

**INQUIRY INTO LIQUOR AMENDMENT (MUSIC  
FESTIVALS) REGULATION 2019 AND GAMING AND  
LIQUOR ADMINISTRATION AMENDMENT (MUSIC  
FESTIVALS) REGULATION 2019**

**Organisation:** Live Music Office

**Date Received:** 15 July 2019

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The Hon Mick Veitch, MLC  
Committee Chair  
Regulation Committee  
Parliament House, Macquarie Street,  
Sydney NSW 2000.

RE: *Inquiry into the Liquor Amendment (Music Festivals) Regulation 2019 and the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.*

The Live Music Office welcomes this Inquiry, and acknowledges the Terms of Reference.

We also recognise the commitment of the NSW Premier to the music industry in Parliament in October last year in a speech on Music Festival Safety:<sup>1</sup>

*I put on the record that we want more festivals and we want people to enjoy themselves, especially young people, but we want to make sure that these festivals are safe.*

The introduction of Music Festivals Licensing in NSW in 2019 has been the grounds of some turbulence for the music industry in NSW, partly because of the timing and process through which it was brought into operation, and partly because of the functioning practice, rationale, and scope.

In February this year, the Live Music Office was contacted by NSW residents to express their real concerns about the viability of current and future events in the calendar, particularly from stakeholders in regional NSW, comprising artists, festival presenters and event organisers in local councils.

As widespread concern grew across the music industry and the wider community, the Live Music Office was included alongside other music industry peak bodies in communications as the regulations were imminent and also brought in to meet with representatives from the Premiers Office and NSW Government agencies on Feb 20 2019, however we were not provided with the opportunity to make a constructive contribution to the shaping of the regulations before their deployment as caretaker conventions commenced in the lead up to the NSW 2019 state election.

This submission now provides the Committee with constructive references that we hope will better support this process and hopefully bring some additional context to consideration.

We appreciate the opportunity to participate in this Inquiry. Please do not hesitate to contact the Live Music Office if we can be of assistance to support the Committee through the inquiry process.

Yours faithfully,

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<sup>1</sup> Legislative Assembly Hansard – 23 October 2018 Ms Gladys Berejiklian (Willoughby—Premier), *Music Festival Safety*

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## Terms of Reference

The Live Music Office (LMO) acknowledges the Inquiry Terms of Reference:

1. *That the Regulation Committee inquire into and report on the impact and implementation of the:*
  - (a) *Liquor Amendment (Music Festivals) Regulation 2019, and*
  - (b) *Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.*
2. *That the committee report by 6 August 2019.*

## Introduction

The impending introduction of the Music Festivals Regulations in February this year was accompanied by a strong response from music industry leaders, including the following from Peter Noble from Bluesfest: <sup>2</sup>

*The NSW police regularly state that our policies are those of an industry leader in the supply of alcohol, field hospital, and crowd security and care. But, due to headlines in the media, our 30-year-old professional business is to be seriously damaged in a new policy imposed regarding festival presentation by a government who has rushed the judgement of our industry without full consultation of stake holders, or meetings with entertainment industry professionals.*

Local councils were also alarmed. A February 18 2019 story in the Illawarra Mercury Wollongong Mayor labels new NSW Government festival rules an 'over reaction'<sup>3</sup> also quotes Wollongong Mayor Gordon Bradbery as saying:

*"A cookie-cutter approach is not going to work and it's going to damage the opportunities we have for our local music festivals. "It's jeopardizing tens of millions of dollars coming into the local economy. "*

The LMO notes the Music Festivals Regulation development process. In a speech to the NSW Parliament on 23 October last year, the NSW Premier Gladys Berejiklian spoke to the guidance an established expert panel had provided to the NSW Government on music festivals<sup>4</sup>, with the panel comprised of 3 representatives: Dr Kerry Chant, the Chief Medical Officer, Mick Fuller, the Commissioner of Police, and Philip Crawford, the Chief Executive Officer of the Independent Liquor Gaming Authority [ILGA], and that:

*The panel made the point that they wanted to thank many of the stakeholders who participated in the panel's work. Many leaders in the music industry and other critical stakeholders provided input to the panel's recommendations.*

To the best of our knowledge, the Live Music Office was not contacted to consult with the expert panel in the preparation of their recommendations, and understand that the panel was limited to Chief Medical Officer, the Commissioner of Police, and the Independent Liquor and Gaming Authority. In the 20 Feb meeting with the Premiers advisors and agencies, it was visible that there were no representation from Create NSW, Department of Planning and Environment, Local Government, Tourism and Regional Development to discuss the regulations.

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<sup>2</sup> Feb 11, 2019 Poppy Reid The Industry Observer/The Brag; Peter Noble: *The Govt's festivals policy will force Bluesfest out of NSW*

<sup>3</sup> February 18 2019 Wollongong Mayor labels new NSW Government festival rules an 'over reaction

<sup>4</sup> Legislative Assembly Hansard, 23 October 2018 Ms Gladys Berejiklian (Premier), *Music Festival Safety*

## Research

To better understand the festival industry in NSW, there is a wealth of research available on festival operation.

Australia Council for the Arts<sup>5</sup> research from 2017 showed that almost half of NSW residents attend arts festivals (47%).

*In 2016, multi-art form festivals were the most popular with 28% of NSW residents attending; one quarter attended music festivals (26%); 17% attended dance or theatre festivals; 6% attended a First Nations festival; and 5% attended a writers festival.*

Live Performance Australia<sup>6</sup> publish comprehensive data on the economic Size and Scope of the Australian Live Performance industry.

2009 Research from the University of Wollongong *Reinventing rural places: The extent and impact of festivals in rural and regional Australia*<sup>7</sup> communicates visitation and just how fragile many regional festivals really are:

**Most festivals were local in orientation.** *On average 58% of attendees across the festivals surveyed were from the immediate locality; 10.5% were from the state capital (Sydney, Melbourne or Hobart); 20.9% were from elsewhere in the state (notably, this was double the result for capital cities); 8.3% from interstate; and a tiny 1% on average were international visitors. In total 91 festivals reported that 90% or more of their audiences came from their immediate vicinity.*

**Not for profit.** *The vast majority (74%) of festivals were run by non-profit organisations. Only 3.3% of the festivals surveyed were run by private sector/profit-seeking companies. Reflecting this, the stated aims of festivals were more often than not linked to the pastimes, passions or pursuits of the individuals on organizing committees, or to socially- or culturally-orientated ends such as building community, rather than as income-generating ventures. It came as little surprise, then, when festivals on the whole recorded small funding bases, limited turnovers, and frequently only just broke even or made very modest profits.*

Recognising the fragility of the festival model, the impact on the festivals community this year has been significant, with many of these events in rural and regional NSW shocked by the unfolding process, as regulations were hurriedly prepared for an imminent caretaker deadline.

The logistics involved in delivering these events are major undertakings, Event timelines are planned long in advance, and with tickets sold, performers, contractors and suppliers engaged, festival organisers across greater NSW were then left in limbo and facing an uncertain future.

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<sup>5</sup> Australia Council for the Arts; Connecting Australians: Results of the 2016 National Arts Participation Survey

<sup>6</sup> LPA Report - *Size and Scope of the Live Performance Industry* (2009)

The Size and Scope of the Live Performance Industry study calculates the industry's economic contribution in terms of gross output, value add and full time equivalent employment

<sup>7</sup> Christopher R. Gibson, Anna Stewart, 2009: University of Wollongong, *Reinventing rural places: The extent and impact of festivals in rural and regional Australia*.

It's not just the cultural and economic contribution that live music events bring to our society. The LMO Submission to the Joint Select Committee on Sydney's Night Time Economy 2019 provided the following references to how live music can contribute to safety, health and well-being:<sup>8</sup>

In 2014 The Live Music Office worked with the University of Tasmania, City of Sydney, City of Melbourne and the South Australian Government to determine the economic and cultural value of Australia's live music industry<sup>9</sup>.

Led by researcher Dr David Carter, This research also considered health and wellbeing benefits alongside the social, cultural economic contributions of live music, with the following references from pages 10 and 11.

