

PORTFOLIO COMMITTEE NO.6 – PLANNING AND ENVIRONMENT

THE MUSIC AND ARTS ECONOMY IN NEW SOUTH WALES

Corrections to Transcript:

To Whom it may concern,

I Craig Power would like to make the following corrections of error to clarify statements made.

Page 7. The Hon. Shayne Mallard asked about reference to direction that a band had to face.

The correct condition on license states: ON OCCASION WHERE ENTERTAINMENT IS PROVIDED OUTSIDE THE LICENSED PREMISE BUILDING THE AMPLIFICATION SYSTEM SHALL BE ARRANGED AND OPERATED SO AS TO DIRECT THE SOUND IN A GENERALLY SOUTHERLY DIRECTION.

Page 9. The Hon. Catherine Cusack asked if having music meant having security

In reference to the numbers in venue I claimed 6000 to 7000 in attendance where the actual numbers were 2000 to 3000.

Apologies for the incorrect information.

Yours Sincerely

Craig Power

25/9/18

REPORT ON PROCEEDINGS BEFORE

**PORTFOLIO COMMITTEE NO. 6 – PLANNING AND
ENVIRONMENT**

THE MUSIC AND ARTS ECONOMY IN NEW SOUTH WALES

UNCORRECTED

At Tamworth Regional Council Chambers, Tamworth on Thursday 13 September 2018

The Committee met at 11:15 am

PRESENT

The Hon. Paul Green (Chair)

The Hon. Catherine Cusack

The Hon. John Graham

The Hon. Shayne Mallard

The Hon. Penny Sharpe

ROD LAING, Chief Executive Officer, Wests Entertainment Group, sworn and examined

CRAIG POWER, The Pub Group, sworn and examined

JOHN KRSULJA, The DAG Sheep Station, sworn and examined

The CHAIR: I welcome our first witnesses. Would any of you like to make an opening statement?

Mr LAING: If I may start by saying good morning and thank you for the invitation to appear before the Committee today. May I also welcome the Chair and committee members to Tamworth on such a beautiful day. Tamworth is the country music capital of Australia. I am representing the Wests Entertainment Group and in particular the West Tamworth League Club as CEO for the last 30 years. I am also a past chairman as well as director of the Country Music Association of Australia for a 10-year period. Having been involved with the club industry for the past 30 years, I have certainly witnessed the demise of live entertainment throughout this time. The reasons for this are a combination of high running costs—for example, Australasian Performing Right Association [APRA] licence fees—as well as compliance regulations, such as noise complaint procedures, venue lockouts and local government restraints that have been placed on our venues in particular.

Take my club Wests, for example. We have an annual liquor license fee of \$532, but if we continue to trade after 1:30 a.m., for those trading hours there is a loading of \$5,000, which would be a big impost on a small venue. Small venues simply cannot afford to do this, and that is why venues are closing early. Add to this APRA live artist fees of \$11,000 and you could throw in background music fees of \$6,000, and I guess the entertainment industry and venues today have become the milking cow for the regulators. Let me touch on noise complaints. Although Liquor and Gaming NSW handle the regulation, once found guilty the compliance becomes too tough for a venue to remain viable if they continue.

If I could take Wests again, our auditorium Blazes, which has hosted a lot of the big-name Australian artists such as INXS, Jimmy Barnes, Eurogliders, Divinyls and Sheppard—and Sheppard are appearing there this coming Saturday night—this venue had a noise monitor installed during the early 1990s. This monitor receives decibel readings, and once it reaches a certain reading the power cuts out. That results in a very poor music experience, I guess, for the fans sitting out there in the crowd. Obviously, for the artists who are live on stage, it is frustrating. Our other live entertainment areas run without any interference from any device whatsoever. To remove the device is a costly and time-consuming process—as I said, it has been there since the early 1990s—and removal may not be granted by the regulators. That is why we are considering a non-entertainment direction for that particular room, which has been iconic to Tamworth for at least my 30 years with that club.

