



28/02/2021

Mr David Shoebridge MLC  
Committee Chair  
Public Accountability Committee  
NSW Legislative Council  
[Public.Accountability@parliament.nsw.gov.au](mailto:Public.Accountability@parliament.nsw.gov.au)

Dear Mr Shoebridge MLC,

Thank you and the Committee for the correspondence from 8 February providing the transcript and questions taken on notice during the inquiry into the Integrity, efficacy and value for money of NSW Government grant programs on Monday 1 February 2021.

Please find attached the answers to questions taken on notice during the hearing as well as some further views I would like to provide at this time.

These include;

- Question 1, The Hon. WALT SECORD: Operation of NSW Music Festivals under COVID conditions
- Question 2, The Chair, Mr DAVID SHOEBRIDGE MLC: Consideration of NAVA 6 recommendations
- Question 3, The Chair, Mr DAVID SHOEBRIDGE MLC: Protecting performance venues in planning schemes
- Why we need a New South Wales Music Office
- The 2020 Service Needs Review Report

Should you or any other Committee members have questions, please do not hesitate to be in touch.

Once again, I would like to acknowledge the Committee and administration team for your important work over time for our industry and for the cultural and economic development of NSW.

Yours sincerely

John Wardle  
Live Music Office

**Question 1.**

**The Hon. WALT SECORD:** Earlier in your evidence you made a passing reference to the challenges facing festivals. Is there any work underway to permit festivals to operate within the COVID rules? Is there any work being done in that area?

**Mr WARDLE:** I am happy to take that on notice. Speaking to the New South Wales Government, I am part of the festivals roundtable and it is doing really good work in mapping the regulatory framework, similar to some of the regulation work that has been done in the liquor and planning space. I think in time that is going to build a foundation for investment. But as to the operation of festivals, they are deeply challenged and I think, like the larger venues—some of the small-to-medium venues have got some localised operations, but the larger venues and festivals that rely on domestic tourism and international tours are currently in abeyance for the foreseeable future.

**The Hon. WALT SECORD:** So you will take that on notice?

**Mr WARDLE:** I will take that on notice.

I thank The Hon. WALT SECORD for his question.

Firstly, all outdoor gatherings for rehearsal and performance in NSW must complete a COVID-19 Safety Plan and should register as a COVID-19 Safe Business. Applicants also need to review current NSW Health guidance on the following areas before completing their plan including physical distancing /square metres rules / face masks and self-isolation and quarantine.

As 2021 gets underway, a range of festivals and events are operating on the premise that events will go ahead this year. Some of these include:

- Byron Bluesfest is scheduled from 1 April to 5 April 2021<sup>1</sup>
- Splendour in the Grass 2021<sup>2</sup> is scheduled for Friday 23, Saturday 24 and Sunday 25 July 2021 at North Byron Parklands
- Sydney Fringe Festival is on track for September 2021
- Laneway Festival<sup>3</sup> hasn't gone ahead at this time in 2021, with plans (we understand) for announcements later in the year.
- Groovin The Moo<sup>4</sup> returns in 2022

It could be said that festivals with seated presentation are proceeding to a degree, but not across the industry for types of festivals where dancing is an integral part of the event.

Speaking with colleagues in the festival sector, the biggest issues identified include:

- Managing short and unexpected lockdowns
- Border closures uncertainty
- Refunds and ticketing (i.e. what are the business model if refunds are a major factor)

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<sup>1</sup> <https://www.bluesfest.com.au/>

<sup>2</sup> <https://splendourinthegrass.com/>

<sup>3</sup> <https://lanewayfestival.com/sydney/news/>

<sup>4</sup> <https://gtm.net.au/>

- No international programming
- No dancing in NSW
- Maintaining a level of confidence

But essentially in NSW, many big headline events are still up in the air. There is also further advice that corporate budgets are diminished for sponsorships/ partnerships – who understandably want high capacity, high profile events that draw visibility. Brands want to be aligned with big media/social media moments, and my understanding is that multi-year deals also are less available as corporates are working on shorter time frames. The feedback is that there's lots of goodwill but no money.

There are in our view valid consistency concerns regarding restrictions placed on event organisers in NSW compared to other states and territories, recognising festivals can take place in indoor and outdoor settings.