*The link between performing arts experiences and health and wellbeing is well established (Carnwath & Brown, 2014). Music in particular has been shown through clinical research to effect immunological response, although more research is needed into how this functions (Fancourt, Ockelford, & Belai, 2014). Music is often used as a mood manipulator by advertisers and retailers (North, Hargreaves, & McKendrick, 1999), and people frequently use music for 'emotional self-regulation' (DeNora, 2000).*

*Active engagement with music has been shown to increase positive perceptions of self, which in turn leads to greater motivation, manifesting in turn in enhanced self-perceptions of ability, self-efficacy and aspirations (Hallam, 2005, 2010)*

*Live music has also been recognised as contributing to a sense of community, meaning and attachment to place (S. Cohen, 1999; Gallan & Gibson, 2013; Long, 2014). Live music is a communal event that incentivises like-minded individuals to gather, and "provides a sense of community that is not present when listening to music alone" (Black, Fox, & Kochanowski, 2007). The informal nature of the industry "blurs the business-social divide," (Watson, 2008) levelling the importance placed on social and business relationships to an equal standing.*

*This is thought to be true of cultural and creative industry workers in general; as the long hours, socialising with other creative workers and the spill over between work and play generates a strong community (Pratt, 2000).*

Finding 4 from last year's Music and Arts Inquiry<sup>10</sup> also speaks to the lack of causality between music and violence.

*That the committee found no research available that suggested that music causes violence. In fact, the majority of the evidence the committee received suggested that music assists in preventing violence.*

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<sup>8</sup> J Wardle, Live Music Office (2019) *Live Music Office Submission - Joint Select Committee on Sydney's Night Time Economy 2019*

<sup>9</sup> Dr David Carter, UTAS (2015) *Economic and Cultural Value of Live Music in Australia 2014*, <https://livemusicoffice.com.au/research/#/research/utasresearch/>

<sup>10</sup> Legislative Council Portfolio Committee No. 6 - Planning and Environment – Inquiry into the Music and Arts Economy in New South Wales, Finding Number 4

## **Portfolio Committee No. 6 - Planning and Environment; Inquiry into the music and arts economy in New South Wales (2018)**

The LMO welcomed the findings tabled from the 2018 Parliamentary Inquiry into the Music and Arts Economy<sup>11</sup> in NSW, from what was a very thorough and rigorous investigation into the issues facing the music sector in NSW. There were a number of submissions and associated evidence from the music festival industry that might also be of assistance to the Committee in understanding the operational challenges in delivering a music festival in NSW as well as to guide findings and actions. We extend our thanks to the very open and supportive committee comprising members across the political spectrum.

We refer this Committee to Chapter 9 of the Inquiry Report, that discusses a) the importance of festival culture; b) Challenges associated with planning festivals; c) Proposals for reform; d) Availability and suitability of festival sites in Sydney; e) Funding; and f) Committee comments.

To case studies and evidence including:

- Sydney Fringe Festival
- Illawarra Folk Festival
- Bluesfest
- North Byron Parklands
- Tamworth Country Music festival

To challenges associated with planning festivals that identified restrictive regulation:

Numerous regional festival operators told the committee that the key challenges of hosting a festival stemmed from inadequate regulation that is restrictive and decentralised. More specifically, these concerns included:

- frustration at the planning approval process for festival sites
- the prohibitive cost of regulation and compliance, particularly security
- the substantial financial risk undertaken by festival operators
- volunteer burn-out, lack of strategic and long-term planning and development for events.

And to the Committee comments:

- The committee is concerned at the perception that only publicly funded events and organisations are able to afford the cost, and navigate the regulatory burden of delivering events in New South Wales.
- The committee recognises the importance of festivals to the music and arts ecosystem in New South Wales. We are disheartened to hear of the challenges experienced by festival operators, particularly considering the social and economic benefits festivals can offer to local communities. In particular, the committee is concerned by the level of red tape encountered by the Illawarra Folk Festival, Bluesfest and North Byron Parklands. The committee also appreciates the frustration experienced in making annual licensing applications for regular festivals that do not change significantly year after year.
- The committee acknowledges the significant financial risk, such as securing artists and investing in their sites, taken on by festival operators prior to staging their events. It is unacceptable that these operators are required to undertake these activities without any permanent tenure.

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<sup>11</sup> Legislative Council Portfolio Committee No. 6 - Planning and Environment – Inquiry into the Music and Arts Economy in New South Wales

## Better Regulation Principles

The preparation of this submission has encouraged the LMO to re-examine better regulation principles in NSW, as well as their 2017 evaluation.

Better Regulation Principles<sup>12</sup> in NSW specifically acknowledge why consultation is important (5).

*The NSW Government has articulated what characterises good regulation and the minimisation of red tape through seven Better Regulation principles. The principles are designed to improve the quality of regulation, by ensuring the decision maker is fully informed when considering regulatory proposals. Better Regulation is the result of sound policy development and regulatory design processes. The principles are the cornerstone of the government's commitment to good regulation and must be followed in the development of every regulatory proposal. In doing so, it is demonstrated the proposal is required, reasonable and responsive.*

The 2017 Independent Review of the NSW Regulatory Policy Framework Report<sup>13</sup> also makes the following observations under *Engagement should be the regulator's starting point*:

*NSW citizens will benefit from a regulatory system that puts engagement and clear communication at the centre of regulatory policy development, where every party is clear on its responsibilities and the desired outcomes of regulation.*

*Government must start with a sound understanding of the outcome required of any policy that might result in regulation. Regulation is just one tool within a suite of options available to government to achieve good policy and service delivery outcomes. To provide good regulatory advice, regulators must also sufficiently understand the end user experience and be able to apply a clear set of objectives for any government intervention.*

Ensuring consultation comprising state, local government and the music and festivals industry has been a primary request throughout the turbulent deployment of the Music Festivals Regulations this year.

In a Lord Mayoral Minute - *NSW Government Regulation of Music Festivals* from Wollongong City Council, on 18 February 2019, Wollongong Lord Mayor Gordon Bradbery AM tables the following:

*Request that the Independent Liquor and Gaming Authority engage with stakeholders, including Wollongong Council, prior to the framing of legislation to introduce a new music festival licence application process.*

A February 20 2019 joint statement issued by Australian Festival Association, Live Performance Australia, MusicNSW, APRA AMCOS and the Live Music Office 'Will NSW be Australia's first music festival-free zone' reads:

*We urge the Government to come to the table with a commitment to genuine and extensive consultation that includes a commitment to defer the 1 March start date for the new licensing requirements so we can understand the economic, cultural and operational impacts of the new regulations.*

On March 11, a Minute by Lord Mayor Clover Moore to City of Sydney Council<sup>14</sup> tabled the following recommendations were carried unanimously:

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<sup>12</sup> The Better Regulation principles Principle 5: *Consultation with business, and the community, should inform regulatory development.*

<sup>13</sup> NSW Regulatory Policy Framework, Independent Review Final Report, August 2017

<sup>14</sup> 11 March 2019, Minute by the Lord Mayor Clover Moore; *Music Festival Licensing*



*It is resolved that Council support calls for the Liquor Amendment (Music Festivals) Regulation 2019 to be repealed to allow for:*

- (A) genuine and comprehensive consultation with the live music and festival sector; and*
- (B) a comprehensive review of the economic, social, cultural and operational impacts of the regulation*

We expect that submissions across peak bodies and the music sector to this Inquiry will be united in advocacy for a collaborative and coordinated forum and process to better inform festival safety in NSW. There are many events that are leading examples of event delivery whose expertise as individual event producers, alongside peak bodies, would be of real value in demonstrating what best practice looks like.

### **NSW Liquor Act 2007 - Sect 3 Objects of Act**

We reference the Objects of the NSW Liquor Act 2007<sup>15</sup>, which music sector advocates successfully campaigned for through the consultation process preparing for the new legislation back in 2007.

#### **LIQUOR ACT 2007 - SECT 3 Objects of Act**

*(1) The objects of this Act are as follows:*

- (a) to regulate and control the sale, [supply](#) and consumption of [liquor](#) in a way that is consistent with the expectations, needs and aspirations of the community,*
- (b) to facilitate the balanced development, in the public interest, of the [liquor](#) industry, through a flexible and practical regulatory system with minimal formality and technicality,*
- (c) to contribute to the responsible development of related industries such as the [live music](#), entertainment, tourism and hospitality industries.*

Looking to the reference to the live music industry under s3.1.c, this is fundamental not only in applying for, amending or transferring a liquor licence, supporting all ages events as well as providing context in arbitration over noise complaints for venues and the music industry, but also for supporting licence categories and the development and operation of the Act and Regulation.

Recognising the importance of the objectives of the legislation, conventions habitually determine that consultation be undertaken before any new regulations commence.

