled people to be out longer but with less alcohol. That is one of the views that has been put to us about Melbourne. Do either of you have any views about how crucial transport is in making sure the city is a safe place after dark?

Assistant Commissioner WILLING: I think operationally I am advised that any mechanism to get people off the street where they may be vulnerable to assaults is an effective thing. In terms of the impact of things like Uber and those sorts of things which have come on since the lockout laws I think the analysis is yet to be done. From an operational perspective having mechanisms to move people safely out of areas is a good thing for us.

Mr DUTTON: I would agree. Safe options to return home not only in terms of distributing crowds and avoiding congregation but obviously limiting things like drink driving and other harm that can be alcohol caused are a critical part of the conversation.

The CHAIR: Can I reiterate the sincere thanks for the work that you do. I said to Dr Preisz and I say it to you with the utmost respect, I do hope that I do not receive a personal phone call from you ever. I do know that you have to make those calls and appreciate the work you do every day to keep us and our community safe. The Committee may wish to send you some additional questions in writing the answers to which will form part of

your evidence and be made public. Would you be happy to provide written replies to any further questions from Committee members?

Assistant Commissioner WILLING: Yes.

Mr DUTTON: Yes.

The CHAIR: You have taken a couple of questions on notice and we ask that the answers to those be returned to the Committee staff within seven days. We hope you enjoy and learn a lot from Melbourne, we look forward to hearing from you about that.

(The witnesses withdrew.)

(Luncheon adjournment)

NATALIE ZELINSKY, Chief Operating Officer, Stay Kind, affirmed and examined

The CHAIR: I welcome our representative from Stay Kind. Thank you for appearing before the Joint Select Committee into Sydney's Night Time Economy today, to give evidence. Can you please confirm that you have been provided with the Committee's terms of reference and information about the Standing Orders that relate to the examination of witnesses?

Ms ZELINSKY: Yes I have.

The CHAIR: Thank you. Do you have any questions about that information?

Ms ZELINSKY: No, thank you.

The CHAIR: Thank you. We very much appreciate you attending the hearing and providing us with information. I understand you have an opening statement you would like to make. Before you do so, please note that the burden weighs heavily on the Committee to get this right. We appreciate input from everybody, particularly from you and your organisation. We are aware that we are here because of a number of tragedies, and that is in the back of our minds. We are mindful that we have a great task ahead of us and we will try hard to get the balance absolutely right. We are very appreciative of you addressing us today about Stay Kind. We understand you will not be addressing other issues and we appreciate that.

Ms ZELINSKY: Thank you to the Joint Select Committee members for taking on this task. I do not imagine it would be a simple one. Thank you for having us here today to present. In the last few days a number of people who have appeared in front of the Committee have acknowledged the tragic circumstances that influenced changes to the liquor laws. In particular, what are often referred to as lockout laws. Today I represent Stay Kind, formerly known as the Thomas Kelly Youth Foundation, established as a result of one of these tragic circumstances, and in honour of Thomas Kelly, 18, who was a victim of unprovoked violence in Kings Cross.

I acknowledge Thomas today and I also acknowledge Stuart, Thomas' brother. After speaking out about his brothers' death on a number of occasions, Stuart, just a young boy who was growing into a young man was targeted by bullies in a range of circumstances. At 18, and four years after Thomas died, Stuart ended his life. I acknowledge the Kelly family who have suffered these two unimaginable tragedies, and who have had the courage to establish this Foundation. Stay Kind has a clear purpose and an enduring mission to keep our children safe and get them home to their loved ones, so that other families did not suffer the same loss of a child and brother that the Kelly family experienced. That is why we are appearing here today.

Following the tragic loss of Stuart, the Foundation spent significant time considering research from around the world that would support more effectively harm prevention to our youth. From this review the Foundation determined that the moral disconnect that occurs when bullying, hazing and violence takes place, needs to be addressed through social and behavioural change. For the Foundations' work to have greater impact, we needed to focus on grass roots values of change and kindness. As a result the Foundation rebranded as Stay Kind in June 2019. Our vision is to make Australia kinder. We know that if Australia was kinder, Thomas, Stuart and the many young people that have died in similar circumstances would most likely still be here.

When the Foundation was originally formed, a key strategy was to establish the Take Kare Safe Spaces, to provide interventions that ensure a moment that could go terribly wrong does not. The Take Kare Safe Spaces remain a part of our work as they also represent our core ethos of kindness. Take Kare forms a part of our Stay Kind on the Street initiative and is a public example of kindness. Many of our volunteers and team leaders give up weekend after weekend to get our youth home safely and to improve the amenity of Sydney. I would also like to note at this moment that the Foundation appears to have been inaccurately represented in certain submissions for these hearings, and should the Joint Select Committee wish to seek clarification of this information, we would take this on notice and submit this post the hearing.

Whatever the Joint Select Committee decides we would like your recommendations to include deliberate and purposeful initiatives that will ensure our loved ones get home safely. One of the ways you can do this is to support the Safe Space program that we have been operating for four years. We see ourselves as an essential part of the night-time ecosystem and a vital part at that. I will now detail how the program has operated. The Town Hall Safe Space opened in December 2014, Kings Cross in July 2015 and Darling Harbour in February 2017 with normal operating hours being 10pm to 4am on a Friday and Saturday night.

We believe in data and so we track every intervention. To date we have provided over 69,000 interventions which we call sliding door moments. These can be assistance with wayfinding, reconnecting with friends or family, welfare checks, referrals to other services, phone charging, thongs, rehydration through provision of water through to basic and advanced first aid until an ambulance arrives. Risk of harm and actual

harm prevented include violence, sexual assault, theft, road injury and self-harm. There are weekends where we can call for up to six ambulances to provide emergency support. But equally we prevent numerous ambulance and police call-outs through support and assistance that enables these emergency services to focus on higher-need situations. We have heard testimony that people want a vibrant and open city and also the importance of a safe city. Our Take Kare Safe Spaces provide a pathway for both.

Our volunteers, who have contributed over 18,000 hours to this program, are led by first aid-trained team leaders. These teams both rove the streets and operate the Safe Spaces, providing a welcoming environment and enhancing the safety around the Sydney CBD. We work closely with the City of Sydney CCTV, Darling Harbour Rangers, NSW Police and NSW Ambulance as situations arise. The Take Kare Safe Spaces are supported by key stakeholders through a steering committee. These include the NSW Department of Justice, NSW Health, NSW Transport, Property NSW, City of Sydney, St Vincent's Hospital, Liquor and Gaming NSW. We also provide information to and work with local liquor accords and maintain relationships with many venues.

In 2018 Stay Kind was contacted by the City of Westminster who have since replicated the Take Kare Safe Space program in Soho, London. The Soho program now operates on a permanent weekend basis with Stay Kind providing the required Internet Protocol [IP] and connecting the United Kingdom program to one of our Take Kare volunteers who had travelled to London. Stay Kind has also formed partnerships with universities. The University of New South Wales [UNSW] is currently concluding a two-year study on the community and social benefit of the Take Kare Safe Spaces. The final report will be released in October and it is expected to reflect initial findings suggesting a \$4 benefit to the community for every \$1 spent on the program. This report has been based on the analysis of predominantly two sites, Town Hall and Kings Cross.

I will provide you with a copy of the executive summary today and also submit a full copy of the interim report as evidence. The University of Technology Sydney [UTS] has invested approximately \$300,000 of in-kind support for the development of a Take Kare app, which enables teams to collect data and report electronically rather than hard copy. Up until June 30 2019, those 69,000 interventions were each individually reported on a piece of paper as an incident. We now report on an electronic system. UTS is undertaking further development to enrich the reporting tools that will support the provision of a variety of reports to our stakeholders and provide excellent information on how our program operates in the night-time economy. Further shared value has been created by forming a partnership with Charles Sturt University in June 2019. This partnership enables paramedicine students to complete their mandatory community placements via our Take Kare Safe Space program and provides exceptional student experiences. Our first student placement provided the following feedback to his lecturer:

I heard that you asked about Take Kare in the morning lecture that I didn't attend and I just wanted to let you know that it is the best placement experience I'll probably ever have. Being in a first response position in the heart of Sydney nightlife has exposed me to so many awesome experiences from overdose patients, drug and alcohol intoxication's, interacting with paramedics, treating split lips and cut up faces from assaults and a lot of vomit. It has also helped me improve my skills in building a rapport with patients and how to deal with aggressive and intoxicated strangers. The Take Kare crew is also fantastic and make the overnight shift a blast. I have already, and I've already made promises to come back and join during the summer break.

The Take Kare crew is fantastic and make the overnight shift a blast. I have already made promises to come back and join in the summer break. In addition, our volunteers have an opportunity to develop social communication and problem-solving skills in a challenging environment. Current organisational program partners include the Department of Justice, City of Sydney, Joblink Plus and Budget car and truck rentals. The projected cost for managing and operating the Town Hall, Kings Cross and Darling Harbour sites is approximately \$600,000 per annum with the current structure and excluding CPI. Stay Kind has been unable to secure additional funding to sustain all three sites.

For the last 12 months or so Stay Kind maintained the Kings Cross and Darling Harbour sites through its own fundraising event, a dinner last year. This is not sustainable as a long-term solution. As a result Kings Cross and Darling Harbour were closed in July 2019 pending further funding applications and opportunities. The absence of the service will have a direct impact on policing, rangers and ambulance services. It would also be reasonable to anticipate that a relaxation of the lockout laws would create greater demand on the Safe Space service that is not present at this stage and, in its absence, a decline in the city of Sydney's amenity and safety. We would see increased harm to vulnerable persons and significantly greater demand on emergency services.

In concluding my statement I would like to reiterate that all stakeholders of Sydney need to take a long-term view and make a long-term financial commitment to the Safe Spaces. The Take Kare Safe Spaces enhance the night-time amenity and help keep our Sydneysiders, visitors and tourists to Sydney not only safe but connected. As much as infrastructure and ride services may be catching up people often find themselves alone and vulnerable. People still need to be able to connect through phone charging or assistance in finding a friendly person or family member. The stakeholders of Sydney and the general community all benefit from the provision of the Safe Spaces.

We have demonstrated that our shared value reaches beyond the geographic borders of Sydney. We see Stay Kind and our program is a core part of the night-time solution.

The final University of NSW evaluation is expected in October 2019 and will demonstrate the extensive impact of the program. Translating research into long-term funding solutions takes time. We believe that with five years funding we will be able to make this program self funding through social impact bonds. Sydney needs a service in Kings Cross, Town Hall, Darling Harbour and potentially new locations such as The Rocks. That concludes my statement. I am not sure if I went too fast or slow and I apologise for that.

The CHAIR: Thank you. No, that was absolutely perfect. I was just madly taking some final notes. Before we get to questions and the video I am going to flag this for you to think about. You mentioned something about being misrepresented. Did you want to speak to that and, if so, we will do it after the video? Or would you like to deal with that now?

Ms ZELINSKY: There were lot of submissions online and I have not had a chance to actually look at every one in detail. However, there was a particular one online that I read—I do not have it in front of me as it was over 100 pages long—that specifically misrepresented information about our foundation.

The CHAIR: We would like to give you the opportunity to address that. You can either do that now or in written form if you would like to.

Ms ZELINSKY: I would probably be more accurate in written form because I can actually then say this was stated but this is the correct information and this is where you can obtain information on that, or we can provide the confirmation.

The CHAIR: I invite you to take that on notice from the committee and provide us with that response within seven days. I apologise for the tight turnaround time.

Ms ZELINSKY: Yes, that's fine.

The CHAIR: Thank you for that compelling opening statement and for all the work that you do. I speak on behalf of the committee and those 69,000 interventions. I had no idea you do that much, all with volunteers. Thank you for each and every one of those.

Ms ZELINSKY: There are some paid part-time—the team leaders are paid.

The CHAIR: Sure.

Ms ZELINSKY: Because they are trained up in advanced first aid and they lead the volunteers. There are three volunteers to a team leader.

The CHAIR: We might now watch the video.

Ms ZELINSKY: Yes, that will give you the visuals of the program.

The CHAIR: For the benefit of those watching or listening by broadcast we will need to cease the broadcast briefly while the committee watches the video. We are not able to run the two at the same time. However, we will provide a link to the video so that members of the public can access that video.

(Broadcast suspended for video.)

The CHAIR: Are there any questions from members? I think we are all still absorbing that video. I will begin. You mentioned that the program has no funding, or some funding?

Ms ZELINSKY: It has some funding.

The CHAIR: Could you talk to that? I was very interested in your comments about it being potentially self funding in five years.

Ms ZELINSKY: Yes.

The CHAIR: What do you need now and what would you need in future, ideally?

Ms ZELINSKY: In the past we have had different partners—both private and government—in the program. You might be aware that with corporate organisations they tend to shift their funding around to different not-for-profits to share it. We were fortunate enough to have funding from Macquarie Bank and a few key organisations but their model of funding shifted to another priority—there are many not-for-profits in the sector. Similarly with the Crown foundation their priorities changed, the Crown was up for sale and I think they also had some significant things happening at The Star. Whoever supports the program, we are always open to their funding. The funding at the moment is generated by a grant from the Department of Justice. We also have a grant

from the City of Sydney. The City of Sydney grant is for three years; we are in our first year now and going into a second year. It concludes at the end of the 2021 financial year. The Department of Justice grant is being renewed on a 12-month basis. The department is awaiting the research results. The one year was renewed on the basis of the interim report that we received—I will give the committee a copy of the executive summary—and it is awaiting a long-term funding model pending the final outcome of the report.

We started the Darling Harbour Safe Space because there is a great demand in that area. We noticed a shift in demographic. The party boats generate a lot of traffic down there and a lot of demand. What was happening was that we were sending teams down from Town Hall to Darling Harbour and it is a really long way to bring an intoxicated person back—there were quite a few of them. When I present you the data from a manual collection you will see that the numbers for Darling Harbour in a very short time are quite significant. Property NSW—it used to be known as the Darling Harbour Authority—were keen to establish a site there. To establish it we applied for trial funding and were able to secure some short-term funding, which we got through Westpac's community funding. Through The Star we were able to get short bursts of funding—they had some short funding grants.

When that expired and there was no other funding available we did have a fundraising event for the foundation for its own operating costs. However, because we were not able to secure funding for the site—for Darling Harbour and Kings Cross—we utilised those funds for the Safe Spaces because we did not want to jeopardise the research that was being undertaken by the University of New South Wales, given that that was two years. It would have affected that research was coming together because they were accessing the data. So we did that. Their data collection basically finishes on June 30 this year and we have had to cease funding because we have not been able to secure a grant and it is difficult to fundraising dinner every six months or whatever—that is not the right model for that of operation.

We have submitted over the past 12 months a number of proposals to Property NSW because they definitely would not like to see the service removed. That is my understanding because it affects the Darling Harbour precinct significantly. We have a presentation to the Darling Harbour Alliance on 28 August to see if there are some funding options there but for the month there will be no service if there is no funding. Looking forward, all three sites are around \$600,000 per annum. That is vehicle, insurances first aid supplies, part-time teams—

The Hon. BEN FRANKLIN: That is in total of all three sites. The \$600,000 in total?