Looking to Victoria under the current health advice as at 28.02.21:<sup>5</sup>

- Dance floors are open in pubs, bars and nightclubs for a maximum of 50 people per dance floor, subject to the four square metre rule.
- Non seated outdoor venues are restricted by the density quotient of one person per two square metres if electronic record keeping is used, otherwise one person per four square metres applies.
- Outdoor seated venues can open for up to 75 per cent seated capacity per space up to 1000 patrons. There are no limits on the size of groups. You should stay seated as much as possible.

And the corresponding conditions in NSW as at 28.02.21<sup>6</sup>:

- Dance floors are not permitted in certain premises, with the exception of weddings where 30 people are allowed to dance at any one time;
- Outdoor rehearsals and performances are restricted to a maximum of 3000 participants, subject to the 2 square metre rule. Controlled outdoor events may have, subject to the 1 person per 2 square metre rule, 500 people (if people are assigned to a seating area) or 2,000 people (if people are assigned to a specific seat).

I also refer the Committee to the recent case of the community concert series, SummerStage at Red Devils Park, Byron Bay, and the substantial fines imposed on event organiser Lisa Hunt, as reported in the Byron Echo<sup>7</sup>

*She received the penalty a day after speaking out in The Echo about the severe financial impact of the tough regulations imposed by Byron Council and the Office of Liquor, Gaming and Racing following recommendations to this effect by police.*

*These regulations included significantly reducing the number of concerts in the series, imposing expensive parking and toilet requirements, and \$3,796 to hire two police officers for the weekend's two shows.*

*'To put this in perspective, the entire takings for the weekend was \$18,790,' Ms Hunt said.*

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<sup>5</sup> <https://www.coronavirus.vic.gov.au/entertainment-and-culture>

<sup>6</sup> <https://www.health.nsw.gov.au/Infectious/covid-19/Pages/public-health-orders.aspx>

<sup>7</sup> <https://www.echo.net.au/2021/02/local-concert-series-organiser-hit-with-5000-fine/>

*'The cost of meeting the conditions demanded by the police, council and OLGR was \$13,358. When you take out the \$5000 fine as well that's \$432 left for everything else.'*

The operation of user-pays police, which has been highlighted numerous times through multiple parliamentary inquiries which Committee members would be aware of, continues to be an ongoing concern for the music and events industry in NSW.

Looking to some events taking place across the other states and territories;

- Rising Melbourne<sup>8</sup> (Taking the place of the Melbourne International Arts Festival and White Night Melbourne) are intending to go ahead with a program announcement pending
- Dark MoFo<sup>9</sup> in Tasmania is scheduled for 16-22 June 2021
- State based arts festivals are proceeding including Adelaide and Darwin

And some international references:

- in the UK, Glastonbury 2021<sup>10</sup> has officially been cancelled due to coronavirus
- The Dutch Government has said that festivals should be possible in the Netherlands from July<sup>11</sup>
- French Minister of Culture Roselyne Bachelot this month informed festival organisers they could take place with a capacity of 5,000 people in a seated format.<sup>12</sup> "This only concerns open-air events and if the situation develops positively".

#### Question 2:

**The CHAIR:** I said before that this is a grants inquiry, but sometimes looking outside of the grants box to try and achieve similar outcomes is positive. Do you see a call or utility in some rapidly considered planning law changes to prevent change of use for some of these venues so that even if they go through a rough patch they are not going to be recycled into residential apartment blocks? You can take that on notice.

**Mr WARDLE:** The Victorian State Government and industry have been looking at this space, but I would say that the changes to the planning legislation in New South Wales from the liquor amendment bill are quite incredible and I think we have got a lot of the planning components that we need.

**The CHAIR:** They allow existing venues to function more effectively and be more viable.

**Mr WARDLE:** Yes.

**The CHAIR:** But those changes to planning laws will not have the impact we want if all of the venues are being recycled into residential apartment blocks.

**Mr WARDLE:** Understood. Absolutely. I will take that on notice, and I will get the primary sources from Victoria and respond.

<sup>8</sup> <https://www.rising.melbourne>

<sup>9</sup> <https://darkmofo.net.au/>

<sup>10</sup> <https://www.glastonburyfestivals.co.uk/a-statement-from-%C2%A7/>

<sup>11</sup> <https://djmag.com/news/dutch-government-aim-allow-festivals-july>

<sup>12</sup> <https://www.guettapen.com/2021/02/18/roselyne-bachelot-au-mieux-des-festivals-assis-de-5000-personnes-pour-lete-2021/>

I thank The Chair, Mr David Shoebridge MLC for his question.