### **Music Festival Licences - Definitions**

Turning to the interpretation, Definitions<sup>16</sup> table specifications in the regulations that delineate precisely just what a concert and a music festival is as follows:

***Concert:*** *means a music-focused event that uses a single stage, is proposed to be held over a period of less than 5 hours and has not more than 2 headlining performers and not more than 4 performers in total, including supporting performers.*

#### **61B Meaning of “music festival”**

*A music festival means an event, other than a concert, that:*

- (a) is music-focused or dance-focused, and*

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<sup>15</sup> NSW LIQUOR ACT 2007 - SECT 3 Objects of Act

<sup>16</sup> Liquor Amendment (Music Festivals) Regulation 2019 [NSW] Part 4A Music festival licences Division 1 Interpretation, 61A

*(b) has performances by a series of persons or groups that are engaged to play or perform to live or pre-recorded music, or to provide another form of musical or live entertainment, and  
(c) is held within a defined area, and  
(d) is attended by 2,000 or more people, and  
(e) is a ticketed event*

These definitions and the process as to how these quite precise specifications were determined for such a diverse area of art-form practise and event delivery continue to be a matter for deliberation across the music industry, and worthy of further consideration by the Committee.

Assessment criteria understandably also have implications for future music festivals in NSW.

#### **61K Assessment criteria<sup>17</sup>**

*(1) The Authority may have regard to the following assessment criteria:*

- (a) the circumstances of any prescribed event that occurred at a music festival, or an event related to a music festival, for which the applicant was the licensee, manager or approved agent, in the 3 years immediately before the date on which the application for the music festival licence was made,*
- (b) the safety management plan for the music festival,*
- (c) the number of tickets to be made available for sale for the music festival,*
- (d) the targeted age demographic of the music festival,*
- (e) the anticipated weather conditions for the time the music festival is proposed to be held,*
- (f) the type of music featured at the music festival,*
- (g) the assessment criteria set out in the Music Festival Licence Guidelines.*

We draw the committee's attention to parts;

- (d) the targeted age demographic of the music festival,*
- (f) the type of music featured at the music festival,*

#### **Music Festival Licences – Assessment Criteria; Age Demographics.**

These criteria also raise queries for the music sector as to the ongoing operation of the regulatory framework and to the future of the development of the live music and festival industry in NSW – is this targeted at young people for example? Or mature aged audiences? are questions that have arisen.

The 2015 NSW Arts and Cultural Policy Framework<sup>18</sup> contributes to the Government's State Priority to increase attendance at cultural venues and events in NSW by 15% by 2019, and strongly supports participation across priority areas, including young people:

*Arts for young people: We appreciate the powerful and positive impact that arts and cultural participation can have for young people, and we will work to broaden creative learning, and arts and cultural career opportunities. We will develop a deeper dialogue with young people about reshaping our cultural life, empowering them to contribute to our plans and priorities.*

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<sup>17</sup> Liquor Amendment (Music Festivals) Regulation 2019 [NSW] Division 4 Assessment of application for music festival licence, 61K Assessment criteria

<sup>18</sup> Create NSW (2015) NSW Arts and Cultural Policy framework: *Create in NSW*

In his response on behalf of the State Government to last year's Music and Arts Economy Inquiry Committee Report<sup>19</sup>, Arts Minister Don Harwin MLC spoke well of the contribution of our Live and Local micro-festival program with Create NSW.

*Create NSW has also funded the highly successful Live and Local music initiative in partnership with the Live Music Office and with the support of local councils in Western Sydney and Regional NSW.*

The Live and Local strategy was a flagship vehicle for providing live music opportunities for young musicians and audiences in NSW. Create NSW Priority Areas were represented in every program, with a total of 236 Cultural and Linguistic Diverse (CALD), 46 Aboriginal and Torres Strait Islander (ATSI), 12 people with disabilities and 450 youth artists.

### **Music Festival Licences – Assessment Criteria; Genres**

The prescribing of liquor licence conditions for the music industry pertaining to genres and types of music was also a matter for consideration and associated findings from the NSW Legislative Council Portfolio Committee No. 6 – Inquiry into the Music and Arts Economy (2018).<sup>20</sup>

**Recommendation 43** - *That the NSW Government review and amend liquor legislation to remove outdated conditions for liquor licences and development applications that place unnecessary restrictions on certain entertainment live music venues, such as prohibiting music genres or specific musical instruments.*

The electronic music industry in particular is vulnerable to displacement, compounded in NSW by the impacts of the lockouts on the inner city club scene. The LMO submission to the Joint Select Committee on Sydney's Night Time Economy Inquiry 2019 reference the contribution of the electronic music sector as a significant component of the broader music sector ecology. Published in May 2019, The [IMS Business Report 2019](#)<sup>21</sup> estimates the value of the global electronic music industry 2018/19 to be \$7.2bn (USD). The 2019 IFPI Global Music Report<sup>22</sup> ranks Dance as the World's 3rd most popular genre; with an annual global consumer base estimated at 1.5 billion people.

In the submission on behalf of the Club Music Advisory Group (CMAG), Group Chair and Head of Sync for TMRW Music, John Ferris describes the lockouts impact on the electronic music scene:

*"With the venues closing, the loss of jobs of business owners is just the tip of the iceberg, jobs behind bars, taxi driver income, security staff, floor staff and then entertainment staff – promoters, musicians and DJs have all had significant job losses in the sector. Since the lockout were introduced at least 270 venues have closed. Each closure puts out of work at least 10 people per venue, that's no less than 2,700 jobs directly affected, not including all of the associated industries that have also suffered: food outlets, taxi's, suppliers etc. Literally thousands of job losses at the hands of the government's heavy handed implementation of a blunt instrument, with no consultation with the sector and no concern for any nuanced response for venues that had no issues with violence".*

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<sup>19</sup> 7 January 2019, NSW Government Response, *The music and arts economy in New South Wales*

<sup>20</sup> Recommendation 43 - That the NSW Government review and amend liquor legislation to remove outdated conditions for liquor licences and development applications that place unnecessary restrictions on certain entertainment live music venues, such as prohibiting music genres or specific musical instruments.

<sup>21</sup> IMS Business Report 2019

<sup>22</sup> IFPI Global Music Report (2019)

## Legislative Council Regulation Committee

With reference to any requirement for the Regulatory Impact Assessment, as the NSW *Subordinate Legislation Act 1989 - SECT 5* describes the circumstances under which Regulatory impact statements must be prepared. The LMO also appreciates the function that the Legislative Council Regulation Committee correspondingly provides, and in this context, we thank the Committee for endorsing this Inquiry on 30 May 2019, and enabling community and industry consultation so rapidly.

The LMO would also like to specifically mention Committee members for their support for our industry through their time in the NSW Parliament;

- Chair, Mick Veitch (LAB, LC Member); *Live Entertainment Venue Licensing* speech, Legislative Council Hansard – 18 October 2007
- Catherine Cusack (LIB, LC Member); Committee Member, Portfolio Committee No. 6 - *Planning and Environment; Inquiry into the music and arts economy in New South Wales*
- Ben Franklin (NAT, LC Member); Chair of the NSW Parliamentary Friends of Australian Music (PFOAM)
- Mason-Cox, Matthew (LIB, LC Member); Referencing the importance of the live music industry in the second reading speech as Place of Public Entertainment laws were repealed under the *Environmental Planning And Assessment Amendment Bill 2008*

We also acknowledge Ben Franklin for his direct advocacy on Music Festivals Regulation in February this year<sup>23</sup>.

## NSW Coroner's Inquest into Music Festival deaths

The LMO recognises the NSW Coroner's Inquest into the Music Festival deaths being held currently from Monday 8 July to Friday 19 July 2019.

At the opening of the inquest, Deputy State Coroner Harriet Grahame is quoted in the online music press as saying<sup>24</sup>:

*"These are your children but they could just as easily be the children of my own community or my own family," she said. "They could be any young people who go to music festivals and partake in drugs as many young people do."*

Accepting that this Music Festivals Inquiry must report by 29 August 2019, it may not be possible for any findings from this Inquest to be incorporated into the Committees considerations, in what we would understand to be a primary source for reviewing festivals regulations in NSW.

In light of this, were an omnibus review of festivals regulations and practice in NSW to be a recommendation of this Committee, this would then enable the findings and recommendations from the NSW Coroner's Inquest into the Music Festival deaths to be able to inform future approaches to festival safety as they are handed down.

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<sup>23</sup> Feb 22, 2019, Ben Franklin, Nationals Member of the NSW Legislative Council; *FRANKLIN FIGHTS FOR OUR FESTIVALS*

<sup>24</sup> July 11, 2019 Nathan Jolly, The Music Network, *The boring truth about drug deaths at festivals*

## Coronial Inquest into the Death of Jessica Michalik (2002)

We refer the Committee to the Findings and Recommendations 1 and 2 from the 2002 Coronal Inquest into the Death of Jessica Michalik.<sup>25</sup>

*Jessica Michalik was the only child of Barbara and George Michalik. She was raised in the Dee Why area of Sydney, attending Cromer High School. Jessica loved sports, swimming, tennis and athletics, until her father gave her an electric guitar which she played every moment she could. She had dreams of forming her own 'all female' band with her friend Lisa Ryan.*

The report goes on to say that Jessica attended the Big Day Out with her friends but never returned home. She had just turned 16 years of age. The cause of her death was found to be due to crush/mechanical asphyxia, and it must be noted that there was no evidence of drugs such as ecstasy or alcohol.