Ms ZELINSKY: Yes. Of course, you have to allow for consumer price index and things like that.

The Hon. BEN FRANKLIN: Of course.

Ms ZELINSKY: I am probably not being very succinct. In the executive summary that I will provide you later, it talks about \$470,000. That was based on two sites because Darling Harbour did not exist when that was put together. That was for two sites. The third is the extra \$130,000—you get economy of scale as you increase the sites. That includes all the background operating costs as well as running the sites.

The Hon. BEN FRANKLIN: From the amount that you need—\$600,000—do we take out what the City of Sydney has provided?

Ms ZELINSKY: Yes, I have not taken that out of the total \$600,000. The City of Sydney, for the next two years, is \$114,000 and for this financial year the Department of Justice is \$100,000—we have \$214,000; there is a significant shortfall. We are operating out of Town Hall and we are obviously still going to try and seek funding but if we do not secure funding then we have to revisit it. Town Hall's original model of funding was over \$300,000, Kings Cross was a \$100,000—so that is \$470,000—but we are running reduced services to keep the program going.

The Hon. BEN FRANKLIN: Could you give us an idea of what the funding is required for it? We do not need a full budget but just a bit of a breakdown of what the actual costs are.

Ms ZELINSKY: I can give you a breakdown of wages and the background costs, if you like, on notice, because they are all there; I did not bring a budget with me. The wages are a significant cost even though it is not a significant award for the team leaders; I would not say they are highly paid. There is the management of the program that is proportional. Considering it is a Friday and a Saturday night—Friday is mostly Saturday and Saturday is mostly Sunday—you have those rates that often increase significantly so that affects it. The ideal number of teams to operate is three at Darling Harbour; we are only operating two but it could do with three teams there. Town Hall needs three; we are operating with two at the moment. King Cross is two. Kings Cross is an interesting side because at the moment—We were not operating on Friday nights—we shut that service down in July last year—but Saturday nights it is so variable. It can be a quiet night or it can be extremely busy where the

two teams are run off their feet or you can get to a point where it can be violent and our teams pull out of Kings Cross, which is interesting because Friday and Saturday are so quite different.

The Hon. JOHN GRAHAM: I guess that was one of my questions: You are out on the streets in these areas, deliberately in the areas where there might be the most—

Ms ZELINSKY: Where the most need is.

The Hon. JOHN GRAHAM: How have you seen the city change over that time? Where are things up to?

Ms ZELINSKY: Friday night has changed. The sheets that I will provide you, the data, will give you the demographic of each site as well as in the age groups that we help in each site, the gender and the site locations. Kings Cross on Friday night has definitely quietened down from the beginning of last year but we believe the demographic on a Friday was different to a Saturday anyway: That tended to be more people after work. Saturday is an older demographic to other sites but it can be really variable. At the moment in July the site was less busy before we closed it because there was a lot of festivals elsewhere so that pulls people out. But, as I said, we never put our teams in danger. They are very good at de-escalating conflict. They are trained in de-escalating the early stages of conflict and mitigating danger but if it looks dangerous they are never placed in danger.

The Hon. JOHN GRAHAM: How often have you actually had to pull the teams off the streets?

Ms ZELINSKY: At Kings Cross it is not uncommon even though we are only open on Saturday night. That is a site that can become unusually—The other two are busier but that one is more demanding. I can probably provide that on notice for you, if you like, the typical pattern. It is a pattern where, I guess, if it was once you would not think of it but the fact that we know that we do pull teams off, it is more than once, it is regular enough that we take the teams out but I have not statistically noted that. But I can get that from the team members.

The CHAIR: Did you want to speak to the 69,000? I think you said you might give us a bit more of a breakdown of what they were?

Ms ZELINSKY: Would you like me to give it to know?

The CHAIR: Yes, why don't you?

Ms ZELINSKY: This is data till 31 July. It predominantly has data from our manual system that has been migrated to the app. We have a number of data items that we collect that we did not used to collect. I have taken them out of your report because the data report is really low and it might be misunderstood. We do now collect information self-harm, suicide ideation and the specific referrals that we give to other services, which we were unable to do previously because it was all on a first-day-of-incident form with detail and it was difficult to collate it all but through the app we are able to do that. We also collect perceived intoxication signs in more detail, drug use signs, offensive conduct, self-harm signs, suicidal signs and, more specifically, who encountered the incident and the services that we refer to. We now keep a collation of whether we refer them to Alcohol and Drugs, Beyond Blue, Child Protection, Domestic Violence, to a hospital, Lifeline, streets bus, the Salvos Street Team or Linked to Home.

We also do homeless support and welfare checks to a minimum level, but we do check because the thing about the Take Kare Safe Space team is that they are very much a part of the night-time ecosystem and they are well-known by the venues. The venues refer people when they need to. Also, our teams know the homeless people in the local area as well. It is just part of the infrastructure really, if you like. If you look down, you will see the headings "Darling Harbour", "Kings Cross", and "Town Hall" are on the left. Town Hall is the longest site. Darling Harbour has been just two years and Town Hall has been 4½ years. Darling Harbour is already one-third of Town Hall, if you look, at 13,333 compared to the 40,000—it is a very busy area. It gives you the age breakdown, who used to Safe Space. The under 18s—We do have underage people coming to Sydney that we try and endeavour to get home safely as well. The predominant group was 18 to 25 as well. Actually, I have just noticed my statistics—yes, they are going across. So Town Hall, 50 per cent of 26- to 30-year-old males out of that age group were from Town Hall and then 18 to 25. Males, slightly higher than females—5 per cent more overall. In terms of the age bracket, almost 10 per cent more for 18-to-25s getting help.

But we do find that, whether it be male or female, the other thing about the safe space and the ambassadors is the significant vulnerability of people who are intoxicated or affected by drugs. Surprisingly, a lot of their friends abandon them and they are left on their own. And you will find females on their own or males on their own who really cannot get home. Either their phone is not charged or they are so incoherent that they cannot find a way home. So what ends up happening, we do try and sober them up or through their phones reconnect them with family and friends or find where their friends were. But it is interesting how people in that circumstance are not uncomfortable about leaving their friends in that state.

Mr GUY ZANGARI: It is a really high number here of, "Were they alone?" Those figures are incredible.

Ms ZELINSKY: Yes. When you are alone and affected you can be vulnerable. People who we have helped have reported to us that they have been sexually assaulted before we reached them. Or at times the other thing we have observed is that more so with females that have been vulnerable is that they are being led away or carried away by a male they do not know. Our teams are kind of experienced at reading the body language but they always check, when they see that happening, as to is the female known to the male or the male known to the female or any other similar circumstance, because that can obviously end up in significant harm as well. Road injury. We have incidents where people are affected, running out on roads. And theft is obviously something that can happen when someone is vulnerable as well.

Ms WILSON: Thank you so much. This might not be something you can give a factual answer to, probably just an understanding from yourself and the team. We hear a lot about drinking culture and we hear a lot about that changing with younger people. Things are getting better. But when I do a quick flick through this, the demographics seem to show that there is still a really high proportion of young people—more around the Town Hall area—that are finding themselves in some pretty significant risk or seeking a lot of support or needing interventions from your team. Do you have any reflections on younger people today? Do you think there is a change towards drinking?

Ms ZELINSKY: We have not noticed a change in our statistics. I could do it if you wanted me to and supply it but if I took it year by year the statistics are fairly similar. That is the only way I could probably answer it. So if you looked at the people we are helping and the age demographic who are using the safe space, it is fairly constant. That is the only way I could answer that. I cannot answer for anywhere outside of that.

Ms WILSON: As somebody who spends less time out at night nowadays—I have a baby; that is my excuse—could I ask why is the Town Hall space such a popular area for people to congregate?

Ms ZELINSKY: I guess it is a long strip and down towards The Rocks there are a lot of night venues.

Ms WILSON: So this does cover people who might be coming from The Rocks as well?

Ms ZELINSKY: Yes. In fact, again, it has been suggested it would be good to have a pop-up safe space in The Rocks over six months over summer, because it is a long way to bring them back. And so from The Rocks and heading up George Street there is a significant area there. I think if you asked Property NSW, they would probably like a safe space in summer at The Rocks because it is a long way to take people back. We have wheelchairs, but it is still difficult.

Ms WILSON: And a higher proportion of your interventions are occurring around Town Hall, but you commented that at the Kings Cross space—I cannot remember the specific terminology that you used, but was it that it can more likely escalate or it can be of a higher risk?

Ms ZELINSKY: Yes. So just because it has more numbers does not mean it is more dangerous, I guess. It can vary.

Ms WILSON: Yes, that is what I am trying to understand.

Ms ZELINSKY: Everywhere there are people who can be affected by substances, it can be dangerous or it can escalate. With Town Hall, which is the first column—I am sorry that Town Hall is leaning to the left there—the reason that data is the most significant is because Town Hall started operating in December 2014. Kings Cross has always had fewer teams. And it started operating in July 2015. And we shut down Friday night over a year ago, so the data will obviously go down.

Ms WILSON: Okay. It reflects that.

Ms ZELINSKY: Darling Harbour started February 2017. So proportionally, Darling Harbour is picking up. We have noticed that foot traffic has changed a little bit because of the light rail going down—all of work around the light rail and all the work around George Street. So habits of people and where they are going has changed, but we are anticipating as that opens up that that will change again. So just people find different ways or end up different places just because of the barricades that were there.

The CHAIR: Thank you. We have to finish there, I am afraid. I will ask you to take one question either briefly or on notice. You mentioned about a steering committee with Justice, Health, Transport and St Vincent's.

Ms ZELINSKY: Yes.

The CHAIR: Is that something you are already on?

Ms ZELINSKY: We operate that steering committee.

The CHAIR: Could we have some information about that? On notice is fine.

Ms ZELINSKY: Yes. I could provide it. We meet quarterly.

The CHAIR: Yes. On notice is terrific.

Ms ZELINSKY: Okay.

The CHAIR: Thank you very much. We very much appreciate all the work that you do and we are very grateful to you for coming along today and providing that information. The committee members may wish to send you additional questions.

Ms ZELINSKY: That is fine, yes.

The CHAIR: If you could provide your replies in writing they will form part of your evidence today. Are you happy to take those questions?

Ms ZELINSKY: Yes.

The CHAIR: Thank you very much. I appreciate your time and everything you are doing to keep our community safe.

Ms ZELINSKY: Yes. Sorry if I was a bit garbled in my information.

The CHAIR: Not at all. Thank you very much.

(The witness withdrew.)

LEE TAYLOR, Director, Epidemiology and Biostatistics, NSW Ministry of Health, sworn and examined

The CHAIR: Welcome, Dr Taylor. I now welcome Dr Lee Taylor, Director of Epidemiology and Biostatistics at the Ministry of Health. Thank you for appearing before the Joint Select Committee into Sydney's Night Time Economy today to give evidence. Could you please confirm that you have been issued with the committee's terms of reference and information about the standing orders that relate to examination of witnesses.

Dr TAYLOR: Yes, I have.

The CHAIR: Thank you. Do you have any questions about that information?

Dr TAYLOR: No.

The CHAIR: Do you have an opening statement that you would like to make to the Committee?

Dr TAYLOR: No, thank you.

The CHAIR: Terrific. We can dive straight into questions. Do we have questions from members for Dr Taylor? Okay, I will start. I wonder if you might have evidence about the reduction in alcohol consumption. We have had lots of different evidence here, but if you would like to speak to the reduction in alcohol consumption or alcohol-related disease since the introduction of the suite of measures known as the lockout laws?

Dr TAYLOR: We tend to divide alcohol consumption into two broad groups: The consumption at an immediate risk of health harms and consumption at a level of long term risk of health harms. I imagine that the immediate risks of harms are probably more of interest to this Committee. Unfortunately we only have data from 2015-2018 on that and the levels have not changed in that four year period.

The CHAIR: What does that mean?

Dr TAYLOR: They have stayed the same.

The CHAIR: They have not increased or decreased?

Dr TAYLOR: That is right. In 2015 the alcohol consumption at levels posing immediate risk to health was 24 per cent across all ages and in 2018 it was 25.8 per cent. From a survey perspective it is the same.

Mr KEVIN CONOLLY: Are those statewide or national figures?

Dr TAYLOR: They are statewide, New South Wales. In terms of the long-term risks to health we have a longer term trend on that going back to 2002. If I look at the last 10 years the levels in 2009 are the same as what we are seeing now but there was an increase and a decline in the meantime. From 2009 levels of alcohol consumption at levels that posed a long-term risk for health declined to up to about 2014, then plateaued until 2016 and in the recent couple of years we are seeing the levels come back up again. They are now at a level that is the same as 10 years ago.

The CHAIR: What do you attribute that to?

Dr TAYLOR: We do not collect information on the reasons why people drink alcohol.

The CHAIR: Stay the same, gone up, not too sure why?

Dr TAYLOR: That is right, we do not know why. I can say that we have seen a similar pattern across younger people aged 16-24 as we have seen for all ages.

The CHAIR: An increase?

Dr TAYLOR: A recent increase, that is right.

The CHAIR: Anecdotally we have heard that young people are drinking less. They are not interested in binge drinking, they are interested in perhaps higher quality less volume; can you comment on whether that is something you have seen in your work?

Dr TAYLOR: Based on the population health survey that I am basing these statistics on that is not the evidence that we have. The evidence is that the rates that we are seeing now are the same as 10 years ago. The rates for people aged 16-24 are higher than the general population but they show the same pattern.

The CHAIR: What about between traditional gender?

Dr TAYLOR: Yes.

The CHAIR: I have heard anecdotally and read that younger women are drinking more.

Dr TAYLOR: Could I take that as a question on notice? I have the data with me but I would have to ferret around to pull it out.

Ms CATE FAEHRMANN: I am trying to recall, perhaps it is the Australian Institute of Health and Welfare [AIHW] that has done surveys recently and there has been a lot of media around this. Do others recall that? You would know as it is your field. Where is this other evidence coming from? Is it the AIHW? Why is there conflicting research and results?

Dr TAYLOR: I do not have the AIHW figures at hand and I do not know them off the top of my head.

Ms CATE FAEHRMANN: You do not need to know the figures off the top of your head but do you recall that there different results coming through over the past few years that suggest, as the Chair said, that young people are drinking less?

Dr TAYLOR: Our evidence has been consistent, the information that we are collecting. I could not comment on other people's evidence but I would be happy to look at that out of session.

Ms CATE FAEHRMANN: It is not to put you on the spot. I assumed you would know. Is it the AIHW? You do not have to analyse it, it is a genuine question.

The Hon. BEN FRANKLIN: Perhaps to assist, the national drug strategy household survey 2016.

Dr TAYLOR: Okay.

The Hon. BEN FRANKLIN: It shows a significant drop in alcohol consumption and alcohol-related incidents over the last decade or two.

Dr TAYLOR: That is 2016 data.

The Hon. BEN FRANKLIN: That is right.

Dr TAYLOR: Our data tells the same story, there was a decrease up to that time. But our more recent data for 2017-18 is showing that it is coming up again.

