

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 6 – PLANNING AND  
ENVIRONMENT**

**UNCORRECTED PROOF**

**At Jubilee Room on Monday, 28 May 2018**

**The Committee met at 2:00 pm**

**PRESENT**

The Hon. Paul Green (Chair)  
The Hon. Catherine Cusask  
The Hon. John Graham  
The Hon. Natasha Maclaren-Jones  
The Hon. Shayne Mallard  
The Hon. Penny Sharpe  
The Hon. Dawn Walker



**The CHAIR:** Good afternoon and welcome to the second hearing of the Portfolio Committee No. 6— Planning and Environment, Inquiry into the Music and Arts Economy in New South Wales. The inquiry is examining the New South Wales Government's progress in implementing its response to the Sydney Night-Time Economy Roundtable Action Plan policies to support music and arts culture, including permanent and temporary venue spaces, and policy and legislation options drawn from other jurisdictions. The Committee is also considering whether local councils are setting realistic noise abatement and environmental impact targets in their consideration of development applications from cafes, restaurants and live music venues.

Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respects to the elders, past and present, of the Eora Nation and extend that respect to other Aboriginal people who may be present or listening online today. We will hear from the Inner West Council, Commercial Radio Australia, the New South Wales Police Force, Ms Isabella Manfredi, the Australian Recording Industry Association [ARIA], AMP Capital, Save Live Music Australia, the Electronic Music Conference, and the National Association for the Visual Arts.

Before we commence, I will make some brief comments about the procedures for today's hearing. The hearing is open to the public and is being broadcast live by the parliamentary website. A transcript of today's hearing will be placed on the committee's website when it becomes available. In accordance with the broadcasting guidelines, while members of the media may film or record committee members and witnesses, people in the public gallery should not be the primary focus for any filming or photography. I remind media representatives that they must take responsibility for what they publish about the committee's proceedings.

It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at this hearing, and so I urge witnesses to be careful about any comments they make to the media or others after they complete their evidence, as such comments would not be protected by parliamentary privilege if a person decided to take action for defamation. Guidelines for the broadcast of the proceedings are available from the secretariat. There may be some questions that a witness can only answer if they had more time or certain documents to hand. In these circumstances, witnesses are advised that they can take the question on notice and provide an answer within 21 days. Witnesses are advised that any messages should be delivered to the members through the secretariat. To aid the audibility of this hearing, I remind committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who are having difficulties hearing. I ask everyone to turn their mobile phones off or turn them to silent for the duration of the hearing.

**ERLA RONAN**, Group Manager of Community Services and Culture, Inner West Council, affirmed and examined

**DARCY BYRNE**, Mayor, Inner West Council, affirmed and examined

**DAVID BIRDS**, Group Manager of Strategic Planning, Inner West Council, affirmed and examined

**The CHAIR:** I welcome our first witnesses, from the Inner West Council. Do any of you wish to present an opening statement?

**Mr BYRNE:** I do. I would like to thank the committee very much for the opportunity to address you today and to state at the outset that I think it has been groundbreaking to have the opportunity for so many people from the music industry to be brought into the decision-making rooms of the Parliament. The politicisation of the industry is a really important precondition for us getting genuine reforms to the planning system. I think the advocacy work that has been done for so long by so many working within the sector has received a real shot in the arm by the fact that all of you have been willing to serve on this committee and hear people's concerns.

I know that a great deal of deliberation has been given during previous hearings about the impacts of the lock-out laws. I am here to say that the impact on the Inner West local government area and region is also very noticeable and we are also seeing the accelerated decline of the number of music venues available for young people and professionals to play in. I want to say, quite plainly, that the troika of the regulatory agencies at the State level, the New South Wales licensing police and, often, local government is contributing to killing off live music in this city.

It is an Australian cliché to talk about the person who moves in next door to a pub and then complains about the noise. The really sad thing is that in Sydney in 2018, that person is supported by multiple different Government agencies who will assist them actively in persecuting and prosecuting live music venues. I do not believe that is in the interest of the people of this city and I do not think it is supported popularly by the people of Sydney.

The Inner West Council has a responsibility to advocate for our local music sector and hospitality sectors and, as mayor, I see it as my role to help deliver changes to the planning system, to our local controls, to try to incentivise the growth of the music sector but also to provide advocacy. Previously as the mayor of Leichhardt and now as the mayor of the inner west, it has very frequently been my responsibility to go into bat for local venues who have been subject to the unfair and overly restrictive planning controls. I know that tonight this Committee will adjourn to Lazy Bones in Marrickville.

**The CHAIR:** Thank you for making that public.

**Mr BYRNE:** I think it only adds to your sincerity and the authenticity of your advocacy. I would like at some stage during questioning to be able to tell you a little bit about what we have had to do to try to keep the doors open at that venue in the recent past. There are numerous other examples including the Town Hall Hotel in Balmain, of course the Annandale Hotel, which is a bit of a case study in what not to do if you want to support the live music sector, and, of course, the recent defeat of the Sydenham Creative Hub. I want to say, for myself rather than as a representative of the council, that I think that that was an absolute tragedy and something that has to be revisited in the near future. Thank you very much.

**The CHAIR:** We will move to questions from the Opposition.

**The Hon. JOHN GRAHAM:** Thank you for that opening address. I acknowledge firstly the fact that the council and you as mayor have been very active on these issues and we thank you for that advocacy. I start with that issue about the Sydenham Creative Hub because the Committee has already received strong evidence on this issue essentially to the effect that as the venues in the city have come under pressure and closed, and we have learnt in answers from the Government that we have lost 176 venues—a net loss of 176 licences over four years—the question is: Where is the music going to go? This was one of the answers in the Sydenham Creative Hub, but we now hear that is stuck. Where is this up to?

**Mr BYRNE:** It is important to understand the context of how that proposal was developed, which was through five years of very careful public policy deliberation, collaboration between the officers of the former Marrickville Council, the music and arts sector, not just in Marrickville and the inner west but across Sydney, the Department of Planning and the elected representatives of Marrickville Council. It progressed slowly, as things tend to do through council bureaucracies, and was at the stage where it had been endorsed repeatedly prior to the amalgamation of Marrickville Council in 2016. The administrator of the Inner West Council then

chose to further endorse it and progress it through the system. The Department of Planning gave in-principle agreement to gazetting the rezoning proposal and required that a further economic impact assessment be undertaken prior to the final approval.

That was then essentially outsourced by the council to SGS Economics, undertaken by one of their consultants, who failed to even have a conversation with anyone from the music or arts sectors in developing the analysis and put forward a suggestion that the proposal be reduced in scale by about 90 per cent. I think it is really regrettable that a more professional and thorough job was not undertaken when that economic analysis was developed. The idea that you can do a proper economic impact assessment without talking to the very sector who will be most positively impacted—

**The Hon. JOHN GRAHAM:** It seems pretty extraordinary.

**Mr BYRNE:** It is extraordinary and disappointing. Subsequent to that the matter came back to the newly elected Inner West Council last year. There was a very strong advocacy campaign from a local business owner and an industrial chicken manufacturing plant, which is worth a lot of money and partakes in the slaughter of chickens. They were essentially the only opponents of the proposal and they used the SGS report that had been developed as an evidence base to convince, sadly, a majority of councillors that they should rescind the previous support for the proposal. I did think that it was particularly strange that The Greens party representatives on the council unanimously voted in support of the position of the industrial chicken slaughter manufacturer against the live music industry and I would like to see the issue revisited in the near future.

If there is a further evidence base that is required to demonstrate that there will not be adverse impacts on local industry, then I think that work can be undertaken. The precinct of the nature of the change was that there would be no change to the industrial zoning of the site but that we would make it allowable essentially after dark and on weekends for owners of properties within that precinct to have arts activity take place within there and that the council would then couple that with investment in public infrastructure to make the place more appealing. Every week I talk to people who own properties in that precinct or who are working within the arts and music sectors within the inner west and across Sydney who express disbelief that the council could have junked five years of careful policy development in such a heinous way.

**The Hon. JOHN GRAHAM:** What was it about these small bars or arts venues or music venues that was so upsetting to the chicken factory?

**Mr BYRNE:** I think because the owner of the factory—I met with the management but not the owner—had set up there over time, turned it into a very profitable business, which of course we support, I am personally not opposed to industrial chicken processing plants, and he thought that there might be some in-principle threat to his operation. I sat down and explained that because he had existing use rights there was no threat at all, he could continue to operate 24 hours a day; there was nothing that we could do to rescind his development application which had been approved years before.

**The Hon. JOHN GRAHAM:** But it was not an issue about the noise, it was not the gentle sound of music wafting over into the chicken factory that was the problem.

**Mr BYRNE:** I think in the end he thought that as a reasonably powerful landlord he would not take any chances and if he could get a majority of councillors to vote with him and kill off the Sydenham Creative Hub that he should do so.

**The Hon. JOHN GRAHAM:** And where does the music go? This is not prime land; this is in many ways an ideal spot, occasionally subject to flooding, near to transport, importantly. If music cannot go here where can music move in our city?

**Mr BYRNE:** One thing that I think the council laws who voted against the proposal failed to acknowledge is that for many years now there have been warehouse parties taking place within that precinct illegally. I would prefer to see the arts and culture be brought out into the light and to be properly regulated rather than having young people going to venues which do not have consent or approval and in which there is no proper regulation in place.

**The Hon. JOHN GRAHAM:** That is just fundamental to creating a safe space for these young people.

**Mr BYRNE:** Absolutely. I think it is absolutely clear to anyone who bothers to look into it that those parties continue to go on. But what we will not see is the explosion of small-scale live music venues and arts and live performance venues that we were certain could be achieved through a minor change to the zoning, and with the number of venues available for, particularly, people learning their craft to be able to go and start playing gigs continuing to shrink across the rest of our local government area, I am very concerned that this was

our last best opportunity which has now been lost and that that will be a tragedy for young people who are trying to make a way—

**The Hon. JOHN GRAHAM:** Are you telling us today that you are prepared to continue to argue the case? You are presenting your view, not necessarily the council's view.

**Mr BYRNE:** Absolutely. In fact, I would encourage the Government and the Department of Planning, who had already expressed in-principle support for the proposal, to continue to work on further refining the studies to demonstrate, as is clear to anyone who understands the planning law, that there are no negative consequences for existing industry in allowing this minor change, and I think we have to take it back up again because the state of Sydney's live music scene is so dire.

**The Hon. JOHN GRAHAM:** You talked about collaboration and support for venues, which is very important from local council. Could you give us a bit more detail on that, perhaps touching on the issue you raised about Lazy Bones as a specific venue?

**Mr BYRNE:** To provide a little bit of context—when I first became Mayor of Leichhardt in 2012, not long afterwards the Annandale Hotel went into administration. I immediately had a wide cross-section of people ringing up my office to swear at me and abuse me. That was somewhat confronting for me, given that I had spent a fair bit of time drinking at the Annandale Hotel in my youth and that, when the council's prosecution of the venue had started, I had been either in high school or not long out of it. It became clear to me when I looked into it that the role the council had played in undermining the hotel's viability by pandering to a tiny number of noise complainants was atrocious. From that point we sought to do everything we could to save the venue but also introduced a new good neighbour policy, which essentially said that rather than sending down the rangers or the lawyers when there was a noise complaint against a longstanding music venue, we would take a convening role and try to get the licensee together with the complainant over coffee or a beer to talk it through.

I have to say, in the entire time that I have been in public office, that has been an ongoing problem at venue after venue. Lazybones is the most recent example. I was contacted by the venue operators a couple of months ago and informed that the licensing police had attended there one evening and had asked to see a copy of their development consent, which is unusual given that local government is the regulatory authority for a development approval [DA]. What became apparent was that their extended hours trading, which had been implemented through a trial at council, had expired and they had not submitted a new application to have that extended or made permanent, which is regrettable and the venue's responsibility. I then spoke to our officers to ascertain to what degree there had been any problem with antisocial behaviour or noise complaints about the venue. I was informed by our officers that there had been almost no problem at all. The words that were used to describe it to me were that they were a model venue.

As is the practice at council, contact was made with the venue operator. They were invited to come and submit an application. As is standard across local government, if there is a problem with consent and an applicant is willing to submit an application that can deal with that matter, then any compliance action is deferred. But the licensing police continued to attend the venue almost every weekend: in fact, on many weekends, on both nights of the weekend. Despite the fact that we contacted them in an official capacity to explain that, in relation to the development consent, we were managing that process and we were totally comfortable with how it was being undertaken and that we did not feel the need to take any compliance action, the police continued to attend there. I was informed by the venue operator and their managers that there was ongoing threat of action that would result in the venue being shut down.

When you are committed to live music as a venue, the margins become smaller. Because you are not just operating a beer barn, if you are determined to put live performance on throughout each week, and if you have a few weeks when you have to shut your doors, that potentially is the end of your business. That was clearly their concern that that was the case. Recently I met with the Newtown police command and had a very respectful dialogue. They explained that their major concern is that they think the venue is operating under a drink and dine licence when it should be operating under a live entertainment licence and that they would support the venue in applying to have its licence changed to that effect. But I do think that this goes to show you the multilayered—I do not want to say harassment—but the multilayered difficulties that venue operators encounter. You do not just have to get on with the council. We have to make sure that there are multiple different government agencies, all of whom have the power to shut you down at a moment's notice, that are happy with you at any given time. It is a very difficult process.

**The Hon. PENNY SHARPE:** Thank you for coming. You went into the Annandale issue, with which I am quite familiar, but I was interested in the comments in relation to your submission and Carrington Road. I am just trying to explain the pressures that councils are under due to the various planning arrangements, what

you are trying to protect, and what the State Government can do to try to look after creative hubs that already exist.

**Mr BYRNE:** I really appreciate that question because it is a huge problem for us. At Carrington Road you have a creative industries hub that has grown organically without Government support, and which is really central to the viability of Sydney's artistic industries. The University of Wollongong recently undertook a study which demonstrated just how important the businesses that are clustered down there are to the success of Sydney's economy. Mirvac has put forward a proposal which would eliminate all of the industrial land in that precinct. They are using the Government's Sydenham to Bankstown strategy as justification for that but, to be fair, the Government's strategy is much more modest than what Mirvac is putting forward. That would result in thousands of local jobs being lost. About as many people as are employed by the Inner West Council in totality would lose their jobs. It is not a matter of them simply relocating to another premises within the Inner West: There is not one. We are running out of industrial land.

The business owners to whom I have spoken there have told me that it is not a matter of considering where they can move further west. They are servicing larger businesses that are located within the central business district and, if they have to relocate a long way away from the CBD, they will simply shut their business down. That would be terrible for our local economy, a significant blow for Sydney's arts scene, and surely would not meet the Government's own objectives in relation to supporting employment.

**The Hon. PENNY SHARPE:** I have one follow-up question on that. How has the council gone with the Greater Sydney Commission? The Greater Sydney Commission is supposed to be planning for all these types of things. Do you feel that creative arts are falling through the cracks in relation to the district planning?

**Mr BYRNE:** We met with senior representatives of the Greater Sydney Commission last week to discuss the Sydenham to Bankstown strategy. It seems clear to me, without speaking for them, that there is the opportunity for a really good collaboration between our local council and the Greater Sydney Commission, if the Department of Planning would step out of the way and allow us to have some local control. Increased densities, we understand and accept, will have to be a component of that, but we are in a much better position to ensure that we do things like protect valuable employment lands than is the Department of Planning. My understanding of the Greater Sydney Commission's position is that they have been very forthright in their support for protecting employment lands. But it is quite clear that there is a concurrent process being undertaken by the Department of Planning and the planning Minister which is not so sensitive to those needs at all.

**The Hon. SHAYNE MALLARD:** First of all, in regard to the Sydenham Creative Hub, thank you for explaining that in some detail. Even though I have a long local government background, I assumed that property owners were holding out in anticipation of uplifts through residential rezoning and saw your proposal as isolating or sterilising that potential. That is what I thought was at play there. We have had evidence about gentrification and property prices in conflict with that objective of a creative hub. That is just a comment from me as opposed to blaming the poultry farmer per se by himself. This is now the question: The collective experience here is significant in this area. Is it your contention that we should be looking at designated creative hubs as a solution to this conflict between residential and live music and residential and clubs and arts venues such as small theatres. Is that what you are suggesting we should look at?

**Mr BYRNE:** It certainly seems like a neat solution to me. One of the reasons that the Sydenham precinct was selected in the first place as a location that could be host to something like that was that it is segregated from residential dwellings. It is under the flight path, which is actually a limitation on residential rezoning, and it is next to a train station. A lot of the amenity impacts that have been such a hindrance to the sector and such a difficulty for government regulators would not occur there. Some of the councillors who voted against the creative hub said they saw this as a step towards residential rezoning. I thought that was nonsensical, and I think your interpretation is much clearer and in tune with existing planning legislation.

**The Hon. SHAYNE MALLARD:** Were they concerned about loss of unskilled jobs?

**Mr BYRNE:** Some were, but some genuinely thought this was overdevelopment when, in fact, it would secure an adaptation to the existing industrial zoning, which would protect it in perpetuity but also provide for the growth of new sectors and industries from within that zoning and within the precinct over time. I believe it would have secured the area against any potential residential rezoning.

**The Hon. SHAYNE MALLARD:** That fits in with the department's study into employment land that covered the former Marrickville council area. When you consulted the department and it was supportive of the next stage of the rezoning for creative hubs, did it consider retaining the employment land?

