

**Submission  
No 373**

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

**Organisation:** Australian Taxpayers' Alliance  
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**Inquiry into the music and arts economy in New South Wales**

**Joint submission of the Australian Taxpayers' Alliance  
(ATA) and MyChoice (MC)**

**Introduction**

1. The ATA and MC thank the committee for the opportunity to provide comments on the music and arts economy in New South Wales. The ATA is a 50,000+ member grassroots public advocacy group that stands for individual freedom, minimising government waste and rolling back the nanny state to ensure Australia's prosperity. MC is our affiliate organisation which focuses on consumer choice issues, public health and social freedoms.
2. Although we are concerned by the impact of burdensome restrictions and regulations that have damaged the arts, music and nightlife economy in NSW due to our libertarian principles, we accept that genuine community concerns about social amenity, noise pollution and public safety ought to be addressed in a fair manner with evidence-based policy. To that end, the following submission will focus on the impact of the NSW government's lockout laws and other restrictions which have greatly hindered Sydney's once thriving music, arts and nightlife scene as well as alternative solutions to meaningfully and fairly address the abovementioned community concerns.

**(b) policies that could support a diverse and vibrant music and arts culture across New South Wales,**

**(c) policies that could support the establishment and sustainability of permanent and temporary venue spaces for music and for the arts**

**Lockout laws and the live music scene**

3. 'Lockout laws' were enacted in NSW and (recently) in Queensland to address alcohol-related violence in urban nightlife precincts. However, the evidence since implementation of these laws shows that they have badly damaged both Sydney's once-thriving nightlife economy as well as Sydney's live music industry and scene. As a result, they have damaged the livelihoods of both proprietors of live music venues as well as musicians attempting to earn a living. This is concerning for NSW's

broader economy as live music in Australia is directly and indirectly responsible for creating an estimated 64,747 jobs of which 37,652 are full-time;<sup>1</sup> music and performing arts-related businesses account for 1% of small business in Australia and;<sup>2</sup> the broader Australian music industry contributes \$5-6 billion to the national economy.<sup>3</sup>

4. The evidence shows that these laws render most live music venues commercially unviable. Figures released by industry body APRA AMCOS show a decline of 40% in revenue generated by live music in the Sydney CBD area lockout zone between the introduction of the laws in 2014 and 2016.<sup>4</sup> A 19% decline in nightclub attendance over the same period was also reported.<sup>5</sup> In addition to this economic impact, the decline in live music has had flow-on negative effects upon Sydney's branding as a vibrant city and Sydney's tourism industry, leisure industry (food, beverages etc.) and international image more broadly.
5. Recent research from RMIT University reported by the ABC (2015) charted trends in Australia's urban live music scenes and industry and attests to the importance of avoiding draconian restrictions such as lockout laws that impact live music in our inner-city areas.<sup>6</sup> The study found that over the preceding 30 years, live music venues in suburban areas had declined and given way to a greater concentration of venues within the inner city areas of Sydney and Melbourne. It also found that the relative expense of liquor licenses in Sydney had contributed to Melbourne overtaking Sydney in terms of the size and activity of its live music scene. This indicates that laws/regulations which place or contribute to unnecessary cost burdens on venues in turn hurt artists by denying them opportunities to be employed and hence undermine the live music scene more broadly. This is especially concerning as studies have found that Australian musicians rely on live music rather than studio recordings or merchandise sales for over 70% of their income.<sup>7</sup>
6. The severe and disproportionate impact of lockout laws meant to target alcohol-related anti-social behaviour on the live music scene are due to the industry's unique dynamics. Many live music performances start late and can continue until 2 or 3am. During this time, patrons move between venues, and some will see more than one act on one night. Many venues typically present 2 shows: the first from 8pm and the second from midnight. Multiple bands and DJs may be featured. The double show format not only offers a greater platform to prospective performers, but is an

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<sup>1</sup> The Economic and Cultural Value of Live Music in Australia, University of Tasmania (2014)

<sup>2</sup> Valuing Australia's Creative Industries Final Report (2013) Creative Industries Innovation Centre

<sup>3</sup> Estimating the Value of the Music Sector (2005-2014)– Music in Australia Knowledge Base  
[http://musicinaustralia.org.au/index.php?title=Estimating the Value of the Music Sector](http://musicinaustralia.org.au/index.php?title=Estimating_the_Value_of_the_Music_Sector)

<sup>4</sup> APRA AMCOS, <http://apraamcos.com.au/news/2016/february/sydney-cbd-sees-drop-in-live-performancerevenue-since-introduction-of-lockout-laws/>

<sup>5</sup> Ibid.