Ms CATE FAEHRMANN: In the questions on notice to NSW Health in relation to alcohol presentations per 1,000, I refer to unplanned presentations to St Vincent's hospital compared to Sydney Hospital. Page 1 of the response from NSW Health, does the graph, figure 1 and table 1, suggest that some of the alcohol presentations may have been displaced from St Vincent's hospital to Sydney Hospital since the lockouts?

Dr TAYLOR: It is hard to know the reasons for changes but displacement could be one of those reasons.

Ms CATE FAEHRMANN: I am trying to get to the actual figures. If you look at particularly in the last couple of years, that is when you say for some reason alcohol consumption seems to be increasing again despite the regulatory environment and lockouts.

Dr TAYLOR: Yes.

Ms CATE FAEHRMANN: They are flatlining in St Vincent's Hospital, which is where the lockouts are having the most impact, yet Sydney Hospital is on the increase. Can you comment on that at all?

Dr TAYLOR: About what might be causing that? I am sorry I cannot.

Ms CATE FAEHRMANN: Do you have anything else to tell the Committee?

Dr TAYLOR: No, I am afraid not.

The Hon. JOHN GRAHAM: They are surprising figures because the St Vincent's one is as described to the Committee. That is no surprise. I think the Sydney ones are. What would be the interest from my point of view is if we are able to see similar figures for RPA, given what we found out from Bureau of Crime Statistics and Research [BOCSAR] yesterday. Could you take that on notice?

Dr TAYLOR: Yes. We can pull those figures for you. Perhaps another comment, you will notice in our submission that we have mentioned that these numbers are under reported and the emergency department data is primarily clinical data collection. It is not really designed for statistical use. It is limited because we receive one diagnosis code and that means we either get alcohol or we get injury, but we do not get both. For those people who are injured and who might not be affected by alcohol themselves but were injured by somebody who was affected by alcohol we have no idea about that. There has been some research done not in the hospitals in the precinct that we are interested in but in other hospitals that indicates that the sorts of counts that we are getting from our emergency department data are probably under reported quite a lot and we are getting something in the

order of 24 to 30 per cent of the actual number of cases of alcohol intoxication and injury. If you were to multiply those figures by three to four times you would probably be closer to the truth.

Ms CATE FAEHRMANN: Can I ask why the department thinks that it is under-reported? What are you basing that on?

Dr TAYLOR: I am basing it on research studies done in other hospitals in this State.

Ms CATE FAEHRMANN: In this State, did you say?

Dr TAYLOR: Yes. In this State.

Ms CATE FAEHRMANN: Could we get that research tabled, perhaps? It is a big statement.

Dr TAYLOR: It is a big statement and I would be very happy to give you those papers.

The Hon. BEN FRANKLIN: Do you have any views on what would cause that under-reporting?

Dr TAYLOR: It is largely because NSW Health is concerned with treating the patient and we do not collect information on the characteristics of the perpetrator, so that would make quite a big difference.

The Hon. BEN FRANKLIN: That would therefore be the same across all hospitals in New South Wales, then?

Dr TAYLOR: Yes, that is right.

The Hon. BEN FRANKLIN: When you say you are comparing to other hospitals, is that other hospitals around Australia in other States?

Dr TAYLOR: The research is in other hospitals in New South Wales that I am referring to.

The Hon. BEN FRANKLIN: But if the Department of Health does not collect data in New South Wales hospitals on intoxication, I am just struggling to see how that works then.

Dr TAYLOR: It depends on the primary reason why the person attends the emergency department and the information is collected by the triage nurse when the patient arrives, but also in addition by the doctor at the end of the consultation. If the main reason for the consultation was alcohol intoxication, that will be reported but if the main reason for the presentation was an injury, then the injury will be recorded but the alcohol intoxication will not be. So we only get the main reason.

The Hon. BEN FRANKLIN: But why would that be different in the Kings Cross area to Dubbo?

Dr TAYLOR: Yes.

The Hon. BEN FRANKLIN: Would not the same problem happen all over the place?

Dr TAYLOR: It does for New South Wales, but I could not comment on the rest of Australia.

The Hon. BEN FRANKLIN: Understood.

The CHAIR: Are there further questions? Is there anything further you would like to add that you think the Committee should be aware of?

Dr TAYLOR: No.

The CHAIR: Do you have any comment on what a balance between a thriving night-time economy and ensuring health and safety might look like?

Dr TAYLOR: No, I do not but if the Committee would like to ask the Ministry of Health I am happy to take that as a question on notice.

The CHAIR: That is okay. We are asking you and if there is nothing, that is fine. Thank you for coming along today and for appearing before the Committee. We may wish to send you some additional questions. I know you have taken some on notice and we ask that those be returned within seven days through the Committee staff. If we wish to send you some additional questions in writing, your replies to those will form part of your evidence and will be made public. Would you be prepared to make written replies to any further questions from the Committee?

Dr TAYLOR: Yes.

The CHAIR: Thank you very much for your time today.

Dr TAYLOR: Thank you.

(The witness withdrew.)

(Short adjournment)

THOMAS JAMES MORTIMER, Senior Adviser (Advocacy and Strategic Projects), NSW Small Business Commission, affirmed and examined

ROBYN ANNE HOBBS, Small Business Commissioner, NSW Small Business Commission, sworn and examined

CLAIRE CURTIN, Director of Advocacy and Strategic Projects, NSW Small Business Commission, affirmed and examined

The CHAIR: I welcome representatives from the Small Business Commissioner. Thank you for appearing before the Joint Select Committee on Sydney's Night Time Economy today to give evidence. Can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to examination of witnesses?

Ms HOBBS: We have. May I also add that I am the Chair of the Easy to do Business steering committee, which I know you have been considering some questions about. I am also the Registrar of the Retail Leases Act, which might be helpful as well.

The CHAIR: Yes.

Ms CURTIN: Yes.

Mr MORTIMER: Yes.

The CHAIR: Do you have any questions about that information?

Ms CURTIN: No.

Ms HOBBS: No.

Mr MORTIMER: No.

The CHAIR: Thank you for the information you have provided to us and for appearing today. Do you have an opening statement to make to the Committee?

Ms HOBBS: I have a short opening statement, Madam Chair.

The CHAIR: Thank you. I invite you to make that now.

Ms HOBBS: I thank the joint select Committee for extending the invitation to provide evidence today. The NSW Small Business Commission is dedicated to supporting small businesses. We provide a diverse range of services to the more 765,000 small businesses operating in New South Wales, but our driving purpose is always to make it easy to do business. We believe New South Wales should be the easiest State to start and grow a small business because when small businesses are supported to do what they do best, we all reap the rewards. We therefore welcome the opportunity to consider the impacts on the night-time economy in light of the lockout laws introduced in 2014.

We acknowledge that in 2014 there was a need for the Government to send a clear message that the community would not tolerate alcohol-fuelled violence. Those families who lost loved ones were impacted in the most painful way imaginable and during this inquiry would no doubt be reliving those horrible memories. In 2014, rather than target problem operators while supporting those who drove our night-time economy, the lockout laws tarred one and all with the same brush. The unintended consequences have been far-reaching and have resulted in putting Sydney's reputation and night-time economy into decline.

Too many small businesses have been driven to the brink or to outright closure. It is not just local customers that are staying at home. Our reputation has suffered across borders and evidence of this very Committee also shows that international visitors have been locked out of venues. Sydney—the world's envy in so many respects—is now seen to be well behind the times. Five years on it is imperative that we now consider another path. But while repealing the most onerous components of the lockout laws is crucial, it should be only the first step and, may I stress, be a planned approach.

Flexible regulations and other measures are needed to realise the potential of Sydney after dark. For example, planning rules should support the creative arts by making non-traditional spaces more available. Noise regulation should also be simplified. Public transport should take customers across the city and transport timetables need to be expanded to get people home. Onerous ID-scanning rules should be pared back and small bars need our continued support with a higher patron limit to 120.

However, there is an elephant in the room which needs to be tackled for if this Committee recommends a change to the lockout laws and an assault occurs, we should not rush to judgement that it was a result of such a change. The statistics prove that assaults were already declining prior to 2014. We would also recommend that a solutions-based collaborative approach is essential and should be in place for a minimum of 18 months. A working group of key stakeholders and community leaders formed to monitor what actually happens and what, if any, changes are needed.

Consideration should also be given to working model programs. I think you have probably heard about a few of them: the Newtown Vibe Roundtable, the Inner West Council's Good Neighbour Policy, the special alcohol service hospitality, and Protective Service Officers, which are used very well in Melbourne. The NSW Small Business Commission would welcome the opportunity to be a member to actually assist in making this a planned and stable approach. Madam Chair, may I thank you and your colleagues for the opportunity to address the Committee.

The CHAIR: Are there any other opening statements?

Mr MORTIMER: No.

The CHAIR: Ms Hobbs, on behalf of the Committee, I thank you. I think you have essentially just written our report for us. I am not joking. Thank you for your approach. It is progressive, thoughtful, reasonable and entails a lot of the ideas that we have received so far, so thank you for your work to date. I will have some questions about small business but I will open questions to other members before I do so. Do members have questions for Ms Hobbs or the other panel members?

The Hon. MARK LATHAM: Ms Hobbs, you mentioned there the consultative working group over 18 months. What specifically have you got in mind by way of the governance for re-establishing decent night-time economy activities? This Committee has heard repeatedly that there are eight or nine agencies involved. Some people have said the idea of a night czar is just symbolism, some token role. I in particular worry that once areas have quietened, if you lift the lockout laws it is still possible for various agencies to keep them quiet by other means. For instance, a proposal started in Newcastle. They do not actually have legislation. It has been quietened by other means.

I worry that even if the Government was inclined to reboot the night-time economy it would not necessarily happen unless you had the governance mechanisms right. Do you think there is an argument for more than just consultation? Sometimes consultation is another form of inertia. Do we need some special form of governance that gets it done? I like your idea of special arrangements for 18 months; maybe special powers for an individual or a committee just to get the job done to re-establish a night-time economy, get all those small businesses up and running and thriving to their full potential and then the powers are dispersed back to the original agencies.

Ms HOBBS: That is a great question, Mr Latham. Let me start answering it by saying one of the approaches that we do in the commission is we actually put the customer at the centre of everything we do. We actually do not believe in the policy model of developing the policy and then attaching the customer or the citizen to the end. We believe in doing it the other way round: That is called the deliverology approach and that has worked really successfully for us. That is one of the hallmarks of Easy to do Business.

I believe one of the strengths is that if you actually bring the community with you—when you have a community-led solution and then you have the key stakeholders—you will get far more happening than a government agency. I would not recommend a government agency is the sole arbiter of this. I think there are certain agencies that have a key role to play. As an example—and I know that this is being trialled at the moment—noise is one of those really vexatious things, isn't it. People go bananas if the music is too loud or whatever, but one of the things that I have seen over time is that when people actually put in anonymous complaints, you can really say whatever you like about whoever you like.

I actually do believe that if there are genuine noise complaints that they should not be vexatious and we should actually bring the parties together. We would bring the venue and the person who made the complaint together. We have a very strong mediation services practice. We currently do about 26,000 of these a year. On Friday night we won the national award for the best group practice, which is fantastic for us—but that is just an advertisement! The thing that I would say about these sorts of things is that you can bring people together and you can land on a form of agreement. I know the residents, particularly up in Kings Cross—I think they are still called 2011 Residents'—

The CHAIR: Yes, we have heard from them.

Ms HOBBS: Yes, you have probably heard from them. The Darling Business Partnership is you bring all that together. I would like to see that governance was not mandatory but more optional. In other committees that we have appeared before—for example, we did a lot of work with the Department of Primary Industries on the commercial fishing reform. What that committee chose to do when they asked us to get quite involved in that to assist the commercial fishers was to hold an in camera review—I think it was about one year after that had happened—to actually take the overview and say, "This is what has happened in a year. Do we need to do anything more or less to actually help that?"

In answer to your question, Mr Latham, my other belief is that I think there is an enormous amount of goodwill for the venues that are there, particularly the small bars, that want to make this work. It has been a really tough five years for this particular community. I think they are going to go gangbusters to make it work the best it can. They realise the fact that you are a cross-functional committee shows there is a high level of interest in how we actually take this forward. That was why I said in my opening statement that I very much believe this should be a staged approach. I do not think we just put all the shutters up and say, "Lockout laws have been repealed". We need to have a plan in place to be able to do that. If that is the decision and recommendation of the committee and is accepted by the Government, I would think there would be a number of months to actually allow that to be formed and have the right people in place to guide this forward.

The CHAIR: I have a question on that issue; I have asked it of a number of other stakeholders. Who do you see around that table? We have seen and heard of other examples—the inner west and Melbourne. What do you think it looks like here?

Ms HOBBS: It would obviously be great to have Liquor & Gaming—I think you saw the executive director Natasha Mann this morning. Definitely resident groups, the local area commander and the liquor accord. Representatives from the City of Sydney need to be there as well. One of the other things that I think generates really great community interest is to call for expressions of interest—people who really want to be there and have a buy-in at the table. They would be some of the people that I would think would work really well. This morning you heard from the Better Regulation division of the Department of Customer Service. You heard a little bit about "Easy to do Business" this morning, didn't you?

One of the things I say about myself is that I think I am a "regulatory revolutionary". I do not mean to say that all the regulations go out. What it means is you actually have the right regulations in place to govern things. I suspect that there have been too many layers that have gone on. In terms of Easy to do Business in the cafes, restaurants and small bars space, which we started, I wonder if you knew that a small business has to comply with nearly 75 different regulations? I do not know about you but I would be lucky to remember five on one hand, let alone if I had to navigate 75. We should not make it that hard. That said, we should make sure we have got exactly the right regulations in place.

The CHAIR: What a delight that we have you doing that. I must confess I was not as familiar with this as I perhaps should have been, in terms of the small bars initiative and what seems to be the straight-out success that you have had in burgeoning numbers.

Ms HOBBS: Well, it is. May I tell you a brief story?

The CHAIR: Please.

Ms HOBBS: Okay. When we started Easy to do Business back in 2014 only cafes and restaurants were included in that industry sector. There were five industry sectors overall and only cafes and restaurants were included. The CEO of the City of Sydney, Monica Barone, asked me to look into a situation where there were two different businesses—not related—who wanted to open a small bar up near the Grace Hotel. When we finally did some process mapping with them we found they had been waiting 18 months. I do not know what you think but I can tell you that no small business I know has got 18 months' worth of cash flow to keep on waiting and a landlord who is prepared—because it was a heritage building—to actually help them through it. What we then did was to bring in the small bar space—that is why it is called cafes, restaurants and small bars. That is what we need to do. One of the things we know about the small bar space is it is really successful. Credit where credit is due: We did copy the Melbourne idea about actually having good small bars.

The CHAIR: What do they say? Imitation is the sincerest form of flattery?

Ms HOBBS: It is the best thing to do all of that and it has worked really well. I know some bars around Sydney—by the way, I don't frequent bars on a really significant basis!

Ms CATE FAEHRMANN: But it's okay if you do.

Ms HOBBS: Oh, thank you! There is a great bar that sells men's shirts. Who would have thought that you could go in and buy a men's shirt in the middle of a bar? I think this is really innovative. In the Denver children's museum there is a saying that goes something like this: "Good minds create; great minds steal".