Clubs, of course, are the social hub of communities, the place where like-minded people come together for a number of reasons: watching entertainment, listening and dancing to their favourite bands. Increased competition from other hospitality providers is a fact of life these days, and is part of the business. However, local councils are also providing some of that competition. Two examples of those are the Narrabri and Tamworth councils that have very well-patronised venues that have been either built by or assisted by government grants, a luxury not afforded to most of us. The Tamworth Country Music Festival is not only our city's largest event but Australia's largest music festival, attracting many thousands of visitors annually, all injecting cash into our local economy. Wests and our grounds were a major player in the festival in years gone by, and in those years gone by we used to stage temporary venues on our surrounding grounds. Local government regulations and new council venues have resulted in our organisation withdrawing from staging outdoor concerts. Those noise restrictions just made it too hard for our venues to move forward with that.

Over the last 20 years I have been fortunate to attend North America's largest music and country music festivals, including Nashville, Chicago, Milwaukee, with the objective of obtaining ideas to improve our event and to research compliance for our own sake. I feel concerned today for any young country music artist trying to make their career in this current environment because of lack of venues in New South Wales. I really feel for them and I do not know how they can sustain their career today. I look back at our venue, which really springboarded Keith Urban's career, when Keith Urban won a talent search in Tamworth all those years ago. He would regularly perform at venue not just at the festival but throughout the year. We just do not see that today, artists that have made it or are trying to make it coming back to perform in our venue in Tamworth. Tamworth's live music scene is strictly limited today. Venue costs, compliance, drop-off of patrons seeking live entertainment and venue lockouts really make it almost impossible to survive, and only the persistent venues are surviving today.

The CHAIR: Would anyone else like to make an opening statement?

Mr POWER: Yes, I would. I am very proud to have been invited to represent the Pub Group on this panel. The Pub Group Tamworth represents five licensed hotels in Tamworth, four that are operating and one that is currently closed. It is a family owned and operated business that employs an average of 300 staff throughout the year, with 126 casual to full-time staff currently employed continually. The group's first hotel was built in 1989, and in the following 29 years we have continued to operate and grow our successful hospitality business. Music in many ways has been a very important key to our growth, and all our venues have actively used it to create a memorable experience for our customers while maintaining a steady employment stream for performers and artists. To ensure the future success of venues and Tamworth's reputation, our family has held many important positions on country music industry boards, council committees and stakeholder committees. We have sponsored and manage many artists along the way and have had venues awarded as national award winners for service to the country music industry.

Our family has been very involved in the country music industry and still believes it is a very important brand for Tamworth and the region's tourism growth into the future. All our venues currently use live bands, solo artists, background music, pilot performances and DJs at different times of the year to lure customers and create experiences. Throughout the 10-day 2018 festival our venues held 209 individual bands on the program and operated from 7 a.m. until late. Some of the shows are ticketed, but the majority are free so there is a massive investment in resources and funds to create this event. Our administration office last year sold a total of 6,740 tickets including online sales. Most of these were sold through our head office, which we manned for 10 days. Outside of the festival the venues had an estimated 246 live entertainment acts perform weekly and bookings for the duration of the year.

During our time and experience, I believe the live music industry and late-night economy has suffered significantly through a range of reasons, which may need some attention. Noise complaints have aroused an issue with local council and policing. It is our belief that expectations and conditions on some of these licences definitely affect the ability to create more opportunity for a vibrant live entertainment culture. Some licences have noise restrictions that force them to invest in continued level testing, with other licences having live entertainment direction restrictions, whereby the hotel can only face a band or entertainer in a certain direction. The lockout laws and licensing pressure, while decreasing issues in troubled areas, also had a negative effect on good operators, prohibiting growth and resulting in a lack of interest in staying open for late operators. As a business that prides itself on being organised and professional, we still find the licensing authorities' application process for extension of licences confusing, frustrating and with inconsistent requirements and expectations.