<sup>6</sup> Australia Broadcasting Corporation (2015) "The changing face of Melbourne and Sydney live music scenes"  
<http://www.abc.net.au/news/2015-02-12/the-changing-face-of-melbourne-and-sydney-live-music-scenes/6072620>

<sup>7</sup> Creative Victoria - Music Distribution and Income: A Survey (2011).

economic necessity for venues as typical revenues from food and drink account for more than 80% of their total income. Ticket sales by contrast, account for less than 20%.<sup>8</sup> <sup>9</sup> Venues that start shows earlier are unable to attract the same volume of patrons and this causes a decline in revenue which in turn renders venues unable to provide time slots or platforms to as many artists or performers as they would prefer to. As a result, emerging musicians suffer the most as they are less established, in dire need of viable platforms for their art and in dire need of a platform for honing their craft sufficiently to ensure a successful career as well as the ability to compete internationally against artists from nations and places with fewer impediments to public performance.<sup>10</sup> This reduction in employment of live musicians and DJs is further exacerbated by the inability of patrons to move between venues after 1 30 am. As a result, venues too suffer due to declines in revenue caused by the difficulty of attracting patrons through live music.<sup>11</sup>

7. The damage caused to the live music scene in Sydney by lockout laws has negative flow-on effects. Research estimates that 3 dollars circulate back into the wider economy for every dollar spent on live music and the decline in live music revenue due to lockout laws hence adversely impacts the wider Sydney economy.<sup>12</sup>
8. Patrons and music fans migrate to areas not subject to lockout laws, placing pressure on public infrastructure and transport services while causing potential conflicts with local residents over land use and noise pollution. There is anecdotal evidence that this has already occurred in Newtown once lockout laws were introduced in the Sydney CBD area.<sup>13</sup> By contrast, centrally-located entertainment precincts are areas with an efficient flow of trade from lunch to dinner, to evening entertainment and put little to no additional strain on resources or infrastructure while delivering affordable, efficient and convenient transport between venues and events.<sup>14</sup>
9. The decline of live music in Sydney also adversely impacts Sydney's reputation as a vibrant and attractive city relative to other Australian cities such as Melbourne which are not subject to lockout law restrictions and enjoy a thriving live music scene. Melbourne prides itself on being a hub for live music despite possessing a smaller population than Sydney. The city had at least 460 live music venues as of 2016.<sup>15</sup> The 2012 Melbourne Music Census noted that each every Friday and Saturday night,

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<sup>8</sup> Ernst & Young for APRA AMCOS (2011): Economic contribution of the venue-based live music industry in Australia.

<sup>9</sup> Submission by Music Australia to the Lockout Laws Review, March 2016. <http://musicaustralia.org.au/wp-content/uploads/2016/03/Music-Australia-submission-on-lockout-laws-March-2016.pdf> Accessed: 7 March 2018.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> The Economic and Cultural Value of Live Music in Australia, 2014, University of Tasmania.

<sup>13</sup> "Newtown gets busy as King's Cross empties" Sydney Morning Herald, 2015.

<http://www.smh.com.au/nsw/newtown-gets-busy-as-kings-cross-empties-20150619-ghseco.html>

<sup>14</sup> Government of South Australia, 'Adelaide After Dark – A Submission to the Citizen's Jury' – July 2013.

<sup>15</sup> Submission by Music Australia to the Lockout Laws Review, March 2016. <http://musicaustralia.org.au/wp-content/uploads/2016/03/Music-Australia-submission-on-lockout-laws-March-2016.pdf> Accessed: 7 March 2018.