The recommendations from this inquest lead with the following:

1. *That a 'working party' be established under the auspices of WorkCover Authority of NSW, to review current 'entertainment' industry standards and practices and develop guidelines to ensure the safety and comfort of patrons attending large scale events.*

*This working party should comprise of representatives from the police, ambulance, fire brigade, local government, promoters, security, entertainers and any other appropriate 'stakeholders'.*

*Given then changing dynamics of rock and pop festivals and the alarming number of deaths at outdoor venues, the working party should be established forthwith.*

*The 'working party' to devise guidelines for promoters to be adopted at events such as the Big Day Out and other large scale entertainment events.*

*The guidelines should be developed with the intention that they be adopted as a 'National Code of Conduct'. Australian Standard AS:4360 of 1999 should be used when considering the issues of 'risk assessment'.*

*The working party should have regard to (but not limited to): crowd numbers generally and at individual venues the compulsory preparation of comprehensive 'risk assessment' emergency protocols for stopping artists during performance age restrictions the accessibility of water, shade and first aid the suitability of crowd activity such as moshing, slam dancing, crowd surfing etc. barrier configurations*

2. *That the State Government establish a regulatory authority responsible for the licensing, regulating and policing of large scale entertainment events. This body should have enforcement powers to ensure compliance.*

The recommendations from this inquest correspondingly answer to the findings under what would be regarded as occupational health and safety areas. Further issues identified through last year's music and arts economy inquiry as well as expected from this current Festival Regulations inquiry would likely broaden the scope of any working group were one to be established, which would further guide lead agency decisions.

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<sup>25</sup> J. Milledge, Coroner: 8 November 2002, NSW State Coroner's Court; *Inquest into the Death of Jessica Michalik, Findings and Recommendations*.

## Better Regulation Standing Committee / Roundtable

Governments have convened better regulation standing committees/roundtables in at least 5 states over the last 15 years in Australia to support the live music, arts, cultural sector and Night-Time Economy.

QLD	2004/5	Brisbane City Council / QLD Govt Agencies	Designing Special Entertainment Precinct / Local Laws
NSW	2006/8	NSW Govt Agencies and Industry	2007 Liquor Act EP&A / PoPE laws State BCA Variation
SA	2015/17	Regulation Roundtable	Remove Entertainment Consents Small Arts Venue NCC Variation
SA	2016	Streamlining Live Music Regulation	Exempt Development Musicians Loading
WA	2016	Live Music - Arts and Cultural Regulation Working Group	s117 of the Liquor Control Act 1988 Environmental Protection (Noise) Regulations
NSW	2016	Night-Time Economy Roundtables	NTE 25 Point Action Plan
QLD	2016	DPC Live Music Industry Working Group	<i>Tackling Alcohol-fuelled Violence</i>
VIC	>2019	Live Music Regulation Roundtables	All Ages Regulations Agent of Change / Review SePPN2 EPA Review Small Venues Regulation Sexual Assault and Harassment Taskforce

- Frank Henry from Brisbane City Council speaks to the collaboration required to enable Special Entertainment Precincts/Areas (SEP's) in QLD, with the number of SEP's in QLD now growing from one to four in 2019.
- Committee members Mick Veitch, and Matthew Mason-Cox would likely remember the 2007 Liquor Act and associated changes in NSW for Planning for Entertainment.<sup>26</sup>
- South Australia have developed important planning and building benchmarks in 2016/17 from their Regulation Roundtable and the 2016 Streamlining Live Music Regulation Project.
- An associated recommendation from last year's Music and Arts Inquiry speaks to the Victorian model, being a recurring standing committee.

The establishment of a regulation working group or roundtable has been supported across NSW Government initiatives and last year's inquiry:

### 2016 – NSW Government Night-Time Economy Roundtables; Action 1.1

*1.1 Establish a new entity within Government which has ongoing responsibility to implement and monitor action plan progress and liaise with stakeholders to foster and promote Sydney's night time economy, with regular reporting to the Deputy Premier*

### 2018 - Music and Arts Economy Parliamentary inquiry; Recommendation 11

<sup>26</sup> NSW Department of Planning, Industry and Environment; *Planning for Entertainment*.

***Recommendation 11*** - That Create NSW establish and convene a Live Music Roundtable in New South Wales, based on the Victorian model, which includes key government agencies and music industry stakeholders.

Goal 12 of the 2019 Cultural Infrastructure Plan also brings support to optimised and coordinated policy:

12.3 Ensure that NSW Government policy affecting the night-time economy includes balanced provisions that support the establishment and operation of cultural infrastructure, such as theatres and live music venues.

Another project the LMO can speak to comes from South Australia. In 2016 the South Australian Premier commissioned the Streamlining Live Music Regulation Change@SA 90 Day Project. The purpose of the project was to examine the regulatory barriers facing bricks and mortar live music venues and to recommend reforms to reduce the regulatory burden for live music venues.

*The project has been a collaborative effort of South Australian Government agencies, the Adelaide City Council, the National Live Music Office, the Australian Hotels Association of South Australia, the music industry and the community<sup>27</sup>.*

And a further important contemporary reference for the Committee is the review and associated consultation document from Western Australia; *Managing public health risks at events in WA*<sup>28</sup> also currently underway in 2019. The LMO was able to engage with this process, with submissions closing on 21 June 2019.

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<sup>27</sup> Department of the Premier and Cabinet South Australia; *Streamlining Live Music Regulation, Change@SA 90-Day Project Final Report* (2016)

<sup>28</sup> WA Department of Health: Events Regulation Review, Environmental Health Directorate (2019), *Managing public health risks at events in WA*

## Is There a Better Way? Consideration of a NSW Drug Summit

On 11 May 1999 the NSW Premier moved the following resolution in the Legislative Assembly:<sup>29</sup>

(1) That this House, recognising the problem of the use of drugs in the community and its impact on society, agrees to hold a Drug Summit at Parliament House, involving members of both Houses of Parliament and invited community representatives, in order to:

- create a better understanding by members of Parliament and the community of the causes, nature, and extent of the illicit drug problem, particularly in New South Wales;
- better inform members of Parliament through a forum bringing together a range of drug experts and community representatives who reflect the spectrum of views on drugs;
- hear and consider the views of young people;
- examine existing approaches to the illicit drug problem and consider new ideas and new options in a bipartisan forum;
- consider evidence regarding those strategies that work and those that do not, and in particular, to consider: the effectiveness of existing New South Wales laws, policies, programs and services; and the effectiveness of current resource allocations in the drugs area;
- identify ways to improve existing strategies and services that work and identify gaps and needs in programs and services;
- build political and community consensus about future directions in drug policy; and
- recommend a future course of action for the Government to consider.

And went on to say;

***Mr CARR** (Maroubra - Premier, Minister for the Arts, and Minister for Citizenship) The fundamental point is this: next week the Parliament will be saying, "We will be debating these things." The Legislative Assembly and the Legislative Council of New South Wales will be saying, "We are open to argument. We will explore this. We will test every proposition and argument. We will see whether we can do these things better than they have been done in the past." In saying that we are asserting the relevance of Parliament to a problem that probably concerns every family in this State and will, no doubt, at some time touch a great proportion of them.*

The NSW opposition at the time provided their commitment also:

***Mrs CHIKAROVSKI** (Lane Cove - Leader of the Opposition) [4.12 p.m.]: The Opposition welcomes the motion moved by the Premier. The Opposition's bipartisan participation in the forthcoming drug summit will be genuine and all Opposition members will have fair and open minds. While the human cost of illicit drugs impacts heavily on so many individuals it is impossible to have any accurate measurement of the human suffering involved. As a community we attempt to quantify the horror and the damage flowing from drug addiction and we struggle for words. Illicit drug addiction is a human tragedy that impacts totally - physically, spiritually and emotionally - on its victims. But this tragedy goes beyond the victims. It impacts on the addict's family, on his or her friends, and on those in the community who provide assistance and comfort.*

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<sup>29</sup> Legislative Assembly Hansard – 11 May 1999, Mr CARR (Maroubra - Premier) *Drug Summit*



The New South Wales Drug Summit: Issues and Outcomes Report<sup>30</sup> describes the process:

*The Summit commenced on 17 May 1999, chaired by former Federal National Party Leader Ian Sinclair and former Victorian Labor Premier Joan Kirner. It was attended by 135 NSW Parliamentary delegates; 2 Federal Parliamentary delegates; 80 non-Parliamentary delegates; and 45 associate delegates. Delegates had voting rights, associate delegates did not. The major parties had allowed their members a conscience vote instead of voting along party lines. However, the resolutions are not binding on the Government. The Summit was addressed by a number of speakers ranging from experts in the fields of criminology and public health to those with personal experience of illicit drug use.*

The 1999 Drug Summit is recognised as negotiating the complexities of the challenges at the time and delivering workable solutions that have been appraised as saving lives.

