

**Submission
No 379**

INQUIRY INTO THE MUSIC AND ARTS ECONOMY IN NEW SOUTH WALES

Organisation: Century Venues The Concourse Pty Ltd

Date received: 7 March 2018

**Response to the NSW Parliamentary Enquiry into the
Live Music and Arts Economy**

Compiled 6 March 2018 by Greg Khoury

105 Victoria Rd Marrickville NSW Australia
Phone: +61 2 9519 9231 www.century.com.au

CENTURY

EVENTS • VENUES • ARTISTS

Century: Who we are and what we stand for

The Century group applauds the initiative by NSW Government to hold this enquiry.

Century is a third generation private family business founded by live music and theatre practitioners. Having come from modest beginnings in the early 1980's with the saving and revitalization of the Enmore Theatre in Newtown, Century is now one of the leading and most dynamic entertainment organisations in the country. Regardless of expansion, our blueprint and organizational culture remain true to our heritage as an independent, privately run, practitioner based company.

We have been a nurturer of artists, a driver of their work, a champion and creator of performance venues ever since our inception. Some milestones include:

- the establishment of Enmore Theatre in early 1980's as live venue,
- the taking on of the Metro Theatre and Comedy Store, (both unviable and slated for conversion to retail in 2005);
- the establishment of the @Newtown live performance venue in 2003;
- the opening of the Factory Theatre in 2007 in order to continue and transfer the @Newtown performance venue program upon its owner's decision to convert it to a table poker facility;
- the establishment of the Sydney Comedy Festival in 2006;
- the creation of three smaller pop-up venues at the Enmore Theatre and three incubator music spaces at The Factory, together with our two "container" conversion venues;
- the recent purchase of the historic Victoria Theatre, Newcastle.

In regard to our producing, touring, event creation, festival and artist management activities please refer to www.century.com.au

In tandem with our core business, we have been vocal, active and effective advocates for the industry and active participants in sector, community development and cultural enterprise. Our initiatives have been many and varied. Cornerstones include:

- Founding members of the Newtown Entertainment Precinct Association;
- The Cultural Mapping of the Marrickville LGA with Marrickville Council;
- Co-founders of the Sydney Fringe;
- Founders of the Sydney Comedy Festival;
- Instigators of development programs such as All Ages events;
- Partnerships and funding with the Australia Council with New Musicals Australia which led to the formation of the Hayes Theatre;
- Partnership and funding from the City of Sydney with Comedy for Kids at the Sydney Town Hall.

As managers of the iconic Manning House for the University of Sydney and managers of The Concourse Performing Arts Centre, Chatswood, Century straddles the private and public (government) sectors: the commercial and

subsidised (semi-government) arts sectors. Century has been described as “a commercial organisation with a strong, cultural conscious: a cultural entrepreneur”.

By definition, an enquiry will tend to focus on those matters that require fixing and we believe that it is important to state that Century comes from a position of “possibility” and of making things happen. We are in the business of creating not complaining. Our attitude is that deficiencies are also opportunities. Having said this, the sector faces increasing pressures and continuing marginalization. Following are some of our recommendations that are both industry-wide and specific to Century.

Key recommendations from Century:

1. The voice and aspirations of private sector organizations

“One of the most enduring myths in the entertainment industry is that of the division between the subsidised and the commercial. To hear colleagues speak of this, one would think that some Pope had drawn a not-to-be-crossed line on the map as once his Renaissance forebear divided the new world between Spain and Portugal. Yet the border between these two today is as illusory as the Pope's was then. “

Dr Justin Macdonnell, The Anzarts Institute 2013

How an entity is incorporated does not determine its integrity. An artist is a private individual: by consequence a private sector entity or *corpus* and therefore a *profit for purpose!*

The time has come for these divisions to not just be relegated to the past but to acknowledge that a private sector entity (commercial) has as much and oftentimes considerably more objectivity, cultural conscious and genuine *profit for purpose* motives as any public sector or “subsidised” arts sector entity.

The Enquiry and its all-inclusive breadth validates this position and is refreshing and most welcome.

Since the 1960's countries such as France have had no difficulty in embracing, acknowledging, listening and responding to their private sector theatre and live music practitioners and this draws us to the first and most significant recommendations, industry-wide and for Century specifically:

2. Investment in Cultural Infrastructure

There is currently no government investment in venue infrastructure outside the large scale public sector venues such as performing arts centres. In France, with the rolling out of government funding in the 1960's, a far-sighted initiative was taken by government to ensure their plethora of independent (privately-owned) performance venues (particularly heritage items) would not be marginalized. The Association of Private Theatres was established in 1964 in Paris. It receives National and City of Paris funding and income from an applied ticket levy. The association funds 1. Purchases (or securing of long-term leases) of buildings;

2. Capital upgrades and 3. Financially underwrites by guaranteeing against losses for performances, tours and productions.

Similar models exist in London with the Stage One program and the Theatre Investment Fund but the French model is the oldest and most responsive.

Similarly in North America, the land of the free market, innovative funding models have been entered into by city and state government to save and revitalize performance venues, particularly heritage buildings – both privately and collectively owned. Some forms of funding include: direct funding of purchases, capital upgrades, via interest free loans, underwriting/guaranteeing.