38,805 patrons attended live music performances in the Melbourne CBD alone.<sup>16</sup> ‘Global music cities’ are those which have exploited their unique identity created through music, whereby Toronto, London, Nashville, Berlin and Austin are examples of those which have reaped significant economic rewards and gains in international reputation and tourism due to making music central in their cultural and economic policies. For example, the music industry of Austin, Texas, a metropolitan area with a population of approximately 2 million,<sup>17</sup> raises \$1.6 billion annually and the 2013 Austin White Paper identified live music as crucial for attracting people to the city.<sup>18</sup> By contrast, the approximate Australian population is 28 million,<sup>19</sup> yet the live music industry of the entire nation generates just \$1.5-2 billion annually.<sup>20</sup> Lockout laws preclude Sydney from the opportunity to become a thriving music city despite holding the largest and one-of-the fastest growing urban populations in Australia.

10. Furthermore and as a matter of principle, it is unconscionable that patrons seeking to enter venues purely to experience live music should be deprived of that experience because of laws purported to address anti-social behaviour due to irresponsible or immoderate alcohol consumption. There is no empirical evidence identifying live music as a cause for anti-social behaviour.<sup>21</sup> One study notes that “*bands, even loud ones, do not cause aggression and violence.... Quality bands that entertain an audience generate a positive social atmosphere that has been observed to counteract other negative variables.*”<sup>22</sup> A Deloitte study for Arts Victoria (2011) found that 92% of surveyed patrons believed that live music in venues improve quality of life and 84% believed that they provide a safe and welcoming environment. The patrons further noted that live music draws the crowd’s focus away from consuming alcohol and towards the music/artistic performance which was the specific reason given for attending the venue by 63% of patrons.<sup>23</sup> Another survey of venues and patrons identified live music attendance as a source of health and wellbeing.<sup>24</sup>

## **Alcohol Related Violence**

11. As the previous section has outlined the severe and detrimental impact of lockout laws on NSW’s arts and music industry, the following section will focus on the efficacy and effectiveness of the lockout laws and argue that this negative impact is

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<sup>16</sup> Victorian Live Music Census: 2012.

<sup>17</sup> United States Census Bureau (April 2017)

<https://web.archive.org/web/20170409055505/https://factfinder.census.gov/faces/tableservices/jsf/pages/prductview.xhtml?src=CF>

<sup>18</sup> The State of the Austin Music Industry, Austin Music People (2013)

<sup>19</sup> “Population clock”. [Australian Bureau of Statistics](http://www.abs.gov.au) website. Commonwealth of Australia. Retrieved 7 March 2018.

<sup>20</sup> E&Y for APRA Economic contribution of the venue-based live music industry in Australia (2011) & 2014 Ticket Attendance and Revenue Survey Live Performance Australia (2015)

<sup>21</sup> Carter, D., & Muller, P. (2016). Value of Live Music in Sydney Final Report.

<sup>22</sup> Homel, R., Tomsen, S., & Thommeny, J. (1992). Public drinking and violence: Not just an alcohol problem. *Journal of Drug Issues*, 22(3), 679-697.

<sup>23</sup> Deloitte for Arts Victoria (2011) The economic, social and cultural contribution of venue-based live music in Victoria

<sup>24</sup> The Economic and Cultural Value of Live Music in Australia, 2014, University of Tasmania. P.28-29.

not justified by the impact of the laws upon the problem they are intended to target. It is not disputed that there exists a problem in Australia with a small minority of individuals engaging in antisocial activities while under the influence of alcohol, and that this is an appropriate question of public policy for our government to address. However, it is submitted that the lockout laws have not been an appropriate response to the issue/