Later in 2020 both the Victorian and NSW state governments made associated changes to their respective state planning schemes to support live music, performances, and venues, and in the NSW case, also delivering a comprehensive coordinated suite of aligned regulatory tools and efficiencies under the *Liquor Amendment (Night-time Economy) Act 2020 No 40*<sup>13</sup> including the new entertainment precincts regulations directly informed by previous work in the state of Queensland<sup>14</sup>.

In the second half of last year I liaised with Victorian colleagues across the development of the planning scheme amendments, and this work also informed the progress of the associated NSW SEPP changes to a degree, along with recommendations from both the NSW 2018 Music and Arts Economy and 2019 Night Time Economy inquiries.

Each of the primary source references for this question accompany this submission as attachments.

- VIC - VC183 Explanatory Report Approval Gazetted
- VIC – VC183 13.07 3S Live Music
- VIC – VC183 53.06 Live Music Entertainment Venues
- NSW - State Environmental Planning Policy Amendment (Arts and Cultural Activity) 2020
- NSW - Liquor Amendment (Night-time Economy) Act 2020 No 40

**In Victoria:**

Planning Scheme Amendment VC 183<sup>15</sup> was introduced on 28 September 2020.

VC 183 introduces a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the Victoria Planning Provisions (VPP) and all planning schemes to encourage, create and protect opportunities for the enjoyment of live music.

It does this by:

- introducing new state planning policy for live music to recognize the social, economic and cultural benefits of live music and encourage, create and protect opportunities for the enjoyment of live music;
- updating the heading to Clause 53.06 from Live Music and Entertainment Noise to Live music entertainment venues;
- adding a purpose to Clause 53.06 to encourage the retention of existing and the development of new live music entertainment venues;
- allowing the delineation of areas where live music venues are encouraged, and noise sensitive residential development must be carefully evaluated;
- including an application requirement that requires an assessment of the impact of a proposal on the functioning of live music venues; and

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<sup>13</sup> Liquor Amendment (Night-time Economy) Act 2020 No 40  
<https://www.legislation.nsw.gov.au/view/pdf/asmade/act-2020-40>

<sup>14</sup> Queensland LOCAL GOVERNMENT ACT 2009 - SECT 264 Special entertainment precincts  
[http://classic.austlii.edu.au/au/legis/qld/consol\\_act/lga2009182/s264.html](http://classic.austlii.edu.au/au/legis/qld/consol_act/lga2009182/s264.html)

<sup>15</sup> Victoria Department of Environment, Land, Water and Planning, Planning Scheme Amendment VC183  
<https://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-scheme/amendments?f.Scheme%7CplanningSchemeName=VPPS#Amendments--VC183>

- adding new decision guidelines requiring consideration of the social and economic significance of an existing live music entertainment venue and the impact of a proposal on the functioning of live music venues.

### **VC183 Live music**

#### **Objective**

To encourage, create and protect opportunities for the enjoyment of live music.

#### **Strategies**

Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues. Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

#### **Policy guidelines**

Consider as relevant:

The social, economic and cultural benefits to the community of:

- Retaining an existing live music venue.
- The development of new live music entertainment venues.
- Clustering licensed premises and live music venues.

### **In New South Wales:**

The *State Environmental Planning Policy Amendment (Arts and Cultural Activity) 2020*<sup>16</sup> under the *Environmental Planning and Assessment Act 1979* was published on 11 December 2020

This instrument provides for the amendment of NSW Local Environmental Plans and sections relating to arts and cultural activity by inserting the following clause under Aims or Objectives (with appropriate paragraph numbering) as follows:

*Arts and Cultural Activity: To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.*

The *Liquor Amendment (Night-time Economy) Act 2020 No 40* also makes relevant changes to other associated liquor licensing functions across objectives,<sup>17</sup> approvals,<sup>18</sup> including a new definition of live music and performance venue,<sup>19</sup> and operations in other instruments including the Building Code and providing powers to local councils to designate venue/streetscape overlays as entertainment precincts.<sup>20</sup> All of these are matters for consideration in the operation of planning schemes and approvals across liquor/planning functions.