Reconvening a NSW drug summit has growing support across the political spectrum in NSW. Prior to the NSW election in January 2019, a group of cross-party NSW MPs comprising Liberals' MP Shayne Mallard, Committee member and Greens' MP Cate Faehrmann, Labor's Jo Haylen and independent MP Alex Greenwich petitioned the Premier to commit to a drug summit after the March election, warning that urgent action is needed to stop people dying at music festivals<sup>31</sup>.

*"A drug summit, convened by the NSW government, and engaging people from across government, the not-for-profit sector, health and justice, would allow us an opportunity to properly examine all the evidence and find the right mix of responses."*

Previously in 2016 Liberal MP and Committee member from last year's Music and Arts inquiry Shayne Mallard said:<sup>32</sup>

*"Elected representatives should vigorously examine all approaches to the drug problem with a view to testing strategies to respond to changing circumstances,"*

Prior to that in 2014, former Premier Bob Carr also brought his support for a fresh summit for NSW<sup>33</sup>

*"I would strongly recommend to both sides of politics that after the state election – whatever the outcome, they reassemble a convincing summit with a full spectrum of views, experience and expertise ... so every treatment and management option is on the table. And flashing in neon above the Speaker's chair should be one very short, simple question ... 'is there a better way?' Because that was the spirit of the 1999 summit - and we found there were many better ways."*

*"Given the way governments spend money, particularly in the health area, getting people to come in under their own steam ... to share their expertise ... is a far more cost-effective way of reviewing policy than handing everything over to consultancy firms."*

The LMO brings our backing also for reconvening a drug summit for NSW, to provide a comprehensive forum to examine harm reduction measures.

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<sup>30</sup> Marie Swan, NSW Parliamentary Library Research Service; *The New South Wales Drug Summit: Issues and Outcomes*, p.13

<sup>31</sup> Alexandra Smith January 9, 2019, Sydney Morning Herald: *MPs from across the political divide push Berejiklian on pill testing*

<sup>32</sup> James Robertson and Eamonn Duff July 23, 2016, Sydney Morning Herald: *Decades on, old foes unite for new drug approach*

<sup>33</sup> November 29, 2014. Eamonn Duff, Sydney Morning Herald; *Bob Carr joins calls for drug summit*

## The Federal Ministerial Drug and Alcohol Forum (MDAF)

In December 2016 the Federal Ministerial Drug and Alcohol Forum (MDAF) was established. The role of the MDAF is to:

- oversee the work to develop, implement and monitor Australia's national drug policy framework
- direct, advise and report to other councils and committees
- report each year to the [Council of Australian Governments](#)

Policy areas the MDAF have supported since 2016 include;

- National Ice Action Strategy which seeks to reduce the impact that crystal methamphetamine ('ice') is having on Australian communities.
- Principles that Underpin the Current Policy and Regulatory Approach to Electronic Cigarettes (E-Cigarettes) in Australia;

The LMO recognise that NSW Police Force activities are consistent with the National Drug Strategy 2017-2026, communicated on the NSW Police website as follows:

*Harm minimisation is not about condoning drug use, rather it refers to policies and programs designed to prevent and reduce harm associated with both licit and illicit drugs.*

*Harm minimisation encompasses:*

- *Supply reduction strategies to disrupt or reduce the production and supply of illegal drugs; and control, manage and/or regulate the availability of legal drugs;*
- *Demand reduction strategies to prevent or delay the uptake of alcohol, tobacco and other drug use; reduce substance misuse and support people to recover from dependence and reintegrate with the community; and*
- *Harm reduction strategies to reduce the adverse health, social and economic consequences of the use of alcohol, tobacco and other drugs.*

*NSW Police Force activities:*

- *target those involved in illicit drug supply;*
- *aim to make illicit drugs less available;*
- *provide drug offenders with opportunities to address drug problems;*
- *increase the likelihood of people seeking treatment; and*
- *reinforce the message that illicit drug use is not condoned by the community.*

Health, safety, and law enforcement responses to the use of recreational drugs at music festivals will continue to be a profile area within overarching drug and alcohol policy responses across Australia.

The LMO proposes that the NSW Government refer as a priority any use of recreational drugs at music festivals to the MDAF for the establishment of a national working group in partnership with federal, interstate and territory colleagues.

The development of a federal strategy/response could then provide revised guidelines for law enforcement and health agencies to deliver flexibility to better manage these challenges in line with statutory requirements, be responsive to state specific cases such as the NSW Coronial inquest into deaths at music festivals, as well as evolving community views and expectations.

## Managing Public Health Risks at Events in Western Australia

An important contemporary reference for the Committee is the review and associated consultation document from Western Australia; *Managing public health risks at events in WA*<sup>34</sup> also currently underway in 2019. The LMO was able to engage with this process, with submissions closing on 21 June 2019.

The context for the review is explained as follows:

*At present public health risks at events are managed by authorised officers under the Public Buildings Regulations. As these regulations were not written with events in mind, they do not directly fit this purpose; they require a defined area to assign a maximum capacity, and contain requirements irrelevant to outdoor venues.*

Importantly, the report goes on to say that:

*The DOH is required to undergo the Regulatory Impact Assessment process as required by the Department of Treasury. This paper forms part of the process and will ensure that any proposed regulatory changes have undergone adequate consultation, with stakeholders given the opportunity to detail any impacts.*

The LMO commends this work to the Committee.

Another approach from Western Australia of relevance to festivals regulation in NSW is the balancing of the public interest test under the Liquor Control Act 1988<sup>35</sup> where the public interest assessment of an applicants' tourism, community and cultural benefits are considered during the liquor licence application or amendment process.

### **LIQUOR CONTROL ACT 1988 - SECT 38**

#### **Some applications not to be granted unless in the public interest**

- *the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; and*
- *whether the amenity, quiet or good order of the locality in which the licensed premises, or proposed licensed premises are, or are to be, situated might in some way be lessened; and*
- *whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and*
- ***(ca) any effect the granting of the application might have in relation to tourism, or community or cultural matters; and***
- *any other prescribed matter. (Please note: there are no prescribed requirements at this time).*

The Live Music Office has also advocated for a public interest assessment of tourism, community and cultural benefits to also be introduced in NSW through our Submission to the Joint Select Committee on Sydney's Night-Time Economy, alongside consideration of the suite comprising Short Term Liquor Licenses in South Australia for NSW application, which in our view would support the development of independent grass roots festivals and events in NSW.

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<sup>34</sup> WA Department of Health: Events Regulation Review, Environmental Health Directorate (2019), *Managing public health risks at events in WA*

<sup>35</sup> Western Australia, Liquor Control Act 1988 Section 38(4) *Some applications not to be granted unless in the public interest*

## User Pays Policing

There is not always a clear understanding from a music industry perspective as to how user paid policing for events operates in practice.

User-pays policing practices have been identified by leading Councils in NSW including the City of Sydney through the Live Music and Performance Taskforce from 2013/14;

*There are also concerns from the sector that the current system used by NSW Police to determine user-pays policing levels for major events lacks clarity and consistency, does not accurately reflect the level of risk posed by many events, and does not account for the experience or compliance history of the event producer<sup>36</sup>.*

As well as by Wollongong City Council on 18 February 2019 in a Lord Mayoral Minute<sup>37</sup>

*Request that NSW Police, Health agencies and local government, in consultation with music event organisers, develop a financially sustainable industry standard for user-pays policing and medical services at events<sup>38</sup>.*

There must be a recognition in the operation of these processes that planning and budgeting for live music events and festivals requires a great deal of preparation, and with timelines that can have a lead in of 18 months to two years or longer. Ensuring that compliance history, clarity and consistency are primary considerations when assessing applications and not have further compliance measures applied imminently before the day arrives are crucial to a sustainable live music and performance events industry.

## Proposed Live Music Industry Police Liaison Unit

On 8 April 2017 the LMO delivered a broad presentation to the Create NSW Night-Time Economy Taskforce on the music industry and better regulation, informed by our work nationally, as well as at the state and local level in NSW.