12. It is noted that data released by the Bureau of Crime Statistics and Research (BOSCAR) has demonstrated that in the Kings Cross precinct (NSW), the assault rate was falling since 2008 – six years *prior* to the introduction of ‘lockout laws’ which mandate a 2am closure on new entries to venues and a 3:30 am closure of venues. This demonstrates that the incidents triggering the lockout laws occurred at a time which would have been unaffected by the lockouts.
13. It is further noted that since the introduction of lockout laws, assaults have reduced by 36.2% in Kings Cross. However, this should be viewed in conjunction with research conducted by the City of Sydney Council that has shown an 84% decrease in foot traffic<sup>25</sup>. As such therefore, per capita assaults in the Cross have in fact *increased* by a whopping 450%.
14. It is further submitted that increased police visibility and changes to criminal statutes relating to assaults committed by persons under the influence of alcohol may have contributed to the reduction in assault rates, and it is noted that there appears to be an increase in assaults in Pyrmont and other surrounding suburbs. Furthermore, anecdotal evidence would suggest that many instances of what is termed “*alcohol related violence*” in Sydney is in fact committed by perpetrators misusing substances, whether illicit or performance enhancing steroids and other similar drugs.
15. ATA and MyChoice submit that the issues in Australia with “alcohol-related violence” must be viewed in the context of overwhelming international research on the subject spanning decades, and cannot be viewed in isolation. ATA and MyChoice note that any traveler to the European Continent would note the wide-scale drinking in public areas after midnight, with little to no violence occurring as a result. This is in line with research that demonstrates that “*There is enormous cross-cultural variation in the way people behave when they drink*”<sup>26</sup>. As such, the fundamental question that must be addressed is the reasons underpinning criminal actions *in Australia* which do not occur elsewhere – a question addressed overwhelmingly in scientific literature on the topic.<sup>27 28 29</sup>

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<sup>25</sup> Submission 110, City of Sydney. NSW Parliament Legislative Assembly Law and Safety Committee Inquiry into measures to reduce alcohol and drug related violence p2

<sup>26</sup> Social and Cultural Aspects of Drinking, A report to the European Commission. The Social Issues Research Centre. March 1998 p6

<sup>27</sup> “It is noted that a landmark study looking at alcohol-related aggressive behaviour across the world found that “alcohol-related aggressive behaviour—as measured by male involvement in drunken brawls—is about as likely to be present as it is to be absent” Alcohol and Disinhibition: Nature and Meaning of the Link, Washington DC: US Department of Health and Human Services, Research Monograph 12, 1983

<sup>28</sup> “men engaged in drunkenness in 76% of 60 small societies examined, but aggressive drunken behaviour was found in less than half “ Alcohol and Violence :Exploring Patterns and Responses. International Centre for Alcohol Policies. 2008 p12

<sup>29</sup> The prestigious journal Criminology has noted that “The evidence suggests that drinking has a strong effect on adolescent violence in the Nordic and Eastern European countries but has little or no effect in the Mediterranean countries” Feelson et al, The Cultural Context Of Adolescent Drinking And Violence In 30 European Countries. Criminology. 7 Aug 2011

16. It is noted that multiple controlled experiments conducted under double blind control conditions and longitudinal/cross cultural studies have confirmed that aggressive behaviour is determined by cultural expectations rather than the chemical effects of ethanol.<sup>30 31</sup> A meta-analysis of the international evidence has concluded that *“From the research evidence available, we can conclude that there is no direct causal relationship between alcohol and violence.”*<sup>32 33</sup>
17. Given the overwhelming international evidence of variability and that “alcohol related violence” is not a universal factor, and the evidence demonstrates that cultural factors are at the core of alcohol-related violence, it is submitted that this is what ought to be addressed by policies developed to address the problem.
18. It is submitted that the current approach in NSW and elsewhere inefficiently and ineffectively focuses on the symptoms rather than the underlying issue and that this results in disproportionately negative effects upon local nightlife, consumers and industries complying with the laws and regulations.
19. The academic consensus on the cultural differences between nations is relatively straightforward. “Integrated” cultures, such as in Continental Europe, where societies generally hold positive beliefs and expectancies about alcohol, and children often sip wine from their parents' glass have almost no alcohol related violence. In contrast, in “non-integrated” cultures, such as Australia, public discourse is primarily on the negative effects of drinking and there is a belief in “the disinhibiting powers of alcohol”. In these societies, alcohol is associated with aggression violence and anti-social behaviour.” It is the non-integrated cultures where a relationship arises: *“This variation cannot be attributed to different levels of consumption – most integrated drinking cultures have significantly higher per-capita alcohol consumption than the ambivalent drinking cultures. Instead the variation is clearly related to different cultural beliefs about alcohol, different expectations about the effects of alcohol, and different social rules about drunken comportment.”*<sup>34 35</sup>

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<sup>30</sup> “Reviews of ethnographic evidence show that the behavioural outcomes of drinking are always in accord with what people in a given culture (or sub-culture) expect to happen, and that individuals internalise such expectations during the learning process of socialisation...Experiments conducted under controlled conditions (double-blind, with placebos) in different cultures confirm that aggressive behaviour is determined by cultural expectations rather than the chemical actions of ethanol: in cultures where alcohol is believed to cause aggression, subjects become aggressive even when they have been given a placebo”. Alcohol and Violence: Cultural Factors. Social Issues Research Centre.