**Mr BYRNE:** The department was very supportive of the former Marrickville council's proposal. The thing that tripped us up was that one consultant for one economic consultancy came up with a report that was

not informed by a single consultation with the music or arts sector in the inner west or across Sydney. There was then a newly elected council that, to be frank, was largely populated by people who did not have much experience of the planning system. As I said, they rescinded one of the best pieces of public policy development that I have seen in the local government sector.

**The Hon. CATHERINE CUSACK:** The council was the original champion of the proposal; is that correct?

**Mr BYRNE:** Yes.

**The Hon. CATHERINE CUSACK:** Now that the council has had a policy shift, who would be the champion?

**Mr BYRNE:** I would like to hear the voices of people within the sector. One of the things that was most disturbing about it was the fact that, as has been the case in the relationship between government and the music and arts sectors for far too long, their concerns and support for the proposal were disregarded. They need to be heard as a starting point. However, there is still an opportunity for the Government and the Department of Planning and Environment to engage constructively with the council in its totality—that is, with the bureaucracy as well as the elected representatives. It could say, "Okay, you have some concerns and do not want this to proceed. This is such a great opportunity for Sydney's live music and arts scene, why don't we reinvestigate this together to see if we cannot solve these things and institute the proper protection so your concerns are allayed and this opportunity can be realised?"

**The Hon. CATHERINE CUSACK:** I have made inquiries about this and one of the issues is how that can be achieved. There is no mechanism because it was a local decision. Who is now the proponent for the proposal that people should deal with?

**The Hon. SHAYNE MALLARD:** I think the mayor might be.

**Mr BYRNE:** I am certainly an advocate for it.

**The Hon. CATHERINE CUSACK:** I understand that. For example, were people to go down the track of submitting an unsolicited development application to the Government, someone would need to be the proponent.

**Mr BYRNE:** The truth is that the council would need to revise its position through a resolution to give an indication to the Government or the Department of Planning Environment that it was willing to investigate the matter further.

**The Hon. CATHERINE CUSACK:** Is there no alternative to that? It would be good to have a plan B in the event that that does not happen.

**Mr BYRNE:** Sitting down with me; that would be my suggestion.

**The Hon. CATHERINE CUSACK:** I understand that the hotel we talked about earlier was the Marrickville Hotel.

**The Hon. PENNY SHARPE:** In Annandale?

**The Hon. CATHERINE CUSACK:** I am referring to the one that could lodge a new development application.

**The Hon. PENNY SHARPE:** That is Lazy Bones.

**The Hon. CATHERINE CUSACK:** I know there is a reluctance on the part of hotels to go down that track. Can you explain that? Is it because every condition then becomes subject to re-examination?

**Mr BYRNE:** Yes, that is right. We are au fait with the planning system, recognising that it is incredibly intricate, difficult to understand and filled with jargon. When a problem like this arises, it is likely that a hotel operator or licensee is starting as a layperson. Therefore, there is understandably a great deal of fear in reapplying for a new development application or trying to change your licence. There is good reason for that because there is a long litany of examples of music venues, hotels and other cultural venues that have tried to get their conditions amended and ended up encountering even larger problems.

**The Hon. CATHERINE CUSACK:** And it can backfire; their hours might end up being shortened. These venues seem to think—as ridiculous as it is—that they are better off working with what they know rather than risk further impositions.

**Mr BYRNE:** What you are describing is exactly how the Annandale Hotel was killed off. The Rahul brothers, who are very famous in the live music industry in Sydney and who then owned the hotel, were reluctant to submit a new development application to council because one or two people who live nearby had gained the ear of councillors who would launch a jihad against the hotel. If they were given the opportunity to do so, they would take advantage of the fact that a new development application being submitted would open up statutory community notification and a submission period.

**The Hon. CATHERINE CUSACK:** So they are trapped?

**Mr BYRNE:** They are trapped, but politicians have to take some level of responsibility. Any industry can have people who will launch a vexatious complaint. This is one of the few industries where there has been a steady stream of politicians—mostly in local government, but not exclusively—willing to take up those vexatious complaints and to treat them with more gravity than they deserve, and it has had a detrimental impact on the entirety of our arts sector.

**The CHAIR:** You said a new council came in. Were the majority of the councillors voted in to stop the development?

**Mr BYRNE:** No. In fact, they all declared—

**The CHAIR:** That was not the message?

**Mr BYRNE:** They all declared their in-principle support prior to the election.

**The CHAIR:** But they voted the other way after being elected?

**Mr BYRNE:** They subsequently received this analysis.

**The CHAIR:** After being informed?

**Mr BYRNE:** That is right. It was a very popular proposal.

**The CHAIR:** I do not want to dwell on that. I simply wanted a snapshot of what happens at elections and whether they were elected on that basis.

**Mr BYRNE:** I note your identification of the hypocrisy, and I agree with it.

**The CHAIR:** I did not suggest that; they are your words. You have provided a set of recommendations that seem sensible, and the Committee will consider them. We have already indicated that that is the sort of thing the Committee has heard already about councils and red tape. I extend an opportunity to Ms Ronan and Mr Birds to add any comments before the hearing concludes.

**Ms RONAN:** In relation to the positioning of local government, the Inner West Council does work closely with the City of Sydney and Parramatta City Council to ensure that, where we are addressing regulatory or sector support matters, as far as possible local government is working in the same direction. We are seeking that opportunity to work with the State Government to achieve some of the recommendations in our submission.

**Mr BIRDS:** As the manager of strategic planning, part of my role is to establish local planning controls that facilitate the sort of development the council wishes to encourage. Our council is taking a leadership role in seeking to do that with local controls to support live music and the arts industry generally. Reports have gone to council as recently as this month. It is a challenge working with a planning system that is incredibly complex. That can put off people who are not familiar with it on a day-to-day basis. There is a lot of red tape and it is challenging. It often sends people away before they pursue business ideas. We are very keen to encourage our industry to grow and we are looking at ways to do that. Obviously we hope that the State Government will support us. I have regular discussions with the Department of Planning and Environment about these issues and will continue to encourage it to support our approach.

**The CHAIR:** Given the fact that we have an inquiry, we understand there are some red tape issues and that we need to cut through them to ensure we have a viable industry, whatever that may be. I thank you for your contributions. In light of your evidence, Committee members may wish to ask further questions. You will have 21 days in which to answer them. The secretariat will assist you in that regard. Thank you for taking the time to present your views to the inquiry.

**Mr BYRNE:** Thank for the opportunity and for your work.

**(The witnesses withdrew)**

**SARAH KRUGER**, Head of Legal & Regulatory Affairs, Commercial Radio Australia, sworn and examined

**JOAN WARNER**, Chief Executive Officer, Commercial Radio Australia, sworn and examined

**The CHAIR:** Would any of you like to make an opening statement?

**Ms WARNER:** Commercial Radio Australia [CRA] represents the commercial radio industry across Australia. Across the country we have 260 member stations, 220 of which are in regional areas. The majority of our members are regional. We are pleased to be here and to be invited to speak about Australian music and radio. Commercial radio has always been a significant driver of Australian music and there have always been synergies between the music and radio industries—and they continue today. We have obligations to play Australian music that have been in the Commercial Radio Code of Practice since 1942. The current structure, though, has been in place for 26 years since the introduction of the Federal Broadcasting Services Act in 1992.

The Commercial Radio Code of Practice is developed under a co-regulatory framework prescribed under the Broadcasting Services Act. It is reviewed every three years and is put out for public consultation during that period. The Australian Communications and Media Authority [ACMA] is heavily involved in the development, review and registration of our code. Licensees must play the applicable proportion of Australian music during the Australian performance period, which is a period each week of 126 hours, occurring between 6.00 a.m. and 12 midnight, seven days a week.

The applicable portion of Australian music is calculated by reference to the format of the station, and ranges from zero for talk stations, for example, to 25 per cent for the top 40 stations. The average quota that is played across the industry is around 20 per cent. Each individual station reports its Australian music use to Commercial Radio Australia. We then send the figures to the Australian Recording Industry Association [ARIA] and they are made publicly available once a year. The reported figures by station show substantial compliance. We are currently working with the Australasian Performing Right Association [APRA] and ARIA to jointly, collaboratively and independently monitor compliance with Australian music quotas under the code. We have set a process in train which will run for the next 12 months. I am happy to answer any questions.

**The CHAIR:** Talking about compliance, has anyone been held for not playing the required content amount?

**Ms WARNER:** No.

**The CHAIR:** Never?

**Ms WARNER:** Not in my time in this role.

**The CHAIR:** Has anyone been shown to be under the quota?

**Ms WARNER:** Not to our knowledge. There have been allegations that they are not playing the Australian music quota, but we resist those allegations. Particularly after a meeting we had today with APRA and ARIA, we are very confident that our members are meeting the Australian music quotas.

**The CHAIR:** How is it measured?

**Ms WARNER:** They report to us—that is one measure.

**The CHAIR:** Self-reporting?

**Ms WARNER:** Self-reporting. They tag us as they enter into their playlist what is considered Australian music under the definition under the code. We have another process operating at the moment where we have Radiomonitor and AirCheck also independently monitoring the playing of Australian music. We had to be very clear about the definition of Australian music under our code, which is sometimes what different to what people think it is.

**The CHAIR:** Could you tell us what it is? It would be very helpful. One of my concerns is that people probably do not know what the criterion is.

**Ms WARNER:** Sure.

**Ms KRUGER:** Section 5 of the code obliges licensees to play the applicable proportion of the total time occupied by the broadcasting of music by the radio service consists of music performed by Australians. The definition of "Australian" is a citizen of, or ordinarily resident in, Australia. That is what the code says. Ms Warner might want to continue about how we, in conjunction with ARIA and APRA, made some practical

guidelines for how that should be applied in the context of Australian music, for bands, individual artists and featured artists.

**The Hon. JOHN GRAHAM:** I will follow on from where the Chair was questioning you. You have referred to allegations about stations falling short. One of the recent suggestions about those was measurements over the course of a week with some of the Melbourne commercial FM stations whom you are presenting. One of the figures was that the station, Nova, was allegedly playing just 7 per cent Australian music in one week. Can you address that specific allegation?

**Ms WARNER:** That was incorrect. We have never seen the research that was quoted. We have never seen its basis or how it was conducted. All we have heard is some of the allegations that were made as a result of it. We have been doing independent monitoring all of this month. APRA and ARIA also did some independent monitoring at the end of last year. Nobody came in at all at 7 per cent.

**The Hon. JOHN GRAHAM:** You say it was not seven per cent. Do you have other figures that you can table publicly about what is being played on these stations?

**Ms WARNER:** Yes, we can certainly table them. We have not got them with us. We will certainly make them available.

**The CHAIR:** You can take that on notice.

**Ms WARNER:** We can table the self-reported figures that we have had. We could also probably table in confidence for this Committee —because it is part of a monitoring process—the recent monitoring that we have done in conjunction with APRA and ARIA.

**The Hon. JOHN GRAHAM:** These figures have been made available publicly. Do your stations report on how much they are playing publicly? Why would it be a secret?

**Ms WARNER:** No, the public reporting is fine. We are happy to make that available. But we are going through another monitoring process. What we have found today with our first month's monitoring is that there has been a slight difference in what people are tagging as Australian music. We are not saying that our people are not tagging correctly.

**The Hon. JOHN GRAHAM:** But that would not account for the difference between seven and what might be 20 or 25 per cent, would it? That is not an argument about whether a song is Australian or not, is it?

**Ms WARNER:** We do not know the methodology that was used for that master's thesis. What we are going through now is a quite rigorous process of monitoring, recording and tagging with the correct Australian music definition and in the correct hours. You have to take the Australian music quota over the whole 126 hours in a week—it cannot just be one day or Monday to Friday.

**The Hon. JOHN GRAHAM:** The suggestion is that a very good time to tune in to listen to Australian music is about 11.58 p.m. That is the question that has been raised about how this is working in practice.

**Ms WARNER:** That is all speculation, we would say. We would resist that. Our stations have always supported Australian music and play it throughout the day.

**The Hon. JOHN GRAHAM:** The reason we are raising these issues is that it is incredibly important to the music scene in New South Wales. Your stations really do make an incredible difference to the Australian artists whom they play. I want to ask about a couple of other details. You have talked about the various applicable proportions. How many stations in Sydney would be in that very top category, playing up to 25 per cent of Australian music?

**Ms WARNER:** Just a handful. We would have to make that available to you.

**The Hon. JOHN GRAHAM:** You can provide that on notice.

**Ms WARNER:** But we would probably want to make the whole list of New South Wales stations available to you as well, not just Sydney stations. Stations in Wollongong and Nowra play a lot of Australian music.

**The Hon. JOHN GRAHAM:** Who is it up to as to which category you fall into?

**Ms WARNER:** The station selects.

**The Hon. JOHN GRAHAM:** Is that a judgement you make or government makes?

**Ms WARNER:** No.

**The Hon. JOHN GRAHAM:** It is really up to the station to select.

**Ms WARNER:** Yes.

**The Hon. JOHN GRAHAM:** What policing is there of that decision?

**Ms WARNER:** There is no policing because the licences that stations are granted have no format restrictions. They are entitled to choose their format and their business model as suits their business and their target audience.

**Ms KRUGER:** The format process is set out under the code which is developed under the co-regulatory structure in conjunction with the Australian Communications and Media Authority.

**The Hon. JOHN GRAHAM:** But there is a very big difference in the amount of music you might play. If you just pick a category, that could be the difference between 15 per cent or 25 per cent Australian music. That decision by a station, not by a regulator, has an incredible impact on how much Australian music gets plays.

**Ms WARNER:** Yes.

**The Hon. PENNY SHARPE:** On page 4 of your submission you talk about the Australian music quotas and the fact that there is no ability for us to universally increase it to above 25 per cent if we wanted to as a result of our signing the United States Free Trade Agreement. What are the other mechanisms we could have to get more Australian music on the radio, given that there is this requirement? Is it about the formatting issue that we have talked about? Do you have thoughts about that?

**Ms WARNER:** It would only be an opinion.

**The Hon. PENNY SHARPE:** But quite an informed one, which is why I wanted to ask you. I figure you have thought about this quite a lot.

**Ms WARNER:** We do not want any more regulation, obviously, because we are all about—we hope—cutting red tape, particularly when we are working in an area where we have online competitors who have absolutely no requirements to feature Australian music or promote Australian music.

**The Hon. PENNY SHARPE:** The fact that online has no Australian content requirement is one thing we could look at.

**Ms WARNER:** That is just something we bring up when we are asked about our requirements.

**The Hon. JOHN GRAHAM:** We are keen to talk to them at some point.

**Ms WARNER:** That is fine, but we also are not about promoting regulation on other parts of the media.

**The CHAIR:** What are those organisations? Can you give us a sample?

**Ms WARNER:** Spotify and Pandora, although Pandora is gone. Pure play of music streaming services.

**The Hon. PENNY SHARPE:** What are other options for your members for increasing Australian music within the 25 per cent cap?

**Ms WARNER:** I think it would be good to have a good supply of new Australian music coming out on a regular basis and maybe more Australian music being produced and promoted to Australian radio stations. Our radio stations often have what they call radio pluggers coming in plugging tracks. Sometimes it is a wide variety of tracks, other times it is not. We also have to be cognisant of our audience and what our audience is doing and what our audience wants to listen to as well.

**The Hon. PENNY SHARPE:** It is a bit of a catch 22, is it not? All this discussion is chicken and egg: If you do not get exposed to Australian music how do you know that you are going to like it and people are going to listen to it? It is a bit difficult, is it not?

**Ms WARNER:** It is difficult, particularly when you are trying to run a commercial business. Our revenue is solely based on advertising. We do not get any government handouts or any support or any funding to do anything. We are trying to run commercial businesses and we research our audiences quite extensively so we know what they want.

**The Hon. SHAYNE MALLARD:** Stepping back one step, you represent the AMFM radio network nationally?

**Ms WARNER:** Yes.

**The Hon. SHAYNE MALLARD:** You say that 99 per cent of commercial radio stations are members of your organisation?

**Ms WARNER:** There is only one commercial radio station who is not a member. It is a TAB station in Melbourne.

**The Hon. SHAYNE MALLARD:** A gambling station?

**Ms WARNER:** A racing station.

**The Hon. SHAYNE MALLARD:** And you are nationally regulated, not State regulated?

**Ms WARNER:** That is right.

**The Hon. SHAYNE MALLARD:** I just wanted to get that clear. How is the free-to-air radio industry travelling in Australia? We have heard and we know from our life experience that the music consumption sector is evolving fast. You talked about Spotify. How is the audience share going and how is the profitability of the sector going?

**Ms WARNER:** It is actually travelling well. Now, it is not easy because we are out there, we are competing against more and more platforms that are trying to take our audiences, but radio has maintained its audience. Here I am talking about the whole industry--ourselves, the government broadcasters, community broadcasters. We have still have 95 per cent of Australians who say they listen to the radio every week. That is not all to us, but 80 per cent of that is to commercial radio. From a commercial perspective we are maintaining our share of the advertising dollar. We are not increasing it, which of course is something we would like to do. But even against all the onslaughts of new platforms and new ways of doing things we are retaining our audience, we are retaining time spent listening and we are retaining our share of revenue. We are not increasing it, which we would like to do.