We met with local member Kevin Anderson and the then Minister for Gaming and Racing, Troy Grant, some years ago to talk about our frustration over the application processes, in an attempt to make change that would help Tamworth and New South Wales hotel operators. The above-mentioned and ongoing costs that our industry has had to endure or consider affect the ability to invest in the continued risk. With two yearly excise increases, increased insurance policies plus the licensing fees, Phonographic Performance Company of Australia [PPCA], APRA, Australasian Mechanical Copyright Owners Society [AMCOS]—to mention a few—these are often hard to swallow on top of already high costs to employ, market, advertise and execute live performances. Our hotels in 29 years of operation have never had one licensing in breach, and like many in New South Wales today have grown to become family friendly destinations that have a responsible and reputable food and beverage gaming operation. But there is some thought out there that government regulation and policy have not adapted, changed or grown at the same speed as our flourishing industry has.

The CHAIR: Mr Krsulja, would you like to say anything?

Mr KRSULJA: Yes, thank you. I am the owner of the DAG Sheep Station, in Nundle. We are located 40 minutes east Tamworth. We are an award-winning venue. We host weddings, conferences, events and live entertainment during the Tamworth Country Music Festival, in July and in January. Over the last 10 years we have had over 250 dinner shows and entertainment, and we have hosted eight songwriters retreats. We work on improving the craft of songwriting and nurturing artists of all ages to help aspiring artists to improve the craft of songwriting within the industry. We have had over 240 artists attend those retreats and over 600 songs written over that period of time. I am also a singer-songwriter. In 2017 I won a Golden Guitar through the Country Music Association of Australia for the Heritage Song of the year. It is a song written at the DAG Sheep Station during one of the songwriters retreats.

My notes are to help to stress the importance of encouraging and nurturing songwriting and music. Some of my points are to help raise the profile and importance of music, performance and arts subjects in primary schools and encouraging and nurturing creativity and originality. I would also encourage stimulating industry development to ensure increased development and performance opportunities for local, young, emerging and early

career artists as well as nurturing emerging artists and industry professionals in all areas of the music industry including recording, rights management, live music production, touring opportunities both in cities and regionally. I would also encourage ensuring that the industry is continually supplied with upcoming artists and professionals. I feel supporting audience development through collaborative marketing campaigns and promotional campaigns for live music is very important for the future of music and arts in Australia. Then there are regional touring grants and support for artists and assisting with regional music events as well as granting incentives through perhaps subsidies for venues to offer live music, original music, solo artists and bands. I would encourage grant incentives for festivals to continue to encourage new artists and platforms rising artists.

Original Australian content and music programs should be supported and encouraged on all radio networks including ABC Radio National. Community radio stations should be supported through funding and encouraged to play Australian and original music. Those are my thoughts on ways to help the industry. Mr Laing and Mr Power have touched on what needs to be done in venues, and I thought I would touch on another perspective. There is a saying "from the paddock to the plate". I think you have to take young artists through the industry, and that includes building an audience for them and a platform for them to perform whilst also making a good environment for the venues to afford to do this. I hope my comments help what you are out to achieve.

The CHAIR: They will, I am sure. Have you experienced vexatious complaints or just one-off complaints that the music is too loud or coming from a certain direction?

Mr LAING: In the past, certainly West Tamworth League Club has, and that was the result of the noise monitor being installed. That went through the courts back in the 1990s. These days it is more or less a phone call to the venue, it is a one-off, or the police turning and saying "We've had a noise complaint". At times it has not been our venue; we are close to other venues but basically it has just been the one-off.

Mr POWER: Yes, I would have to agree that it is more than a one-off occasion, but it is definitely during the festival when it happens to us most. The process will usually be a phone call to the venue, and then the council or the police will give me a call and we will have to go and check some levels.

The CHAIR: Mr Krsulja, you talked about the songwriters retreats. How do you go about getting development consent for that? Do you need to get further consent for the property? Has the process been hard or fair?