[sirc.org/publik/alcohol\\_and\\_violence\\_7.html](http://www.sirc.org/publik/alcohol_and_violence_7.html) Accessed 4 April 2016

<sup>31</sup> “Both comparative studies and controlled experiments have demonstrated, however, that while ethanol produces well-understood neurochemical changes, the wide variations in social and behavioural outcomes of drinking can only be explained with reference to cultural factors, and to culturally determined beliefs about the effects of drinking” Social and Cultural Aspects of Drinking, A report to the European Commission. Op Cit. p5

<sup>32</sup> Alcohol and Violence: Cultural Factors. Social Issues Research Centre.

[http://www.sirc.org/publik/alcohol\\_and\\_violence\\_8.html](http://www.sirc.org/publik/alcohol_and_violence_8.html) Accessed 4 April 2016

<sup>33</sup> It is noted that so foreign is the belief that alcohol can trigger violence in European cultures that researches recently attempted to ask 300 individuals in Italy their perceptions of links between alcohol consumption and disorder/aggression. The note in the report is telling: “Their responses caused some difficulty and our translators were unable to convince many of them that there was not a ‘hidden agenda’ to the questioning. Quite simply, the vast majority of interviewees could not understand how anyone could imagine a connection between drinking alcohol and aggressive behaviour”. Drinking and Public Disorder A report of research conducted for The Portman Group by MCM Research Peter Marsh and Kate Fox Kibby p135

<sup>34</sup> Kate Fox, BBC Viewpoint 12 October 2011 <http://www.bbc.com/news/magazine-15265317> Accessed 4 April 2016

<sup>35</sup> Social anthropologist Kate Fox once argued: “I could very easily engineer a nation in which coffee would become a huge social problem – a nation in which young people would binge-drink coffee every Friday and Saturday night and then



20. Paradoxically, the result of government policies and rhetoric in Australia creates “*a special alcohol-stamped “license to transgress” so ingrained in society that it has, in itself, become a rule... When intoxicated, drinkers are expected to alter their behaviour and to engage with the crowd in varying degrees of promiscuity, vandalism, public displays of affection, loud and boisterous behaviour, dancing, sex, and other activities that are normally under fairly strict social constraint.*”<sup>36</sup> Rather unsurprisingly, they do so. Expectations not only shape drunken behaviour, they also “enable subsequent rationalisation, justification and excuses.”<sup>37</sup> In cultures where there is an expectation that alcohol will lead to aggression, people appeal to the fact that they were drunk in order to excuse their conduct rather than accepting personal responsibility.<sup>38</sup>
21. Furthermore, this unscientific belief in alcohol excusing behaviour has previously extended to our judicial system with accused persons pleading for mitigation on the basis that they were intoxicated at the time of the offence. This further connotes a denial of personal responsibility and encourages criminal activities. This is in contrast to cultures where learned expectations about the effects of alcohol are very different whereby “*appeals to drunkenness as an excuse for aggressive behaviour would not only fail to be persuasive, they might actually compound the severity of the offence.*”
22. ATA and MyChoice support the 2014 amendments to remove intoxication as a mitigating factor, however suggests that the Review consider going further and adopting the suggestion of Dr. Eric Crampton from the University of Canterbury:

*If we want to address the social costs of alcohol-related crime, and if we want to impose the burden where it belongs – on louts who think it fun to get drunk and inflict harms on others – then we could start by taking intoxication at the time of an offense as being an exacerbating factor at the time of sentencing. We don't try to reduce speeding by hiking petrol taxes, we do it by fining speeders. Why should we try to affect crimes committed by drunks by hiking alcohol excise taxes?”*<sup>39</sup>