**The Hon. SHAYNE MALLARD:** That is good to hear because it gives us good information about your viability and your interest in maintaining connection with the Australian music industry and the competition you are in. You referred to the digital-only service, which the Hon. Penny Sharpe referenced a minute ago. A lot of the 99 per cent of radio stations that you represent would own digital audio broadcasting [DAB] stations.

**Ms WARNER:** Only in the metro areas.

**The Hon. SHAYNE MALLARD:** I have radios that are DAB. I do not know what is in my car. Are you saying the DAB stations are not subject to the content requirements?

**Ms WARNER:** No.

**The Hon. SHAYNE MALLARD:** But they could still be owned by the commercial networks?

**Ms WARNER:** Yes.

**The Hon. SHAYNE MALLARD:** That is a Federal issue?

**Ms WARNER:** That is a Federal issue, yes.

**The Hon. SHAYNE MALLARD:** As you rightly point out, one reason they are exempt is because of narrowcasting DAB stations, like those that just play Greek music and so forth. They would need to find an exemption but that is something we could look at. What percentage of the radio music market is DAB, either measured by audience or by the number of stations?

**Ms WARNER:** Our research shows us that there are 28 per cent of listeners in the five capital cities who listen via DAB+ at some stage during the week. Majority of listening is still AM and FM. By far and away the majority of people listen via AM and FM. The majority of listening takes place at home followed by the car.

**The Hon. SHAYNE MALLARD:** The appliances are moving out of AM and FM into DAB and the stations are responding. Do you see that is where it is going?

**Ms WARNER:** It is hard to tell. I think AM is going to have some difficulties in years to come certainly because in Europe where DAB+ is being rolled out there are a lot of car manufacturers and device manufactures who are making FM DAB+ radios. So there may be some challenges in the future to AM. I think that until we have a national rollout plan—and that is a Federal issue—where regional areas are able to roll out DAB+ and therefore offer more local radio to local listeners we will not be turning off AM and FM anytime

soon because we would then have a digital divide. The metros would have all these great DAB+ stations and regionals would still have their one or two frequencies.

**The Hon. CATHERINE CUSACK:** Do you have any research about audiences over time? For example, the young demographic in my generation was listening to radio 24/7. I do not listen to radio anymore; I have my digital thing and I plug in what I want to listen to. I just wonder how many young people are listening to radio stations.

**Ms WARNER:** Commercial radio has got reach of 84 per cent into 10- to 17-year-olds. I would have to get the exact figure but it is somewhere at about 80 per cent into the 17- to 25-year-olds. It is interesting if you look longitudinally at listening patterns and different age demographics because you always find the younger kids are listening for maybe five hours a week. It might have been six hours a week 10 years ago. That has gone down but they are still listening. Then the next stage cohort—and it has always been the same—increases their listening. Whether they are listening via a stream, or via DAB parcel, via a car radio, we do not care, as long as they are listening. What you will see with a longitudinal study of age demographics and what their listening habits are is pretty much the same, young ones do not listen as much, then as people get older, they tend to use more radio.

**The Hon. CATHERINE CUSACK:** What are they listening to? Is it fair to say there is more talkback today than there was 20 or 30 years ago?

**Ms WARNER:** I do not think so. We have two major talk stations in each city. One is the local ABC and the other is—in Melbourne it is 3AW—here it is 2GB, because 2UE has become more sports. So, no, the majority of stations are still music stations. But I think what might be changing is that the breakfast shows, for example, are not just playing music all the time. They are doing a lot of celebrity, it is a different sort of talk, celebrity gossip and what is going on in the area that you are living in and that sort of talk I guess, but it is not traditional talk.

**The Hon. CATHERINE CUSACK:** The bottom line is, has the role of radio changed in terms of bringing in new Australian artists from behind the scenes into public prominence? Does radio still play the same role in that evolution of an Australian artist as it has in the past?

**Ms WARNER:** I think it does. When somebody gets picked up by radio, it certainly helps with sales, whether you are buying a track online, or buying—you are not buying a physical album, although apparently some people are still these days. Radio does accelerate and amplify a career, I think. But as I say, these people have to be presented to radio as well.

**Ms DAWN WALKER:** I will follow up on that question because I am interested in emerging Australian artists. We talked a bit about Australian content. With those emerging artists, does commercial radio have any strategies or would a quota help with that?

**Ms WARNER:** There is a quota. For example, if a station has a 20 per cent Australian music quota, 20 per cent of that has to be new Australian artists. That is a new Australian artist, within--is it the last 12 months?

**Ms KRUGER:** Yes.

**Ms WARNER:** So, we do have new Australian artist quotas as well and it is for the top three categories, it is 15 per cent, 20 per cent and 25 per cent all have the corresponding new Australian music quota. Again though, we have to have those artists presented to them by the record industry.

**The Hon. CATHERINE CUSACK:** I would like to know what the methodology is? Does somebody sit there with a stopwatch timing?

**Ms WARNER:** What do you mean?

**The Hon. CATHERINE CUSACK:** When you are monitoring Australian content?

**Ms WARNER:** They are recording the whole 126 hours. We have agreed on what the definition is, this is what you tag as Australian music, so that our reporting and the two independent monitoring reporting is measuring the same thing. They can then electronically pull it out and tell us.

**The Hon. CATHERINE CUSACK:** Is somebody listening and tagging it as being Australian?

**Ms WARNER:** As they put it in—

**The Hon. CATHERINE CUSACK:** They are tagging it themselves as Australian?

**Ms WARNER:** They are tagging it, yes, and our program and content directors, as they put it into the play-out system, they will tag it as Australian music, so they can then electronically pull out a report.

**The Hon. CATHERINE CUSACK:** That tells them the length of the song? The 20 per cent is time, or is it number of songs?

**Ms WARNER:** No, it is the percentage of music you play, so it is the number of songs. If you are playing a million songs, in that 126-hour period 20 per cent of those have to be Australian.

**The Hon. CATHERINE CUSACK:** The computer then counts those tags and puts out a report, is that how that works?

**Ms WARNER:** Yes. What we are aiming to do with our monitoring is to look at our station reporting, the other two independent monitoring organisations and say are they matching up, and if they are not, why are they not.

**The Hon. CATHERINE CUSACK:** Has that been an issue?

**Ms WARNER:** We have only done it for a month. We are going to do it over 12 months.

**The CHAIR:** I would imagine that the Committee will still be convened in a few months time. Perhaps at the end of three months you could report on how that is going?

**Ms WARNER:** We hope it will be all gloriously compliant.

**The CHAIR:** Ms Kruger, we are about to finish the session. Would you like to add anything before we do that?

**Ms KRUGER:** No, thank you.

**The CHAIR:** Thank you for coming in. It has been very helpful. In light of your evidence the Committee members may write some further questions, which the secretariat will be glad to help you with. You will have 21 days to answer those questions.

**(The witnesses withdrew)**

**MARK WALTON**, APM, Assistant Commissioner, NSW Police Force, sworn and examined

**The CHAIR:** Would you like to make an opening statement?

**Mr WALTON:** Yes, I have some brief comments. I am currently the Police Commander for the Central Metropolitan Region, which includes the Sydney central business district [CBD], eastern suburbs, inner west and southern suburbs through to Waterfall. I previously worked as the Commander of Sydney City Police Area Command between 2010 and 2015. The NSW Police Force acknowledges the cultural, social, economic and tourism benefits that music and arts can bring to the community. It is essential that events, especially major events, are organised and managed to minimise risks to personal and property safety.

The Kings Cross Police Command represents the NSW Police Force on the New South Wales Night-Time Economy Roundtable—Action Plan as an observer. The roundtable is not focused on law enforcement and the police force is not a central figure in the action plan, although we are available to provide advice. The NSW Police Force is satisfied with the progress of the action plan but notes that it is critical that police are consulted on any policy actions and planning events intended to support music and arts culture statewide to ensure that all risks to public safety are mitigated, and to ensure that licensing obligations are complied with.

Clearly, there is an ongoing significant interest in the Liquor Amendment Act 2014, generally known as the Sydney and Kings Cross lockout laws. What remains clear is that the implementation of these conditions is linked to a significant reduction in violence and harm, particularly late at night. As an example, in 2012 the Kings Cross Police Area Command recorded 142 incidents of actual or grievous bodily harm—the most serious of assaults—between midnight and 4.00 a.m. In 2017 this number was reduced by 80 per cent to 29. We have seen hundreds less victims of the most serious assaults over that time. Alcohol-related violence decreases when venue and patron density is reduced and the quantity and length of time that alcohol is consumed.

**The CHAIR:** Thank you. Very compelling statistics.

**The Hon. JOHN GRAHAM:** Do you have access to research that you think might be helpful to the Committee, specifically about music venues? You may want to provide that on notice, but I think that would be very helpful. Obviously, there are a range of venues operating across the city and the State. It has been hard for the Committee to get evidence about the sorts of risks, specifically in music venues. Is that something you can shed some light on?

**Mr WALTON:** It is such an eclectic group. I can appreciate that it is difficult to come up with some data. We can take that on notice and see what we could provide, but trying to distinguish a music venue from another licensed venue may make that quite difficult.

**The Hon. JOHN GRAHAM:** Any evidence you are able to provide would be helpful. Is the police force at the table with the music industry through any sort of music roundtable process? I understand that is the case in Victoria, where that on the ground information about what is going on has been very helpful guiding the Victorian Government through some similar challenges for their city.

**Mr WALTON:** I am not aware of any direct relationship, or ongoing relationship with the music industry in particular. Clearly, our relationships extend into our regulatory and general policing functions across all our commands and, quite importantly, in those major events that occur. But, specifically with the music industry I am not aware of that. I can certainly take that on notice.

**The Hon. JOHN GRAHAM:** If that was the evidence—we will have evidence later from a Victorian perspective—would you be open to being at that table if the Committee took the view that it might be helpful to sort through these issues?

**Mr WALTON:** We work with all stakeholders. Community engagement across industry and the community is an important part of tempering our business and trying to ensure we get the best outcomes for everyone. Viability is something that works in our interests for public safety.

**The Hon. JOHN GRAHAM:** I think it is important to acknowledge upfront that when your officers are out dealing with these things they are just doing their jobs, enforcing whatever the existing laws are. One of the things that has become clear as we are working through some of the issues that venues are facing is that the law that are made—either by the State Government or the council, particularly by the time both of those have had a go—do not always seem to make common sense. I think it would be helpful, though, to let us know if you did have a perspective on any these. The sorts of things that have been reported to the Committee are conditions

on licences—for example, saying that the Terrigal pub should have no rock music or rock bands. Unbelievably, this ended up in court. That seems, on the face of it, nonsensical. Do you have any views on that?

**Mr WALTON:** I would certainly have a view that that is not a condition that I have ever been party to as a commander for nearly 20 years. I find that odd. There may be some background that is linked to that but I would find that an unusual condition of police engaging in indicating a particular mode of music.

**The Hon. JOHN GRAHAM:** Indeed. One of the things that has become clear is that Government responses have come back on the important issue of noise—and the police do have a role here—that there are as many as six agencies, or sets of people, policing noise across the State. That was a surprise to me. I am interested in whether it is a surprise to you. Maybe you could tell us a bit about where police fit into that picture.

**Mr WALTON:** It does not come as a surprise to me. Police, unfortunately, are the 24/7 agency of default, frankly, in all regulation, regardless of their skill set to manage some of those issues. Police, as I said, are pretty much the last resort, generally after hours, because other agencies would more appropriately deal with that and be equipped with measuring and other capacity to do that. Police are not equipped with that.

When the police are called for a noise complaint the test is really around the emission of offensive noise and how that occurs—the level, nature and as it presents in the circumstances. They are able to enforce a noise abatement direction. I was aware that that had been an issue previously for this Committee and I caused some data to be examined. What I can say is that in the last two years here in the Sydney CBD area there have only been two recorded incidences of police being involved in addressing a noise complaint on a licensed premises.

**The Hon. JOHN GRAHAM:** But is that the case in the city because the city council has a specific unit which deals with that?

**Mr WALTON:** I do not know that the city is out there engaged in a reactive way to noise complaints after hours. We would need to get that information from the city, but it is not my expectation that it would be doing that reactively.

**The Hon. JOHN GRAHAM:** The fact that it turns out that planning is at the table regulating noise some of the time—say, if it is on the Opera House steps. The EPA has certain areas of responsibility—maybe if it is in the Domain. Council might be involved. Your officers might be involved. Liquor and Gaming, if there are multiple requests in writing—more than three—might get involved with a venue. And, unbelievable, some of the time, if it is next to a navigable waterway, Roads and Maritime Services [RMS] might get called in. The fact that there are six different sets of agencies at the table cannot be making the job of police any easier.

**Mr WALTON:** Particularly during late night complaints, when people are looking for a resolution and the police cannot provide that. I think we are more a witness in those longer term cases. The other agencies are the experts with it. Yes, you can understand that we are the agency that would be there for residential responses but in a commercial sense the other agencies would be better equipped if we could narrow their responsibilities there. The police remain a port of last resort, unfortunately, in most of our laws.

**The Hon. JOHN GRAHAM:** Understood. Chair, I think there are a range of other issues where, frankly, the laws have looked pretty silly. I am conscious of letting some of the other members ask questions, but I think it would be helpful if we could put those questions on notice and have a view back from the police saying, "These are risk based laws that we think are important," or "These are laws that, really, on the face of it, we cannot see are significantly impacting on public health and safety," with some of the individual cases we have put in front of us as we have looked at some of the challenges to venues. I think that would be really helpful.

**Mr WALTON:** Certainly we can do that. I would concede that, as some of these venues are inundated with residential properties, that has not historically been the case. It creates a point of tension between the venue and those residences. The police really do not want to be the umpires at one o'clock in the morning in those circumstances. A better framework around managing that noise would be helpful for us.

**The CHAIR:** So, in 2012 there were 142 counts of actual grievous bodily harm.

**Mr WALTON:** Yes.

**The CHAIR:** What was the next figure?

**Mr WALTON:** Down to 29 in 2017.

**The CHAIR:** What does that mean in real terms with respect to police resources needed and the staffing of those commands?

**Mr WALTON:** It allows the police to concentrate on a multitude of other requirements, and actually be out there. Rather than being reactive and losing a lot of time in responding and investigating those serious matters the police are out there doing the core function of preventing and disrupting crime in those areas.

**The CHAIR:** In just one of those cases, how many police would be required to settle one case?

**Mr WALTON:** They would vary.

**The CHAIR:** Obviously it would, but on average, how many police would be tied up with one incident of grievous bodily harm?

**Mr WALTON:** If you are talking about grievous harm there will always be at least a couple of detectives. Then it would depend on the number of witnesses and the follow-up, gathering the evidence with CCTV and the arrests. Thereafter there is the court time. And that is without the other agencies, particularly the impact on Health in treating those grievous injuries. It is a significant amount of time that we get back.

**The CHAIR:** Do you have the data to show the savings and the benefits of such—

**Mr WALTON:** We do have some data. I can provide that on notice—some of the estimated percentages moving away from the time that we used to react to alcohol related crime within the city in particular, and the percentages that have now reduced, and some estimates on the amount of time we have gained as a result.

**The CHAIR:** That would include, I imagine, taking a person heavily under the influence to a hospital. You would have to sit at the hospital while that is processed, as well.

**Mr WALTON:** Yes. There is significant downtime if an offender—a person of interest—is intoxicated.

**The CHAIR:** And there is the time of the wagon, if they have been taken in the wagon. That would sit at the hospital for that time, too.

**Mr WALTON:** Precisely.

**The CHAIR:** So it is not just man hours; it is vehicle hours.

**Mr WALTON:** It is that crew.

**The CHAIR:** So all that has been released with that statistic that—

**Mr WALTON:** I do not know that we have extrapolated our figures to that extent, but there would be some percentages—

**The CHAIR:** If you are seeing a decline like that, it is pretty likely the hospital is seeing a decline.

**Mr WALTON:** I am well aware, certainly in the Sydney hospitals, there has been some reduction in hours and treatment.

**The CHAIR:** Ambulance is seeing a decline.

**Mr WALTON:** A reduction in hours and treatment, yes.

**The CHAIR:** You said that noise complaints were becoming more of an issue in the past two years as density has built up. How many did you attend in the past two years?

**Mr WALTON:** Only two. There have only been two.

**The CHAIR:** How can we measure that with the previous two years?

**Mr WALTON:** I would have to take that on notice and give a graph.

**The CHAIR:** Could you take that on notice? We need something to measure.

**Mr WALTON:** It is just that interface. There is a conflict between residential and commercial activities.

**The CHAIR:** Obviously we are looking at a downturn in the music and arts economy. In your view, with your experience, what can we do to maybe address that downturn to try and get an uplift in the opportunities for our artists that deal with the law and order enforcement issues which you have dealt so wonderfully with? What can we do to maybe change the sails around a little bit to get an uplift in that opportunity for our music and arts economy?

**Mr WALTON:** There is a distinction in the timing here. While we talk about night-time economy I think there is a distinction that I would make in the late night-time economy. After midnight, whether we look at our own city or internationally, the viability of activities after midnight is pretty limited. My recommendation would be to compress our opportunities for events and arts and be mature around that timing. People in general, unless they are gambling or they are consuming alcohol or there are some music offerings late at night, are really interested in things up to midnight. Equally, the whole food, restaurant element there, I do not know that there are a lot of people looking for fine dining at 3 o'clock in the morning or museums or other things.