Amongst the agenda and associated references from the 2016 Night-Time Economy Roundtables was an item relating to Policing. There had been a number of interactions between venues, patrons and the NSW Police that had been problematic from our view over time, and we could see the need to build better mutual understanding and relationships with the NSW Police.

From our presentation:

*To rebuild better working relationships and mutual understanding, we think that a way forward would be for a Live Music Industry Police Liaison Unit informed by the Gay and Lesbian Mardi Gras model be established. This could comprise Liquor and Gaming NSW, NSW police including ALEC, the live music sector and local government, and would provide the opportunity to convene on a biannual basis or where appropriate to work through policy and operational issues pertaining to NSW policing approaches to the live music and performance sector.*

Consistency in planning, licensing and policing of venues also featured in last year's Music and Arts Inquiry, including in the following exchange on 26 March:

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<sup>36</sup> City of Sydney (2014): *Live Music Matters: Planning for Live Music and Performance in Sydney*

<sup>37</sup> Wollongong City Council, 18 February 2019: Lord Mayoral Minute - *NSW Government Regulation of Music Festivals*

*The Hon. SHAYNE MALLARD: Council policing and enforcement of the regulations seem to be inconsistent. City of Sydney treats it one way and Parramatta treats it another way. Would that be your contention?*

*Ms BAKER: It would. I think it also changes depending on who is running the local area command at the time. You may not change, but one person changes. I must say our relationship with the police is really strong. The officers that visit our venues completely understand our business model and that we run safe venues and are not the issue. I think it is way higher up the food chain in terms of their purpose and why they believe it needs strong policing.*

## **Local Government Partnerships**

The engagement by local government through the introduction of festivals licensing this year demonstrates not only just how important they consider live music festivals and events to their cultural and economic development, but also a strong willingness to collaborate with the NSW Government and contribute to supporting a coordinated regulatory framework.

A good example is how live music contributes to the City of Wollongong, again from the Lord Mayoral Minute - *NSW Government Regulation of Music Festivals*.<sup>39</sup>

*This year the Illawarra Folk Festival attracted 10,000 patrons over its three days and delivered \$3.4 million into the local economy. The Yours and Owls festival began as a small scale festival by a group of young locals four years ago and attracted 1,200 patrons to their first event. This year the two day festival welcomed over 20,000 patrons, with nearly half of the tickets being sold from those out of region, and delivered \$4.3million into the local economy. This event has been a success story as it has grown through tailored guidance from Wollongong City Council, NSW Police and designated mentors. Corona Sunsets was held on North Beach in December, a sold out event for 8,000 patrons who delivered \$1.9 million into the local economy. This event is held four times around the world each year and had a live stream which was viewed by over 1 million people on the day of the event alone.*

In their submission to the NSW music and arts economy Inquiry (2018), Local Government NSW said:<sup>40</sup>

*Echoing the suggestions by festival operators, Local Government NSW supported the streamlining of approval processes as a matter of priority.<sup>786</sup> They further suggested that an advisory service would be 'helpful' for community, artistic and volunteer groups, and councils.<sup>787</sup> Local Government NSW recommended that the government resource the Easy to Do Culture initiative to work across agencies to improve the approval processes, and advisory services, for cultural activities.*

An interesting precedent for local and state government in this context is the protocol introduced in 2009 to make NSW film friendly, which would augment any establishment of a music festivals working group and any associated omnibus review of festivals regulation were they to be created.

This way, a music festival protocol may also be developed in consultation with local councils, government agencies and the music industry to ensure that New South Wales remains music friendly while maintaining a proper balance between community, cultural and economic concerns.

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<sup>39</sup> Wollongong City Council, 18 February 2019: Lord Mayoral Minute - *NSW Government Regulation of Music Festivals*

<sup>40</sup> Submission 237, Local Government NSW, p 7.

We recognise that there are great examples in NSW and beyond of state government and local councils delivering coordinated support for event producers. New South Wales has the DPC Events Starter Guide, Queensland has the Entertainment Events Toolbox; Wollongong has their events toolkit as do other councils. Similar support in Geelong and Port Phillip in Victoria are also highly regarded, to name just a few.

In closing, we thank the Committee for this inquiry, and please don't hesitate to be in touch if the LMO can provide further assistance at any stage.

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Deputy State Coroner Harriet Grahame (2019)<sup>41</sup>:

*"These are your children but they could just as easily be the children of my own community or my own family,"*

NSW Coroner J. Milledge (2002)<sup>42</sup>

*Jessica Michalik was the only child of Barbara and George Michalik. She was raised in the Dee Why area of Sydney, attending Cromer High School. Jessica loved sports, swimming, tennis and athletics, until her father gave her an electric guitar which she played every moment she could. She had dreams of forming her own 'all female' band with her friend Lisa Ryan.*

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<sup>41</sup> July 11, 2019 Nathan Jolly, The Music Network, *The boring truth about drug deaths at festivals*

<sup>42</sup>J. Milledge, Coroner: 8 November 2002, NSW State Coroner's Court; *Inquest into the Death of Jessica Michalik, Findings and Recommendations* - it must be noted that there was no evidence of drugs such as ecstasy or alcohol in the Coroners findings.

## 11 Suggested Actions

1. Establishment of a festivals 'working group' also in acknowledging recommendation 1, *Inquest into the Death of Jessica Michalik, Findings and Recommendations (2002)*
2. Undertake an omnibus review of music festivals and events regulations in NSW. This would also allow for any music festivals 'working group' as well as the community and any findings and recommendations from the current coronial inquest to assist in shaping a coordinated framework.
3. Withdraw the festivals licensing regulations until a workable model and associated RIS is developed that ensures that NSW remains music friendly while maintaining a proper balance between safety, community, cultural and economic concerns.
4. That the Committee consider the evidence, findings and recommendations from the NSW Parliamentary Inquiry into the Music and Arts Economy (2018) relating to music festivals in NSW, particularly referenced in chapter 9.
5. Ensuring the associated objectives of the NSW Liquor Act 2007 are adhered to with regards to the live music hospitality and tourism industries when reviewing and implementing liquor licensing applications, variations, and considering regulations such as for music festivals.
6. Enable the public interest assessment of venues' tourism, community and cultural benefits to be considered during the liquor licence application or amendment process informed by the Western Australian equivalent.
7. Reconvening a Drug Summit in NSW having regard to the makeup and terms of reference of the 1999 NSW precedent.
8. NSW Government refer the use of recreational drugs at music festivals to the Federal Ministerial Drug and Alcohol Forum (MDAF) for their consideration.
9. A Live Music Industry Police Liaison Unit informed by the Gay and Lesbian Mardi Gras model be established to build better mutual understanding and relationships with the NSW Police
10. Study the operation of user paid policing in NSW to allay any concerns the community may have about perceived lack of clarity and consistency.
11. Investigation of a music festivals local government protocol for NSW informed by the film industry precedent.

## About the Live Music Office

Established in 2013 by the Federal Government in partnership with the Ministry for the Arts, the Australia Council for the Arts and APRA AMCOS, the Live Music Office (LMO) was set up to review the impact of policy frameworks on the Australian live music sector and provide a central point of best practice reference and support.

The LMO is a national resource, to develop consistent tools and references to empower, capacity build, and bring direct benefits to artists and industry through providing;

1. Information, guidance, and research: Directly communicating and collaborating with state music organisations, researchers and media, the hospitality industry and government.
2. Strategic Planning Support: For State and Territory Music Plans, Capital City, Regional and Local Government Working Groups / Taskforces, live music census.
3. Advocacy: For Better Regulation - Liquor, Building, Town Planning regulatory best practice including exempt development and building code reform through State Regulation Roundtables and reviews.
4. Industry Development Programs: Creating the Live and Local Strategic Initiative with Create NSW, the Amplify Program, Live Music Map and Resources as well as Make Music Day.