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rampage around town centres being anti-social, getting into fights and having unprotected sex in random one-night stands. There are cultures where drinking is not associated with violence would restrict access to coffee, thus immediately giving it highly desirable forbidden-fruit status. Then I would issue lots of dire warnings about the dangerously disinhibiting effects of coffee. I would make sure everyone knew that even a mere three cups (six “units”) of coffee “can lead to anti-social, aggressive and violent behaviour”, and sexual promiscuity, thus instantly giving young people a powerful motive to binge-drink double espressos, and a perfect excuse to behave very badly after doing so. I could legitimately base many of my scary coffee-awareness warnings on the known effects of caffeine, and I could easily make these sound like a recipe for disaster, or at least for disinhibition and public disorder. It would not take long for my dire warnings to create the beliefs and expectations that would make them self-fulfilling prophecies. This may sound like a science fiction story, but it is precisely what our misguided alcohol-education programmes have done” Kate Fox, BBC Op Cit.

<sup>36</sup> Social and Cultural Aspects of Drinking. Op Cit p13

<sup>37</sup> Ibid Op cit p13

<sup>38</sup> Malcolm Gladwell, writing in the New Yorker, recently examined anthropological studies observing drinking culture in Italian migrant communities in New Haven which determined that it was unheard of for Italians to engage in violent behaviour, despite the fact that they drank as much as their next door neighbour who did. He concluded: “*When confronted with the rowdy youth in the bar, we are happy to raise his drinking age, to tax his beer, to punish him if he drives under the influence, and to push him into treatment if his habit becomes an addiction. But we are reluctant to provide him with a positive and constructive example of how to drink. The consequences of that failure are considerable, because, in the end, culture is a more powerful tool in dealing with drinking than medicine, economics, or the law.*” Malcolm Gladwell. Drinking Games. The New Yorker. February 15&22, 2010

<sup>39</sup> Dr Eric Crampton. [offsettingbehaviour.blogspot.com.au/2014/01/drinking-ed.html](http://offsettingbehaviour.blogspot.com.au/2014/01/drinking-ed.html) Accessed April 4 2016



23. It is submitted therefore that any serious attempt to reduce alcohol related violence in Australia shall not be found through legislation such as the NSW lockout laws and similar laws introduced elsewhere in Australia. Indeed, such legislation is counterproductive to this overall goal. Further actions, such as changing political rhetoric and *normalising* moderate alcohol consumption, are the evidence-based solutions to the issues in Australia. While this is by no means the only step necessary – concepts of masculinity, bar layouts, the management of drinking establishment, and indeed also the presence of security also need to be addressed, as does the provision of adequate transport options. These changes must be implemented following an overall rethinking of alcohol in Australian society.

### **Safety and General Amenity**

24. Through forcing patrons onto the street at 3:30am, creating severe transport bottlenecks, legislation such as the NSW lockout laws, further exacerbate the problem of creating situations which may lead to potentially violent incidents.
25. Through primarily penalising law abiding citizens, the lockout laws have failed in their aim to increase safety and general amenity. It is noted that on March 13 Headlines read: “Hundreds involved in violent brawls that shut down city streets”<sup>40</sup> Bafflingly, the report continues that “just two men were arrested and taken to Kings Cross Police Station where they are expected to be charged.” This represents, it is submitted, a fundamental failure of law & order policies in Australia. The continued failure to act on criminal elements by the NSW Police allows and excuses poor behaviour. It is submitted that an increased police presence and a focus on charging, prosecuting, and sentencing persons guilty of antisocial behaviour is a far superior strategy than needlessly penalising the innocent.
26. ATA and MyChoice also submit that such legislation, by attempting to create a command and control system of micromanaging residents’ law abiding behaviour, is the antithesis of Western liberal values. Through denying personal responsibility, and restricting both individual and business freedoms, such legislation is corrosive to society at large.

## **(d) policy and legislation in other jurisdictions, and options for New South Wales including red tape reduction and funding options**

### **Digital pilot for a streamlined process to establish music venues**

27. In 2016, the city of Parramatta in NSW introduced a digital pilot designed to cut red tape for new bars, cafes and restaurants. As a result, the timeframe for setting up a new business in these categories has reduced by 83% to just 3 months. 35 new businesses have opened since the project was launched,<sup>41</sup> providing a substantial boost to the nightlife and vibrancy of the area.