Mr KRSULJA: We currently receive an APRA-AMCOS grant of \$2,500 a year, which we have to apply for to bring an Indigenous performer to our retreat. It has to be from regional New South Wales and we have been trying to apply for one from New Zealand APRA to bring a New Zealand artist. We have been unsuccessful in that, so we have subsidised bringing a New Zealand artist to Australia. If there was more incentive out there to help bring more, maybe under-privileged people, or to open the doors to younger people, we would certainly be interested in that.

The CHAIR: When you talk about hosting people at your property, would they camp there?

Mr KRSULJA: We have accommodation for up to 90 people. This last July we had eight tutors, all gold guitar winning songwriters who come and tutor and mentor these students—we call them artists. We had 32 attendees that pay a fee and it is for five days, five nights. Where we live we have little or no mobile service, no television, no distractions from the outside world. So it is a really good retreat where everyone just switches off in a nice, nurturing environment.

The CHAIR: Do you have any complications with needing any further consent conditions from council?

Mr KRSULJA: No.

The CHAIR: Does anyone else have any comment about council consents when trying to run events or comments about unreasonable consent conditions?

Mr POWER: We have to apply for a couple of development applications at some of our venues to put stages in places and to activate different areas outside of our venues which are close. Sometimes it can be a pretty lengthy process, but luckily the council have been really good with it in the past couple of years where they did give us a three-year development application, which was really good. They saw the sense. They knew what we did and they knew that we did the festival well.

The Hon. JOHN GRAHAM: Thank you for evidence, particularly on restrictions on noise issues which is consistent with what the Committee has heard elsewhere from other venues. I also thank you for your broad-ranging views about things that might influence this issue. What can the Committee do to build on the fact

that Tamworth is the country music capital of Australia? What is the potential in Tamworth to build on the 10-day festival and extend it to the rest of the year? Where could it head to, if it were given more support?

Mr LAING: I guess one of the most complaint from country music fans is when perhaps they are travelling through the region throughout the year and they pull up and stay a night, say, in Tamworth. They would criticise the city not offering country music entertainment or not having those venues with the entertainment that perhaps they have seen at a prior festival, the previous year or some years ago. I think there is obviously a need because of our profile and, of course, being the country music capital, most people travelling through the area would expect at any night of the week to find country music. In some of our venues they will find country music, particularly on weekends. However, mid-week and on Sunday and Monday nights it would be very limited. The reason for that is obviously the cost factor and secondly, having the patrons there supporting the venues.

The Hon. JOHN GRAHAM: Presumably those two things are related. The more live music you have, the more people will come to hear country music through festival season.

Mr LAING: Yes, most definitely.

Mr POWER: I mentioned about the licence extensions, that the issues with the authority in applying for the extension of licence during the festivals for hotels is a massive headache. Basically, you have to apply for 10 separate applications for each day. I have to do triplicates of that. I have to serve one at the council and one at the police. When you attend the council, they say they will not sign it because they feel like they do not know what they are signing and I am only serving the notice. The police are pretty much the same. Then depending on how the officer that you get views that extension, he will ring back and ask for different demands every year.

I will explain I have been applying for these applications for the past 10 years and it is the same application. They will reply with, "Well, it depends on the interpretation of the officer viewing it." Then we work 12 months year around. I employ people for 12 months on the festival. We need to have all our marketing in place, all our advertising in place and our contracts out—like I mentioned, 209 individual bands; it is a 12-month process. I have these applications in within the period that I need to have them in. They do not give me a reply until four days before the event, whether I get the extension.

The Hon. JOHN GRAHAM: Yes, but you are taking all the risk upfront?

Mr POWER: Yes, and there is no way around it. It is a clumsy, clumsy process.

Mr KRSULJA: I would like to add that there are plenty of touring artists willing to come to Tamworth year-round, mid-week. Again we need help building an audience and even subsidising some of these venues or taking the strain off them so they can afford to be able to put touring artists on regularly—but, again, building an audience for them as well.