2.1 The Enmore Theatre restoration

In the NSW Government initiated report *Planning Sydney's Cultural Facilities* by Sweet Reason Pty Ltd 2011, a recommendation was made for consideration of government funding for a major upgrade of the Enmore Theatre, Newtown. In fact this recommendation is referred to several times throughout this comprehensive document.

Century has invested significantly in various upgrades over the last 30 years. These have been on an as-needed basis or responses to one-off opportunities for improvements or greater amenity. There is now however an undeniable need for a major upgrade and revitalization of the building to ensure its long-term fit for purpose and long term viability as a fully compliant, working heritage theatre for generations to come.

Such a restoration is however beyond the commercial capacity of the theatre to fully finance. As there is effectively no development potential for the site (unlike the Capitol Theatre in Sydney or the Regent Theatre in Melbourne), leveraging development opportunities to help fund a restoration is not an option on this site and has in fact been professionally explored in 2005.

Century would like to explore opportunities for funding with NSW Government to ensure this hugely successful and much loved cultural and heritage asset is maintained for, and enjoyed by many future generations to come. Century would consider placing the building in a trust to ensure its use in perpetuity.

2.2 Investment in infrastructure across the live arts sector and within the independent, private sector

Government investment in the big-end of town is self-evident in government or quasi-government organisations / buildings such as the Sydney Opera House and the Art Gallery of NSW. This funding is both initial in construction and ongoing in operations.

Century endorses and supports the various pleadings made for infrastructure

funding for the small to medium sector which is currently overlooked. We would add to this by stating that medium sized organisations like Century have a capacity to cost-effectively create and manage smaller incubator type spaces within their existing larger venues and apply the economies of scale and economies of resources and expertise. It is on this basis that Century has been able to open three additional small spaces and fit-out two container venues on site at the Factory Theatre complex. Similarly the Enmore Theatre has been provided with the ability to house three pop-up small venues for the major festivals.

There is currently no funding available to help establish these smaller venues, even though, unlike the subsidized sector no further operational funding would be required of government.

Further, in contemplating private sector funding and the provision of small to medium infrastructure, private specialists like Century are well-poised to activate the large stock of existing government cultural infrastructure such as redundant and underutilized Town Halls and the many other government owned underutilised commercial building stock.

3. The need for regulatory reform and legislative change

A great deal of research and review has been conducted and our own experience demonstrates that there is far too much antiquated, excessive legislation and legal compliance, including building approvals for opening live performance spaces including Building Code of Australia rules, the National Construction Code, building categorization (places of assembly) inconsistent noise regulations, the application of resident rights without consideration of order of occupancy or designation of “entertainment precincts” (such as now established in Brisbane etc.).

This minefield is a major barrier to both entry and sector sustainability. There are many case studies and the establishment of the Factory Theatre Marrickville itself nearly did not happen because of it. Prior to Century’s activation of the Factory Theatre this venue had pre-existing, current licenses including:

- A liquor license to 5am
- A PoPE license for live entertainment for 450 persons;
- A cabaret endorsement which allowed it to also function as a nightclub.

As a live performance operator we did not require the extent of the liquor license nor the nightclub function. When we moved into the building and transferred the existing @Newtown performances, we discovered that the change to the liquor license from a *restaurant* license to *theatre* license triggered a re-categorisation of use of the premises to a place of assembly (as opposed to restaurant consent). A further \$250,000 and 18 months of trading “illegally” under extraordinary duress had to be endured before we came out at the other end. The issues surrounding the venue were entirely semantic and not real in terms of fire safety issues.

To this end, Century fully supports, the long-overdue adoption of all (approximately 50) recommendations made by the City of Sydney's Live Music and Performance Taskforce in their Action Plan along with the updates and recommendations from the Live Music Office.

Further, the establishment of the NSW Cultural Infrastructure Office which is working within and across Planning and Arts is a ground-breaking opportunity to cut across and bridge both the arts and regulatory terrains. The Office should be empowered to consolidate and champion all the issues surrounding legislative change and upgrade and take carriage of implementing them.

4. Police approval and enforcement

The lock-out laws have had a profound effect on the sector, particularly the small to medium. The Police are also however exercising a greater consent role from approving Development Applications, inflicting sniffer-dog exercises on venues and their audiences during performances, to applying a form of censorship in directives to venue operators and promoters to cancel "unwelcome" events.

There is well documented evidence to suggest that there is an imbalance in policing.

A review should be conducted of the role of the Police in regulatory control and in approval and enforcement.

Conclusion

This submission is a not an attempt to provide a comprehensive response to the brief but rather to:

1. Endorse the calls for change and reform. Change that has already been well researched and endorsed by the sector and by various government agencies;
2. Put a case for the independent, private sector organization: that their voice is as valid as that of any other and that their record speaks for itself;
3. Put a case for small to medium cultural infrastructure, as well as privately operated larger cultural infrastructure, particularly heritage items, and;
4. Provide examples of what has been achieved elsewhere and to provide examples of different ways of seeing and thinking about our cultural infrastructure in total.

Clearly, if some of the ideas put forward here, particularly in regard to the Enmore Theatre are to be advanced, further research and business case analysis needs to be conducted. This is an exercise that Century would welcome.