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<sup>40</sup> Daily Telegraph, March 12, 2016 [www.dailytelegraph.com.au/news/hundreds-involved-in-violent-brawls-that-shut-down-city-streets/news-story/e159d8828c2ed385ce62af5facecbdfa](http://www.dailytelegraph.com.au/news/hundreds-involved-in-violent-brawls-that-shut-down-city-streets/news-story/e159d8828c2ed385ce62af5facecbdfa)

<sup>41</sup> Daily Telegraph, “Parramatta nightlife booms as digital pilot cuts red tape” Sept 2016 <https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKFwj>

28. ATA and MyChoice recommend that a similar model be implemented by the NSW government to streamline the process for approving bars, restaurants, cafes, clubs and live music venues state-wide.

### **Night Mayor**

29. The appointment of a ‘night-time mayor’ is a model of international best practice for cities such as Sydney, which have significant night-time economies in order to tailor planning and regulatory regimes at the local level to best manage issues of anti-social behaviour while simultaneously promoting a vibrant night-time economy and music/arts scene. In Europe, Night Mayors operate in Amsterdam, Zurich, Toulouse and Paris,<sup>42</sup> London, San Francisco and Berlin.<sup>43</sup> The Night Mayor acts as an ombudsman for the nightlife of the city and is able to put forward or implement programs and schemes to bolster the nightlife of a city while managing risks and adequately incorporating stakeholder opinions. Night Mayors act as effective and accessible intermediaries between business, state/federal government and community stakeholders. The Night Mayor of Amsterdam was able to successfully reduce alcohol-related violence while boosting business – all while introducing flexible regulations including 24 hour licenses.<sup>44</sup> The City of Sydney council has already expressed support for this model.<sup>45</sup> It is submitted that this model of demonstrated best practice ought to be implemented in Sydney and offers a better, more local method for managing anti-social behaviour and its impacts in the Sydney CBD area than lockout laws.

### **Recommendations**

30. In light of the abovementioned evidence, the ATA and MC recommend that Sydney’s lockout laws are repealed in order to foster a thriving live music, arts and nightlife industry in Sydney which will create jobs, drive economic growth and offer invaluable and unparalleled opportunities to generations of musicians and artists in New South Wales. This is consistent with Australian best practice per the Melbourne model. In the alternative, the ATA and MC recommend that exemptions to the lockout laws are granted to live music venues (from both the 2 am lockout as well as the 3:30 am last drinks service.) This will help restore critical mass to medium, small and large venues.

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<sup>42</sup> <http://www.citylab.com/cityfixer/2016/01/night-mayor-amsterdam-mirik-milan/433893/>

<sup>43</sup> City of London website, 4 November 2016. <https://www.london.gov.uk/press-releases/mayoral/mayor-reveals-uks-first-ever-night-czar>

<sup>44</sup> Daily Telegraph, “Amsterdam model will inform City of Sydney’s after-dark policies including discussions of a “night time mayor” December 2017 <https://www.dailytelegraph.com.au/newslocal/central-sydney/amsterdam-model-will-inform-city-of-sydneys-afterdark-policies-including-discussions-of-a-night-time-mayor/news-story/c8e232b559805bc338d5f04e3cb47060>

<sup>45</sup> Ibid.

31. That the liquor freeze for venues showing live entertainment, including theatres, galleries, and live music venues, is abolished. This model has precedent in Melbourne.
32. That future planning policy of the NSW government focus on specific regulations tailored to the live music scene, rather than applying regulations to live music venues per a 'one-size-fits-all' approach that focuses on their classification as licensed alcohol-serving establishments. It is further submitted that regulatory regimes pertaining to live music venues should be developed with the requirement to consider the elimination of burdensome red tape and the promotion of a thriving and vibrant arts/music industry.
33. That a digital pilot for approving live music venues as well as bars, cafes, clubs and restaurants more broadly, be instituted state-wide per the precedent of Parramatta council. (see points 27, 28 above)
34. That Sydney council allow the appointment of a Night Time Mayor cogent with international best practice in Amsterdam, Paris, Zurich and Toulouse. This will provide a more effective and locally-tailored response to managing anti-social behaviour than the state government's lockout laws. It will also provide greater support to musicians, the live music industry and live music-related businesses in the Sydney CBD area.

**Satyajeet Marar**

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