The Hon. PENNY SHARPE: I find it extraordinary that you have been doing the same thing for 10 years and you have to apply in exactly the same way, even though council looks as though it has been able to do some longer term DAs, which is good news. I look forward to asking council about that because I think other councils can learn from that; it is a problem that we have heard a lot about. Are the different bands that roll through essentially all the same—all part of the country music festival. I am trying to understand why they make you do 10 separate applications for essentially doing the same thing every year for the last decade. It does not make any sense.

Mr POWER: That is exactly right. To give you another example, during the year we have to apply for extension for Father's Day.

The Hon. PENNY SHARPE: Is that an extension in operating hours?

Mr POWER: That is right. The hotels can only open at 10.00 a.m. For me to serve breakfast—and we do 4,000 or 5,000 meals a weeks now—I would have to apply for an extension to open at 8.00 a.m. on a Sunday for Father's Day. The process is that I do not have a charity or a local organisation that supports my reason for opening then I cannot open. Then I have to go and find someone to write a letter and say, "We support Craig's venue. We'll be there supporting it on the day." This year, for instance, the officer said, "Well, I don't think that's a good enough reason." At the end of the day, all I am trying to do is give the community somewhere to come and eat breakfast on Father's Day. That is an opportunity to put on entertainment. We have entertainment. We have two bands running all day on Sundays. They are prohibitors that stop you actually developing your business.

The Hon. PENNY SHARPE: I am very interested in this noise monitor cut-out device. Would you tell me how it came to be installed? What do you need to do to get rid of it?

Mr LAING: It came about from one complaint, as I said, during the 1990s.

The Hon. PENNY SHARPE: It was a noise complaint?

Mr LAING: It was a noise complaint.

The Hon. PENNY SHARPE: From a local resident?

Mr LAING: From a local resident across the road from the business, where perhaps that resident was complaining about traffic noise, noise from the air conditioning unit and then he focussed on the noise from the entertainment inside the auditorium.

The Hon. PENNY SHARPE: How long had the auditorium been operating?

Mr LAING: It has been there longer than I have. As I said, I have been there 30 years, so the club has been there for over 50 years. The neighbourhood over the years has built up around the club. I guess there were some houses built there in those early days as well but our photographs show there were very homes there. Also, it is fair to say, over those years people buy and sell and new people move into those houses—

The Hon. PENNY SHARPE: Do you think it was a new resident?

Mr LAING: I guess if you are buying a house near a club or next door to a shopping centre you would expect a fair amount or a little bit of noise would be part of the business, and traffic going to and from those venues. To get rid of the noise monitor which does not really serve—

The Hon. PENNY SHARPE: I want to stop you there. There was one complaint?

Mr LAING: One complaint only.

The Hon. PENNY SHARPE: Did it end up going to court? Who imposed the condition to put in the noise monitor?

Mr LAING: Yes, it went to the Licensing Court and the magistrate at the time imposed that restriction, or gave the order for that monitor to be installed. No doubt back in the 1990s that was the going thing. A lot of venues in Sydney, particularly hotels, had those noise monitors in their venues as well because of resident complaints, no doubt. As it has been there for a long time, we have attempted on three occasions to have it taken out because it does not serve the purpose now and yes, there are bands performing there. As I mentioned, Sheppard are playing there this coming Saturday night, but the venue has been spent considerable large amounts of money sound-proofing that venue with double-glazing windows and insulation that has really assisted us over the years. Now we feel there is no need for this particular monitor. As I said, by law they have to plug into it. If the red light stays on, that power is cutting out and performance is affected.

The Hon. CATHERINE CUSACK: Even though since it has been put in you have installed noise attenuation inside the building?

Mr LAING: Yes. Through our solicitors it is a lengthy and costly process and we would also need consent from the particular person who complained in the—

The Hon. CATHERINE CUSACK: They are still there?

Mr LAING: No, he is deceased.