The CHAIR: Absolutely. Hear, hear. Thank you. I think this is an exciting opportunity for innovation. While we have heard about some of the negatives we also have the opportunity through you to provide some great positives. The Hon. Ben Franklin might be cross with me for asking about this: Do you think there is potential to expand Easy to do Business—I see you flagged in your submission that potentially there is—into the arts space? We have heard that there is a lack of venues of certain space. We have heard today about how difficult it is for arts venues. Is that something you might contemplate?

Ms HOBBS: We will. I am going to ask Ms Curtin to do that because she has been participating in the creative economy steering groups.

Ms CURTIN: We think a vibrant and healthy creative economy is a crucial part of a healthy night-time economy. To support an increased number of creative businesses we have advocated making it easier for venues to be reused for multiple purposes—for example, a cafe during the day, a performance space at night. Currently that is not exempt or complying, so a business needs to go through the full DA process—which is both time-consuming and expensive—to allow that to happen.

The Hon. BEN FRANKLIN: Whereas they are exempt in Victoria and South Australia, for example.

Ms CURTIN: Clearly it could be a lot easier to encourage creative enterprises to pop up and for there to be more of them.

Ms HOBBS: You might be a coffee shop in the morning and turn into a bar in the evening. I think that is a fantastic use of space and you trade at different hours of the day. With the City's change to its controls about retail hours this would be a perfect way to actually have a coffee shop in the morning and turn it into a bar in the evening.

The CHAIR: Absolutely. Thank you. Do members have questions?

Mr KEVIN CONOLLY: Commissioner Hobbs, I think you will find there has been a lot of evidence about planning and noise issues and so on that would be supportive of the kinds of ideas you have put. However, the rubber really hits the road when it comes to alcohol, which is the crux of this. The legal changes and regulations in 2013, 2014 and 2015 around alcohol have had the unintended consequences that we are talking about. We have heard evidence from the medical profession, police and ambulance and so on that they really see benefit in the changes that were made in terms of public safety. In calling for changes to those, how do we achieve the balance of protecting public safety along with reinvigorating the nightlife of the city? Which elements of those changes around alcohol do you see are subject to possible change?

Ms HOBBS: I think one of the ways forward is not in the initial stages. As you have seen I have advocated for a phased approach to whatever happens going ahead. One of the things we would advocate for in the beginning is the expansion of small bars. The data shows us that there has been growth in these areas and they are considered to be low risk. If the patron limit, which is currently 100, changes to 120 that is in line with Western Australia and South Australia. I think those things then become far more manageable in terms of the safety going forward. It is when you have really large venues that more problems are inclined to happen. Also, the situation with density is important to consider within these particular areas and I would not support, in the interim, an open slather to just expand all the licenses in the area. They should be contained to what they are at the moment: you should have a staged approach and that is how it occurs.

There is no doubt that we recognise the amazing work that the medical services and the police do in terms of managing poor behaviour there. That is why I said, in my opening statement, if the Committee recommends to make changes, that when something happens I do not think it should be a rush to judgement—that this was because of the lockout laws. I think it can come back to responsible service of alcohol and it is when people are admitted to venues—whether they should be admitted, if they are already intoxicated—it is beholden upon the venue not to supply alcoholic beverages to people who are intoxicated.

Mr KEVIN CONOLLY: Some of those regulations would apply statewide already. The specific instance here, where we have CBD and Kings Cross related controls, we just heard from police not long ago and ambulance that they want them to stay because they believe they are doing the job they were designed to do. Any comment about?

Ms HOBBS: If that is the situation then the data that I have seen tells me that in other areas of Sydney's greater metropolitan area, where there are no such lockout laws, there are problems as well. My concern is that we have just taken one area—and we understand what happened in 2014. There was not an attempt at the time to

manage the problem in a different way. That then ended up, as you correctly mentioned, with unintended consequences. I do not think anybody thought at the time that businesses would close down and foot traffic in the Kings Cross area would disappear and be 80 per cent down, that people would lose jobs. What we know from the people who supply DJs and musicians and looking at some of the data from MusicNSW they say:

85% said that the lockouts have had a direct impact on their music career; 75% said the number of gigs they played in recent years has decreased ... 40% said the amount of money they earn PER GIG had decreased in the last 5 years

The Club Music Advisory Group suggests that 270 venues have closed since the lockouts.

Mr KEVIN CONOLLY: We have had lots of submissions of evidence to that effect.

Ms HOBBS: What happens is that all those people lose jobs, all those people lose incomes. You generally do not replicate that or build that up somewhere else. Patterns do change and we want a safe city—all of us want that—but we want to see a city that can also thrive. I believe that what we have seen over the last five years is that has been on the decline.

Mr GUY ZANGARI: Commissioner Hobbs, thank you very much for your submission. I thoroughly enjoyed reading it and there are many good recommendations. I would like to focus on the public transport aspect. It has been brought to our attention that, as a result of too many intoxicated people, with no options to get a train, a taxi, et cetera, to get out of the precinct, that creates a level of frustration and verbal aggression. I note that you have recommendations 11 and 13. The first one that I mention is the 24-hour mass transit between major transport terminals in central Sydney and greater Sydney, as well as the provision of free night services in Sydney CBD and the South East Light Rail. This is obviously on the event nights—Fridays, Saturdays and Sundays. I note your point on page 21, and I hate to go back to this and my Committee members will agree, regarding the Melbourne experience—

Ms HOBBS: Feel free.

Mr GUY ZANGARI: It says:

... extended public transport would be more effective in reducing verbal aggression and consumption-related harm than a venue lockout.

With this in view, what does that look like for Government through Transport for NSW providing the provision of 24-hour transport for maybe three days—and free transport at that?

Ms HOBBS: You are correct in saying that we think this should happen Friday, Saturday and Sunday—if it is a public holiday—nights. Talking to some of my friends who have teenage children, as opposed to when I was growing up, you would be in bed by 11 o'clock at night, let alone walking out the door to go out and enjoy what Sydney's nightlife is all about. We need to have transport options that get people home. The last ferry leaves Circular Quay at 12.22 a.m. The trains finish between 1.36 a.m. and 1.48 a.m. and there is simply no way to get people home. Of course, you can take a taxi or go on Uber but rideshare vehicles penalise you; they can tell you how many times multiplied your fare will be to get you home.

When we talk about transport, the infrastructure is already there. What is the cost? The cost is actually the staffing and running of trains. Is it not a good thing to make sure that we do have options to get people back home and our ferries operate better than 12.22 a.m. I also recognise, very strongly, that some of these transport options are now run by private enterprise. Of course, the Sydney Light Rail—these would be negotiations that would need to happen. Bearing in mind the 13 kilometres of the light rail from Circular Quay down to Haymarket would be a really popular part of Sydney that people want to go. This all comes down to negotiations. One of the problems is that when you get challenges some people just walk away and say, "Way too hard, not going to do that." We take a different point of view that every challenge is an opportunity—how can we make this work?

Mr GUY ZANGARI: Rightly so. You pointed out that the infrastructure is there. With clever conversations and collaborative approaches it can work.

Ms HOBBS: Exactly. What you do demographically, you will know, is you find out where the loads are coming from and you provide the services in those areas. In public transport we have seen the numbers go up but we need to be able to get people across the city and get them home safely.

The Hon. BEN FRANKLIN: You would agree that there is an opportunity there with the opening of the light rail, to reconsider this whole issue?

Ms HOBBS: Absolutely but it would require some conversations with the operator. As I said, the challenge is the opportunity and why would we not sit down with them and talk them through that?

The CHAIR: You would also agree that there should be a demand demonstration though? We are all assuming that there is a demand but perhaps we need to obtain some evidence to say that there is and what that looks like—is it three people or many more?

Ms HOBBS: Yes. If my memory is correct, I believe that in the early phases of the lockout laws in 2014 they closed Kings Cross Station. I think that is correct. You weren't even able to get into Kings Cross Station to get public transport. Although I am pretty sure that that is right, I might take that as a question on notice and come back to you.

The Hon. JOHN GRAHAM: Thank you for your submission I wanted to ask about small bars in particular and methods to encourage them. You have one specific recommendation to increase the patron limit, which would equalise some of the conditions under which they work. Some of the barriers that have been reported for them—and I am interested in your views about these or other hurdles or other ways in which we can encourage them—are that under the rule of thumb for security, if you move from 100 to 120 patrons, you need an extra security guard, regardless of whether you have had an incident or not. Many of these small bars have live music restrictions—bans on any sort of live music—and we have heard evidence about some of them, including some of the best known ones, being caught up in the drink restrictions. So they cannot serve particular drinks or they have to have a very extensive cocktail list, with every drink that might be requested on the list so that they are able to be served. They are some of the hurdles that are being reported. I am interested in your views on those or other things we could recommend to encourage these establishments?

Ms HOBBS: That sounds to me like a perfect conversation to have with Liquor and Gaming and to say if we are actually going to help small bars get up what are these regulations and how can we actually make them far more flexible? I do not believe in punitive measures or onerous regulations and what you have described sounds like it is worth a good conversation to free it up a bit.

The CHAIR: Would that be a conversation that an entity, going forward with everyone at the table, could perhaps have, do you think?

Ms HOBBS: That is a conversation I could have with an entity going forward.

The CHAIR: That was my next question, thank you.

Ms CATE FAEHRMANN: Which leads into another recommendation that you have in your submission which is around ID scanners. You suggest that they should only be applied to business with repeated association with criminal conduct. Could you expand on why you would like to see the requirements around ID scanners relaxed in a big way.

Ms HOBBS: Significantly; they are horrendously expensive. On the work that we did we estimated that the cost of the ID scanners was somewhere between \$10 million and \$15 million, which businesses had to bear. If you actually look at the number of people who have been scanned the numbers are exceedingly low. Mr Mortimer will have it at its fingertips but let me see if I can run it off the top my head with the scanners. I think of the 73 people who were scanned over a two-year period nearly all of those were able to re-enter a venue less than 48 hours after being scanned. Then when you see the long term banning, the numbers are also very low. If scanners were really a fantastic tool I would have thought those numbers were significantly higher. I will get Mr Mortimer to do it in just a minute over a two-year period but I think they are amazingly, amazingly low. Tom, do you have those exact numbers?

Mr MORTIMER: Yes. We looked at the number of people that were rejected at venues because they were subject to a long-term ban. Over the course of two years, June 2014 to May 2016, and that was found in a Liquor And Gaming review, we saw it was only 73 people over that period. We also looked at the cost per venue per banning order issued, and that is all banning orders, short-term and long-term, and we estimated that the cost there was from about \$3,500 to over \$5,000 per business per banning order.

Ms HOBBS: Members of the Committee, that was in the supplementary submission that we added to that. In terms of that, that is what I am saying, to me the numbers seem amazingly low. I know there is an argument that is put forward that some venues like to actually have the scanners in place because they feel it is a really good thing. I think that that can be done on a voluntary basis. It does not have to be on a mandatory basis.

Ms CATE FAEHRMANN: Thank you. Just one more question. The committee has also heard that the lockout laws could be a factor in some of our creative talent and various business owners moving to other cities such as Melbourne. Just for the record I have lived in Melbourne recently for three years and I am not an anti-Melbourne person. I think there is a hell of a lot going for that city.

The CHAIR: That is apparent.

Ms CATE FAEHRMANN: I do love Sydney and all its charms too. Commissioner Hobbs, from your experience talking with businesses, do you have any evidence or have you had any conversations or do you know of small businesses that have moved, relocated, and done something in Melbourne as opposed to Sydney because of the environment over the last five years?

Ms HOBBS: We do. I will get Ms Curtin to give you the statistics from the City of Sydney. You may have already had these but a good time to refresh them and to make some comments about the creative economy.

Ms CURTIN: Creative industry businesses have decreased in Sydney CBD by 6.7 per cent since 2012 resulting in a net loss of 1,106 creative industry jobs. A 12.6 per cent reduction in revenue for the New South Wales performing arts sector between 2014 and 2015, and 8.8 per cent reduction in attendance in the same period. By 2017 Victoria had overtaken New South Wales for performing arts revenue for the first time ever, attracting 34 per cent of the national total compared to 32.7 per cent for New South Wales.

Ms CATE FAEHRMANN: Just for those 1,106 jobs you are talking about, because they are statistics you are inferring then, in terms of the question, that some of those people would have moved interstate to continue working in their field as opposed to doing something entirely different. Is that your assumption?

Ms CURTIN: Yes, that is right. Often creative is more a vocation than a motivation for financial gain. It would seem a natural inference that many of them have gone elsewhere.

Ms HOBBS: And if you compare that with the stats I gave you a little earlier about the music industry and bring those together in the same creative space.

The CHAIR: Thank you. Just for the record I think Melbourne is a terrific place to visit on 5 November each year. Melbourne Cup.

Ms CATE FAEHRMANN: A terrible time to visit.

The CHAIR: There is only one date.

The Hon. JOHN GRAHAM: You have pulled together quite a few of those statistics in the one place which has been really helpful particularly on jobs that have been lost out of this. You have talked about the 478 businesses that would otherwise be there, all that potential loss, but also the 17.7 per cent downturn in employment. Do you have any sense of what the total job impact has been because that is not something I have seen.

Ms HOBBS: No. Tom, do you have that?

Mr MORTIMER: No. It is not something that we sought to analyse.

Ms HOBBS: Can we take that one on notice, Mr Graham, and come back to you.

The Hon. JOHN GRAHAM: Yes. That would be really, really helpful. And just one follow-up question. You also refer to the Treasury cost-benefit analysis which looked at, which found these regulations came up positively when they did their cost-benefit analysis. But they reviewed the benefit of looking at people not being assaulted, correctly, private individuals not being assaulted, a benefit, looked at the cost of implementation of public agencies having to implement this and weighed up those two things. What they did not include, I think and I would be interested in your view on this, is the cost of these private businesses closing, closing early. These private individuals not in work anymore. Given the excellent work you have done in the rest of the submission, if you were able to—

Ms HOBBS: Can I take that one on notice as well because I think we need to go back and dig through Treasury and find out how they landed—

The Hon. JOHN GRAHAM: If you could give us some assistance then because obviously that is crucial now we know, as you have put in front of us, what the impacts are.

Ms HOBBS: We will go back. Thank you.

The Hon. BEN FRANKLIN: Just a couple of questions. The first is probably most appropriately to Ms Curtin but obviously Ms Hobbs if you want to answer, go for your life. Basically, around recommendation 15 and one of my hobby horses which is about venue space for smaller creatives, small creative spaces in Sydney. I really like your idea about using vacant space by creative businesses. I was wondering if you could perhaps discuss more of the importance of having a space available and how else this can be done from a Government perspective to make sure it is—

Ms CURTIN: This is a proposal we have made a couple of times to support the creative economy. City of Sydney is currently offering such flexibility with the vacant premises that it owns. It is a great way for a new

business being able to taste test, have a trial run of the viability of their business. It allows a niche business to explore its niche as if there is a market for it. We think it is a complementary proposal to more flexible use of daytime spaces at night, and a great way of using vacant space that would not otherwise be used.