<sup>16</sup> NSW State Environmental Planning Policy Amendment (Arts and Cultural Activity) 2020

<https://www.legislation.nsw.gov.au/view/pdf/asmade/epi-2020-724>

<sup>17</sup> Liquor Act 2007 No 90, Section 3 Objects of Act <https://www.legislation.nsw.gov.au/view/pdf/asmade/act-2020-40>

<sup>18</sup> Liquor Amendment (Night-time Economy) Act 2020 No 40 Section 45 Decision of Authority in relation to licence applications <https://www.legislation.nsw.gov.au/view/pdf/asmade/act-2020-40L>

<sup>19</sup> Liquor Amendment (Night-time Economy) Act 2020 No 40 <https://www.legislation.nsw.gov.au/view/pdf/asmade/act-2020-40>

<sup>20</sup> *ibid*; Local Government Act 1993 No 30 Part 3 Special entertainment precincts <https://www.legislation.nsw.gov.au/view/pdf/asmade/act-2020-40>

This is where the various objectives and functions between the licensing and planning systems in the respective states can become complicated, as they have different characteristics and are in different places. Whilst some of the various functions can be considered as corresponding to a degree, there are also strong differences.

Having set the scene to recent work of each state in this area, now to answer the Chairs questions more directly:

The VC183 Live Music Planning Provision has clear a policy guideline that must be considered, which correspond to the Chairs question, and where regard must be had to:

*The social, economic and cultural benefits to the community of:*

- *Retaining an existing live music venue.*

As the recent NSW *Arts and Cultural Activity SEPP 2020* could be considered as having regard to the other VC183 policy guidelines a) the development of new live music entertainment venues, an b) clustering licensed premises and live music venues, these NSW planning regulations also have provisions in place to retain the land use in principle, although worded differently.

*To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.*

There are other tools such as a new definition of live music and performance venues under S.3A of the Liquor Act, (which don't apply to non-licensed premises), as well as the new entertainment precincts regulations under the Local Government Act, however these are either yet to commence or gain strong momentum, recognising they are recent additions.

We should also recognise that the application of the VC 183 provisions to retain existing venues are indexed to the Agent of Change (AoC) planning principle previously introduced into the Victorian state planning scheme, and where either introducing or changing venues or residential development within 50m of either a venue or noise sensitive land use requires additional considerations. NSW does not have AoC in the greater planning scheme and doesn't have identical land use planning references by which to designate existing venues and put the brakes on.

The options here for NSW to strengthen protections to retain venues under current regulatory options could include the preparation of a dedicated planning circular to reinforce guidance of the application of the *Arts and Cultural SEPP 2020*, as well as for Liquor and Gaming NSW, local councils, and venues to quickly work together to ensure venues are nominated live music and performance venues under S.3A of the *Liquor Act 2007*, and prepared to be designated as special entertainment precinct overlays as the Local Government Act changes commence in months ahead.

If the Committee were to consider an expedited recommendation that further measures be investigated to fortify the planning system to better retain live music and performance venues in the immediate present, I would welcome the opportunity to provide any assistance that may bring additional support from an industry perspective. These could include the preparation of a dedicated planning circular to strengthen guidance of the application of the *Arts and Cultural SEPP 2020*.

The Live Music Office would like to again acknowledge The Hon. Rob Stokes MP and his team; The Hon. Victor Dominello MP and his staff; The Hon. Stuart Ayres MP and his staff; The Hon John Graham MLC, Ms. Sophie Cotsis MP and their staff; as well as Ms. Kate Faehrmann MLC and her staff, for their support and contributions through the various inquiries and the associated law reforms in these areas for NSW.

**Questions:**

**The CHAIR:** In that regard, the National Association for the Visual Arts in their submission make the following recommendation to ensure the integrity of grant schemes and public confidence in the allocation of public money. I will put on record the six dot points that they propose:

- Consistent methodology and full transparency in the decision making and grant approval process
- Rotational peer and expert assessment panels
- Respect for artists in the application process
- Provide clear and comparable results each round in a timely fashion.
- Provide actionable feedback to unsuccessful applicants.
- Ambitious investment in the NSW arts sector is crucial to sustaining artists' careers, developing the contemporary arts sector, and advancing a healthy democracy.

That seems to me a pretty good starting point. Do you have any thoughts about it?

**Mr WARDLE:** In principle I would support that direction, but I am also happy to take it on notice and look at some of the nuance.

I thank the Chair Mr David Shoebridge MLC for this question.

I would also like to start by acknowledging the National Association for the Visual Arts for their constructive contribution to the inquiry, and before responding to each of the principles tabled, I would like to also reference another submission to this inquiry at the same time which speaks to many of the same principles identified here in my reading.