The Hon. CATHERINE CUSACK: There is no way for you to do that, even though that person is no longer here?

Mr LAING: We are locked into it. It is there to stay.

The Hon. CATHERINE CUSACK: Is it inside the venue?

Mr LAING: It is inside the venue, yes. It is inside the auditorium. As I mentioned, it is a large club. We have other venues around that club and entertainment plays, obviously during the festival and during the year, in those venues with no restrictions whatsoever and no complaints. We talk about complaints; we do not receive too many these days because, basically for one reason. Many years ago I started a neighbourhood partnership program, a bit like Neighbourhood Watch, where we meet with the neighbours once or twice a year, just discussing what their concerns are, what our plans are, whether we are extending or what we are up to as well. That has really assisted us with that complaint business, I guess, from individuals complaining about entertainment noise.

The Hon. CATHERINE CUSACK: Why would the machine be installed inside the facility and not outside?

Mr LAING: Good question. It is probably a question for somebody else. I cannot answer that.

The Hon. SHAYNE MALLARD: It is a relic from the 1990s as well.

Mr LAING: Yes.

The Hon. CATHERINE CUSACK: Even in the 1990s the noise affected people outside, not inside.

Mr LAING: If I could explain to you; no matter how you use the microphone in front of the stage that is picking up those readings, that is in front of the stage, it is set at about 102 decibels, which is right there, which is right on top of that sound. You can imagine, the further you go back and the further you move away from, say, our business, you would not hear it.

Mr POWER: I think one of the issues that Mr Laing and clubs and hotels have is these conditions that were placed on our licences were done 20 years ago, were done a long time ago. They have not been revisited and the opportunity or the expense for us to get the conditions removed is a lengthy process and one which licensing police do not take lightly, and neither does the authority. If there is an opportunity to revisit licences and take these conditions off, that is what we would be asking for.

The Hon. CATHERINE CUSACK: Is it your understanding that if you do revisit, all the conditions are then open to re-examination?

Mr POWER: You would have a look at all the conditions and, as I say, we have been running hotels 29 years without a breach. There are conditions on some of those licences that do not refer to today's business at all.

The Hon. SHAYNE MALLARD: The danger is that you could get new conditions put on as well.

Mr POWER: That is exactly right.

The Hon. SHAYNE MALLARD: I have never heard of a machine that cuts off the power. I am aware of noise monitoring machines in venues, but never one that overrides the power. That is extraordinary. One of you gave evidence about the direction that the band had to face.

Mr POWER: Yes, that was me. At one of our hotels we have a condition on our licence that entertainment is only allowed to face in a southerly direction.

The Hon. SHAYNE MALLARD: That is a new one for us.

The Hon. JOHN GRAHAM: Hopefully that is the front of the stage.

Mr POWER: It just depends on which way we face the stage.

The Hon. SHAYNE MALLARD: That is extraordinary. We have heard some unique conditions on venues, that is in the list now of unique conditions. Mr Laing, I came here today expecting to hear about a strong, positive partnership between the venues and businesses that support Australia's largest music festival, the local government authority and the police. You have painted a picture where you could have been giving evidence from Newtown, Marrickville or Sydney about the relationship they have with the authorities, which is not good. I am a bit disappointed to hear that. Is it as dire as you have made it appear?

Mr LAING: There are reasons for it. If we can look at DAs that we may attain at the time of submit to run those out for events, they do take time. They take up to two or three months, it depends how busy council is. They are costly and the restrictions on those and losses on top of that just make it horrendous. Mr Power mentioned about the three-year term, that has happened in recent years. I guess, from one DA, if you are running that same event every year it makes sense to obtain a DA for three years. I think that is a good thing that this council has implemented. However, it is tough at times and it is the running costs that are associated with those fees and also the restrictions, all make it almost impossible.