**The CHAIR:** Normally it is a hell of a big pizza or a huge burger or something.

**Mr WALTON:** Yes, and that brings with it its own problems because that is where we frequently do see a lot of violence in those takeaway outlets.

**The CHAIR:** In your command have you got The Star casino precinct?

**Mr WALTON:** Yes.

**The CHAIR:** Can you give us some stats of what that sees in the way of actual grievous harm and also the noise complaints so we can benchmark against the other side of town?

**Mr WALTON:** They would be available, yes.

**The CHAIR:** Can you take that on notice?

**Mr WALTON:** Yes.

**The Hon. SHAYNE MALLARD:** I note that this inquiry does not have the lockout laws in its terms of reference. The Chair has brought it into the discussion and it is tangential to what we are looking at in terms of live music venues particularly. Just by way of background, I was a councillor in the City of Sydney for 12 years and lived in the Cross, so I know the issues from personal experience. One of the things that is becoming evident is that there are different communities that have all been picked up by these changes. There is the live music crowd that go to live music venues and there is the pub crowd and there is the theatre crowd probably, and they overlap occasionally. Are you aware that there is a sense of different communities that have been picked up under the policy that the Chair has been talking about, the lockout laws?

**Mr WALTON:** I do not know that I have any specific knowledge in segmenting those communities that way. I would say I have a sense that the live music industry in Sydney has not just suffered at the hands of those regulatory changes; it has been an incremental pressure really on those venues for a long time and it is around the commercial viability of those premises.

**The Hon. SHAYNE MALLARD:** We have heard that. We have heard they are borderline viable and they are also under pressure from gentrification and actual property value of the site. We may or may not go to Melbourne and have a look at their suggestions for solutions to that. We heard earlier today from the mayor of Inner West Council, which covers your area, about precincts for live music and arts and theatre. Would that be something that you would find, in terms of policing policy, a better way to approach it, largely away from residential and in industrial areas?

**Mr WALTON:** It can bring benefits and also challenges as we condense that entertainment into particular areas. The Bureau of Crime Statistics and Research [BOCSAR] data some years ago did a review on the density and in general terms the denser the offerings and the later the trading the more risk it was determined that the properties were. In saying that, however, having a focus for operators, security and everyone that is involved in responding to policing those areas, there may be an opportunity to do that in a more effective manner.

**The Hon. SHAYNE MALLARD:** Security costs are quite a big imposition upon some of the venues. The State Government, I think last week, announced the suspension of the prohibition on applications for new live music licences in the CBD and Kings Cross precinct. I am not sure if you are aware of that.

**Mr WALTON:** I think that relates to small bars.

**The Hon. SHAYNE MALLARD:** No, it was live music venues applications. I will leave that for you to check. But that is a positive move, in my view. Obviously you have relationships and dialogue with your colleagues interstate. Could you give us some feedback about why Victoria, Melbourne, does not have the problems that Sydney has confronted? We are getting evidence that live music is moving to Melbourne because of the different environment there. Do you have any feedback on why Melbourne would be doing better than we are?

**Mr WALTON:** I do not. They would be things I would need to research with colleagues. But about six years ago I did have a visit down there to Melbourne and they were suffering very similar issues at the time. They had some regulatory framework around lockout, lock-in timing. I do not know where they are at now in Victoria.

**The Hon. SHAYNE MALLARD:** That was withdrawn, that failed, I think, from memory. On notice you might be able to recommend someone of your similar rank in the Victorian police with your experience that we could perhaps meet with in Melbourne.

**Mr WALTON:** I could certainly make those inquiries and see who might be a suitable person to discuss this with.

**The Hon. SHAYNE MALLARD:** That is if we go. We have not got approval yet.

**The Hon. PENNY SHARPE:** I was interested in your comments around the management of major events. I know, for example, for Mardi Gras this year the Government lifted the requirements around lockout and a lot of effort was gone into managing those. I am interested in your view about what are the requirements for managing those sorts of major events. We have obviously got Vivid at the moment where crowds are a big issue. I am just interested, from the police perspective, what are the elements that make managing large groups of people late at night in our city, which is something I support? How do we make that work? What do we need to do?

**Mr WALTON:** The short answer is a lot of planning. All of those major events are really an annual cycle. We have a major events group from the police that engages right through those planning periods to provide advice. Then coming out of that there is usually a significant additional policing requirement for those areas. If we talk about Vivid over the 23 days, there are over 2,000 additional police shifts that come into the city. Mardi Gras I think is in the order of about 800, from memory; so, again, it is a significant commitment across the metropolitan area where we draw police away from their normal duties into those major event duties. A lot of the value in that planning is looking at crowd management. Whether it is Vivid or Mardi Gras or New Year's, it is around how we path those large crowds in and out of events and try and avoid any conflict and risk.

So when we are operating often around the harbour there is an obvious risk there with our waterways and we do put a lot of effort into historically and future examining how those crowds are managed. I think one of the elements there is that there is some value in ticketing events. So whilst Vivid is a very large footprint and we can move people around, I frankly believe that New Year's is at capacity and we need to have a sense of how many people are going to those events so we can better respond to them.

That is not to generate income; but it is to better manage people so that we do not, as we did last year, have thousands of people being turned away from a venue because they did not know that the venue was going to be full. They are turning up on spec, hoping to sit beside the harbour and watch the fireworks. I think a more mature event management approach is sometimes linked to ticketing and that we have to get over the sense that ticketing equals "we're trying to make money out of people". We are actually just trying to manage these events in a safer manner and make a better customer experience as well.

**The Hon. PENNY SHARPE:** In relation to that, in Mardi Gras, when venues were allowed to stay open later, I assume that would have helped with managing some of those crowds in that it absorbs people into them rather than having them wandering around the streets. Is there a role for those large late-night events to look at temporary changes?

**Mr WALTON:** I think you have got to apply the treatment to the actual condition. With Mardi Gras, from memory, the parade is over at about 11 o'clock.

**The Hon. PENNY SHARPE:** That is right.

**Mr WALTON:** The fact that normal conditions are locking people out at 1.30, one would not think there is a nexus between the crowd dissipating at 11 o'clock and not being able to get into a venue at 1.30.

**The CHAIR:** In terms of security—I know we have dealt with a bit of security—are you happy with the levels of training of security and the part they play in the central business district [CBD] area?

**Mr WALTON:** Security is an important partnership. It is very important for businesses. There have been some concerns over time at the level of training and some of the national accreditation that occurs. I would have to be careful with my comments here, but I think there has been some accreditation that occurs in other States that may not be as robust as our requirements are to ensure that people are able to perform the role. Certainly with background checks and other things we have a level of confidence that we know who those

people are. It is a very large industry. At the pay point there is a lot of pressure in getting people to perform those roles.

**The CHAIR:** Yes, and the affordability for businesses to be able to comply with the suggested numbers that may be needed for those events.

**Mr WALTON:** Technology is helping us in that space. Twenty years ago there was a reluctance in venues to have closed-circuit television [CCTV]. Now I doubt there would be a business that would open without it because of the value of protecting even from insurance claims and theft and otherwise. Identification [ID] scanning has occurred in Kings Cross and recently in Tamworth. The reduction in violence and the nexus that we say there is between the risk of other offences—and that is everything from stealing to sexual offences in those areas—in a few years that will be a normal part of some of these high-risk venues' business plan as well. If you go in there and you know you have been scanned and you commit an offence, that has to have some influence on people's behaviour. It certainly provides for some great investigate of opportunities for the police, particularly, as I say, with some of those serious personal offences. There has been a number of sexual assault investigations that have concluded very quickly and positively as a result of being able to identify the people involved.

**The CHAIR:** In the light of your evidence, we were travelling the other night when we heard that ID scanners were not helpful to the business and their ability to bring people in; that it actually scares a lot of business away and therefore becomes detrimental. Do you have a comment on that? Do you see a day when businesses, which are building up their credibility and get all ticks, could remove such technology?

**Mr WALTON:** The point is whether there is a level playing field for businesses in a particular area. If everyone has to operate in the same way, I fail to see where there is an influence between one venue and another. Most of us will go to licensed clubs nowadays with a level of frequency. In my experience, 100 per cent of those clubs are ID scanning via your licence as you go in. If you do not produce it, you cannot get in. I even found on a course with some colleagues at Manly—50-year-old individuals—they were not permitted to come into the clubs because they did not bring their identification. I think we are maturing into that technology and comfort.

**The CHAIR:** Last week we passed legislation to digitise licences, so they might be able to get away with producing their licence on their mobile phone.

**The Hon. JOHN GRAHAM:** In relation to question of sexual assault in venues, which has been a particular focus in Victoria, I am interested in what is happening to deal with this issue. What opportunities do you think there are to tackle this issue, which increasingly seems to be openly discussed?

**Mr WALTON:** Sexual assault does remain really the crime category that we have not influenced in a downward fashion. Here in the Sydney area we are about to roll out two different programs. The first one has been used in a number of country locations. I think it was launched in Tweed Heads recently, cooperatively with the Australian Hotels Association [AHA] and the Licensed Clubs Association. It is colloquially known as Ask for Angela. There is a small amount of training going to the staff there, firstly, to be proactive with people who they feel are vulnerable but allowing vulnerable people to approach staff with that code term.

The other program that we intend to market here in the city—and the best way to research this issue would be to google Cup of Tea consent—it has taken us about six months to get some intellectual property releases and get to a point where we again are going to partner with industry and try to market what is, I think, is often a vulnerability: That perpetrators do not seem to have a proper appreciation of what consent is. There is an analogy between sexual consent and having a cup of tea, which is British. It may not be the only program, but it is one we are going to uplift and trial in the city.

**The Hon. JOHN GRAHAM:** Again, if we could put those to your notice, I think that would be very helpful to have that in front of the Committee.

**Mr WALTON:** We are trying to market that in the right way. We would not want to lose that opportunity and the power of the marketing, particularly with the Cup of Tea consent program.

**The Hon. JOHN GRAHAM:** Understood.

**Mr WALTON:** I think it can be quite a valuable proactive measure.

**The CHAIR:** Assistant Commissioner, thank you so much for your evidence. It is imperative for an inquiry such as this to appreciate what the police do. We certainly acknowledge that long after we have gone to bed, you guys are patrolling, risking your lives, and serving the community. We much appreciate all the people in the NSW Police Force. We thank you for your evidence. In the light of some of your evidence, we may put

some further questions on notice. You will have 21 days in which to respond. The secretariat will be in touch with you and help you with that. We appreciate that you took time out this afternoon for the inquiry. Thank you.

**Mr WALTON:** Certainly. Thank you, Chair.

**(The witness withdrew)**

**DAN ROSEN**, Chief Executive Officer, Australian Recording Industry Association, on former affirmation  
**ISABELLA MANFREDI**, Musician, Lead Singer and Songwriter of The Preatures, sworn and examined

**The CHAIR:** Welcome. Would either of you like to make an opening statement?

**Ms MANFREDI:** I am a Sydney girl. I was born at home in Bondi and grew up in Surry Hills, where I spent my adolescence. I lived in Kings Cross when I moved out of home. The place we are talking about today that has been most affected by the regulations and events in the past couple of years is not only my main place of work but also my neighbourhood. I will tell the Committee a little bit about my band. The Preatures began in 2008, and we have cut our teeth playing gigs at Camperdown Bowling Club, Drummoyne RSL Memorial and Community Club, Spectrum, Q Bar, Deans, Candys Apartment, Bar Me, The Flinders Hotel, The World Bar, the Gaelic Club Sydney, the Hopetoun Hotel, the Sandringham Hotel, the Lizard Lounge, The Standard, the Hi Fi Bar, Oxford Art Factory, the Lansdowne Hotel, and Club 77. Only two of these places still exist as live music venues. The rest form part of the almost 200 venues that have closed since the lockout zone was introduced in 2014.

In 2013, my band, The Preatures, won a prestigious songwriting competition and was propelled from small clubs in Sydney to the international stage, playing major festivals like Coachella and Glastonbury and at other venues around the world. We completed a number of back-to-back tours of Europe and the United States and returned home eventually to headline at The Metro Theatre and the Enmore Theatre. During that time, we were also introduced to the great nightlife cultures of international cities like Berlin, London, New York, Seoul, San Francisco and Melbourne. Although nothing prepares you for this kind of success, as a group we had more than four years of experience to lean on, and experience of working our way up in our own city from playing to two or three friends to a few hundred fans to 1,000, all the way up to 20,000 people at the Domain and Allphones Arena, at which we recently supported Harry Styles.

We have been called one of the best and most hardworking live bands in the country, but we did not begin that way. We were forged in much the same way as a great athlete or sports team is: through training, opportunity, support and perseverance. To represent your country as a musician requires hours of loading in and loading out, late-night rehearsals and early flights, keeping day jobs, hours on the road away from family, and great personal sacrifice and passion. I am very lucky to do what I do. I made that choice and there are many jobs that I could be doing that incur way more personal sacrifice than I do as a musician.

However, one of the difficulties is the perception when you are in entertainment or when you do music that you are earning lots of money, life is great and you are doing very well. We are essentially a small business. There are many bands below where we are. There is a small proportion of bands above us, but the majority are below us. We are essentially a success story in the music industry, but we live basically hand-to-mouth. Our business is precarious at best; there is very little security and we all make the minimum wage, if that.

In 2014 we joined with Keep Sydney Open to fight the proposed lockout laws in the CBD and their extension into Newtown, Erskineville and Bondi. What struck me most about the legislators when I went to a number of community panels and discussions was their lack of interest in engaging with the musical community in any way whatsoever. In turn, they had no understanding about how the industry works, what it contributes to the fabric of the city—both culturally and economically—and, most of all, what it stood to lose. Regrettably, our fight for our industry was conflated with an endorsement of violence. It was caught up in a moral discussion about whether or not we were fit contributors to our own society. Somehow our value to society stopped at a certain point during the night—at around 10.00 p.m.

It is worth talking a bit about a day in the life of a band playing a major venue. I heard the assistant commissioner say that he does not know who would want to have a meal at 3.00 a.m. I am that person. I finish work at between 1.30 a.m. and 2.00 a.m. That is after a day that might have begun anywhere between 4.00 a.m. and 9.00 a.m., depending on where in the world we are touring or if we are in Australia. We played the Enmore Theatre a couple of months ago and my day started at home at 6.00 a.m. I got ready, I did some exercise and then my morning pages. I got ready for the day and we loaded into the venue, we did promo and then went straight into the sound check. A lot goes in to putting on a major production.

Then we might do a meet-and-greet, sort out the guest list, go through the lighting and so on. You might find time to have a little something to eat before the show, but most of the time you do not eat during the day because it is too busy and your adrenalin is too high. Then you play your show. Usually a headline act will go on at about 10.30 p.m. and play for an hour to an hour and a half to two hours. When you get off stage, there might be some photos, another meet-and-greet, and then there might be a merchandise signing, which can take anywhere between half an hour to an hour, depending on how many people want to buy your stuff—hopefully a

lot. Then you wind down. Usually you have people to meet back stage. They might be people from the label, people who have come from interstate to see you, VIPs, publishers, or your booking agent. There might also be friends and family. You have that for probably an hour after the show. Then you might load out, get undressed and have a shower.

It is then time for dinner. You have not eaten all day and you have had no time to wind down. If it is before 1.30 a.m., you are lucky and you might be able to find somewhere that still serves food. However, most of the time—in Sydney particularly—there are slim pickings. There might be some VIPs, other musicians who are friends or you might have been to see an international act and they finish and you want go out with them and have dinner. For want of a better word, that is networking; that is, the opportunity to meet people from your industry and to develop a relationship with them. If that is the case, there are very few places to go.

By the time you get to the bar you want to have a neat whiskey or something like that. I am a whisky girl. You might want a Laphroaig on the rocks. You are told, "I can't serve you that spirit neat, but I can give you a Long Island iced tea," which has three shots. It does not make any sense. I know we are not fighting wars in Afghanistan, but this is our life and our livelihood. That was an aside; sorry, it was a big aside.

There are a couple of assumptions that the legislators made about the music industry and late-night economy that I thought were misguided. The first one was that somehow night-time trade is one homogenous culture and can be painted with the same brush rather than recognising different businesses that cater to different subcultures. We did not just lose clubs, as you guys know. We lost an iconic newsagency on Oxford Street that had been going for 80-something years and restaurants and shops. I lost my neighbourhood. I walked up and down Oxford Street to shops for lease and this was a place that I had lived my entire life, pretty much.

**The CHAIR:** I appreciate your testimony but I am looking at the time. I want the members to have an opportunity to ask a couple of questions.

**Ms MANFREDI:** Absolutely. I am done.

**The CHAIR:** Your testimony has been really helpful but we might hold it there for a moment and take some questions.

**The Hon. JOHN GRAHAM:** Mr Rosen, thanks for your evidence previously and the optimistic story about recorded music. I think it gave the Committee a lot of confidence about that part of the industry. Ms Manfredi, your evidence about the venue side of the music scene is pretty devastating. All of those venues have gone and only two are left. Would it be possible to get to where you are at the top of the Australian music industry now given where we have got to?

**Ms MANFREDI:** I do not think so. It is impossible to say because creative people will always develop ways to do what they do, but you cannot have excellence at the top of any field without a grassroots community and those kinds of opportunities.

**The Hon. JOHN GRAHAM:** That is really what we are losing here as the venues close, is it not? We are losing that music scene.