Recent highlights and key achievements include:

- Writing the Cool Little Capital report with Music ACT and responding to the associated *Urban Sounds Discussion Paper* investigating entertainment precincts in Canberra.
- Participating in the 2018 NSW Parliamentary Inquiry into the Music and Arts Economy as well as the 2016 Sydney Night-Time Economy Roundtables.
- Delivering the Western Sydney and Regional Live and Local Strategic Initiative across 10 Councils in Western Sydney and 8 Councils in Regional NSW with Create NSW.
- Establishing the NT Music Industry Council with MusicNT, the NT AHA, artists and venues and 2017/18 research initiatives including the 2017 Live Music Census.
- Engaging with QMusic, Arts QLD and DPC in the 2016 QLD Live Music Industry Working Group process.
- Removing the requirement for SA liquor licenses to require consent for live entertainment, developing the 2016 Small Arts Venue variation to the National Construction Code in SA.
- Supporting the WA music industry and Government in establishing the WA Live Music - Arts and Cultural Regulation Working Group (2016).
- Sector consultation in Hobart and Launceston underpinning the Music Tasmania Contemporary Music Strategy for Budget Estimates, support for Music TAS.
- Supporting the Regulation Roundtable as well as local government industry development including Cities of Melbourne, Ballarat, Geelong, and the Municipal Association in Victoria.
- Committed National Conference Participants – Presentations and Stakeholder Engagement including attending Changes in Melbourne this year.
- Live Music Map – Publishing an online map of live music venues, businesses and community radio across Australia as well as providing 20 online templates and resources covering the practical and business side of producing live music.



Focussing on NSW, The LMO has dedicated significant work to support the music industry since we were established in 2013. This work includes:

- 2013/14 - City of Sydney Live Music and Performance Taskforce (Chair)
- 2013/14 - Wollongong Live Music Taskforce
- 2014 - Leichhardt and Marrickville Council Live Music Reference Group
- 2016 – NSW Government Night-Time Economy Roundtables
- 2016 – NSW Treasury Evaluation of the CBD Plan of Management
- 2016/18 – Live and Local Strategic Initiative with Create NSW
- 2016 – Supporting Liquor and Gaming NSW lockouts venue exemption criteria
- 2017/18 - Committee for Sydney Night-Time Economy Commission
- 2018 – Submissions and evidence to the NSW Music and Arts Economy Inquiry
- 2018 – Newcastle Live Music Taskforce
- 2018 - Sydney Fringe Festival *An Anthology of Space Report*- Partner
- 2018 - Create NSW Contemporary Music Advisory Group
- 2018 - NSW DPE Night-Time Economy Guide Reference Group
- 2018 - Randwick Night-Time Economy Working Group
- 2018/19 - Club Music Advisory Group (CMAG)
- 2019 – Night Time Industries Association (NTIA)
- 2019 - Waverley Cultural Strategy Development

The Live Music Office has also been recognised for our work in recent Federal and State Parliamentary Inquiries:

2018 - NSW Parliamentary Music and Arts Economy Inquiry Recommendations:

***Recommendation 8*** - That Create NSW collaborate with existing industry organisations such as the Live Music Office and MusicNSW in determining the allocation of funding for government programs related to music.

***Recommendation 12*** - That Create NSW lobby its Commonwealth counterparts to reinstate funding to the Live Music Office in recognition of its excellent work.

***Recommendation 13*** - That the NSW Government contract the Live Music Office to provide advice on the range of regulatory issues that this report identifies, in order to assist with their rapid resolution.

***Recommendation 44*** - That the NSW Government work with the Live Music Office and other music industry stakeholders to develop measures to remove outdated conditions that unnecessarily restrict music in venues.

***Recommendation 54*** - That the NSW Government continue to fund and expand the Live and Local Micro Festival Strategic Initiative delivered by the Live Music Office.

2019 - Federal Music Inquiry Recommendation<sup>43</sup>

***Recommendation 4)*** That the Australian Government invest in the Live Music Office, to continue its work developing and advising on regulatory best practice.

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<sup>43</sup> The House Standing Committee on Communications and the Arts inquiry into: *Factors contributing to the growth and sustainability of the Australian music industry*:

## Research: The Cultural and Economic Value of Live Music Making in Australia (2014/15)

National research conducted by the University of Tasmania and released in August, 2015 by the Live Music Office shows the live music spending delivers at least 3:1 benefit to cost ratio, providing vital commercial, individual and civic benefits.

The report, [\*The Economic and Cultural Value of Live Music in Australia 2014\*](#), set out to value the economic, social and cultural contribution of the Australian live music industry with both a national consumer survey undertaken alongside a survey of venues in Hobart, Melbourne, Adelaide and Sydney. This is the first research of this scale completed since 2011.

This research was undertaken in partnership with the University of Tasmania, City of Sydney Council, City of Melbourne, The Government of South Australia, and The Live Music Office as an initiative of the City of Sydney Live Music and Performance Taskforce.

Other key findings from the research include:

- [Live music spending in Australia delivers at least 3:1 benefit-to-cost ratio;](#)
- [Nationally, an estimated 65,000 full and part-time jobs are created by monies spent on live music \(page 39\), with taxation revenue generated for all tiers of government;](#)
- [Food and drink is the number one expense for those attending a live music performance equating to 29.3 % of the total spend;](#)
- [Expenditure on tickets comes in second at 19.2 % of spend, followed by travel at 17.6 % and accommodation at 12.4 %;](#)
- [Audiences are prepared to travel significant distances to attend live music, and this demonstrates live music is a source of regional competitive advantage;](#)
- [Live Music attendance was identified by punters and venues as contributing to improved health and wellbeing.](#)

The research also investigated many long-standing industry perceptions.

- In Sydney for example, barriers to live music sustainability included licensing conditions, sound abatement and direct and indirect costs, particularly rent.
- Venues in Melbourne scored competition, market saturation, location and gentrification as barriers.
- Venues in Adelaide scored gentrification as the biggest barrier, while in Hobart, relative isolation was the main barrier to commercial success

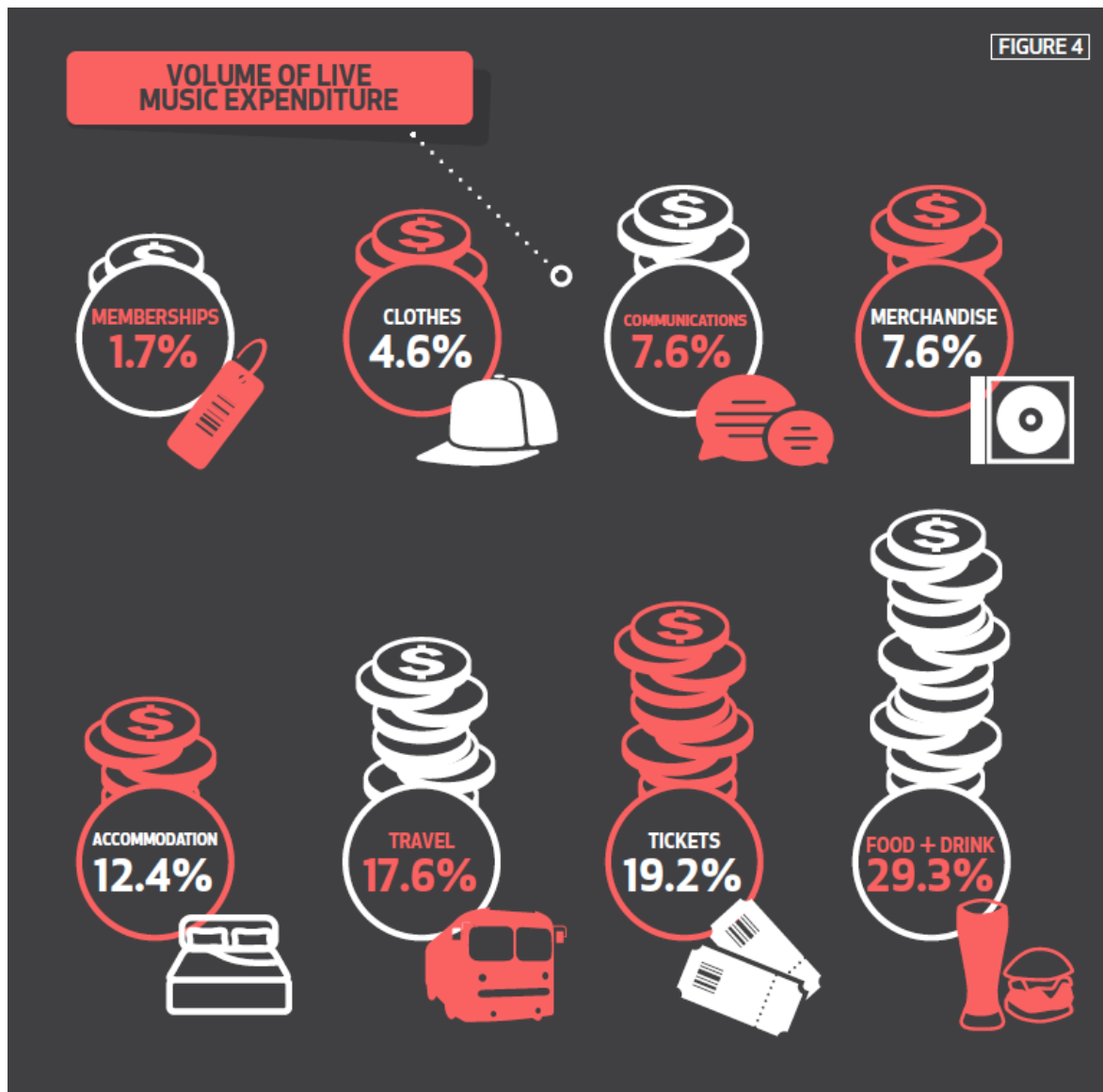
### Live Music Consumption

The consumption of live music actually involves making a variety of related purchases across already defined sectors. In this study a number of these were measured, including:

- Accommodation and related expenses
- Clothes and fashion
- Food, beverages and other consumables
- Fuel, motor vehicle and travel expenses
- Memberships and subscriptions

- Merchandise (including CDs, programs, memorabilia)
- Phone, internet and communication expenses, and
- Tickets / entry fees

The composition of this spending is shown in Figure 4 and applied as a baseline to a number of the estimates of costs and benefits that follow. Of interest is the fact that producer accounts of live music making—even if perfectly conducted—will only ever capture ticket and food and beverage sales. It can be seen in Figure 4 that these categories describe **less than half** of the actual economic impact of live music making in Australia.