You can imagine a football ground, as we have outside our club, directly outside. We had three temporary venues out there and those venues had artists such as Lee Kernaghan. John Butler performed in there, so it really crossed over to different genres of music. That particular venue held 2,000 people. The one next door; 600. The one next door to that; 150. There was a lot of activity happening in one area. We have a really well-built entertainment centre in Tamworth, we have the Capitol Theatre in Tamworth, the town hall and other council venues that can cater for those large numbers now as well. Given that we would need a DA every year, back in those days every year submit a DA, it was too hard, particularly with the noise regulations placed on that as well. Obviously they are outdoor venues, they are a temporary structure. A very thin vinyl wall is placed there, the neighbours could hear what was happening as far as entertainment is concerned.

*Correction
authored
in attached
letter of
exact condition.
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The Hon. SHAYNE MALLARD: What is the relationship between the festival and the community in general? The Committee has been to Byron Bay and heard very encouraging evidence about the relationship between the council and the festival. We have also heard evidence from Wollongong about the support from the council. What is the relationship between the festival and the Tamworth community?

Mr LAING: It has definitely improved over the years, there is no doubt about that. Like I said, 30 years. I found the same in Nashville, to be honest, during their festival that prior to the festival there were letters to the editor where locals were writing into the newspaper complaining, "Here we go again. The country music festival is on, we won't be able to drive our cars downtown, or park." Council addressed those issues here, and obviously Nashville was pretty much the same. I do not see that today. I see the locals embracing the festival. I know as a young person growing up in the city, as a young teenager, we would go away for the festival to the coast and go to the beach. These days, the locals embrace the festival big time, I believe.

The Hon. SHAYNE MALLARD: I think we are back at the old red tape issue regarding licences.

Mr LAING: Yes.

Mr POWER: I would like to add, we have a really good relationship and healthy relationship with our local liquor accord as well, with the council and local licensing police. We did have what happened in Newtown and Kings Cross, it was throughout the State. That pressure came from above and it did come to Tamworth. We did have a couple of pretty sad Tamworth Country Music Festivals where they basically had the full riot squads and they herded everyone out of town, and it did damage that has taken a long time to repair.

Mr LAING: Reputation.

Mr POWER: To our reputation. What I probably want you to understand, we have had to go through that, when you make reference to Newtown and those areas. Yes, we have had to put up with that as well.

Mr KRSULJA: I would like to add, the relationship is good and improving with our council and our community. I live in a village in Nundle. We are an hour away from the festival and we have grown our festival by hopping onto Tamworth's festival over the last few years to now. All our accommodation is full in Nundle. The pub has music, the DAG has shows every day, council provides a bus for people who come up and see our shows. It has really increased. Mr Power and I sit on a board to help a second festival in the year, July, which now council is really helping with. I know from even my micro business that the festival in July and January provide opportunity for many locals in a village that has only 300 people and is a big part of the income for our venue.

The Hon. CATHERINE CUSACK: I go back to this anti-noise machine. Do you have a copy of the order made by the magistrate?

Mr LAING: It is attached to our licence, which is on display at the front of the venue. I believe you may be coming over for a tour this afternoon?

The Hon. CATHERINE CUSACK: Fantastic.

Mr LAING: I will have Carolyn take you down to that area and point out where that is.

The Hon. CATHERINE CUSACK: It will be a fantastic case study for us. The 102 decibels, was that set in the order?

Mr LAING: Yes, correct. It was.

The Hon. CATHERINE CUSACK: That cannot be adjusted either?

Mr LAING: Cannot be adjusted. That is where the meter has been set and it cannot be tampered with. In fact, I have the only key. I do not know where that is today. It is probably locked in my drawer somewhere and has not been accessed for so many years.

The Hon. CATHERINE CUSACK: You have mitigated the noise. There is less noise coming out now?

Mr LAING: Yes, from when it was first installed, that is correct.

The Hon. CATHERINE CUSACK: Mr Power, you referred to APRA fees. What are those fees?