In their submission to this inquiry the Independent Commission against Corruption (ICAC)<sup>21</sup> references the Department of Premier and Cabinet (DPC) circular C2010-16 *Good Practice Grants Administration*<sup>22</sup>, which references the 2010 publication *Good Practice Guide to Grants Administration*<sup>23</sup> ("the Good Practice Guide"), part of which I've extracted on the following page.

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<sup>21</sup> 00092 Independent Commission Against Corruption NSW(ICAC) submission Inquiry into Integrity, Efficacy and Value for Money of NSW Government Grant Programs

<https://www.parliament.nsw.gov.au/lcdocs/submissions/68899/00092%20Independent%20Commission%20Against%20Corruption%20NSW.pdf>

<sup>22</sup> NSW Department of Premier and Cabinet (DPC) circular C2010-16, - Good Practice Grants Administration <https://arp.nsw.gov.au/c2010-16-good-practice-grants-administration/> Status: Active

<sup>23</sup> NSW Department of Premier and Cabinet (DPC) *Good Practice Guide to Grants Administration* <https://www.dpc.nsw.gov.au/assets/memos-circulars/Good-Practice-Guide-Nov-2010-Revision.pdf>



From the ICAC submission see following references:

C2010-16 contains general advice, stating that:

- Departments should review their grants programs and administrative processes to improve transparency and reduce red tape for grant applicants and recipients
- Departments should consider consolidating the administration of grants programs where this would improve expertise in grants administration, provide better economies of scale, reduce red tape, or improve program outcomes
  - in light of the 2009 report by the Auditor-General, departments should review their programs to:
    - o manage risk and streamline procedures to the minimum needed to ensure accountability and value for money
    - o improve transparency by publishing a rolling calendar of grants, procedures for making grant decisions, reasons for any variations from normal procedures in the granting or refusal of grants, and evaluation of what grant programs achieved and how the distribution of funds has supported government objectives
    - o set up timely monitoring systems, tie payment to clear performance
    - o consider using web technology to streamline applications and administration
    - o reduce red-tape by using standard terminology when dealing with grant recipients, set targets to better manage the time taken to process grants, and consider harmonising requirements such as audit thresholds across different grant programs
    - o regularly evaluate programs and publish the results.

The Good Practice Guide contains advice aligned to a multi-stage grants administration cycle addressing the following stages.

- **Plan and design**, which includes advice about developing performance measures that relate to intended outcomes as well as determining and managing risks, including referencing the Commission's (previous) *Guidelines for Managing Risks in Direct Negotiation*.
- **Promote the program**, which includes advice about developing guidelines that set out the grant's eligibility and selection criteria which are consistent with objectives of the relevant program and procedures relevant to application, assessment, and notification.
- **Receive/process applications**, which recommends establishing a transparent, model assessment process.
- **Monitor and acquit grants**, which outlines the steps that government needs to take "to establish that funds are being spent correctly and to measure the results or performance of its spending against the objectives of grants programs".
- **Evaluate the program**, which outlines the steps to review programs, develop performance measures and undertake an objective evaluation process. It advises reporting the outcome of the evaluation on the departmental website, including an explanation of what the grant achieved and how it has supported government objectives.

Now referring to the 6 principles proposed by NAVA:

**1. Consistent methodology and full transparency in the decision making and grant approval process**

Tabled in the ICAC submission, the Department of Premier and Cabinet (DPC) circular C2010-16 *Good Practice Grants Administration* direction is that departments should review their programs to:

*“improve transparency by publishing a rolling calendar of grants, procedures for making grant decisions, reasons for any variations from normal procedures in the granting or refusal of grants, and evaluation of what grant programs achieved and how the distribution of funds has supported government objectives”.*

In my reading, Principle 1. from the NAVA submission is therefore already a requirement under C2010-16, unless there are separate arrangements for Create NSW of which I’m not aware.

Principle 1. is supported.

**2. Rotational peer and expert assessment panels**

Principle 2. Is supported. And I would go further to make the following additional recommendations:

- That any appointments of First Peoples representatives to rotational peer and expert assessment panels be undertaken in accordance with the right to self-determination as it applies to Indigenous Peoples from Article 3 of the Declaration on the Rights of Indigenous Peoples.
- Membership of rotational peer and expert assessment panels be restricted to one employee or board member of any one organisation only within any single artform board at any time, to ensure as wide a range as possible of contribution, whilst also reducing the risk of actual or perceived conflicts of interest in the administration of NSW Government grant programs.