**Ms MANFREDI:** Yes.

**Mr ROSEN:** As Ms Manfredi said, I think it is the ability so when you do get your shot, when you do get discovered and when you do get propelled onto the national or world stage, you have what Malcolm Gladwell called the 10,000 hours, what The Beatles did in Germany, so when you do have that success you have got enough hours on stage to take that opportunity. I think we spoke last time about the reality television shows and why some of them struggle. It is because you are trying to go from zero to 100 kilometres in one hit, whereas the best acts are the ones that develop slowly. They go from playing to friends, to 50 people, to 100 people, to 500 people, to 1,000 and 10,000. You need venues in all those sizes to be able to pursue that. Ms Manfredi is a wonderful example of somebody who did come through grassroots Sydney and has developed into one of our great national acts and has an international presence. She said she started in 2008. So it is 10 years ago. We want to make sure that The Preatures of 2018 will still exist and can continue to exist to be nominated for ARIAs, reach top five on the ARIA charts and play Coachella and these great world festivals.

**The Hon. JOHN GRAHAM:** I think your evidence about what it is like to be working late at night as a musician is really powerful. The Committee has had evidence about other people working in the hospitality industry who are in a similar situation. They are getting to the end of their work, needing to wind down and looking for somewhere to go.

**Ms MANFREDI:** Yes. There is a huge amount of adrenalin as well in what we do. I was waitressing for years. I come from a hospitality family so I know that lifestyle very much. There are late hours and then you

are full of adrenalin when you finish so you do need something. It is not like you want to go out and party. Sometimes you do if it is the end of a long tour or it is a special night sometimes, but mostly it is just about cooling off and just having a little debrief with your friends or your band mates somewhere quiet, somewhere nice. I feel like there was a real missed opportunity with the discussions around the two deaths that led to the lockout laws but also around the Cross in general and the alcohol-fuelled violence in that there was not more of a focus on our drinking culture.

Being from an Italian family, I grew up not binge drinking but knowing that if I was to drink something it was because it was good quality and because I wanted to enjoy it. Just because I drink at 2.00 a.m. or 3.00 a.m. at the end of my shift, so to speak, in my mind my responsibility towards how I drink is my own business. When I go out to drink I would really like to have something of quality at that time of night and not be restricted to what I can and cannot drink and the way in which I can drink it.

**The Hon. JOHN GRAHAM:** You are not coming here saying that nothing had to change.

**Ms MANFREDI:** No, not at all.

**The Hon. JOHN GRAHAM:** You are really pointing to what we are losing at the moment in your field of work.

**Ms MANFREDI:** Absolutely. If they had engaged with the live music community—my subculture is different to the other subcultures that exist within that community as well. The electronic scene is quite different from the live band scene and the rock'n'roll scene. There are many facets to it, which all existed in that area as well. I think they would have found that the live music venues were very supportive of change and would have worked with the legislators to create something that could support change in that direction. The live music community that I know is anti-violence. It is a welcoming community. It is a refuge for many young people. It is a place for people to exercise their passion and to meet people. That is the greatest thing about it. That is its service in the community.

**The Hon. SHAYNE MALLARD:** You emerged around 2010. The beginning of your band or your career was about seven or eight years ago?

**Ms MANFREDI:** I guess 2013 was when we got our big break.

**The Hon. SHAYNE MALLARD:** I am trying to look like I know what I am talking about. John Graham is correct in talking about a community among your contemporary colleagues, but what about the young people emerging now in the Sydney live music scene in your niche or other ones? I imagine you may be mentoring in an unofficial way through friendship. Are they staying in Sydney and finding an artistic way of surviving as you referred to before or are they fleeing to Melbourne?

**Ms MANFREDI:** They are fleeing to Melbourne, yes. A lot of them are. That has been kind of prevalent for a while now in Sydney. Even before the lockout laws the industry was suffering. With the noise complaints and gentrification, that has been an ongoing issue.

**The Hon. SHAYNE MALLARD:** The lockout laws put the nail in the coffin, in a sense?

**Ms MANFREDI:** Yes, they were really the nail. I know you guys are across it but this whole thing cannot be removed from rising house prices, rising property prices, cost of living and all of that stuff. It is pretty much all connected for us, especially in the younger generation.

**The Hon. JOHN GRAHAM:** But other cities are managing it. They are dealing with those pressures and managing to keep the scene alive.

**Ms MANFREDI:** Yes.

**Mr ROSEN:** New York and London are hardly cheap places to live but they are able to make sure that they keep their ecosystem of their artistic communities and recognise that that is a key part of what makes those cities great.

**Ms MANFREDI:** I lived in the Cross for a number of years and there is no way that I would say that things did not have to change. What I really would have liked to have seen and what I know Keep Sydney Open was very much pushing for was a more comprehensive approach to the problem that was not so kneejerk. I have an uncle that is one of the original Mardi Gras '78er protesters and has lived in the Cross pretty much his whole life. Even he was getting to the point where he was saying, "Oh God, it's terrible here. It's bedlam."

I think that the divisive nature of what happened really pitted us against the police and against the legislators, which in my mind it is not like we are perfect. Of course, the music industry also promotes drinking, I guess, or whatever. It is not like we are saints. In terms of what it offers to the community culturally and

socially, I think there should have been a coming together, a meeting of the subcultures especially, and the different sides. I know from experience, being a young person playing gigs on Oxford Street and being privy to what was happening in the venues before the lock out laws, there was quite a bit of bullying by the police. We were not treated as musicians. We are middle class kids, essentially. We are pretty educated. We were brought up to respect the police. Not a lot of people in our industry, especially in bands, really do. But even the way that we were spoken to as musicians by the police, in all sorts of circumstances, was tough for us to understand.

**The Hon. SHAYNE MALLARD:** This is on Oxford Street?

**Ms MANFREDI:** On Oxford Street, loading in and out of venues, not being able to load out the back of venues. The proper loading docks would have to be closed early because of noise complaints. A common thread on Oxford Street was that all of the loading docks out the back in the alleyways, you could not use them because people in the apartments had complained about the noise coming from the venues when you would load out, usually at 1.30. So we would have to double-park on Oxford Street in order to be able to load our gear out the front, and the police were just, for want of a better word, merciless.

They would berate you. They would call you all sorts of horrible names and we were like: We are not drunk. We have just finished our set. We might have got \$50 for that set, and we are just trying to load our gear out and then we will be gone. We are just trying to do our job, I guess. We got hit with all sorts of fines; \$180 for double parking, \$220 for--what is it, like talking back to a police officer? I do not know, like school. All of these sorts of little interactions within the community. I guess in our very limited experience with the police, it created a distrust, which I think is regrettable.

**The Hon. JOHN GRAHAM:** I am conscious of the time. Can I jump in and ask about Sydney's reputation? You are touring internationally. You have talked about supporting Harry Styles and you have supported Pink and the Rolling Stones. You are dealing with a lot of international musicians who come here. What is the view about Sydney and Sydney's music scene from the people you are talking to?

**Ms MANFREDI:** It is a laughing stock. That is really the crux of it. It has become an international joke and the butt of international jokes.

**The Hon. JOHN GRAHAM:** Not just in Melbourne, but all around the world?

**Ms MANFREDI:** Oh, no, people are aware of it all over the world, which is surprising.

**The CHAIR:** Thank you for your testimony. It is very good.

**Ms MANFREDI:** It is not all doom and gloom. What the Committee is doing is fantastic.

**Mr ROSEN:** I also note that we are in a much better room than last time, which augers well for the Committee.

**The CHAIR:** We thought the musicians needed to be upgraded, we cannot give our artists substandard conditions. The way that you put your testimony and comparing it to growing up through sports groups, you start at your local area grassroots, build up through the system and eventually become a professional, that was special to help the Committee understand that it is no different for musicians and artists. It is not easy to get to the top. We appreciate your time and your testimony.

**Ms MANFREDI:** It is a long way to the top if you want a sausage roll.

**The CHAIR:** Before you go, in light of your evidence, the Committee may put some more questions on notice for you both. You will have 21 days to answer the questions. The secretariat will help you do that. We very much appreciate your presentation today.

**(The witnesses withdrew)**

**LUKE BRISCOE**, Managing Director, AMP Capital, Office & Industrial, sworn and examined

**The CHAIR:** Do you have an opening statement you would like to make?

**Mr BRISCOE:** I have a short statement, if I may, thank you. Thanks for the opportunity to appear before the Committee this afternoon. As I mentioned, my name is Luke Briscoe, and I am the Managing Director of AMP Capital, Office & Industrial, a wholly-owned subsidiary of AMP Capital Investors. AMP Capital has previously made a written submission to this Committee and we welcome this opportunity to speak further to that submission and answer any queries from the Committee. For the Committee's background, AMP Capital is a specialist global investment manager with a focus on real estate, infrastructure, fixed income, equities and multi-asset solutions. As outlined in our written submission, The Basement has been a tenant of 7 Macquarie Place since 1992. AMP Capital manages 7 Macquarie Place on behalf of a client, which is an industry superannuation fund.

There has been a lot of speculation, and to be clear, 7 Macquarie Place is not owned by AMP Limited. AMP Capital has been involved in the management of 7 Macquarie Place since 2000, and has a good working relationship with the operators of The Basement during that time. The most recent lease we have undertaken with the operators was in April 2013 and was a 10-year lease, due to expire in 2023. That lease was, however, as we now know, surrendered by the operators in April this year. Prior to The Basement's surrender of its lease, AMP Capital had worked with its operators for some time to explore options for The Basement to stay in the current premises. Our actions during this time were acknowledged by the operators in their statement on their Facebook page on 3 April, and again to be clear, AMP did not evict The Basement from the premises.

In its public statement of 3 April The Basement indicated that the space at 7 Macquarie Place was no longer workable for the business in the long term and they preferred to find a permanent and more suitable home. We have since learned that in May this year the company operating The Basement, Cellar Management Services, has entered voluntary administration. Following the operators of The Basement surrendering their lease, we have now commenced and sought expressions of interest in an informal expressions of interest campaign to lease the space. That has included a number of inquiries from live music, food and beverage operators.

Importantly, an application has now been made to retain the full hotel liquor licence for the premises, which will facilitate a new live music operation if it were successful in the expression of interest campaign. We will shortly begin that formal campaign once the licence is transferred. At the conclusion of this we will then need to consider all expressions of interest received by all types of operators for the space in order to make and prepare a recommendation. As this campaign is ongoing and competitive as of today, all inquiries are commercial-in-confidence. AMP Capital does accept that 7 Macquarie Place has hosted live music in Sydney for more than 20 years, and as such there is a unique goodwill associated with the venue for live music operators. Indeed, we are optimistic that the history of the venue will be attractive to a number of live music operators.

**The Hon. JOHN GRAHAM:** I acknowledge the Government announcement about licensing over the last week or so, and that the Hon. Shayne Mallard was working to put some views about that matter as it might pertain to the city. I think that has been very helpful, given it is clearly a complex situation. That Government announcement is helpful by and large but in my view it will not be enough to solve the sorts of issues we are talking about. I do not know. I might start by saying, Mr Briscoe, that that is a helpful view, but the community wants to know: will music keep playing at The Basement, where it has been going for more than 20 years, as you have said, or is this really the place where music died in the city? It is our oldest licenced music venue, which has been able to operate all that time. If we cannot keep music going in that sort of place it is pretty bad news for the city. I do not know what your view is on that community perspective.

**Mr BRISCOE:** Firstly, it is probably important to note that we have worked with The Basement for a very long time and, in fact, entered a new lease in 2013. So we were very comfortable with that use in that space. So there are certainly no concerns in that regard. We have undertaken some proactive measures to optimise or enhance the opportunity by transferring the licence quickly. Without that it would be very challenging indeed for live music to use the space.

**The Hon. JOHN GRAHAM:** Tell us about the licence specifically. When will you find out, do you expect, whether the licence will remain attached to this space at 7 Macquarie Place?

**Mr BRISCOE:** We applied in late April. There was an interim transfer. I cannot recall the specific phrasing, but there now needs to be a period of time. We have been told that it will be formally transferred, if there are no objections, by mid- to late-June.

**The Hon. JOHN GRAHAM:** So you expect that you will get the licence under those circumstances. You would be very optimistic.

**Mr BRISCOE:** It is common practice that the licence will remain with the premises. So we are optimistic, but until such time as it is formally transferred, it is difficult to say.

**The Hon. JOHN GRAHAM:** But anything that could be done to speed that process up would be helpful, from your point of view, given the circumstances.

**Mr BRISCOE:** There is no doubt that we have not been able to engage in a formal campaign until that licence is transferred. So our hands are somewhat tied. So, yes, correct.

**The Hon. JOHN GRAHAM:** So a rapid answer would be helpful.

**Mr BRISCOE:** Yes.

**The Hon. JOHN GRAHAM:** What else do you need to keep music happening in this space?

**Mr BRISCOE:** The number one is the licence; there is no doubt about that. From our perspective that is what we need. I cannot comment on what the operator itself needs but without that an operation of live music, serving alcohol, would not take place.

**The Hon. JOHN GRAHAM:** You put a call out to the music industry saying that you are open to cooperating with getting a music operator in there if there is an operator that can operate the venue on terms that you can live with.

**Mr BRISCOE:** Absolutely. I point back to the fact that in 2013 we entered into a new 10-year lease. We were very comfortable with that use. We would have been more comfortable had that continued until 2023. This circumstance is now upon us. We remain open to that use and we will look at those as part of the expressions of interest campaign.

**The Hon. JOHN GRAHAM:** You are making that judgement about your building, but I guess the community concern is that this closes as a music venue and it could become a restaurant. You have ruled out office space—is that correct?

**Mr BRISCOE:** Correct.

**The Hon. JOHN GRAHAM:** And you have ruled out apartments.

**Mr BRISCOE:** Correct.

**The Hon. JOHN GRAHAM:** The real risk here is that a restaurant opens up and there is no music in this space. Is that a fair characterisation?

**Mr BRISCOE:** It is a possibility that the expressions of interest could come for restaurant use—absolutely.

**The Hon. JOHN GRAHAM:** If that was the case that might work from your perspective in that particular building but it is a devastating blow to that end of the city, is it not, to lose a music venue of this size—600 seats; of this length of time—since 1992; and of this reputation? That obviously has a knock-on impact across the city, does it not?

**Mr BRISCOE:** I can empathise with the community in their concern about that. I can certainly understand that position; yes.

**The Hon. SHAYNE MALLARD:** Just to be clear, you are not the owner of the building.

**Mr BRISCOE:** That is right.

**The Hon. SHAYNE MALLARD:** Mr Graham said "your building". It is not your building. AMP manages it. Effectively, for the lay person, you are the real estate agent looking after it.

**Mr BRISCOE:** That is correct.

**The Hon. SHAYNE MALLARD:** So, your task—correct me if I am wrong—is to achieve the highest yield from the tenancy for the landlord. Or has the landlord given you permission to discount from the market in some way to attract a music tenant that will be viable and survive there? I note that you said a minute ago that the previous occupants have gone into receivership or voluntary administration. Are you constrained about the financial parameters under which you can do anything to that site on behalf of the owners?

**Mr BRISCOE:** It is a long question. I will try to break it down. We are not constrained. Our responsibility, at this point, is to try and enhance the number of expressions of interest we receive from a number of different users, including live music.

**The Hon. SHAYNE MALLARD:** Is the owner interested in retaining live music in the Basement?

**Mr BRISCOE:** They were party to the 2013 deal. They share our view that there was nothing wrong with that use. There is no objection to that use, specifically.

**The Hon. SHAYNE MALLARD:** But it is not as high a yield as putting a restaurant in or putting in office space.

**Mr BRISCOE:** It is too early to tell in terms of the campaign. We are in early days and we have not had any formal positions that we can compare at this point.

**The Hon. SHAYNE MALLARD:** You have said that the owner is an industry super fund.

**Mr BRISCOE:** That is correct.

**The Hon. SHAYNE MALLARD:** Which one?

**Mr BRISCOE:** UniSuper.

**The Hon. SHAYNE MALLARD:** Is that a trade union?

**Mr BRISCOE:** I am not sure.

**The Hon. PENNY SHARPE:** It is an industry fund for universities—for staff.

**The Hon. SHAYNE MALLARD:** So it is like a union fund. My Labor colleagues know better the structure of the union super funds. It would be good if the trustees or the managers of the fund would agree to supporting retaining a music venue in that location, its being—as Mr Graham pointed out—such an iconic, important venue. That would help you.

**Mr BRISCOE:** Any clear direction would make things narrower, but at this point there is no clear instruction other than pointing a campaign together to try and understand who is interested in that space.

**The Hon. SHAYNE MALLARD:** But they are interested in retaining music content.

**Mr BRISCOE:** They have no specific objection to that use.

**The Hon. JOHN GRAHAM:** That is not particularly strong. We are talking about one of the most special places for music in the city. Frankly, I am a bit disappointed by that answer, because I thought it would have been a first preference. We understand that you, on behalf of the owner of the building, have to get a commercial return, although I note that this is not everyone's position; you have been called on to donate this space to the city to keep music going. I hope that your position is stronger than "We don't object to it." Surely you want to see music in this space, if it is possible—if we can make this add up.

**Mr BRISCOE:** I cannot really comment on UniSuper's position, specifically. Obviously, I am here representing AMP Capital. So I cannot really comment on that, other than that they are open to it. They have expressed that.