Mr POWER: There are ongoing fees with the amount of televisions we have, the amount of chairs we have got in our restaurants, background music. For example, the other day APRA rang because we had advertised some karaoke. Then we had to pay them a licensing fee for karaoke shows. While she was on hold she found that we had phone music on hold. Then she sent us notification saying we have to pay. We just changed our phones over to the National Broadband Network. CX, which is the company that provides our phones, have that product

licence, they tell us. I said to her, "Look, I cannot pay it. I didn't approve it." She said, "You have to pay up until August." I said, "It hasn't been on there till August." She said, "Well, it is a fee. You have to pay a licensing fee for music on hold." They are all the things that leave a sour taste in our mouth. We are already paying for that.

Mr LAING: If I can add, at times it is pretty hard to understand. Again, for our business where we are spending, say last year, half a million dollars on live entertainment. In addition to that, we are also paying APRA for the right for those acts to perform, \$11,000 that they are collecting.

The Hon. CATHERINE CUSACK: Even though they might be performing their own music?

Mr LAING: Correct, yes. It is very complicated, their system.

The Hon. CATHERINE CUSACK: How do they get to charge? I do not understand.

Mr LAING: We do not understand either, and I do not know anybody who would.

The Hon. CATHERINE CUSACK: Mr Power, do you have any venues interstate?

Mr POWER: No.

The Hon. CATHERINE CUSACK: In relation to licensing police, do you find consistency in their attitude towards premises?

Mr POWER: Yes, definitely today.

The Hon. CATHERINE CUSACK: And a positive relationship?

Mr POWER: Very positive relationship.

The Hon. CATHERINE CUSACK: Are they the only branch of the police that you deal with?

Mr POWER: We obviously deal with outside of licensing police, we have a really good relationship with the inspector in town. We have meetings with those guys with our local liquor accord and crime prevention units, stuff like that. Yes, we have a healthy and an ongoing really good relationship with them.

The Hon. CATHERINE CUSACK: It sounds like sometimes you might express a frustration and they are indicating it is coming from the top. There is not much they can do.

Mr POWER: Yes, I think so. I think originally when there was a lot of pressure on venues and going back to that time, the pressure was coming from above to get the job done.

The Hon. CATHERINE CUSACK: When you have music in your venue, do you believe that adds anything to the risk around the venue?

Mr POWER: No, I do not. Today, our venue can have 800 people in it or 1,000 people in it without music. With added music going late at night, you are going to have an increase in alcohol sales, but the culture has changed. The culture has changed in hotels. Hotels are not like they were 20 years, 30 years ago. It is a different culture and it is a really good culture now. People are going out at different times. There are not as many people going out. In Tamworth what we see, the late night culture and market has actually decreased compared with what it was, and that is mainly due I think to technology. Years ago people would all get paid on a Thursday, they would get paid cash in an envelope and they would all go down to the pub and have a few beers. That has gone today. That is totally removed. Now, we have had to change our venues so that they are more family friendly and they do food, they do good entertainment at the right time. I do not see any increased risk at all when we put on entertainment.

The Hon. CATHERINE CUSACK: In Victoria they have adopted in principle that music does no harm. It might sound funny but they are saying that they do not have to have increased security just because they are having music. But you do?

Mr POWER: Yes. That is another cost. During the festival our cost is around \$30,000 to bring in security from Sydney. We did some analytics testing last year. One of our venues we can have 6,000 to 7,000 people through in a day. When you have those sort of numbers there is a duty of care that we need to control those sort of numbers. It is not a dangerous risk, it is not a violent risk, it is crowd control, people on the street, people outside a licensed area, children, all different things why we need security for crowd control.

The Hon. CATHERINE CUSACK: That is about the numbers, it is not because there is music playing.

Mr POWER: No, it is about the numbers.

3000 to 3000
People.
CP

The CHAIR: Thank you for your time. In light of your answers the Committee might put some more questions on notice. You will have 14 days to answer them and the secretariat will assist you. We appreciate your evidence today. It is very important. Thank you.

(The witnesses withdrew)