Ms HOBBS: The other advantage too is you share the cost. Rental rates in Sydney are really high and if you have a dual-purpose business you are able to split the overheads which is really attractive.

The Hon. BEN FRANKLIN: If there are Government buildings that are sitting there vacant this would be an appropriate way, you would contend, to utilise them for that three months, six months, whatever.

Ms CURTIN: It might depend on the space.

The Hon. BEN FRANKLIN: Of course.

Ms CURTIN: But certainly it seems practical to us. It is something we think should be explored further.

The Hon. BEN FRANKLIN: Ms Hobbs, I have a question for you. There has been lots of discussion about there being an overarching body, potentially for 12 to 18 months, to bring together ranges of different organisations and agencies to reinvigorate or to spark up Sydney's night-time economy. Obviously, someone is going to need to be in charge of that and overseeing that. Do you see that is something that that might be something that the Small Business Commission could take responsibility for overseeing?

Ms HOBBS: I am sure we could. When we were looking to a collaborative solution, I think perhaps the Committee have got the understanding that we operate in, I think, a non-traditional government way to bring people and success together. Probably the classic hallmark is the success of the Easy to do Business program. Nothing could be more disparate than herding cats than you can possibly imagine to get that program to the success it is now. The other issue is that it is being copied in other States. The integrated program that sits with that is the Small Business Friendly Councils Program. There are 128 local Government areas in New South Wales; we have got 114 councils onto the program now and another 11 are about to sign up. I am not sure how wide the Committee's experience is with local government but to have 125 of them, all moving forward in the same direction, is no mean feat. We are more than able to be up for difficult tasks but not only are we up for difficult tasks but we also get significant outcomes.

The Hon. JOHN GRAHAM: Can I offer a word of caution on that? I am interested in your view because I do not want to discourage a volunteer. I am very encouraged by that statement and by your submission.

Ms HOBBS: I have not quite put my hand up yet, Mr Graham.

The Hon. JOHN GRAHAM: One of the issues today, with this whole night time policy area, is that the good team at Create, who do some fantastic work, have been put in charge of police, planning, transport and telling those agencies what to do. Unsurprisingly, that is very difficult in government; that is just not how government works. You obviously, I think, have some more tools at your disposal but given that process has not produced movement, do you think you would be in a position to work the sort of magic you have in local government in this area, given how tough has been?

Ms HOBBS: The track record is there in terms of Easy to do Business. For example, when we started on the cafes, restaurants and small bars space—to give the Committee a flavour of that—you had to fill out 48 forms, there were 30 different telephone numbers, there were 13 different government agencies, there were up to 75 different regulations that you had to comply with. It took an average of 18 months to get across the line. To give you an idea, in the liquor and gaming space, you had to fill out 16 forms to get a liquor licence; you repeated the same information 48 per cent of the time. So where have we come? We have come from 48 forms to one form, 30 numbers down to one phone number, we have put it onto a digital platform, we have got it down from 18 months to less than three months. We have been able to achieve that and to have 125 councils involved. That takes, I guess, a persevering approach.

The Hon. JOHN GRAHAM: I am certainly keen to hand you a list of 649 venues in New South Wales that are told they cannot play live music or they can play only country and western. Bringing that approach to those sorts of rules and potentially sweeping them away would be very welcome.

Ms HOBBS: I think there are a couple of stages here. I think it is important to have the discussions and see what you can achieve and I think there are different ways to have those discussions. Hopefully, I have explained that we apply the work that we do in an agile and flexible way and in a very customer-centric way. They would use that same "deliverology" technique to actually get there. I also understand—and we get this—that if your Committee makes a series of recommendations about what should happen and there is some change to the existing lockout laws there is a great level of expectation about what is going to happen. What you cannot—the Government; we cannot, as a group of citizens—afford to do is allow this to linger and carry on forever. It

needs to be well thought-through, well planned, well executed and there needs to be really effective communication between all the groups. You have to recognise the differences and you actually have to carve out the arrangements that make it tenable to go forward.

The Hon. BEN FRANKLIN: I have one final question on Kings Cross. We have heard evidence from a number of people who contend that the face of Kings Cross has changed forever and that if the lockout laws were lifted it could not go back to the way it was because of the numbers of venues that have closed down and a different retail environment that has emerged there. I was wondering, from obviously examining small business in this area, if you have any comments on that.

Ms HOBBS: The other demographic we have to take into account is the residential mix. Kings Cross has always been, back to the early 1900s, a really bohemian area: It was always considered as an artists' colony; one of the most famous places was called the Yellow House where famous artists were; I think Brett Whiteley was positioned there for a long period of time. It has always had a buzz about it but it is fair to say that probably in the past 15 years there have been dramatic changes to the residential landscape there. It brings that into mind. Darlinghurst Road and Kings Cross Road are totally different to what they were less than 10 years ago and the retail mix is changed. What you need to do, we believe, is make sure the mix is right. A lot of that depends, of course, on the City of Sydney and the development applications that they approve for that area. I would be hopeful that there is a lot of wisdom attached to what the right retail mix is for the area. I do not think it will ever go back to what it was before but this is not about what it was before but about what the future should look like.

The CHAIR: I think one of the recommendations in your submission was developing regulations that prescribe the maximum density in one area and look at that mix and density. We have heard some evidence about that; we have that on board. Thank you so very much. We are very appreciative of the work you have done and, in particular, the success you have had to date and the ideas that you have for our Committee. It is a great job that we have ahead of us but one that is very exciting. We thank you for your input. If the Committee has further written questions for you, would you be prepared to take those, the answers to which would form part of your evidence and be made public?

Ms HOBBS: Yes, we would.

The CHAIR: You have taken some questions on notice and the answers to those are due within seven days to the Committee staff. Thank you very much for your time today.

(The witnesses withdrew.)

KATE FOY, Deputy Secretary, Community Engagement, Department of Premier and Cabinet, Create NSW, affirmed and examined

The CHAIR: Thank you for appearing before the Joint Select Committee to Sydney's Time Economy today to give evidence. Can you confirm you have been issued with the Committee's terms of reference and information about the standing orders that relate to examination of witnesses?

Ms FOY: Yes, I have.

The CHAIR: Do you have any questions about that information?

Ms FOY: No.

The CHAIR: Thank you. Do you have an opening statement you would like to make to the Committee?

Ms FOY: I do. Firstly, I acknowledge the traditional custodians of the land on which we meet, the Gadigal people of the Eora Nation and pay my respect to Elders past, present and emerging. Most importantly, for me in this role, arts and culture are central to a vibrant night-time economy. Through the State Government, in partnership with councils in particular, arts venues, performers and local communities, we are supporting events in cities, Sydney, in suburbs throughout Sydney and across towns in regional New South Wales, with music, performance, visual arts, film and dance.

Create NSW is the Government's arts and cultural agency and from 1 July this year it transferred into the Department of Premier and Cabinet [DPC], sitting within Community Engagement, over which I assumed oversight, as deputy secretary. Create NSW fosters excellence in arts, screen and culture by developing and supporting a vibrant, accessible and thriving sector. There are three points to it, from my perspective, being in Premier and Cabinet: we are both the funder through grants and other programs of arts and cultural activities; we are a facilitator with the sector and across local and Federal Government; and we are a coordinator across the State Government and its agencies—a particular opportunity for us, being at the centre of Government, in Premier and Cabinet.

I think you have heard over the past days that a thriving arts sector is absolutely essential as a driver for a vibrant night-time economy, contributing both to economic benefit for local businesses and to the community and our visitors. To zero in on Create NSW's area of focus there are four elements: to create and sustain cultural precincts and infrastructure; to shape New South Wales as a place where creative excellence thrives; to drive New South Wales as a place where creativity is for everybody; and to promote a bold and compelling vision for culture in New South Wales. From the Australia Council National Arts Participation Survey of June 2017 we know that Australians' engagement with the arts is around nine out of 10 residents, who participate in the arts

If I can give a picture about what has been achieved in terms of arts investment over recent times: during this year the New South Wales Government announced a total investment of \$871 million in arts, screen and culture in this State, across the next four years. That includes a 22 per cent increase in recurrent funding for the 2019-20 budget. Funding goes to support arts in Sydney, western Sydney and all over the State in regional New South Wales, for activities that start after dark. If I can give a picture about what was achieved in the previous financial year, for 2018-19, Create NSW provided arts and cultural development funding to 11 major performing arts groups, two State-significant organisations—Carriageworks and the Museum of Contemporary Art [MCA]—65 multi-year funded organisations, 53 organisations annual programs, 148 arts and cultural projects, 122 artist support grants, including fellowships and three key festivals. Those festivals are Sydney Film Festival, Sydney Writers Festival and the Sydney Festival, alongside the other major performing arts companies.

These activities support a vibrant night-time economy through their programming. Several cultural institutions—the major cultural institutions—are also part of the night-time economy equation. The National Art Gallery of NSW, for example, hosts the Art After Hours on Wednesday evenings; four times a year the Museum of Contemporary Art offers ARTBAR, an artist-led night of performances and exhibitions, as well as the Lights on Later program, open until 9.00 p.m. and encouraging visits outside of the regular daytime hours; Carriageworks hosts summer and winter outdoor night markets; the Sydney Opera House sails are illuminated every night with a screening of Badu Gili, a seven minute projection, which celebrates the stories and rich contemporary culture of Australia's First Nation's people. This screening is a magnet also for the night-time visitation to the Opera House forecourt's surrounding food and retail outlets.

A lot has been going on over the past year to support the night-time economy: funding of \$455,000 has been provided to MusicNSW, the peak body for musicians to support musician development in New South Wales; \$1 million co-funded with Create NSW and the Office of Liquor and Gaming supports Music Now, with events in Sydney, Parramatta and Liverpool; and we are partnering with the Global Cities After Dark conference,

contributing \$40,000, to share experiences with our colleagues from overseas, to bring these ideas home to support a positive and thriving nightlife. Our approach in Create NSW is to support arts and the night-time economy, to have vibrant places and spaces, whether they are open spaces or venues—and it is happening across the State, whether it is Wollongong or Lismore, with events that affect reflect the local character and provide wonderful experiences for young people, for families, for communities and visitors.

The CHAIR: Thank you, Ms Foy. It is wonderful to see so much going on and obviously there is always more we can do but it is pleasing to see that there is quite a bit going on in your space. I am interested that there is already a Sydney night-time economy task force and I just wanted to ask you about what is happening with that. There is obviously our inquiry and we have a task ahead of us but if this is going on also can you comment on what that is doing and what the delivery is?

Ms FOY: Of course. The night-time economy task force is tasked with a number of—there is around 25—recommendations that it is implementing, 18 have closed out. There are a remaining seven, if my maths holds up correctly, and they are currently underway. We will incorporate the recommendations of this particular report as we close out and continue the implementation of the task force's work. In terms of the details of the recommendations, I am very happy to provide that on notice.

The CHAIR: That would be great. If you could let us know what the status is of the delivery of those projects that will be very helpful.

Ms FOY: Of course.

The Hon. JOHN GRAHAM: As you have said, Create NSW has chaired that night-time economy task force since 2016. From July 2019 transport is no longer on the night-time working group. Is that the case?

Ms FOY: I am afraid I do not have the detail on whether transport is on it but I am happy to come back to you.

The Hon. JOHN GRAHAM: I ask because, on page 4 of the response to questions on notice, there is a list of government agencies, which includes Create NSW, planning, industry and environment, liquor and gaming, Destination NSW, DPC and police. Transport is no longer part of the night-time economy work. The Committee has received a lot of evidence that transport as a solution is crucial to dealing with safety. I wondered why they are no longer involved?

Ms FOY: I am afraid that I will have to take that on notice but I am happy to check in on that.

The Hon. JOHN GRAHAM: Maybe confirm that and I would be interested in why. The other group that is no longer involved that I would have thought was fundamental to that task is the City of Sydney. They were involved; they are no longer involved, as of July 2019.

Ms FOY: Again, I am afraid I will have to seek advice on that.

The Hon. JOHN GRAHAM: Secondly, and then I might hand over to my colleague, one of those recommendations out of the 25, is for the contemporary music plan that was due at the end 2017. I was just going to check how it is going?

Ms FOY: The contemporary music plan is in draft. I am keen to see the outcomes of this particular inquiry so that the direction we take is consistent with those that have been accepted as part of this review.

The Hon. JOHN GRAHAM: You accept that we are losing venues and it is unsurprising, given we do not have a plan about how we want our music sector to develop?

Ms FOY: Yes.

The Hon. JOHN GRAHAM: We are the only State without one on the mainland. You accept that it is necessary?

Ms FOY: The contemporary music strategy?

The Hon. JOHN GRAHAM: Yes.

Ms FOY: I think it is a very important piece of work, absolutely. We had, as part of it, consulted with the music industry. From recollection—I will check the data—I think there were about 1,300 responses to the survey. I am happy to talk about what the issues that they talked about are: they talked about venues and the availability of venues, they talked about the importance of—

The Hon. JOHN GRAHAM: I think we would be really happy to get them on notice, just so we can keep the questions flowing. That would be very helpful.

Ms FOY: Of course. I am very happy to say that the main things that they talk to us about is funding to support live music and activation; professional development to support performance opportunities; creative spaces to make, rehearse and perform; and connections with industry and Government—so that facilitation role that I spoke about earlier, is important. I think the Music Now funding—that \$1 million—has been an important part of that.

The Hon. BEN FRANKLIN: Can I pick up on the creative space part of what you just said?

Ms FOY: Yes.

The Hon. BEN FRANKLIN: Obviously—I do not know if you have been following—something I have been banging on a bit about is venues.

Ms FOY: Yes.

The Hon. BEN FRANKLIN: Certainly for bands or music for 100 to 500 people, but not just that: For smaller theatres, for smaller galleries—opportunities for emerging artists to be able to exhibit or to perform. That is point one. Point two is also to have more creative spaces available where people, particularly in the Sydney CBD or surrounds where rents are very high, to encourage that next generation. Obviously I do not need to go through with you why that is important: It clearly is.

Ms FOY: Yes.

The Hon. BEN FRANKLIN: So my question is: First, what is actually being done to encourage these spaces and to develop them? Second, what plans do you have to do more in that field? I will stick with those two and go to the Small Business Commissioner's suggestions after that.

Ms FOY: Okay. The first, around venues and what are we doing to support venue activities?

The Hon. BEN FRANKLIN: Yes, particularly smaller venues that are accessible to emerging artists.

Ms FOY: Some of those questions are resolved through other parts of government and that is why we play that coordination and facilitation role—the Easy to do Business issues that the Customer Services cluster is responsible for. The examples that the Small Business Commissioner put through about making it easier for people to put in applications, et cetera: Part of our funding does go not just to performers but also to venues and creating and supporting venues throughout the State. I must emphasise that funding and supporting the night-time economy in Sydney is important; it is also important in regional New South Wales.

The Hon. BEN FRANKLIN: Absolutely.

