

**Submission  
No 230**

**INQUIRY INTO THE MUSIC AND ARTS ECONOMY IN  
NEW SOUTH WALES**

**Organisation:** The Association of Australian Musicians

**Date received:** 27 February 2018

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## THE ASSOCIATION OF AUSTRALIAN MUSICIANS

Submission to Portfolio Committee Number 6  
“Enquiry Into The Music And Arts Economy in NSW”

### **About AM**

The Association of Australian Musicians ("AM") is a think-tank, representation and policy advocacy body, principally concerned with furthering the interests of Australian professional musicians (both composers and performers).

AM has previously made submissions to enquiries such as the Productivity Commission's Enquiry Into Intellectual Property Arrangements (2015-2016) and the ACCC's 2014 reauthorisation of APRA's collective arrangements to administer and license performing rights in musical works.

AM's public officer, John Prior, is involved in the establishment of the APRA dispute resolution mechanism that was a condition of that re-authorisation.

AM is not an industrial body in the manner of the Musicians Union or the MEAA. While AM does concern itself with the structure of the industry, and advocates for sector-wide development and reform, it does not engage in “industrial relations casework” of the kind undertaken by those bodies.

### **Submission Content**

In the context of the current enquiry, AM submits as follows:

1. AM advocates increased compliance and enforcement activities by the Department of Industrial Relations.
  - a. Protection of artists' commercial interests will be served via energetic enforcement of the Entertainment Industry Act.
  - b. As a matter of the public interest, this should include a rigorous accounting regime, prescribed in the Regulation.

- c. AM submits that it is reasonable and appropriate to amend the act to include provision for serious non-compliance to be dealt with by prosecution, and not limited to penalty notices.

## 2. Licensing of Entertainment Industry Representatives to be restored

- a. AM advocates the introduction of national licensing of Entertainment Industry Representatives.
- b. Such licences should have:
  - i. an education requirement,
  - ii. a character test,
  - iii. an exclusion of current and former bankrupts and of directors of insolvent or previously insolvent businesses,
  - iv. a requirement that representatives carry sufficient insurance to protect their principals from adverse events within the representative's business.

## 3. Trust Accounts

- a. AM advocates that there should be statutory recognition that the funds held in a representative's trust account are the property of the performer, and as such are not available to administrators and liquidators.
- b. AM submits that accounting standards, compliance requirements, and enforcement, be comparable to those applied to trust accounts in the legal profession.

## 4. Development Near Existing Venues

- a. AM submits that live music venues should be protected from complaint by later arrived residents via Development Control and LEP provisions that apply a "Who was here first" principle.
- b. It is AM's view that the Victorian "agent of change" provisions are welcome, but insufficient for New South Wales, and in particular, for metropolitan Sydney.

5. Sensible amendments to the Lockout Laws to protect the very existence of a live music market within Sydney CBD.
6. Creation of a “small entertainment venue” category of theatre/ public hall/ performance space that does not have to “fudge” it’s status as a café or restaurant, nor have to meet fire and safety requirements applicable to large venues, that are disproportionate to hazard and risk in smaller ones.
7. Music Education
  - a. AM advocates the application of poker machine revenue directly to music education.
  - b. In particular, this could include
    - i. Dedicated funding of Composer In Residence and Musician In Residence positions in High Schools, in addition to existing music teacher positions; and
    - ii. Increased funding for support of regional touring of live music performers, in particular where performances and master classes can be undertaken in schools, and
    - iii. where master classes could operate as professional development for regional music teachers.

## 8. Parking

AM submits that it will serve the public interest, and musicians in particular, to create a special category of parking permit for *bona fide* loading/unloading by musicians of their equipment.

## 9. “Buy NSW”

AM submits that Government can directly support musicians by practices of preferential purchasing, commissioning, and licensing, of musical works created in New South Wales in government media productions, public service training materials, promotional materials etc.

## 10. Music tourism

AM submits that tourism promotions in New South Wales could be expanded to include activities aimed at increasing music tourism to New South Wales, in particular to regional areas.

## 11. Conclusion

AM thanks the Committee for the opportunity to make this submission and would be pleased to send representatives of the Association to appear before the Enquiry should it be call upon to do so.

## 12. AM Contacts

[www.aussiemusic.org](http://www.aussiemusic.org)