**The Hon. SHAYNE MALLARD:** Perhaps we could get them in to talk to us.

**The Hon. JOHN GRAHAM:** That might be of interest.

**The Hon. SHAYNE MALLARD:** Outside of the issue of The Basement, I thank you for your submission. I note the other areas that AMP are involved in, in supporting the arts and music economy. I particularly wanted to point out to the members the City Recital Hall. I give credit to Labor. Frank Sartor—I think he was probably the independent Lord Mayor of Sydney then—negotiated a deal. It was a public-private partnership [PPP] between the City of Sydney and the City Recital Hall, which is a world-class music venue. It is used for recording music. It is an amazing venue. That I think has been a 60-year partnership with the city.

That is a very attractive model, and Minister Harwin, when he announced the future of the Ultimo site—obviously when the current Powerhouse Museum is relocated—decided that would be a PPP opportunity or an opportunity to have an investment in a 1,500 seat lyric theatre. Am I right in saying that? Would AMP be looking at that type of opportunity to be involved in future infrastructure development in the arts in Sydney, based on your history?

**Mr BRISCOE:** Outside 7 Macquarie Place?

**The Hon. SHAYNE MALLARD:** Yes.

**Mr BRISCOE:** I am not the person to answer that question, I am afraid. I have come in the capacity of looking after this building.

**The Hon. SHAYNE MALLARD:** Right. It is in your submission that you have done it before.

**Mr BRISCOE:** That is right. AMP has been very supportive of that—

**The Hon. SHAYNE MALLARD:** You might pass it back up the chain.

**Mr BRISCOE:** Certainly I will. Thank you.

**The Hon. JOHN GRAHAM:** I think what you are identifying—we will certainly take notice of it—is that a rapid answer on the licence issues is helpful. It is helpful for us to convey that back. Certainly, your call out to music operators that you are open to this is useful. I think the committee would be very interested in following how this story ends. I just make the point again that we have lost 176 venues but this one hurt more than most because it is our oldest licensed music venue. It was known around the world as one of the key jazz venues in the city. If we lose this the signal it sends in Sydney, in Australia and around the world is pretty terrible for the city. So I think the committee would be interested in following this story as it develops.

**Mr BRISCOE:** Sure.

**The CHAIR:** I think that probably sums it up really well. I think you have already gauged the feeling across the airwaves and the people of New South Wales, even more so Sydney, that this is quite important to us as a historical area of music and arts. We would really rather not see it go to someone that is obviously going to be engaging in profit before passion—a passion for music and arts. It is a place that is quite significant. We understand you have to work commercially in confidence, but it would be really helpful if we can play a part in guiding or whatever we can do to make sure we secure this in its true sense of what it is known to be for, without interfering, obviously. I think the message is clear: The Basement really needs to stay with its roots of music and arts and continue what it has done well.

We thank you for coming in and giving us testimony. We appreciate that you are in a situation of business. We appreciate that you have given testimony of where it is up to and we wish you well with it. Hopefully it will have a great outcome for the music and arts industry in New South Wales. You will have 21 days to answer any further questions we might put forward because of your testimony. Other than that, we thank you for giving evidence.

**(The witness withdrew)**

**(Short adjournment)**

**HELEN MARCOU**, Co-founder, Save Live Australia's Music, affirmed and examined

**The CHAIR:** Do you have an opening statement you would like to present?

**Ms MARCOU:** I do. I would like to check with the Chair because I have prepared a couple of things and, seeing I have not put in a submission, I do have a statement that runs for about 10 or 15 minutes.

**The CHAIR:** That is fine with us. You can go for 15 minutes and we will see how you are going then.

**Ms MARCOU:** Or I could go two and you could just hit me with a bunch of questions.

**The Hon. JOHN GRAHAM:** We need more.

**The CHAIR:** We will just see how we go at 15 minutes.

**Ms MARCOU:** First, I would like to give my thanks to the Committee for taking time to hear my testimony today. I am here to give you an overview of a time in Melbourne when live music was under threat and how the community rose up and saved our venues. I am the proprietor of Bakehouse Studios in Melbourne, a music studio that has been there for 27 years, and the co-founder of Save Live Australia's Music [SLAM]. At the Memphis Music Cities Convention last October, Melbourne was proclaimed the greatest music city in the world. The Live Music Census found that Melbourne has more venues per capita than any other city, a place where the State Government invested \$22 million over the last four years into music—the largest investment into this sector that Australia has ever experienced. It is a place where government and industry formally meet on a regular basis to discuss and implement strategies which reduce regulatory red tape and foster this music scene that is coveted worldwide. But eight years ago things were very different.

My partner, Quincy McLean, and I met in the 1980s. I had dropped out of university. He was a fledgling art student and I was an impressionable punk teen. We were two bored kids desperate to escape the drudgery of top 40 suburban life. We converged on the seaside suburb of St Kilda. St Kilda is an interesting town—a place of faded grandeur and crumbling mansions, where sex workers, criminals, sailors, bikies, rich kids, poor kids, junkies and artists were the central characters when the first wave of punk and post-punk hit Melbourne. We also cut our teeth, like many of the previous speakers, on the sticky-floored band rooms of Melbourne—rooms that had been drenched with beer and old sweat, in a scene where everyone knew each other by name and reputation.

We fast-forward to 2010. One of these places on the other side of Melbourne was The Tote in Collingwood—a bit like Melbourne's Sea Bee Jeebies, and the place where Quincy's first band, Scrap Museum, played their first ever show in 1982—and it was under threat of closure. We received an email from the publican—the adored and respected Bruce Milne—that The Tote was to close as the new licensing conditions, coupled with all the extra compliance costs, had made the venue unviable. My partner is persistent with the mantra "someone has to do something about this" and it quickly became evident that that "someone" was us. So I would like to talk about unintended consequences. It is 2010 and it is an election year. The popular Labor State Government was at the end of 12 years in power. Historically no party in Victoria had gone on to achieve a fourth term. The headlines in the paper read, "Blood and booze on the streets." The public is outraged. Alcohol-fuelled violence and late-night drinking had the public worried and the Government in trouble.

In a bid to curb the violence, the then Director of Liquor Licensing was given instructions to reduce 3.00 a.m. licences. It was a clumsy policy and the most vulnerable—our live music venues—suffered great damage. An old condition from the 1980s was rolled out onto licence renewals. If a venue had a 3.00 a.m. licence and live music they were immediately considered high risk. This meant new CCTV requirements and two security guards for each live show. Small gigs became untenable and it has been anecdotally reported that up to 126 venues either reduced or cancelled their live music programs. It is a very similar story to what we are hearing in Sydney now—we have lost 176 venues here since 2014. Our beloved live music scene was haemorrhaging, musicians were losing livelihoods and the culture of live music was under threat. The director had used a blunt instrument. There was no nuance or knowledge of live music venues and the absurdist proxy that live music equals violence had been created.

Although The Tote was the poster child for the movement, there were also venues like the Greek Deli that hosted bouzouki nights, the Cape Lounge jazz club, the Lomond where solo folk musicians played in the front bar and the Railway Hotel, they became collateral damage. Now let me take the Committee through the Railway. If any of the Committee members have been to North Carlton, imagine a nonna cooking in the kitchen, grapevines in the garden, little kids dancing and the band at the time, the Brunswick Blues Shooters, had had a 12-year residency. The drummer was 75-year-old Harold Firth, a founding member of the fabulous Thunderbirds. The publican stepped out and said, "We can no longer host live music under these conditions"

and the band lost its residency. People ask us about the Save Live Australia's Music rally? What drove us to become live music activists?

The Bakehouse is a bit of a crumbling, beautiful institution of Melbourne. It is a creative space where up to 400 musicians pass through every week—around 120 bands. We call it Melbourne's cubbyhouse for musicians. It is a place where we get together, we chew the fat and we talk about the issues of the day. I believe Bakehouse has a beating heart; it exists. Bakehouse is real. But Quincy and I had no policy experience. We were novice activists. We did not have a licence and we had no other self-interest other than a desire to save our sector. These are the things I have learnt. First thing, in an election year change can happen very fast. There was a set of circumstances around the rally and what happened in Melbourne. Here is my quick "how to galvanise 20,000 disparate musicians into a stream of fans to come out from under their rocks and march on Parliament in real time."

The movement was always about community. We did not set out to be spokespeople. Our high-profile spokespeople were musicians and their voices and words were used to define the campaign. Ultimately, it was their cause. Paul Kelly famously said on the steps of Parliament to the rally crowd that gathered, that these small venues were our universities. We simplified the complexity of liquor licensing policy to a direct message that the broader community could take-up: Do not kill live music. This was about our right to participate and practise in our culture. We were inclusive with the music sector and stayed politically non-partisan. Any genre or style of music was welcome; however, we drew a clear line that disassociated us from the large nightclubs, sexually explicit entertainment and gambling—music was always at the core. In comparison to the early days of the Keep Sydney Open campaign, we had community sentiment on our side at the time. The notion of positive culture had been created. Publicists, media, event organisers were our people: They knew how to put on a spectacle, and through a mighty PA system as well. These ancillary industries would also suffer from the unintended consequences of this policy.

Experts, academics, policy writers all love live music. Even judges and some top silks from the bar joined the cause to advise us and present a sophisticated response to a policy that had not been assessed for its social impact. SLAM remained independent, run by volunteers. We made a firm decision not to receive any political funding, thus maintaining integrity and, in turn, the trust of our community—sometimes our mean tweets can still have some local politicians cowering when they come out. Melbourne is above all a music city. Sydney has industry and Adelaide has festivals. Melbourne has musicians, some of the best community radio in the world and sophisticated audiences. Our demands were presented to government, including the funding and formation of a peak body for contemporary popular music—Music Victoria—and, most importantly, for data to quantify the social, economic and cultural value of live music. All of our demands were signed off by about 2014. The SLAM rally has actually resonated as a true expression of generational challenge to the impact of art and contemporary music within our culture.

The political and regulatory changes, directly linked to our demands, include world-first planning reforms like the Agent of Change that protects arts and cultural venues from encroaching residential development. We initiated an ongoing political agenda, not only in Victoria but also nationally and internationally. The day after the rally Quincy and I thought we would go back to our normal lives, and we were wrong. Eight years later, here I am. The work began the day after.

One thing I would like to say is that I have seen the fragility of our music sector. A healthy and robust scene in Melbourne cannot be sustained if other cities—and indeed rural towns—cannot support touring artists for lack of venues and audiences. Gigs in Melbourne are a dream for fans—a city where world-class acts can play on any night, and ticket prices are, on average, under \$20 or often free. Musicians rarely get remunerated properly. Australia's tyranny of distance and population size mean that Melbourne can only be sustained as a music city if our sister cities and towns also are strong and robust.

Sydney has almost no capacity to host small and medium bands in a decimated live music environment. This means that Sydney has become the broken link in the chain of an eastern States touring circuit as well as a national touring circuit, making it difficult if not untenable to piece together a run of dates up the coast—not only for Australian bands but also for small to medium level international touring bands. This has the effect of eroding our national music environment. Without a healthy and supportive music scene, many artists leave Sydney off their national touring schedule altogether.

The attrition of artists to other States is a great loss for New South Wales—a loss of talent, skills and brains; a loss of the stories and songs that define New South Wales; a loss of revenue. New South Wales is in the unenviable position of having to import its own artists back from other States to be able to piece together a strong festival bill at times. A good example of this attrition is Sampa the Great. She is the winner of the Australian Music Prize and tells the story through her music of growing up in the suburbs of Sydney. She is a

young and fierce woman of African descent, a migrant to Australia, who has empowered a new vanguard of girls and women with her positive messaging. She moved to Melbourne along with many other artists for access to opportunities and a musical network. I have learnt that these artists are at the core of our community.

There is a lot more I could say, but to sum up, over the last eight years in Victoria we have seen that the Liquor Act changed to forever support live music. That is something that you did have happen here in New South Wales. I do not know if it has been acted on. The breaking of the proxy that equated music with violence; the implementation of the Agent of Change principle; a return to all-ages gigs in our venues; unprecedented Government investment; city councils that proclaim Melbourne a music city, a 24-hours city, open for business; a world-first evaluated program against sexual assault and harassment; now a move towards changing of land use terms for arts and culture to be as of right; and a review of noise emissions from the Environment Protection Authority [EPA]. To the Parliament and decision-makers of New South Wales, I implore you to take the recommendations of this inquiry on board with the greatest urgency. The whole country is watching and depends on you.

**The CHAIR:** No pressure there!

**Ms MARCOU:** No pressure.

**The CHAIR:** Thank you for that. I will go to the last point you talked about. You mentioned a music city and then you commented against sexual assaults and noise. Can you elaborate of how they did that or what they do to ameliorate that?

**Ms MARCOU:** My own position as a music activist changed very quickly from yapping at the heels to having a seat at the table and the ear of Government. In 2015, well before the #MeToo movement as well, I had spent six years championing live music venues as safe spaces that mitigated violence.

**The CHAIR:** That is good.

**Ms MARCOU:** There was a group called Listen. They were a group of young feminists who were airing their stories of sexual assault and harassment within their own sector. Primary within this group were the stories of our artists. Many of our artists are micro businesses who are not afforded the same workplace, harassment, support and protections that other workers are afforded. I felt a moral obligation to speak up to the live music roundtable that had come out of the Save Australia's Live Music [SLAM] rally and wrote to the then Minister, Jane Garrett, who was the Minister for Justice that headed the regulatory round table. Unwaveringly she gave us a task force to support policy. Out of that policy there is a three-pronged approach—through education, legislation and public awareness. We have written a very robust and strongly accredited training program that will work with venues, hospitality workers and security guards. We educate them in the prevention of sexual assault and harassment within their venues. There is a training module where they role-play. They define the terms of sexual harassment and they look out for vulnerable people, and then have the tools to deal with it.

**The CHAIR:** Are you aware of whether that training exists in Sydney?

**Ms MARCOU:** No. This is pretty much an evaluated program. It has been evaluated by La Trobe and Deakin. It is quite a worldwide precedent at this point in time. We have done a pilot of eight venues. It has been funded by the Victorian Government to the tune of \$200,000. That would be a pretty big dent in your arts funding here in New South Wales.

**The CHAIR:** Are you able to table the curriculum or the training manual?

**Ms MARCOU:** I am sorry. What was the question?

**The CHAIR:** Would be able to give to the Committee that training for us to examine?

**Ms MARCOU:** It sits under the Department of Justice at the moment, but I am sure we could bring that up.

**The CHAIR:** I would like to see what that training manual looks like.

**Ms MARCOU:** Absolutely.

**The CHAIR:** We have got you here so that we can ask you questions. You gave a really good opening statement, so if we could ask you a couple of questions, that would be good. If you have more you want to say, we will give you an opportunity at the end of questions—just in case we miss something.

**Ms MARCOU:** Absolutely, please.

**The CHAIR:** I am chaotic in my thinking, so if I do not ask it straight away, it is gone—a bit like a creative person, really; but not every creative person, just some of them. In relation to safe spaces, I know that we are talking about safe spaces in places, but what about safe spaces outside venues as well? Earlier we heard some evidence about assaults and grievous bodily harm in New South Wales.

**Ms MARCOU:** Yes.

**The CHAIR:** Are the safe spaces you talk about, is that educating inside the venue as well as outside the venue?

**Ms MARCOU:** Absolutely. One of the things we did find is that there was a notion and a perception from punters that when they go to gigs, the security there is to protect the venue and not the patrons. It has been very important for us to create behavioural change and a shift in the culture of people going out, and looking at accountability and training. So we are looking at patron behaviour and we are looking at an awareness campaign on zero tolerance and what consent looks like in both a personal and a public space. This whole suite of educational reforms, coupled with the public campaign, are all aimed at behavioural change.

**The Hon. JOHN GRAHAM:** Thank you for your views. They are really helpful, particularly the one that, rather than there being a competition between Melbourne and Sydney, in fact a healthy Australian music scene relies on both Melbourne and Sydney going from strength to strength. Your evidence, though, that bands on their touring circuit are skipping Sydney is pretty alarming for someone in New South Wales. Could you expand on that point?

**Ms MARCOU:** Although airline tickets are so cheap nowadays and bands out of Melbourne now do a lot of weekend touring, unfortunately the link in the chain is broken. There are so few venues for small and medium artists to play in here that it is just not economically viable to come here so they might do something more regional but they are tending to go to Brisbane above Sydney. A national tour might look like Melbourne, Brisbane and possibly even go out to New Zealand where there are more venues.

**The Hon. JOHN GRAHAM:** That is quite extraordinary. Going to New Zealand rather than coming to Sydney?

**Ms MARCOU:** Yes.

**The Hon. JOHN GRAHAM:** I want to go to the heart of the issue. I think you heard the assistant commissioner give the police view—

**Ms MARCOU:** Yes.

**The Hon. JOHN GRAHAM:** —about some of the safety issues in Sydney and I think it is fair to say that any Parliament or parliamentary committee will listen pretty seriously to the views put in that form by the police. How have you grappled with this issue in Melbourne? You have the same set of community safety issues, the same big city with people out at night. What is the Melbourne perspective on how music and safety collide or fit together?

**Ms MARCOU:** It was very important for us to break that proxy between live music and violence, particularly championing small venues. We were able to show that small venues were in fact places that mitigate violence. If you look at motherhood statements from both Creative Victoria and the City of Melbourne, they use those openings because they are not anonymous faces. The Tote itself had only ever had in its very long history—if we do not go back to the days when it was a bookies' dream—very few calls from the Collingwood police. These were places where people knew each other and would support each other, and also participated in this positive culture of music. People tend to drink less; there is less of a focus on alcohol because you are there for a performative aspect, so you watch a band and you might get a drink before and after.