Ms FOY: I might also add that there are venues but it is also about open spaces. For example, there is a Science Festival exhibition on at the moment. There is a star-gazing activity at night in the Botanic Gardens—a really important part of a vibrant city at night. We have government-funded institutions that have a variety of venues that we support. We are investing in cultural institutions whether that is upgrades of different places, like the Opera House, the Concert Hall in the Opera House—

The Hon. BEN FRANKLIN: And the Sydney Modern and all the rest.

Ms FOY: All of those things. Then we have a role in supporting entities and performers to access smaller venues.

The Hon. BEN FRANKLIN: Those within the sector are raving about the amount of what we are doing and the amount of support that the Government is putting in, which is great.

Ms FOY: Yes.

The Hon. BEN FRANKLIN: Obviously I passionately support that.

Ms FOY: Yes.

The Hon. BEN FRANKLIN: But the only thing is this: It does appear that there is a bit of a gap where we just need to make sure that the same focus is given to both smaller venues and space for artists to be able to ply their craft.

Ms FOY: Yes.

The Hon. BEN FRANKLIN: I would be interested if you were able to provide us with information of what is being done—not here, but on notice: But already, that would be wonderful.

Ms FOY: I am very happy to take that on notice. Also it is important to say that we have a role to continue conversations with the sector. That is certainly what we do through our activities at Create NSW. But I will take on notice the detail around venues.

The Hon. BEN FRANKLIN: That would be great. Were you here for the previous session?

Ms FOY: I heard the last five minutes of that.

The Hon. BEN FRANKLIN: Okay. The cultural officer from the Small Business Commission suggested—and this was in their submission as well—that empty government buildings, or un-utilised government buildings, even for a small amount of time, could be given to creative artists to have opportunities to either exhibit or to train or to paint or to write, or whatever. Do you think that is something that we could actually look at? The Council of the City of Sydney does this already, apparently. Is this something we can look at to expand with government properties?

Ms FOY: I think there is a part of government in the Department of Planning, Industry and Environment with Property NSW. I think that would be a matter to raise with them. In our role as representing the views of the sector, I am more than happy to take that up.

The Hon. BEN FRANKLIN: But from your perspective—and I understand this is not your decision—

Ms FOY: Yes.

The Hon. BEN FRANKLIN: But from your perspective, is that something that would be valuable and would be worth this Committee pursuing?

Ms FOY: From my perspective, if that is something that the industry is raising, that would be something we would be interested in hearing the data about. If there is a role for us to support that both in a direct sense through Create or an indirect sense, if you like, by coordinating and activities and engagement with our other public sector agencies, whether that is Property, or Small Business or Planning, we are very happy to do that, and also with the City of Sydney.

The Hon. BEN FRANKLIN: Great. Fantastic. The next point I want to make, with your indulgence, Madam Chair, is something that we keep hearing again and again—the importance in precincts of having a diverse range of offerings.

Ms FOY: Absolutely, yes.

The Hon. BEN FRANKLIN: That is something that clearly is working in other parts of the world. What can we do better in order to make sure that there are particularly creative offerings spread appropriately throughout the precinct that we are discussing, particularly, but also throughout Sydney?

Ms FOY: From some of the work we have done, we find that having venues, having retail offerings, food offerings, the ability to get to and from events is incredibly important, as is having safe spaces. That is why the work that the task force had done and continues to do is an important part of promoting that vibrancy in the night-time. I am sorry, I might have lost the second part of your question.

The Hon. BEN FRANKLIN: In fact, I did too. It is about what we need to do in order to make sure this diversity of offering is able to be made. I presume, for example, the task force is working with council because that is clearly a big part of it in terms of their development approvals [DAs] and so on.

Ms FOY: Working with council, working with Planning and the Office of Liquor and Gaming, ensuring the views of particularly performers, performance artists and venues are coming—you know, we are having a coordinated approach to it. The diversity of our funding as well is important. It is not just about having a single approach to funding and grant funding. We fund venues and places to be able to create spaces for performance as well. We fund emerging artists. We fund established artists and established performing companies.

There are two bits: One is from an arts perspective that we are investing and supporting a range of different arts and cultural activities, including from the small to the big. The second bit is coordinating across government and having coordinated open conversations with our government agencies about the things that they can think about in order to support the arts and culture sector.

The Hon. BEN FRANKLIN: That is great. This is my final question. I am going back one step. If somebody had an idea that they wanted to create a small theatrical company or some sort of live gallery, whatever, and they have an idea of where they want to do it and how they want to do it, is there someone within Create NSW who they can go and talk to? For example, in the energy sphere, if somebody wants to develop a renewable energy project there are particular people they can talk to about how to make that work and clearing away obstacles and so on.

Ms FOY: Absolutely. Firstly, I take my accountabilities for supporting the arts sector as incredibly important. I would be absolutely keen to have conversations around that. We have people identified as part of Create that interface with the sector, so we have a kind of policy and partnerships capability, sector investment capability, also screen, which is slightly separate but not entirely separate to the night-time economy; but there are identified people that are regularly connecting with people in the industry or across government.

The Hon. BEN FRANKLIN: Finally, from your perspective, what do you want to see come out of this inquiry?

Ms FOY: I think, for me, it is always important to hear and have synthesised the views. I read some of the submissions yesterday. The Committee's views about what we can do and continue to do to support a thriving arts and culture sector in a night-time economy, being in an agency like Premier and Cabinet, those things that I could be alert to, to support discussions with my colleagues in other parts of government, whether it is planning, transport, et cetera.

Mr KEVIN CONOLLY: I will follow on the line of questioning in a sense from that of the Hon. Ben Franklin. You mentioned that art galleries are open one night a week or some extended hours on some occasions.

Ms FOY: Yes.

Mr KEVIN CONOLLY: It made me think: Are museums in Sydney open? I do not believe they are. I do not think we have that happening. Did the task force look at that?

Ms FOY: I might just need to refer to my notes. Please forgive me: I have been about two months in the job so I am still getting my head across the detail.

Mr KEVIN CONOLLY: Sure.

Ms FOY: I understand the Australian Museum does have some activities in the evening. Let me check on that.

Ms FELICITY WILSON: They just did. I went to the science one last week with 1,500 people too in the evening.

Ms FOY: Fantastic, and there is the star-gazing event at the moment. I understand the Powerhouse at the moment does not have anything programming, so that could certainly be something that we ask all our cultural institutions to look at. Carriageworks, while not a museum, certainly does evening events.

Mr KEVIN CONOLLY: Could the task force play a role in coordinating that so that there is a bit synergy developed between different institutions opening on the same evening and creating a bit of traction?

Ms FOY: I would probably regard that as something that Create NSW can have a look at. We have a responsibility as part of my accountabilities I have a partnership with five cultural institutions: Sydney Library, the art gallery, the Australian museum, the Opera House and Powerhouse. We can look at it as part of my own remit. That is the first thing. The second thing is we continue to engage with the broader cultural institutions, so certainly we can pick up those discussions about how they can put on things at night that are relevant that people want to come to.

Mr KEVIN CONOLLY: And that just broadens the offering that is available in Sydney beyond the narrow.

The CHAIR: Ms Foy, I invite you to take on notice and come back to the Committee with events that presently are offered at night time?

Ms FOY: Of course.

The CHAIR: And what the schedule of that is? It probably is on your website if I were to look it up. But if you are able to provide us with that specifically that would be very helpful.

Ms FOY: Of course. As a quick overview there are calendars available through Destination NSW website. I know institutions publish a lot of what they are doing on the website. We also work quite closely with the arts industry's magazine Time Out for example to make sure that is there. I also have Sydney Living Museums as part of my portfolio of responsibilities and there is some work that is happening at the moment around Sydney Living Museums. There is the Sydney Science Festival underway with a concert and star gazing in Centennial Park. There is a whole bunch of theatre offerings. There is night markets in Manly and Chinatown. And there is the Gin and Film Festival at the Golden Age in Surry Hills. So, quite a lot happening.

The Hon. BEN FRANKLIN: Did you say Gin and Film Festival?

Ms FOY: Gin and Film Festival at the Golden Age in Surry Hills.

The Hon. BEN FRANKLIN: Sounds excellent.

Ms FOY: I am happy to provide details and a google map reference.

The CHAIR: If you could collate those and provide them to us.

Ms FOY: Of course, I am happy to.

The CHAIR: The Committee will send you those questions.

Ms FOY: Of course.

Ms CATE FAEHRMANN: Thank you for the response to questions on notice that you provided the Committee. Did you prepare the responses?

Ms FOY: Yes. I checked the questions off and they are prepared by my team.

Ms CATE FAEHRMANN: The response to question seven. This is the question we asked Create NSW to respond to: The Committee has been told that the lockout laws could be a factor in Sydney losing creative talent and opportunities to other cities such as Melbourne. Does Create NSW have any evidence that would support such claims? And, how could any such loss be avoided? The response is just a single word, "No".

Ms FOY: That "no" is to your question, "Do we have any evidence that would support such claims?" No, we do not have any evidence to support that claim.

The Hon. JOHN GRAHAM: Did it receive a mention at all in that consultation you were doing for the contemporary music?

Ms FOY: Not that I have to hand but I am happy to take that on notice. There are two different things if I might say; there are representations and then there is as your question says evidence that would support the claim. They are probably two different things: One, what the industry is saying and then have we got any evidence? I am happy to take both those points on notice.

Ms CATE FAEHRMANN: It is almost a technicality in some way. We just had the Small Business Commissioner present quite a few statistics that they gave us in relation to loss of jobs particularly in the creative industries, but loss of jobs as a result of lockout laws. I think they quoted 1,106 jobs. I have spoken with people who I know have moved to Melbourne as a result of the lockout laws and almost everybody that I ask and who has presented here has. Has Create NSW never asked that question? Or, if you are saying there is no evidence—it has been five years now. I find it extraordinary that Create NSW would not have any evidence to suggest that Sydney has lost some creative talent as a result of businesses closing and the lockout laws.

Ms FOY: I will have to take that on notice to go back to find if there is specific evidence specific to that particular question.

Ms CATE FAEHRMANN: With respect Ms Foy, that was the question on notice. Clearly the way we asked in relation to evidence you have been able to say "no" because we said "evidence" as opposed to "stats" or something. You said there could be representations to you. Perhaps we should expand the question a little bit beyond evidence. Is that what we should do?

Ms FOY: If the Committee wishes to expand that to look more broadly at what information we might have, I am happy to take that on notice. I do not have the evidence provided by the Small Business Commissioner. To my knowledge I do not have that in Create, but I am happy to have a look at it.

The CHAIR: Members are welcome to pose further written questions. Perhaps you might do that.

Ms CATE FAEHRMANN: Sure. It is the government.

The CHAIR: The question was phrased as it was. Perhaps we can provide a written question and Ms Foy can answer that.

Ms CATE FAEHRMANN: That is what we did last time.

Ms FOY: More than happy to.

Ms CATE FAEHRMANN: Just in relation to closure of clubs and clearly not as many venues operating, restaurants closing down, live music venues closing down, wouldn't there be a correlating loss of creative opportunities in Sydney as a result?

Ms FOY: I do not have that information to hand but I am more than happy to go back and have a look.

Ms CATE FAEHRMANN: I will rephrase the question on notice.

Mr GUY ZANGARI: I would like to ask a question regarding culturally and linguistically diverse [CALD] communities and Create NSW. What is Create doing to work with those communities so they can express themselves in a vibrant night time economy considering that we are a State of over 200 ethnically diverse backgrounds. What is Create doing in order to get the best arts and culture from the people who are here so we can share that?

Ms FOY: Obviously being able to cater a range of different communities, including First Nations communities and culturally and linguistically diverse communities, is incredibly important. I know that we have been supporting events in places like Western Sydney that will support specific events. I am happy to come back to you with specific details but I know that there has been some work on festivals.

Mr GUY ZANGARI: Specifically with the CALD communities there is rich tapestry of music, performance, song and dance.

Ms FOY: Cultural events and festivals.

Mr GUY ZANGARI: Absolutely, 100 per cent. That would be a good economic driver for the State in order to promote the rich jewels we have with our community.

Ms FOY: I am quite confident there is quite a bit done in that respect. I do not have that readily to hand but I am very happy to as part of my role in Premier and Cabinet be talking to my colleagues in Multicultural NSW around the things that we can do.

The Hon. JOHN GRAHAM: Also the views of the committee for Sydney, their recommendations in relation to this were very encouraging.

Ms FOY: Yes, I read the committee's submission and their testimony.

Ms FELICITY WILSON: I was heartened by your opening statement about the level of work and the interaction you have and support for different industries that we are hoping to see flourish, and in particular the level of government investment that is being put into these different industries. I know and I appreciate that you have been in your position for a couple of months, so this may or may not be something you can give me a reflection on. But I would like to understand whether you have a perspective about whether or not there has been a significant change that Create NSW has introduced and that government policy and some of the different recommendations and changes that the government has instituted that have been enacted in this creative space and whether you have any strategic plans or a sense of when you will start to see that come to fruition? Understanding, as you mentioned, that we are seeing new funds, the million dollars you referred to, different investments, how long will it take for that to flow through into I guess the creation of new spaces, venues, the upskilling of new talent and the flow on effects to the broader creative industries and night time economy. I think you are doing a lot but it will not take effect over night. I am wondering whether you have the historic reflections and the forward reflections as well.

Ms FOY: No. Thank you. I think in many ways funding and having events happening now creates the change immediately. There are things for people to do and go out and see. An increased level of funding, particularly the efforts around music that we have had as part of the night-time economy investments has been particularly important. I think the Music Now funding is also about being a catalyst for events and things happening in the industry. That is what we are hoping to achieve through that. As far as being to measure what the change has been or how long it might take for these things to take hold, I would have to come back to you. But I certainly think that the things that are happening now, whether that is an art gallery opening at night or whether it is a star-gazing festival or whether it is something happening in Parramatta, et cetera, these things are all happening now and creating change now for communities.

Ms FELICITY WILSON: If I may, you gave an example about MusicNSW. I am not sure if you have any details there to hand, but that was one of the bodies that we had heard from earlier in our public hearings. They were talking significantly about how you develop up-and-coming talent, depending on the commercial opportunities for people to access recording opportunities or performance opportunities, for instance, and they spoke a little bit about what they wanted to see from government investment. But you mentioned that there is funding. I think it was a one-off funding grant that was made. Do you have any information on what that is?

Ms FOY: I have quite a lot.

Ms FELICITY WILSON: Oh, fantastic! I am really interested. I know you would have many examples but that is a very specific one that we heard one perspective on from MusicNSW. I would like to hear your perspective on that.

Ms FOY: In a one-off funding round, there 161 applications and 30 successful applicants. This is providing paid opportunities for around 650 contemporary musicians across 14 venues and 16 festivals co-funded by Create and the Office of Responsible Gambling. I could talk about some of the projects that are underway just to give you a wee bit of a flavour.

Ms FELICITY WILSON: Yes, thank you.

Ms FOY: They are in four local government areas in partnership with local councils being Parramatta, Liverpool, Inner West and the Council of the City of Sydney for the Activate Sydney @ Night program. The City of Parramatta Council's music, the area festival, received \$40,000. That showcases original music in Parramatta and supports and nurtures western Sydney performers. It will be presented in partnership with the Sydney Fringe Festival, providing work for more than 60 musicians and offering an excellent cultural experience for that local community. Certainly this funding reflects the Government's strong support for live music and allowing emerging bands to play both locally and with major international acts that fill our large outdoor venues.