**3. Respect for artists in the application process**

This is an important principle, and one where due consideration by the Committee is warranted.

Multiple submissions to this Inquiry speak to the issues artists face when approaching grant rounds in NSW, which include the complexity and resourcing required to submit an application and the formidable forms and process involved.

For the contemporary music sector, additional common responses reappear when speaking with musicians across parts of the artform, being a) perceptions that unless applicants are from a Create NSW priority area, and b) are proximate to the circles of board members or service organisations, then funding is highly unlikely, and c) the time and resources required to submit a high standard application are not worth the effort as they have no chance of success. There are further concerns from mid-career and senior artists about if they will have any chance at all in being successful in Create NSW contemporary music funding. Gaps in services for mid-career and senior artists was also one of the findings of the *Service Needs Review Report*<sup>24</sup>

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24 P. Review of NSW Arts and Cultural Sector Service Needs: Final Report and Recommendations  
<https://www.create.nsw.gov.au/resources/research-and-statistics/review-of-nsw-arts-and-cultural-sector-service-needs-final-report-and-recommendations/>

From my desk in a national role with the Live Music Office and involved in other grant programs around the country, I'm not seeing the same lack of a) confidence in, or b) numbers of applications to anywhere near the same degree in other programs in Australia. I should also note that I have raised these issues also in recent weeks with Create NSW.

The ICAC submission<sup>25</sup> to this inquiry has the following reference with regards to eligibility and selection criteria:

*Based on the Commission's information holdings, complaint handling experience and corruption prevention work, the following probity issues can arise in a grants scheme:*

- *eligibility and selection criteria that are so strict that they unreasonably or deliberately narrow the field of potential recipients to a very small number*

Create NSW priority areas are without question recognised and valued, however, in my view there should be further consideration to additional and alternative approaches for contemporary music which enable a wider degree of confidence and participation based on sector feedback, and which better support for-profit business models as distinct from not-for-profit.

**4. Provide clear and comparable results each round in a timely fashion.**

Supported. I refer also to the above answer to Principle 1, where the Department of Premier and Cabinet (DPC) circular C2010-16 *Good Practice Grants Administration* direction is that departments should review their programs to.

*"improve transparency by publishing a rolling calendar of grants, procedures for making grant decisions, reasons for any variations from normal procedures in the granting or refusal of grants, and evaluation of what grant programs achieved and how the distribution of funds has supported government objectives".*

and the *Good Practice Guide* advice aligned to a multi-stage grants administration cycle addressing a) Receive/process applications b) Monitor and acquit grants c) Evaluate the program

**5. Provide actionable feedback to unsuccessful applicants.**

Supported. And recognise there should also be consideration/planning for what resources and structures Create NSW would require ensuring delivery of more detailed bespoke responses.

**6. Ambitious investment in the NSW arts sector is crucial to sustaining artists' careers, developing the contemporary arts sector, and advancing a healthy democracy.**

Supported. And like Principle 5, there should also be consideration/planning for what resources and structures Create NSW should have to ensure delivery of increased funding, program data provision, analysis and evaluation.

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<sup>25</sup> 00092 Independent Commission Against Corruption NSW(ICAC) submission Inquiry into Integrity, Efficacy and Value for Money of NSW Government Grant Programs  
<https://www.parliament.nsw.gov.au/lcdocs/submissions/68899/00092%20Independent%20Commission%20Against%20Corruption%20NSW.pdf>

## Whole of Government – Why we need a New South Wales Music Office

In my evidence on 1 February 2021 I spoke to the complex landscape of contemporary music support in NSW and how it is not only challenging to navigate for the community, but also doesn't recognise or communicate the contribution from the NSW government broadly.