The police were very much involved in what we did and when we had our champions from the political realm and we formed the live music roundtable, the compliance visits reduced, but also the police understood, particularly where you are looking at residential encroachment where we can manage the expectations of residents and we have good principles of urban design and noise emission laws, it actually makes the job of police, council officers and the Environment Protection Authority easier.

**The Hon. JOHN GRAHAM:** You talked before about the importance of data.

**Ms MARCOU:** Absolutely.

**The Hon. JOHN GRAHAM:** Was having the police actually at the table one of the things that helped you get that data?

**Ms MARCOU:** It made such a difference. We were quantified through that Deloitte Access Economics report of 2014 into the cultural, social and economic value of live music as once we existed as an industry and the politicians or the bean counters could get behind us, it meant that we could provide data because there was also an economic case for using the resources of the police, not to do unnecessary compliance checks on venues that were generally providing safe spaces, but it was important to use their resources in other ways.

**The Hon. JOHN GRAHAM:** So you are talking about two separate sorts of data there; one, economic research about the value of the industry?

**Ms MARCOU:** Yes.

**The Hon. JOHN GRAHAM:** So you are saying that is one of the things this Committee could recommend that would help in New South Wales?

**Ms MARCOU:** And also data within the venues because the police and the Directorate of Liquor Licensing at the time had no idea what was happening in the venues. They did not understand that Melbourne has this multi-genred, multi-age group, sophisticated live music audience. They had just hit everyone with a blunt instrument.

**The Hon. JOHN GRAHAM:** How did you get to the bottom of that problem? What cracked that?

**Ms MARCOU:** There was a whole help desk put into liquor licensing. A live music agreement was negotiated with the team of policymakers experts. Much of it came through the regulatory roundtable and we were able to have nuanced information built around licences within our venues.

**The Hon. JOHN GRAHAM:** But crucial to that would have been having the music industry at the table; people like you at the table?

**Ms MARCOU:** All the stakeholders.

**The Hon. JOHN GRAHAM:** Police at the table and Liquor and Gaming at the table?

**Ms MARCOU:** Everyone was there.

**The Hon. JOHN GRAHAM:** Can you tell us just a little bit more about the importance of the sexual assault task force and what we might do up here to push along that issue?

**Ms MARCOU:** At this point in time, in a post #MeToo world, it is crucially important because we have seen that there is a lot of data to support that participating in live music and in arts and culture is a place where, particularly for vulnerable young people, socially disadvantaged people, it is a way forward. For our most marginalised people, the lesbian, gay, bisexual, transgender, intersex [LGBTI] community, our First Nations people and people of colour, women are most vulnerable in venues. So it was important that we provide a safe space and a dignified night out for their inclusion. There are stories to be told and to be part of the cultural framework but also it came back to education. With this task force, it is my intention to share the policy work.

Some of the other ideas that have come out from it are that we could put sexual harassment training within responsible service of alcohol [RSAs], that we would write to the national security curriculum and have some training there about identifying sexual harassment and assault. In Victoria there is evidence to support that there is 75,000 ticketed security guards so the venue often has to have really good briefing and some of that training will come out of this policy and I am sure there will be an appetite with the Victorian Government to share that nationally. I am saying that on the record now.

**The Hon. JOHN GRAHAM:** Lastly, I wanted to ask about artists moving to Melbourne. You talked about one—Sampa the Great, who will be a big loss to the Sydney music scene. Are you aware of other artists?

**Ms MARCOU:** Yes, many. I took a quick hive mind Facebook poll last night and in the last few months at least 10 were listed there but I can name a number from the electronic scene like Ella Styles, the DMA'S are moving down to Melbourne.

**The Hon. JOHN GRAHAM:** These are moving from Sydney to Melbourne?

**Ms MARCOU:** From Sydney specifically not only to be near community and to be near venues but also to take advantage of the arts funding and the grants afforded through this \$22 million music works package.

**The Hon. SHAYNE MALLARD:** Thank you for your opening statement; the work you put into it was comprehensive and very much appreciated. If we do go to Melbourne we will pick up on some of the things you touched on, like the changes made to the Liquor Act. I was interested in your comments about protection of live venues from encroachment of urbanisation and gentrification. My limited experience with visiting venues in

Melbourne is that they are quite dispersed whereas in Sydney one of our problems—and I was a local councillor for 12 years on the City of Sydney Council—is that we had live music venues, big pubs, clubs and everything all bashed together in Kings Cross, Oxford Street with a little bit in the city. The crowds were huge and everyone around was hit with the same blunt instrument, as you said before. Melbourne has the advantage of a dispersed scene.

**Ms MARCOU:** We have a broad scene; it is actually not that dispersed. There are areas of Melbourne where there is a high concentration of music venues. I think the city of Yarra itself has a couple of hundred within very close proximity.

**The Hon. SHAYNE MALLARD:** That covers St Kilda?

**Ms MARCOU:** No, the city of Yarra is just Fitzroy and Richmond. We have something like 965 venues throughout Victoria and it is constantly fluctuating. We have the largest amount of venues per capita than any city in the world. In terms of staggering hours when people can leave safely and at different times, looking at public transport on the weekends—that has been trialled by the Andrews Government to see if we can get people back home. Free public transport was trialled as well.

**The Hon. SHAYNE MALLARD:** Did that work?

**Ms MARCOU:** It worked really well and it was a really fantastic take-up. Because we are a 24-hour city there are musicians, not only people in arts and culture, but also shift workers, hospital workers and other industry workers who often go out at night and take full advantage of our music scene. We have all those different layers to protect that ecosystem of a music scene and arts and cultural scene; you can also catch theatre very late and there are buskers on the street. There is a night-time economy that is not necessarily around alcohol. The most important thing we found over the years is that although there is a lot of preloading that goes on in the suburbs, people tend to go out and have a drink in Melbourne rather than preloading at home and then catching very short periods of entertainment.

**The Hon. SHAYNE MALLARD:** You talked about the stratification, the diversity of live music audiences. The Committee picked up on that from our visit to one or two venues. Is that a factor in getting a safer outcome in terms of a sustainable outcome in live music venues? Your organisation has identified older crowds go to certain venues and younger crowds to others.

**Ms MARCOU:** A very big factor. Part of the reason we wanted to introduce all aged gigs into licensed venues is so kids would have an opportunity where they are engaging with live music and their favourite artists before binge drinking or at the age of 18. It is about the culture and the music first and then the drinking comes later. The ability to go out with their parents to festivals; festival culture is very big. My kids have been going to gigs their entire lives with myself and my partner. For them it is not about a culture of binge drinking when you go and see bands. Although that does happen in mass events, ultimately it is about exposure to arts and culture on a grand level.

**The Hon. SHAYNE MALLARD:** Did Melbourne go through the phenomena which Sydney has gone through, which is the gaming machines pushing out the live music venues from pubs?

**Ms MARCOU:** It did, but because our small bar licences were introduced in the eighties and there was this proliferation of small bars, our artists had an opportunity to hone their chops in tiny little venues.

**The Hon. SHAYNE MALLARD:** What do you define that as, 200 capacity?

**Ms MARCOU:** A small bar I think is around 200, but do not quote me on that.

**The Hon. SHAYNE MALLARD:** I think that is what the City of Sydney modelled it on.

**The CHAIR:** Thank you so much for your evidence. It is amazing to hear people's journeys and stories. In light of the evidence, the Committee may ask some further questions. You will have 21 days to answer. We have certainly been better off from having your testimony.

**Ms MARCOU:** Thank you. I appreciate it and look forward to the delegation coming down to Melbourne, so we can show you firsthand.

**The CHAIR:** Subject to the President's approval.

**(The witness withdrew)**

**JANE SLINGO**, Executive Producer, Electronic Music Conference, Artist Manager, Set Mo, affirmed and examined

**NICHOLAS DRABBLE**, Artist, Set Mo, affirmed and examined

**STUART TURNER**, Artist, Set Mo, affirmed and examined

**The CHAIR:** Does anyone have an opening statement?

**Ms SLINGO:** We all do.

**The CHAIR:** We will start with you, Ms Slingo.

**Ms SLINGO:** Thank you, firstly, for giving me the opportunity to be a part of today's hearing. As I said, my name is Jane Slingo and I have worked in the electronic music sector in Australia for almost 25 years. Currently I am the artist manager for these lovely gentlemen beside me, as well as another artist called Sampology. I am also the Executive Producer of the Electronic Music Conference which has been held annually in Sydney since 2012. Today we are seeing many international success stories about electronic music artists who started and developed their careers in Sydney—Flume, Alison Wonderland, RUFUS, WhatSoNot, Anna Lunoe, Flight Facilities. These are just a handful of the New South Wales artists who are currently enjoying great success in many of the biggest international music markets in the world. Over the past four years we have steadily experienced an alarming decline of venues and opportunities for young emerging artists to flourish in New South Wales, just like those artists once had here.

Contemporary music in New South Wales is a vital asset of our State and sadly, it has been undervalued and under-nurtured for too many years. It is unfathomable that as the leading State in Australia, New South Wales has no contemporary music plan and no dedicated contemporary music funding and support program. The contemporary music sector is experiencing significant changes and these changes will continue at an exponential rate. Whilst Sydney and New South Wales may be at crisis point now, this presents an opportunity for government and industry to work closely together on the current issues for a positive and sustainable future for music and arts in our State. High priority must be placed on the development of a New South Wales contemporary music plan, and this plan must be developed with intensive consultation with all facets of the New South Wales' contemporary music industry.

It is essential that contemporary music receives an appropriate allocation of funding and support in line with the contemporary music plan and in line with the return on investment that contemporary music will deliver. We need to repeal the lock out laws for venues which have proven track records and present contemporary music as its primary source of entertainment. High priority must be placed on the need for creative space for the creation of new work and the presentation of contemporary music from New South Wales artists. High priority must also be placed on amending the complex regulations that are currently in place so that music and art can be presented in a variety of spaces during various times of the day and night.

We hope that this inquiry leads to a collaborative approach between government and industry to ensure that contemporary music in our State remains as an asset and is able to flourish during ever-changing times in this industry. If we have survived the last four years, I am certain that if given priority, contemporary music will deliver a strong return on investment to the State of New South Wales in the future.

**Mr TURNER:** We are going to bounce off each other, if that is all right.

**The CHAIR:** Yes.

**Mr TURNER:** As we have established, Nick and I make up the electronic duo Set Mo. We want to start by thanking you all for having us here to speak today. To give you some context about us, we both started our separate DJ careers 10 years ago in Sydney and thanks to a thriving nightlife, met through the scene as we were playing a lot of the same venues at that time, which unfortunately are now closed. This friendship quickly developed into an artist project and we have been lucky enough to play shows all around Australia and abroad off the back of our music.

**Mr DRABBLE:** When we first started making music together we were both DJ'ing full time in Sydney. This enabled two things: First, we could hone our skills doing something that we loved and we really wanted to pursue, but it also meant that we had the money to invest in the artist project, as for the first few years that did not see any money, which I think a lot of artist's projects do not at the beginning.

**Mr TURNER:** We began touring nationally as the lock outs were imposed in Sydney, and could feel our once-thriving nightlife slowly dying in comparison to the other cities we were visiting around the country.

Our greatest concern is that without the opportunity to go out and experience the active nightlife that was available to Nick and myself, the next generation will be deprived of adequate inspiration and motivation to pursue a career in this amazing industry. It is important to note that career opportunities in this industry are far broader than just that of a performing artist. For example, lighting and stage design, event promoting, artist management, booking agents and the list goes on. There is no way we would be enjoying the small amount of success we have had without the fertile foundation of the nightlife we enjoyed as young Sydneysiders.

**Mr DRABBLE:** It is also not just the next generation of talent we need to be concerned about, as we have seen and felt the great loss of existing talent and experience due to the landscape that does not nourish it. If there is no environment for people to work and grow, they will simply leave. People are moving to Melbourne, Berlin, London, Los Angeles and many other places as it is hard to make an adequate income locally. Losing this talent and the income they generate is a huge loss on its own, but equally important and often overlooked is the experience that is lost, as these potential mentors offer to those coming up through the scene. Being an artist and working for yourself is a long and challenging path and without help, it is extremely daunting, especially for a young person. We know this firsthand from when we started. From our personal experience, it is our opinion that the damage to the nightlife and music scene will have a far greater cultural cost than we currently realise, as the full effects of these decisions will not be felt for a number of years.

We are optimistic and excited by the prospect of our night life returning to its once internationally recognised stature and thank you guys again for the opportunity to present our views on this important topic.

**The CHAIR:** In terms of mentoring what do you do to mentor younger people in your situation that are doing the art you are doing? Where do they start?

**Mr DRABBLE:** I think the best way to look at it is when we started and looking up to the people who were above us, a few steps ahead.

**The CHAIR:** Give us a snapshot of what that looks like.

**Mr TURNER:** I was lucky enough to go to high school with a friend, Cassian, who now lives in Los Angeles, who is a mix engineer but also an artist. He was quite successful a few years ago in Sydney pre-lockout. He was mentored by an act called the Bag Raiders and they passed on this experience which he then passed on to myself.

**Mr DRABBLE:** A lot of that particular experience was around music production.

**Mr TURNER:** The ability to sit in the room with him and them and get that firsthand experience which had a huge impact on my development.

**Mr DRABBLE:** When you start making electronic music for the first time it is quite different to maybe writing music traditionally and using software and different electronic instruments you are not familiar with. You are sitting there guessing at the beginning unless you have got someone who knows showing you how it all works.

**The CHAIR:** Can you give me a snapshot of what is -- forgive me for my ignorance -- making electronic music in real terms? What are you doing?

**Mr TURNER:** There are many different ways to approach it. The way we approach it, we use a software called Ableton. It is a computer program and you can use external synthesisers to get sounds in but there is also internal things called soft synths, which is other software inside the software, and then aspects like drum programming. There is a great deal of stuff you need to learn before you can put a track together. This is completely separate to song writing.

**The CHAIR:** The public service broadcast that we saw at Oxford Art Factory, was it tht sort of thing?

**Mr GERBER** [From the public gallery]: Yes.

**The CHAIR:** We saw a great public service broadcast the other day.

**Mr GERBER:** That was more live.

**The CHAIR:** Yes, that was more live, but it is digital music sort of mix.

**Mr DRABBLE:** Sure.

**The CHAIR:** I am trying to get in your world.

**Mr DRABBLE:** If you need any further clarification—

**The CHAIR:** My sons do that sort of stuff but I do not really follow it.

**Mr DRABBLE:** We have been asked this question many times by our parents.

**Mr TURNER:** It is a complex space. It is hard to refine down and give a simple answer to that question. That is why it is so important to have those people there to walk you through it.

**The CHAIR:** That is why I want to follow up with how does someone coming up behind you get in the industry and get some live shows and what that looks like?

**Mr TURNER:** I guess we have had a lot of people reach out to us over social media asking for feedback on tracks. We have met Ethan Mackie, who is a fan of ours who is based in Brisbane. We have met him at a few shows and given him quite detailed feedback on his songs and on how he can further his production and things like that.

**Mr DRABBLE:** To the point where we had seen him at a few shows and had a chat and he was like, "Can I take you guys out for a beer next time I'm down in Sydney just to pick your brain for an hour?"

**Mr TURNER:** Invited him down to our studio and showed him how we do things.

**The CHAIR:** Cheap knowledge or a very expensive beer.

**The Hon. JOHN GRAHAM:** Just a couple of questions on the venues you have played. You have talked about the fact that many of those have closed but others have not reopened? It is not the case that a venue you played has gone but something else has sprung up in its place, is that a fair comment?

**Mr DRABBLE:** The vast majority have just closed.

**Mr TURNER:** Yes.

**The Hon. JOHN GRAHAM:** Just give us the names of some of those venues?

**Mr DRABBLE:** We actually walked around Kings Cross yesterday and there were ones we had just forgotten about.

**Mr TURNER:** My first job was at Cuba, which is no longer there, on Oxford Street.

**Mr DRABBLE:** We both played Moulin Rouge, Dragonfly, Favela, Goldfish, Beach Haus, Trademark, Piano Room.

**Ms SLINGO:** Kit and Kaboodle, the BackRoom.

**Mr TURNER:** Yes. Ruby Rabbit is another one.

**The Hon. JOHN GRAHAM:** That is a lot of venues and this was fundamental to where you have got to today?

**Mr TURNER:** Yes.

**Mr DRABBLE:** Yes.

**The Hon. JOHN GRAHAM:** Your path today in Sydney is almost not possible?

**Mr DRABBLE:** We do not think we would be doing what we are doing today if we could not have taken the path we did through meeting and playing those venues every week. Stu and I, when we first met, would play between five and 10 DJ sets a week.

**Mr TURNER:** From Thursday to Sunday, or even Wednesdays. The main thing it afforded us was a lot of time Monday to Friday to hone the production skills and song writing skills and not worrying about paying rent.

**The Hon. JOHN GRAHAM:** It is just not possible to play that often in Sydney now?

**Mr TURNER:** No. When we are off tour we still do play similar shows to when we first started and we are lucky to do three a week now and that is with all the experience we have behind us. It is much easier for us to get the gigs, they just do not exist anymore.