Music Now includes funding support for 13 events across metropolitan Sydney, 10 in regional New South Wales and seven across western Sydney—everything from a one-day hip-hop festival to a year-long weekly music event at the legendary Lansdowne Hotel. The program also has opportunities for live gigs, such as the one-day Entertainment Group—\$40,000 for a one-off 5,000 capacity hip-hop festival to Sydney over next summer and Mary's Group Australia, \$40,000 to support and nurture a local mix of emerging, established and independent local artists.

In regional New South Wales Tathra received \$20,000 to provide the Tathra Beachside Group to support free music events in the community, and the Improvisers Composers Kollektiv Orchestra, known as the SICK orchestra, has been provided with \$40,000 to present concerts of a new high-quality music and multi-arts twice a month over a year in Sydney, Wollongong, Newcastle and Katoomba. It is important to note that that collective includes members of the Sydney Symphony Orchestra, the Song Company, Synergy, Ensemble Offspring, and Sirens Big Band, playing alongside eminent musicians from jazz and electronica. Music Now certainly is one of the ways we are supporting contemporary music across the State.

The Hon. BEN FRANKLIN: Just final questions from me about commercial theatres. It is fair to say Melbourne has a larger offering of theatres than we do in Sydney, and yet there is clearly a lot of enthusiasm—obviously the big ones—but from Ensemble right down to Hayes they are packed out—so what is the plan? This is a great area for the night-time economy to have people come into the city and having an experience that is not based on alcohol, for example, but actually really contributing to both the creative economy and the night-time economy. What are we doing to increase the focus on this space?

Ms FOY: From a strategic view, the Cultural Infrastructure Strategy talks about the need for particularly theatre space. I note that we have three major theatre spaces at the moment. We are very pleased to secure *Hamilton*, which premieres in Sydney in 2021.

The CHAIR: Hear, hear.

Ms FOY: Notwithstanding, we are also in discussions with Dexus to reopen the Theatre Royal. That was a theatre that was opened originally in 1827, closed in 2016, and we are now in discussions with them to reopen that.

The Hon. BEN FRANKLIN: Just let me interrupt quickly: You said we had three spaces we have, the Lyric, the Capitol and?

Ms FOY: I am sorry, let me check my facts on that one.

The Hon. BEN FRANKLIN: Okay. The State Theatre—do you count that?

Ms FOY: I am sorry, I will just double-check.

The Hon. BEN FRANKLIN: That is okay, no problem.

Ms FOY: Certainly with the Theatre Royal, we have started discussions with Dexus regarding the reopening of the theatre. We have a head of agreement with that entity. I look forward to coming back.

The Hon. BEN FRANKLIN: Would you mind taking on notice any other activity we are doing around the theatre space? To me, that is just such an obvious place where we can really enliven the night-time economy.

Mr KEVIN CONOLLY: Agree.

The Hon. JOHN GRAHAM: Yes.

Ms FOY: Sure. Happy to.

The Hon. BEN FRANKLIN: That is fantastic about the Theatre Royal.

The Hon. JOHN GRAHAM: Given the extensive information on Music Now, I have obviously welcomed aspects of that in the Parliament, particularly as some of that is going to the Mary's Group who have restarted the Basement space. There was a one-off announcement. It still leaves us spending less than a fifth of the money that is going to contemporary music in Victoria. There is still no plan for contemporary music in New South Wales. Is there going to be a future round of Music Now funding that is planned?

Ms FOY: That would be a matter for Government but I can say that we are keen to see the recommendations coming out of this Committee as we close out that new contemporary music strategy.

The CHAIR: Are there any other questions from members? Terrific. We are ahead of schedule, which is wonderful. Thank you so much for coming and appearing before the Committee today.

Ms FOY: Thank you.

The CHAIR: I note you have taken a number of questions on notice. We ask that you return those answers within seven days to the Committee secretariat.

Ms FOY: Happy to.

The CHAIR: The Committee may wish to send you some additional written questions, the answers to which will form part of your evidence and will be made public. Are you happy to take those questions?

Ms FOY: Yes, of course.

The CHAIR: Thank you. We appreciate that. Thank you for coming today and for all your great work in this space.

Ms FOY: Thank you for inviting me.

(The witness withdrew.)

(Short adjournment)

ROGER FIELD, Chief Executive Officer, Live Nation Australasia, sworn and examined

The CHAIR: Can you confirm that you have been issued with the Committee's terms of reference and information about the standing orders in relation to examination of witnesses?

Mr FIELD: I have.

The CHAIR: Do you have any questions about that information?

Mr FIELD: No.

The CHAIR: Thank you for your written submission to the inquiry, you can assume that we have had the opportunity to read that. Do you have an opening statement?

Mr FIELD: I do. I will try to keep it brief. I would like to thank you all for the opportunity to appear today and contribute to the inquiry. I am encouraged by the ongoing consultation from the New South Wales Parliament in an effort to address the issues confronting Sydney's night time economy. Live Nation is committed to a more open and regular dialogue with both the Parliament and New South Wales Government as an active contributor to the growth and development of the night time economy for the benefit of all.

By way of a short background, Live Nation entertainment is the world's leading live entertainment company producing 35,000 concerts, touring over 4,000 artists and operating more than 200 venues across 41 countries—that was last year. We are listed on the New York Stock Exchange and we are a Fortune 400 company. In Australia we host in excess of three million fans per year at concert events, produce nine festivals, we operate two venues and we incorporate Ticketmaster, the market leader in ticketing innovation. I have just come from Fleetwood Mac in Perth at the start of their tour. Live Nation participated in last year's inquiry into the music and arts economy and I take the opportunity to encourage the Government to implement the recommendations from that inquiry. That in itself would go a long way to help revive Sydney's live music scene and solve some of the causes of the current live entertainment venue crisis.

From our perspective, we have seen a notable impact on our ticket sales in Sydney over the last few years since the introduction of the suite of policies referred to as the lockout laws. This culminated in ticket sales and average attendances at our shows in Melbourne eclipsing those in Sydney for the first time ever in 2018 despite Sydney having a larger population. Given that Rod Laver Arena was under refurbishment in 2017 the trend may well have been realised earlier had that venue been available during that time. When I appeared before the inquiry last year in my home town of Melbourne I said that we know there is an increased appetite for people to attend live music and more experiential events. However, over time in Sydney we have seen a divestment in the supporting infrastructure for these opportunities, even though demand is still strong.

Sydney has seen an erosion of the inner city live venue landscape within increased development in and around the CBD coupled with the lockout laws eliminating the local bar culture and prohibition or significant red tape around use of open air spaces. Whilst Melbourne is often a reference point for this topic we acknowledge that Melbourne does not always get it right. Melbourne also trialled lockout laws and lost some live music venues as well as facing challenges with outdoor event spaces. Like you are doing now Melbourne listened and learned after taking a wrong turn. Focusing first on the topic of lockout laws. I would strongly encourage the Committee to recommend their removal. Lockout laws have done reputational damage to the city both in Australia and internationally which we hear about from our artist clients and their international touring personnel.

The only way to address this perception immediately is by sending a clear message that Sydney is open for business and the removal of lockout laws acknowledges a vibrant night time economy. One notable example of how your lockout laws have impacted Sydney's international reputation was when we toured Justin Timberlake in 2014. I believe you heard a similar story earlier in the inquiry. After his sell-out show at Sydney Olympic Park he headed to his official after party being held in a club on Oxford Street only to be denied entry for trying to get in at 1.45 am. These anecdotes spread like wildfire through the entertainment industry and global media and will take some time to recover from. In Melbourne after our failed attempt at lockout laws the strategy changed to be supportive of a wide array of potential venues and operators.

Of course, the operators are held to account under liquor licensing regimes but the range, size and style of venues ensures that patrons are widely dispersed and many visit multiple establishments on any evening. Venues have cascading closing times with many of the later operators putting on live music. This keeps people engaged and also staggers the end of people's evening. Importantly, there are fewer points of mass congregation

such as what used to be Kings Cross in Sydney. We also have late night public transport on the weekends which helps get people home safe and quickly after a night out.

To the second topic of the inner city venue landscape. A significant loss to the Sydney CBD was the demolition of the Sydney Entertainment Centre. The absence of an inner city purpose built live entertainment arena has only served to accentuate the lack of inner city live entertainment venues. Added to this, we need a consistent strategy for hosting outdoor events in places of public gatherings such as Centennial and Moore parks, the Domaine, Sydney Opera House forecourt as well. All of Sydney should be able to gather in these stunning locations and enjoy entertainment together in the same way that Vivid festival and the Sydney festival draw people into the CBD in a rare moment of community.

It should not only be large government funded festivals that can easily put events on at these iconic venues. Politics and influence appear to limit the useability of these spaces along with the crushing cost of excessive compliance and red tape put on those venues by the New South Wales Government with Sydney-siders and tourists missing out on memorable experiences at iconic Sydney locations. Melbourne, by comparison has not pushed major indoor and outdoor music events away from its centre. In Sydney, however, all roads lead to Sydney Olympic Park. Our fans repeatedly tell us that the transit challenges, lack of atmosphere, restaurants and bars to attend before and after the show at Homebush makes them think twice about attending events, a view possible shared by a number of the Committee members here today.

Last year's ticketing data from Live Nation events at venues in the City of Sydney illustrate that on average 91 per cent of our fans are coming from areas outside of the inner city and eastern suburbs. Clearly there is an appetite for fans to come into the centre of town to see profile events and artists and one can safely presume make an evening of it by enjoying ancillary pre- and post-show activities in restaurants shops and bars. Given the government's significant investment in the light rail corridor connecting the entertainment precincts with the centre of Sydney it should be easier than ever for fans at the ICC, Hordern Pavilion or Centennial and Moore Park precincts to transit to and from the centre of Sydney to engage with the night time economy.

Melbourne's Swan Street and CBD or Brisbane's Fortitude Valley are living examples of how music and entertainment precincts can activate local night time economies. Finally, Melbourne's music community rallied and lobbied against the lockout laws very rapidly and ultimately instilled a consultative relationship between government and the music industry via the likes of Music Works and Creative Victoria. Sydney has a music community. However, it has been eroded over time by a lack of support and investment from government. That said, its passion was illustrated clearly during the New South Wales election campaign and having now identified itself to all sides of politics the opportunity for investment from and collaboration with government is one which I would encourage the Committee to recommend be capitalised upon. Thank you for the opportunity to appear and I am happy to take any questions.

The CHAIR: Thank you Mr Field. I appreciate the time put into that and you make some very good points. I will go back to the tragic circumstances that brought about the suite of measures colloquially known as the lockout laws. There were terrible circumstances and deaths that led to that. I acknowledge that was the basis for the lockout laws. Clearly this Committee is here with the task of identifying and balancing the need for a thriving night time economy with safety and community concerns. That is a balancing act. It is no easy task.

Mr FIELD: I absolutely accept that.

The CHAIR: Moving on from the past whilst acknowledging and learning from it, how do we get the balance right? What does that look like in Sydney?

Mr FIELD: I think it is a full range of initiatives. Definitely engagement with our industry because our living is to encourage people to get off their couches, stop watching Netflix and go and see live entertainment. Melbourne is a great example. Brisbane is also picking up on the fact that if you create a variety of different entertainment establishments that are not focussed in one place you will automatically stop the crowd from congregating in one place and creating those trouble spots.

In Melbourne there are any number of bars that are open until three, five in the morning, all night, but they are spread out all through the CBD and in the suburbs and I think what has happened here, by my observation, and I openly admit that I do not live in Sydney, is that the crowds have been pushed out of the CBD. It has not really resolved anything. It has limited, yes, the number of issues that can occur. Kings Cross was a very significant focal point for a very particular type of evening entertainment and I would not recommend that you go back to that but I think you need to release the city and operators. More operators, not the same big operators, and encourage them to come back in and invest in the city with some certainty around what they are going to be investing in.

The CHAIR: Dare I say this might not just be arts and music focused, it might also be sport focused because there are opportunities for night time sporting events.

Mr FIELD: Yes.

The CHAIR: Melbourne does big crowds very well and Sydney could similarly do. Large crowds coming out at the end of an event wanting somewhere to continue on. Melbourne sees a lot of that. We do see some of that here also.

Mr FIELD: Yes.

The CHAIR: And large music events as well as smaller theatre and arts. What does that look like in terms of safety? Melbourne seems to be doing that quite well. How do we get the balance right between the offering but ensuring that the patrons and younger people are safe?

Mr FIELD: I think the key is to have them distributed, not have a set of focal points which are the only places for them to go after an event. If you look at Centennial and Moore park precinct, it is actually not that dissimilar to the MCG precinct. You take pressure off public transport if people are not all trying to go home immediately afterwards. If you can activate the CBD again I think it is logical, once you have that light rail system operating, that they are going to head into the centre of town and not just slam the Entertainment Quarter. There is nothing else really around there. You can walk to Surry Hills, yes. I think what you want to be doing is capturing those people after the event and staggering their departure time. I do not think there are very many people who want to go straight home after they have been to something which is exciting, whether it is music or sport or whatever else. I think that is what Melbourne has done very well; whether it is Marvel Stadium in the Docklands precinct or Richmond.

The CHAIR: Distribution seems to work really well. I am not quite sure why that is.

Mr FIELD: We are very well trained at going out. I think the sporting codes are a key contributor to that and I am glad you raised it. There is a culture all through winter, which is miserable in Melbourne most of the time.

The CHAIR: Well, Melbourne is generally miserable.

Mr FIELD: I am happy to keep projecting that. That way we can choose who comes in.

Ms CATE FAEHRMANN: I have just been to Melbourne, I defend Melbourne.

Mr FIELD: I am pleased.

Mr GUY ZANGARI: People just rug up and get on with it.

Mr FIELD: There is no disregarding the fact your weather is a lot better. I will give you that. As I mentioned, you are going to have to retrain your constituents to going out and it is going to take a little bit of time and you need to do it very decisively, I think. There are idiots in every city and there are going to be issues. We produce events that 30,000 people attend and there are always going to be issues. It is about how to mitigate that risk without completely shutting it down, because 99 per cent of the people are going to behave themselves.

The Hon. BEN FRANKLIN: In terms of outdoor venues and you talked about Sydney Olympic Park and I was alarmed by the comments you made, but I think there is fairness in them. Can you compare that to what offering Melbourne would have, while we are on the Melbourne issue, and how that would differ and what we are missing out on?

Mr FIELD: The key thing with Melbourne, and probably Brisbane as well, is that the sites that we are able to do outdoor events at are well established, well equipped and suited and they are in the centre of town. The accepted festival sites—we have just announced a new festival, Festival X, which we are doing at Homebush. In Brisbane we are doing it at the RNA showgrounds right in the centre of town, well serviced with public transport. In Melbourne it is at the Melbourne showgrounds and obviously we have Flemington right next door that we can use. Just to contextualise the location of those venues, they are about the equivalent distance from the CBD as the Randwick racecourse. We are not making our people and our fans go a very long way out of their way. There are absolutely event opportunities in the west of Sydney, but I firmly believe that the centre of any city is where people want to congregate to go to these events and I think it has an impact on our ticket sales and the feasibility of events in the State. You have some great open spaces: Centennial Park is a stunning space for concert presentations, as is the Domain but they are not easy to use and the ability for us to consistently access them fluctuates dependent on the administration.