These issues were acknowledged by the Chair, Mr David Shoebridge MLC;

*The CHAIR: Mr Wardle, with that final description of the bureaucratic spaghetti that faces your industry, we will feast on that in our deliberations.*

In my reading;

Funding sources across Government include:

1. Create New South Wales and Create Infrastructure:
  - i) Arts and Cultural Funding Program;
  - ii) The Regional Cultural Fund;
  - iii) Creative Kids;
  - iv) Rescue and Restart (for not for profit organisations only); and
  - v) Play the City
2. Destination New South Wales:
  - i) Regional Festivals;
  - ii) Great Southern Nights
3. Service NSW:
  - i) Small Business Grants for COVID-19
4. Department of Planning, Industry and Environment:
  - i) Festival of Place Summer Fund
5. Treasury Precinct Team:
  - i) Programs associated with the 24Hr Strategy
6. Department of Regional NSW:
  - i) Bushfire Response;
  - ii) COVID-19 -19 response;
  - iii) Regional Events Acceleration Fund
7. Department of Education:
  - i) Arts Unit Programs
8. Office of Responsible Gambling:
  - i) Club Grants for Arts and Culture;
  - ii) Infrastructure Grants

Eight (8) Agencies with at least 16 funding programs – with more coming on stream all the time – that's a large suite of programs to stay across, even for people like me who have a reasonable understanding of the landscape.

These funding programs are functions of the following:

Policies and Strategies supporting Music:

1. Create New South Wales Contemporary Music Strategy (pending)
2. Destination NSW: Regional Festivals
3. Service NSW: Small Business Grants for COVID-19
4. Department of Planning, Industry and Environment: Open Spaces Festival of Place
5. Treasury: 24-hour Economy
6. Regional NSW: Regional Growth Fund

And a number of these programs are also Cross Government Partnerships:

1. Create New South Wales: Make Music Day, Creative Kids, 24-Hour Economy, Live and Local
2. New South Wales Treasury: 24-hour Economy Strategy (very much at the heart of current momentum)
3. Destination New South Wales: Great Southern Nights, Regional Festivals
4. Service New South Wales: Creative Kids, New South Wales Music Festivals Roundtable, Regional Events Acceleration Fund

As you can see, there's a lot going on here across Government and industry.

It has been my experience that where state governments have established Music Development Offices in both South Australia and more recently in Victoria, that having a centralised point of contact with state governments is a highly desirable outcome for the music industry for a list of important reasons.

In my evidence on 1 February 2021 I spoke to the clear benefits of a central music office which would:

- Support all avenues of contemporary music practice in NSW, with a focus on efficient and transparent investment.
- Reduce duplication of funding programs
- Better support participation by having a one stop shop and access point
- Reduce administration stress on the sector
- Support consistent evaluation across programs
- Assist in promoting export opportunities
- Leverage expertise from industry to maximise investment and
- Position New South Wales as a global leader of legislation, investment and excellence in music practice

In support of a more streamlined approach, the afore mentioned DPC circular C2010-16 Good Practice Guide<sup>26</sup> provides the following general advice:

*Departments should consider consolidating the administration of grants programs where this would improve expertise in grants administration, provide better economies of scale, reduce red tape, or improve program outcomes*

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<sup>26</sup> NSW Department of Premier and Cabinet (DPC) circular C2010-16, - Good Practice Grants Administration <https://arp.nsw.gov.au/c2010-16-good-practice-grants-administration/> Status: Active

And from the ICAC submission<sup>27</sup>:

*The Commission also notes that since the Good Practice Guide was issued, machinery of government changes have led to a consolidation of agencies into larger cluster arrangements. This might provide an opportunity to standardise or centralise grants administration practices that were previously left to the discretion of smaller agencies.*

Additional references supporting the establishment of a NSW Music Development Office include Recommendations 3, 21 and 41 of the 2018 Music and Arts Economy Inquiry<sup>28</sup>:

*Recommendation 41*

*That the NSW Government investigate options for a cultural hub that co-locates the Music Development Office, contemporary music organisations and businesses, rehearsal and performance space, community radio, writing and recording studios and a youth venue in Inner Sydney.*

In closing I return to my evidence from 1 February 2021:

*“So if there was a centralised music office, it would support all the genres of music in our art form; it would bring all of these together. We could have some solid data. Your Government would look great; our industry would do well”.*

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<sup>27</sup> 00092 Independent Commission Against Corruption NSW(ICAC) submission Inquiry into Integrity, Efficacy and Value for Money of NSW Government Grant Programs

<sup>28</sup> NSW Music and Arts Inquiry (2018) Recommendations 3, 21 and 41

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2471/Final%20report%20website.pdf>

## The 2020 Service Needs Review Report

On Monday this week I was provided with *The Service Needs Review Report*<sup>29</sup>, where Create NSW conducted a review of the Arts & Cultural sector Service Needs in 2020 that reviewed the existing service needs of the NSW arts and cultural sector with the aim of identifying any gaps in services currently being offered. It's fair to say I had previously had some difficulty finding the report on the Create NSW website.