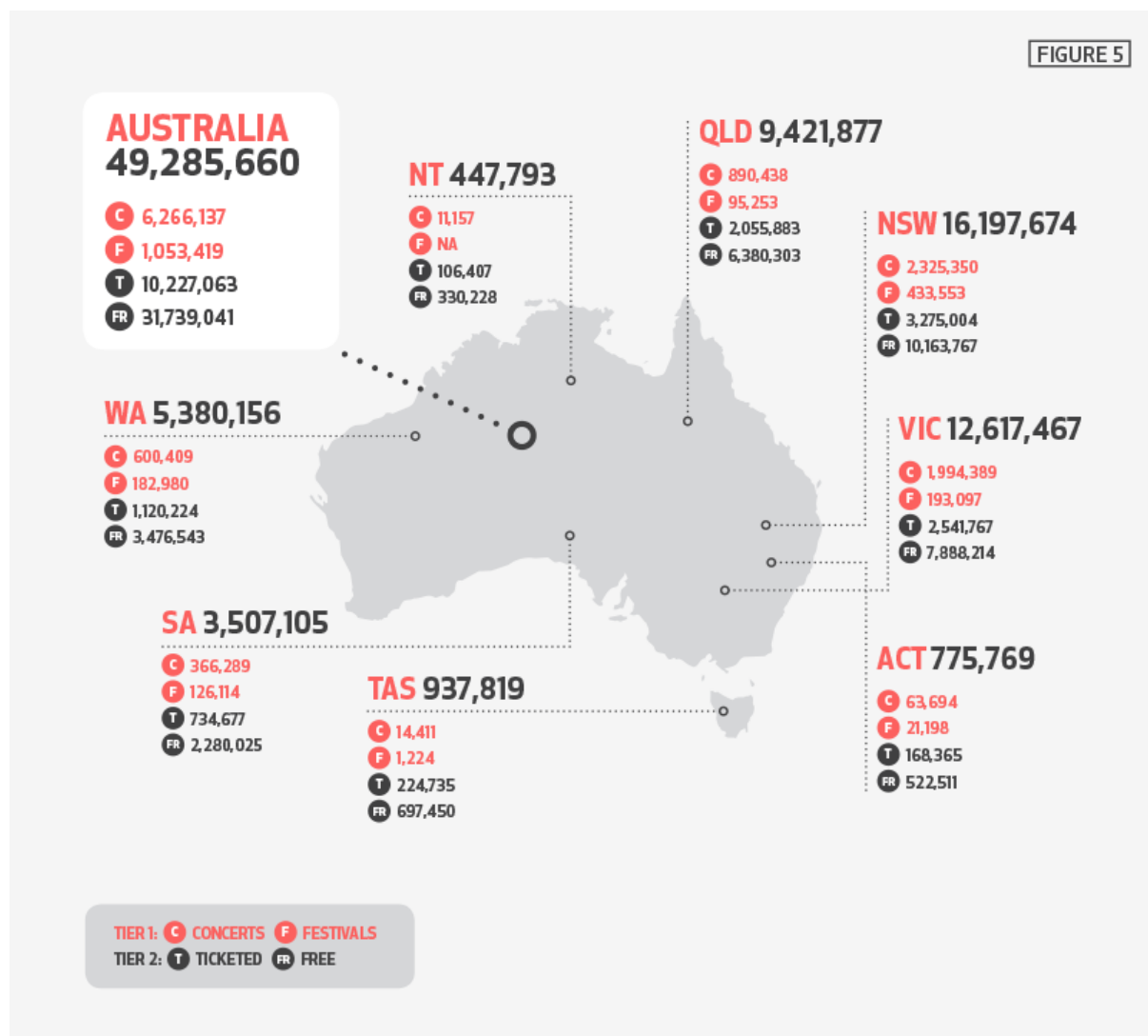


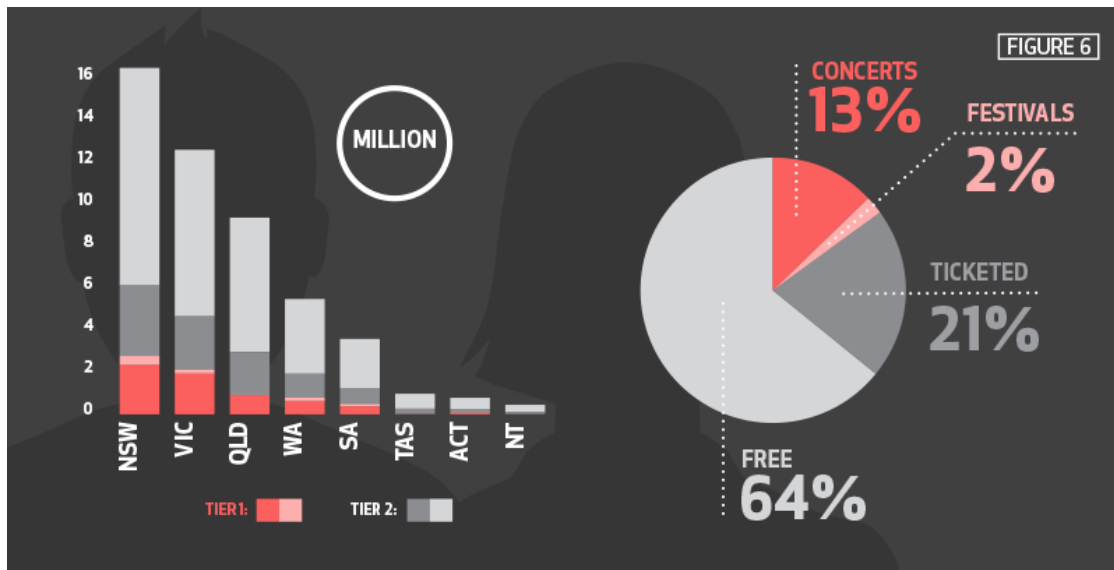
## Live Music Attendance

In the absence of representative primary data, attendance and sales figures were drawn from Live Performance Australia (LPA) and the Australian Performing Rights Association (APRA AMCOS) (*Ernst & Young, 2011, 2014*), and cross-referenced with data from the ABS (2010a, 2014a).

Major ticketing companies, a number of larger self-ticketing venues and promoters, together with the Australian Council for the Arts contribute ticketing data to Live Performance Australia's (LPA) annual Ticket Attendance Survey and Review. In 2013, it was reported that there were 6.3 million tickets sold to contemporary music concerts at established venues, and another 1.1 million in tickets sales at single category (predominantly live music) festivals (*Ernst & Young, 2014*). These could be described as Tier 1 live music venues / events (*Hearn, Ninan, Rogers, Cunningham, & Luckman, 2004*).

The second Ernst & Young (2011) report on the Australasian Performing Right Association (APRA AMCOS) venue based live music industry revealed a total of 42.0 million live music attendances at, "...pubs / bars, clubs, restaurants / cafes and nightclubs," licensed by APRA AMCOS to host live music, or Tier 2 live music venues. Of these, 10.2 million were ticketed attendances, with the balance being un-ticketed (presumably free to enter / attend).





### Audience Patterns of Attendance

The consumers surveyed attended music across a range of venues from house shows to stadium concerts and festivals. Figure 8 shows the percentage of respondents that reported attending live music in each type of venue by state and territory. Figures for the Northern Territory should be treated cautiously as only 0.7 % of respondents identified as living there.