The CHAIR: Can I pick up on that point. When you say "they are not easy to use" what do you mean?

Mr FIELD: Compliance, red tape, expensive.

The CHAIR: Is it council planning, is it Liquor and Gaming?

Mr FIELD: I think it is a range of things. There are a lot of different bodies, be it police, liquor licensing, whatever else, who have their own important agenda to run, but it is very difficult to coordinate them.

The CHAIR: There is no central point for you to say: We want to hold this, what do you think?

Mr FIELD: No. I think the venues themselves, whether it is the park trust in that case, they are somewhat beholden to whatever agenda is being run. I think the policing regulations are quite different dependent on which area command is responsible as well. I think Centennial Park has missed a great opportunity to be generating revenue for itself to spend on a great facility. Our ability to use that space has been really inconsistent over time.

The CHAIR: The Moonlight Cinema seems to operate there, but that is on a small scale. There are some running festivals.

Mr FIELD: They appear to have relaxed again their access to hosting shows. We hosted Sydney City Limits there and it was very difficult, very expensive, and years ago we hosted V Festival there and it became increasingly difficult to work the feasibility of that site. The likes of the Domain is very difficult to get into outside of the season and dependent on what is going on in the Botanic Gardens as well. You look at Melbourne with the Sidney Myer Music Bowl or Brisbane with the River Stage, those are ready to roll venues that are very well suited to hosting the types of events that we produce. But, during winter they are parkland as well. The hosting of those events does not prohibit people using it.

The CHAIR: When you say "ready to roll", what makes them easier?

Mr FIELD: There is obviously some basic event facilities that we need whether it is back stage, back of house, there is a roof, that is handy.

The CHAIR: So you do not have to set up every time?

Mr FIELD: Yes. They are cemented into the psyche of event going so they sell well. People almost, I would argue, prefer to go those sorts of venues than an arena.

The CHAIR: They know them.

Mr KEVIN CONOLLY: I was intrigued. This is the end of three days of hearings and this issue of Homebush as against CBD has not really come up until now and the closure of the Entertainment Centre has not featured in people's discussions and yet it is quite obvious now that you have said it. That was a big venue capable of hosting different sorts of events than the other venues in Sydney and now you have to go to Homebush to do it.

Mr FIELD: Yes.

Mr KEVIN CONOLLY: Tell me about the reluctance or the feedback you have got from people to go to Homebush? Because it is a great venue out there.

Mr FIELD: It is a great venue and it is probably one of the venues in Australia that has been really well built because it was obviously an Olympic venue so the funding was there. I can only speak from my perspective of friends and colleagues share this, it takes a long time to get out there. It is very difficult and obviously you put some tunnel infrastructure in. I went out there the other day and it was a lot easier, but it is still 40-odd minutes.

Mr KEVIN CONOLLY: Do you have any sense as to whether concert patrons at Qudos Arena drive or get public transport?

Mr FIELD: A huge number of them drive. I think parking is the hot premium item out there. Public transport they do use. The occasion I used public transport to get out there, I think the fact that it is on a particular loop and you have to change stations makes it less than convenient. Whereas if you go to London and you go to The O2 arena their public transport system is fantastic, so you are there within 25 minutes. I think it is a bit of a burden to commute there from the inner city and the eastern suburbs. That is where a lot of our patrons do come from. I see no reason why Sydney should not develop into a market that has two markets within it. There are multiple venues in London. There are multiple venues in New York. There is no reason why in time we could not be playing. I think some artists in the past have done it. We did it with Pink. We played seven, or something like that, Pink shows at the Sydney Entertainment Centre.

The CHAIR: That is right.

Mr FIELD: And we did another four or five out at Qudos. I am not suggesting that people should not go there or that it is not a usable facility. I just think it is highly unusual that a world city does not have an entertainment facility in the centre of town.

Mr KEVIN CONOLLY: Do you have any thoughts about how Sydney can address that challenge, given that that is where our infrastructure is, or what we can do to assist? It is all part of the night-time economy, but if it is misfiring, what can we do about that?

Mr FIELD: I think you have to invest in creating that venue space whether it is a facility such as the Sidney Myer Music Bowl or whether it is an arena, or both. I think that a focus on that would delivered great outcomes. I am sure you have no short supply of potential content to go in there.

Ms FELICITY WILSON: Do you know the capacity of the Sidney Myer Music Bowl and the Brisbane—

Mr FIELD: The River Stage is about 8,000 and the Myer Music Bowl is about 11,000 or 12,000.

Ms FELICITY WILSON: Is that the kind of size that you are referring to?

Mr FIELD: Yes, absolutely.

The Hon. JOHN GRAHAM: There have been discussions about exactly how to replace that as part of a broader long-term plan. But I am looking at your submission. You are looking at flying into venues in Auckland, Port Phillip, St Kilda and Brisbane. What terms are you doing that on? I presume in some of these places you are coming in or partnering with the councils or government?

Mr FIELD: Yes.

The Hon. JOHN GRAHAM: How are you doing that in these places?

Mr FIELD: It really depends on what their particular structural appetite is. In the case of the city of Port Philip with the Palais Theatre, it is widely reported what our terms are there, which is basically a lease over a set period with us ensuring maintenance and continued investment into the venue and a minimum amount of return for them. Our Arena in Auckland is, similarly, a partnership with a private operator, but it is a council-government facility, which we manage on their behalf for a period. We can entertain any and many different structures for those.

The Hon. JOHN GRAHAM: My question is: What sort of capacity is there for that sort of partnership, given the size of your group, in Sydney to help the Government here, help New South Wales, to solve what we have, which is a music venue crisis?

Mr FIELD: We would happily either consult with you on a government-owned, government-funded facility, but if there is no appetite for that then we would certainly look at introducing any number of partners that we have elsewhere.

The Hon. JOHN GRAHAM: Good.

Mr FIELD: We have projects in train all over the region, especially through the Asia-Pacific. If there was an opportunity, I think that the challenge that every city faces is where. It is that land and how you allocate it, how you acquire it.

The Hon. JOHN GRAHAM: In New South Wales, who do you go to talk to? Where do you contact with Government if you want to have that discussion, as you clearly have been in relation to a range of these other places?

Mr FIELD: We have to engage with all sides of government, really. We also obviously have a number of direct contacts, whether it is the Centennial Park and Moore Park Trust, the Sydney Cricket Ground [SCG] Trust. We hire those venues. We have U2 at the SCG in a couple of months. Those are the starting points. But as far as engagement with government is concerned, I think it probably takes that there is a mandated view in government that, yes, there needs to be an inner-city venue and we are going to go for it.

The Hon. JOHN GRAHAM: So if we are sitting here saying we would like to get things moving and we would like to get things started, that is one of the things we could look into recommending: Really, taking the view that is required.

Mr FIELD: Yes.

The Hon. JOHN GRAHAM: But also giving you somewhere to talk to direct in Government.

Mr FIELD: And a location.

The Hon. JOHN GRAHAM: As you have been able to elsewhere. Is it easier elsewhere to have those discussions, or is it always complicated?

Mr FIELD: I think it is always complicated. It is a complex issue, but I think in Sydney, simply because of the way that the geography of the city is composed as well, it is a more complex discussion because I personally could not tell you—you would know better—which potential sites are feasible, or political, or whatever else. I think the starting point needs to be that there is a determination of where exactly it could be conceived to put it.

Ms CATE FAEHRMANN: Just going back to what you are saying before in terms of compliance in other cities and in Sydney, is it your experience that requirements around policing in terms of numbers and cost is greater in Sydney than in Brisbane and Melbourne?

Mr FIELD: Yes, it is.

Ms CATE FAEHRMANN: To what kind of degree? Do you know, roughly?

Mr FIELD: Off the top of my head, it is significant. I could not put a number to its right here and now, but reputationally I think Sydney is widely known to be under a significant burden of user-pays policing and compliance on that front.

Ms CATE FAEHRMANN: So it costs you more and there is far more police that they require at those venues—sorry, at your venues, at your events.

Mr FIELD: It does. It costs us more. It is less obvious in arenas or in established venues, but even at the Hordern Pavilion it we have a reasonably sized user-pays policing bill. But certainly when we start to do festivals and start to do outdoor events, it is significant.

Ms CATE FAEHRMANN: Do you find issues at Sydney festivals compared to Melbourne and Brisbane in terms of violence and the need for police? Is Sydney that much different, do you think, in terms of patrons?

Mr FIELD: I do not think it is different, no. I do not think it is different at all.

Ms CATE FAEHRMANN: Have you had artists say that either they do not want to continue to play in Sydney or they actually confirmed that that they do not want to come into Sydney because of the general experience over the last five years? Are you getting that feedback?

Mr FIELD: No, we do not. Sydney is the biggest market in the country. We will always play Sydney. There has certainly been numerous instances where the level of potential business has been crimped by the perception of the city. I have some artist-clients that repeatedly play the Hordern Pavilion because Qudos is a big venue and it is a long way out and they would rather make sure that they are having a centre-city, intimate sold-out experience. But I go back to that Justin Timberlake anecdote: Reputationally, there is an issue with Sydney as far as touring artists are concerned.

On some of these tours we have 100 people who are all from overseas and who are all excited to come to Sydney, and then by the time they get in from working the show at night, there is nowhere to go. They cannot wind down at the hotel bar. These people are not looking to party. I mean, they finish their work day. I know or I am sure that any of you at the end of a long work day come home and you need to wind down a bit, so they cannot just be expected to go straight to bed. What they leave Australia with is talking about how fantastic Melbourne is and the Cherry Bar and all that sort of stuff whereas Sydney it is the lockout laws. That is really widely talked about overseas.

Ms CATE FAEHRMANN: That is what you said in terms of patrons to your events as well.

Mr FIELD: Yes.

Ms CATE FAEHRMANN: That afterwards it is natural, really, for many of them to want to go and have a drink afterwards and they are just not able to do that, which is another reason potentially for ticket sales being down.

Mr FIELD: Oh, absolutely, and it is a clear trend. There are not many occasions when we can find really clear evidence in what we do, but the ticket sales patterns in Sydney have proven that people are less inclined to go out, for whatever reason.

Mr GUY ZANGARI: Thanks, Mr Field, for coming today and sharing your insights into what you know and have experienced with the big performers. Drawing on the experience from Melbourne, I want to focus in on the green Free Tram Zone. You can go from Marvell in Docklands all the way through the city and potentially up to the Melbourne Cricket Ground [MCG] and surrounds. When you have that big events running

simultaneously in the city, does that provide a good access points for revellers to get in and out and also the heavy rail that goes through there across Flinders?

Mr FIELD: It does, absolutely, and I think there is the fact that people can use their feet to get out of all of those locations as well. My wife is an Australian Football League [AFL] tragic so I get forced to go to football quite a lot.

Mr GUY ZANGARI: Poor bloke!

Mr FIELD: Yes. And it is Carlton, so it is not particularly good.

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Mr GUY ZANGARI: Terrible! Try following the Swans!

Mr FIELD: Oh, yes. But I am constantly amazed by the ease with which people can mass exit. It is still not perfect, but it is pretty solid.

Mr GUY ZANGARI: So if you are looking at that experience and now looking at Moore Park where there is a stadium that will be built there again at some stage and where the light rail is going to go through, the importance of the light rail but particularly free transport so that people with a valid ticket can get in and out and drawing on the fact that people from Moore Park could then venture back into town provided that there are offerings that there, which at the moment there is not, how important is it is for us to have that access for us right in this type of environment?

Mr FIELD: It is critical. A couple of weekends ago I was walking around Surry Hills and seeing the full extent of where that light rail corridor is going to run and I think it is going to have a huge impact, positive, on the city and the CBD. But you are right: The thing about Melbourne is that if people want to leave immediately and go somewhere, they can, or if they want to stick around and wait for the traffic to subside, they can. But, as you pointed out, the heavy rail, the light rail and the fact that you can walk, and add to that the obvious vehicle transport or cars, the majority of people by a mile would be using that public transport. With the Australian Open tickets, the public transport is free to catch trams to and from. The patronage for those events is massive and it drops everybody right at the doorstep of the venue and also helps them to disseminate into the suburbs around it. I am very optimistic for what that light rail is going to deliver and hopefully it will revitalise George Street as well.

Ms CATE FAEHRMANN: Your submission mentions the Live Music Roundtable set up by Creative Victoria and Music Victoria. Could you talk about that for a little while as well for the Committee and how Sydney could benefit from such a thing?

Mr FIELD: It is an open forum for ongoing consultation.

Ms CATE FAEHRMANN: When was it established?

Mr FIELD: I actually do not know off the top of my head. I think it is fair to say that Melbourne has been—

The Hon. JOHN GRAHAM: I think it was after the lockouts dispute down there, was it not, or after their protest disputes?

Mr FIELD: It has been sometime and I think the difference between Sydney and Melbourne is that the music industry fabric is a lot more structured in Melbourne and has more of a seat at the table because it is such an important part of the economy. But what it does is acknowledge that there is a very important group of stakeholders that have a very significant contribution to make to the entire economy of Victoria. You saw a little bit of that around your election year. It is a very difficult industry to mobilise unless there is some actual structure. I think if you create an environment where there is an acknowledged seat at the table with government, you will get more consistent contributions from the industry rather than just being led by a bunch of individual operators. I think you have a unique opportunity to capitalise on that now.

It was a comparatively recent issue to have that roundtable, but things like Music Victoria and Creative Victoria have been very active for years. The community radio scene is very important in Melbourne and that helps a lot. You do not quite have that here. You do have it, but it needs some support. I think the moral of the whole story is to invest in giving industry a voice and then they will make an active and ongoing contribution to policy and what you are trying to create. That is what Melbourne has done well. I think Brisbane is doing it pretty well as well.

Ms CATE FAEHRMANN: That is a good place at which to finish.

Mr FIELD: There we go.

The CHAIR: It is a very good place to finish. Thank you for appearing before the Committee today.

Mr FIELD: It is a pleasure.

The CHAIR: Members may have further written questions for you, the answers to which will form part of your evidence and will be made public. Would you be happy to receive further written questions, if members have any?

Mr FIELD: Absolutely, happy to contribute.

The CHAIR: Thank you for that. If any questions have been taken on notice, answers must be provided within seven days to the Committee staff.

Mr FIELD: Yes.

The CHAIR: Thank you for your efforts and for your work in this space and for appearing before the Committee today.

Mr FIELD: A pleasure. Thank you.

The CHAIR: That concludes our public hearing today. I would like to place on the record my sincere thanks, on behalf of the Committee, to all of the witnesses who appeared today and on earlier hearing days. In addition I thank our Committee members, the secretariat staff and Hansard in particular for their assistance in the conduct of the hearing.

(The witness withdrew.)

The Committee adjourned at 17:08.