Questions explored by this review, as described in the Terms of Reference, include:

1. How are professional, capacity and sector development services to the arts and cultural sector being delivered in NSW?
2. What are the current and predicted future service needs of the sector?
3. Are these needs being met? (Gap Analysis)
4. What services should government/Create NSW support in the future?
5. What are the new models and options for future service delivery that government can consider?

The survey closed with 702 complete responses. The majority were from artists (333, 47%) followed by people working within an arts organisation (213, 30%) and 156 people from an organisation that provides services to the sector (22%).

The Committee should be aware timing of this research coincided directly with the ensuing global pandemic. Whilst the consultation commenced on Monday 9 March, the next day Tuesday 10 March 2020, saw the first person to die from COVID-19 -19 in Australia - a man from Western Australia, Two days later on Wednesday March 11 the World Health Organisation declared a global pandemic, on Friday 15 March The NSW Minister for Health made an Order under the Public Health Act 2010 (NSW) to force the immediate cancellation of major events with more than 500 people, and on Wednesday 18 March The Minister for Health stated that the NSW Government supported the measures announced by the Prime Minister earlier that day, which included: a ban on non-essential indoor gatherings of 100 people, and on it went.

These circumstances had a catastrophic impact on our sector as you know, and all focus and resources across the music industry were put to supporting colleagues as businesses, venues, events and an entire sector were shut down over night.

Concerningly, I've checked in with a number of people across a range of roles and positions in our sector including artists and members of the Contemporary Music Artform Board and it's drawn a blank. No one that I've contacted has responded to say they were directly consulted, which may either be by omission or because of the timing with COVID-19 global pandemic.

Despite the establishment of the ten (10) distinct new Artform Advisory Boards in NSW in August 2019 including:

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29 P. Review of NSW Arts and Cultural Sector Service Needs: Final Report and Recommendations  
<https://www.create.nsw.gov.au/resources/research-and-statistics/review-of-nsw-arts-and-cultural-sector-service-needs-final-report-and-recommendations/>

- a) Classical Music Board (including Ensembles and Chamber Music);
- b) Opera, Musical Theatre and Chorus Board; and
- c) The Contemporary Music Board,

Questions directed to music as the primary artform were undertaken across three weeks from 9-27 March 2020 and appear to not delineate between the separated practices within music as an artform to the best of my preliminary reading. This occurred seven (7) months after the establishment of separate artform boards, and in my thoughts, this conflates the broader artform practice, and suggests a lack of internal alignment. Furthermore it places a greater obligation on Create NSW resources to provide transparency on any data within a specific artform practice (Contemporary Music / Classical Music (including Ensembles and Chamber Music) / Opera, Musical Theatre and Chorus) which may be provided to the sector or this inquiry.

Whilst the report makes some important findings, such as gaps identified by artists and arts organisations in current service provision included support for mid-career and senior artists, questions around broader sector engagement remain, which may be either by omission or because of timing with the COVID-19 global pandemic.

In light of these mysteries I've sought feedback from Create NSW on the development of this work, as the sector would be interested to better understand how the contemporary music industry were surveyed through this process; who might've been included in the engagement for our industry; and what contemporary music industry specific findings were landed on.

Recognising these circumstances, including:

- a) Timing with COVID-19 global pandemic;
- b) Potentially conflating music practice across Contemporary Music / Classical Music (including Ensembles and Chamber Music) / Opera, Musical Theatre and Chorus / Art-Form Boards in the research methodology, and;
- c) Uncertainty about broad sector participation,

We therefore seek the assurance of Create NSW through this inquiry to ensure a range of views across the artform and the industry can be sought and provided at the earliest convenience for contemporary music sector service needs in a COVID-19 /post COVID-19 environment.



In Closing

I should also note that in my evidence on 1 February I estimated the July-August 2020 Victorian Live Music Venues Program<sup>30</sup> Budget at 'over \$10M', a fact check here confirms that the budget was \$15M.

Should you or any other Committee members have questions, please do not hesitate to be in touch.

Once again, I would like to acknowledge the Committee and administration team for your important work over time for our industry and for the cultural and economic development of NSW.

Yours sincerely

John Wardle  
Live Music Office

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<sup>30</sup> <https://creative.vic.gov.au/grants-and-support/programs/victorian-live-music-venues-program>