**The Hon. JOHN GRAHAM:** I want to ask about Sydney's reputation. You are off on tour soon. You are talking to international artists coming here and you are talking to artists around the country, how is Sydney's music scene viewed at the moment?

**Mr TURNER:** Not great.

**Mr DRABBLE:** Not great. We head to America tomorrow and we are doing our first tour over there, which we are obviously excited about. We just finished our largest ever tour around the country.

**Mr TURNER:** Australia and New Zealand.

**Mr DRABBLE:** The first question you get when you are picked up from the airport by the promoter is, "How is the scene going in Sydney?" Because they know.

**Mr TURNER:** They know it is struggling.

**Mr DRABBLE:** We try and stay optimistic, but it is not great.

**The Hon. JOHN GRAHAM:** Ms Slingo, firstly, on the importance of electronic music: One of the issues when we talk about music in the Parliament is that members of Parliament are usually thinking about guitar rock, but there is a whole very important Sydney electronic music scene. Can you give us a picture how big and important that is in the Sydney music scene?

**Ms SLINGO:** It is very important. The first thing is that when we talk about live music a lot of people consider electronic music as live and that is something we will need to get to at another stage in terms of what is the definition of live music. Within electronic music you have live acts that are on stage with instrumentation, be it keys or synths or drums live, but a lot of people now in our subculture view a DJ as live because you get great DJs doing things on two turntables or three or four decks, they are still manipulating music live.

**The Hon. SHAYNE MALLARD:** The Herald today referred to these gentlemen as "DJs"?

**Ms SLINGO:** They are DJs today but it is still not coming on and pressing play, they are still spontaneously playing.

**The Hon. JOHN GRAHAM:** It is a performance.

**Ms SLINGO:** It is absolutely a performance. That is the first thing. Secondly, Sydney has long had a reputation, we have historically had an amazing breeding ground for electronic music artists. Whilst Melbourne might claim we are the live or band music capital, I think that Sydney has always been more so driven by discos and clubs and we have had a stronger history in that sector. Certainly if you have a look at the Australian artists around the world that are achieving amazing things there is a significant percentage that cut their teeth in Sydney.

**The Hon. JOHN GRAHAM:** In some ways Sydney's strength is in this electronic music space. We have some great acts.

**Ms SLINGO:** I would not say it is so much of a strength lately with the legislation.

**The Hon. JOHN GRAHAM:** Those artists you named on the world stage are all coming out of that electronics scene here?

**Ms SLINGO:** Yes.

**The Hon. JOHN GRAHAM:** I wanted to ask you about the need for support, the need for a plan and the need for funding. How important are those things as parts of the puzzle?

**Ms SLINGO:** I think Helen Marcou touched very briefly before on the fact that we are starting to see a migration of artists because they know the Victorian Government is leagues ahead in terms of support and funding programs for artists and businesses in the music industry. In my formal submission—hopefully you guys have got a copy of that—I gave a breakdown from the Live Performance Australia national ticket attendance and revenue survey from 2016, which was published in 2017.

I think it is pretty clear from that. I think the contemporary music sector got less than \$1 million in funding. When you compare that to \$22 million over four years from the Victorian Government it is very easy to see why artists are moving down there to take advantage of that level of support. I am certainly not an opera hater at all—I actually have a respect for the art form—but if you look at \$3.2 million for opera compared to \$600,000-something for contemporary music when the attendance figures for contemporary music are 10 times higher than the attendance figures for opera, and the same with revenue, there is obviously a severe imbalance. It is just high time that we prioritised government consulting heavily with industry to ensure that as we are entering the next four years, because it is an ever-changing time in this industry and we need it, we are working together on developing a very clear and robust strategy to take us through this next four years.

**The CHAIR:** Do we have a contemporary music plan?

**Ms SLINGO:** No.

**The CHAIR:** At all?

**Ms SLINGO:** At all, which is hectic, because we are talking about a multibillion industry that has over 20,000 jobs in the State. It is insanity that we do not have a contemporary music plan.

**The Hon. JOHN GRAHAM:** The evidence was that every State does except for New South Wales. That list of venues you ran through that are now pretty much all gone is pretty devastating. Do you think it is fair to say that the electronic music scene has been hit harder by the venue crisis when we look across the board?

**Ms SLINGO:** Absolutely. If you think about the Liquor Act amendments in 2014, it had a direct impact on late-night trading. Electronic music has historically since the dawn of time been so closely linked to late night that of course we were the sector that first felt the most impact. You literally saw what felt like overnight a number of venues just go, a number of options just leave. I think when you were talking to the boys about going from five to 10 gigs a week and is it possible to do that, it is actually quite impossible for a lot of DJs and artists here to do one gig a week, let alone five to 10. It has really changed the culture of what we call the residency. The residency has kind of died in Sydney now. A residency is a really important foundation for a new artist, going back to The Beatles and the hundred hours. How do you get your hours when your city or your State does just not deliver any opportunity for you to do those hours to really hone in and master your craft?

**The Hon. JOHN GRAHAM:** You have told the artist's story here today, but there obviously is a whole lot of other people also employed. When you turn up to perform at one of those residencies there are other people employed as well. We are hearing your story today but there is a knock-on effect to a whole lot of others.

**Mr TURNER:** Definitely, yes.

**Mr DRABBLE:** Yes, of course.

**The Hon. JOHN GRAHAM:** Just give us an idea of who else might be turning up to support you by doing the sound, for example?

**Ms SLINGO:** The other kinds of roles that you engage? If you are working on a tour, for example, like a national tour, you will have the artist, the tour manager, the agent, the manager, the lighting director, the lighting operator, the front of house guy, the in-house PA manager, the door staff. The list goes on of how many people that affects. To give you an idea of the boys' recent tour when they did 24 dates around Australia and New Zealand, when you are selecting where an artist is going to play when they are at the more high level that the boys are starting to get at you do not just look at saying that they are going to work in any venue. It is all about positioning and making sure that your artist is placed at the right venue in accordance with how many tickets they are expected to push and if the cultural fit of the venue is right for them. If you look at Sydney metro, Sydney city itself, we actually had more offers or more options in Grafton than we did in Sydney.

**The Hon. JOHN GRAHAM:** It is pretty shocking.

**Ms SLINGO:** That is terrible.

**The Hon. SHAYNE MALLARD:** I have known some of those venues you referred to quite well over the years. Some of them are very small and boutique. I think the Piano Room would have been quite large. What is the audience size that you are at now? We are talking about the impacts of the lockouts. I am not suggesting there is going to be, but if there was any relaxation of them where does your type of live performance fit into that picture?

**Mr TURNER:** We are quite grateful because when we did start touring as those lockouts came in we started to play bigger venues. We are kind of at the stage now where if it is a festival it can be thousands of people. In the venues, on this latest tour we did one in Newcastle to 1,200 and in Wollongong to 800. We do around the 700 to 1,000 mark I would say at the moment. But I guess it is those smaller venues where you can go and cut your teeth. Thankfully, we had the experience but it is just not an option now to go and make your \$50 or \$60 as a DJ and cover your rent that way and kind of be afforded the time.

**Mr DRABBLE:** That is the biggest thing. Right now you basically just have to have a pretty decent level of success because there are not those smaller venues to start at. Unless you are an amazing musician and have built up your profile some other way, to just get that experience DJ'ing in Sydney, there are next to no places you can do that.

**Mr TURNER:** DJ'ing and live music. Those small venues just are not there, so it is hard to build that grassroots fan base. A lot of it is through social marketing and things now, which is a totally different thing. You are kind of taking away from the art form a little bit that way. You do not get to connect with those fans in the early days and build that following.

**The Hon. SHAYNE MALLARD:** At the smaller venues you build up your following, your repertoire, your skills, your networks and your collaboration. That can then lead into the festivals, which are a different area.

**Mr TURNER:** I mean, it is a natural progression. Once you can sell a certain number of tickets a festival promoter is going to want to book you.

**The Hon. SHAYNE MALLARD:** That is a different issue. The lockout laws have not changed festivals. We heard from the Kings Cross Hotel. They said they had something like 120 or 200 DJs on their books.

**Mr TURNER:** Including us.

**Mr DRABBLE:** We used to play there. We would play up on the roof until 5.00 a.m. or 6.00 a.m. We literally had a residency there when we would play every Friday for a good two or three years there.

**Mr TURNER:** Between Kings Cross Hotel and Kit and Kaboodle above the Sugar Mill were the two main spots we would play every single week. Without those spots we definitely would not be able to do it. Another friend of ours, Jonathan Watkins, has moved to London. He does visual designs--the visuals on the back of stages and things. There just was not enough work for him here so he has moved to London to pursue that. He was one of the other DJs working.

**The Hon. SHAYNE MALLARD:** What about the existing larger venues like Establishment Bar and the Ivy that are still going?

**Mr DRABBLE:** Those are slightly different though because they trade seven days a week. There is a strong food focus. They still have DJs or live music on a Friday and Saturday night but if they were in Kings Cross and they were just a nightclub there is no way you could survive.

**The Hon. SHAYNE MALLARD:** Because they are large venues with a food offering.

**Mr DRABBLE:** Yes, they have a food offering and function spaces and whatnot.

**The Hon. JOHN GRAHAM:** You are doing really well around Australia. Are you taking off on tour tomorrow?

**Mr DRABBLE:** Yes. We are heading to America tomorrow.

**The Hon. JOHN GRAHAM:** What are your hopes for how this goes? What is the path for people like the two of you who have done really well on the local scene and might hope to springboard into being one of the international successes that have been talked about?

**Mr DRABBLE:** I guess that is the hope; just to continue this trajectory. We have really enjoyed both the making music part and the touring part. I guess in an ideal world we would just be touring globally.

**Mr TURNER:** I think it is important to note that when we come home we would love the option of being able to go out and experience the same kind of nightlife that we are seeing pretty much everywhere else around the world. Especially now that we are starting to play right around the world and we are seeing a very broad kind of representation of nightlife it has become very apparent how much Sydney has suffered over the last four years. I guess we would like seeing it return to that.

**The CHAIR:** On behalf of the Committee, I wish you all the best over there. I hope you are incredibly successful. That concludes your evidence. In light of some of the answers you have given we may have further questions. You will have 21 days to answer them. The secretariat will help you with that. Once again, we appreciate your evidence. It will be helpful for our report.

**(The witnesses withdrew)**

**PENELOPE BENTON**, General Manager, National Association for the Visual Arts, affirmed and examined

**The CHAIR:** Good afternoon. Do you have an opening statement that you would like to present?

**Ms BENTON:** I do, thank you. First of all, I would like to say that it is so great that this is happening. I have really enjoyed listening to this afternoon's speakers. I thank the Committee for the opportunity to be here. I acknowledge the Gadigal people of the Eora Nation and pay my respects to elders past, present and emerging. I thank Parliament for holding this inquiry and recognise that there were more than 400 submissions from both individuals and different types of organisations, not only creative ones. I also extend an acknowledgement to all the good thinkers and doers who have contributed to these hearings and the several years of solid work that have led to this inquiry.

The National Association for the Visual Arts [NAVA] protects and promotes the professional interests of visual arts and craft practitioners in media, arts and design, including both the sector and the workers. We have more than 20,000 members and subscribers across Australia, almost half of which are in New South Wales. In its three decade history, NAVA has had quite a successful track record of advising on cultural policy and achieving impactful change for our thousands of individual and organisational members, as well as the arts more broadly. A great State or city is illustrated by the strengths of its cultural life. The immense economic benefits of thriving arts and music have been raised in numerous submissions and in the addresses of several speakers at these hearings. What is also important to us at NAVA to highlight is that art and music play an essential role in education and in challenging and inspiring our thoughts, ideas and perspectives about who we are and who we want to be.

Our submission expressed our horror at the "no dancing" clause that was recently implemented and we also expressed our appeal to implement a new approach to the music and the arts that power the State's economy and inspire the State's communities. We also endorsed the joint submission made by the State's leading industry bodies in recommending ministerial oversight on all aspects of the night-time economy, as well as planning controls and incentives that encourage appropriate activity to balance community and commercial interests. As well as the General Manager of NAVA, I am also a practicing artist, a City of Sydney resident and ratepayer, and in 2008 I co-founded the Red Rattler, a multi-disciplinary licenced venue run by artists and arts activists in Sydney's inner west.

The Red Rattler was established by five queer women who had been organising cultural events at all sorts of places, but largely at informal or illegal warehouse spaces in Sydney and the inner west. As those venues were shut down we began seeking a more stable alternative. It was felt that the costs and bar quotas associated with hiring other established venues such as existing cubs and clubs were not suitable for what we were doing for sustainable community and creative activity. Due to the high costs of compliance, we decided to establish an incorporated not-for-profit entity made up and funded by an original collective of five. We bought a building to establish and build a creative, accessible and compliant venue that prioritised support for artists and community projects. The process of getting approval for the Rattler was ridiculously onerous and, unfortunately, 10 years on, it continues to make a great case study.

While I am no longer involved as a director, I am in constant liaison with the Rattler and have firsthand experience of the indirect and dangerous impacts that the lockout laws have had on creative spaces outside the City of Sydney. I enjoyed listening to Helen Marcou's contribution to the Committee today about The LISTEN collective in Melbourne and the safer spaces project, which we have had some contact with at the Rattler.

**The CHAIR:** I note that on the back of your submission—section D—you talk about policy and legislation and emulating South Australia's approach to fostering live music venues. Can you give us a snapshot of why you suggested that?

**Ms BENTON:** Can I take that on notice and get back to you?

**The CHAIR:** Yes, absolutely. You talk about Victoria; we have heard a lot about Victoria. I was interested in the fact that you talked about South Australia.

**The Hon. JOHN GRAHAM:** Thank you for your comment about Helen Marcou. I take it that from your perspective on the program that you would be interested in New South Wales adopting something similar?

**Ms BENTON:** Absolutely, yes.

**The Hon. JOHN GRAHAM:** We just received pretty strong evidence about the need for a contemporary music plan—something that would look where the State is heading, particularly in the musical space. Do you have any views on the importance of that given your national perspective?

**Ms BENTON:** We are more focused on visual arts. Particularly as disciplines become more blurred, music and art have really folded into one, while they used to be more siloed. The impact across the board is much greater than it ever used to be.

**The Hon. JOHN GRAHAM:** I am interested in the contemporary music plan and the night-time strategic plan, two of the things that were due at the end of last year but were delayed. We have received evidence that they are both pretty crucial. Do you have any views about that?

**Ms BENTON:** They are crucial. I think having a national plan is important for consistency across States. This afternoon, we heard a lot about what Melbourne is doing and the impact of that on artists, and not only artists performing in venues, but also artists who are trying to create things in different types of spaces. A national plan will enable people who are trying to navigate through compliance and regulation to really know what it is that they are trying to do.

**The Hon. JOHN GRAHAM:** Today, we have heard a lot of evidence about people upping and heading to Melbourne. Have you seen evidence of that in the broader artistic community in Sydney? Are you seeing that outside the music sector? Are there knock-on effects?

**Ms BENTON:** Absolutely, and not only to Melbourne. Particularly for those living in Sydney, it is cheaper and more nurturing to move to Berlin.

**The Hon. JOHN GRAHAM:** That is pretty incredible. Why is that the case?

**Ms BENTON:** Why is it cheaper to live in Berlin?

**The Hon. JOHN GRAHAM:** Yes, but you are saying that you have had contact with people who have made that decision?

**Ms BENTON:** Yes, they do. That is just one example, of course. People are moving to Melbourne and they are also moving to Adelaide—Adelaide has a thriving arts and cultural scene, which is why we mentioned South Australia—and even Brisbane. There are a lot of exciting things happening up there. As much as a cultural plan is important, part of the plan is allowing for some organic activity for artists to really grow and develop in what they are wanting to do. Sometimes we do not know what that is; it might not exist yet.

**The Hon. JOHN GRAHAM:** Where do you see those organic strengths as being in New South Wales or Sydney at the moment? Where are the bright spots?

**Ms BENTON:** The bright spots are in an amazing community of artists who live here and are committed to being here, because there are so many amazing people here in New South Wales, not just in Sydney but across the State in regional areas. Being in Sydney myself, I am very aware of how committed people are to really being here and trying to make it work. That means blurring the boundaries of what they are doing even more than what they may have done before, I guess because of the challenges of trying to work out how to exist in Sydney, but not wanting to leave because of how many great people there are and how many inspiring things people are making and talking about.

**The Hon. SHAYNE MALLARD:** I get a sense in your submission and in the dialogue of interchange between performance artists and live music. To clarify in my mind, I get the idea that dancing is part of performance art. Can you flesh that out a bit?

**Ms BENTON:** Definitely, and that is becoming increasingly so. There are a few examples that we can probably talk to that have come out of Western Sydney, a bunch of collectives, particularly the House of Slé, who are a collective of transwomen, who have vogue dance as a contemporary art practice and they are internationally recognised. They exhibit and show their work, not just in various remaining venues in Sydney but also they have shown at the Queensland Gallery of Modern Art. They just showed in the Asia Pacific Triennial. They are doing residencies in the Asia Pacific. This is really exciting work.

**The Hon. SHAYNE MALLARD:** As an example, I am sure there are others you could give, they would be looking for venues, like the two young men who previously gave evidence were talking about, smaller spaces in a Kings Cross hotel, the niche markets. They are not looking at big crowds. One day they may.

**Ms BENTON:** They just hosted a big event at Carriageworks not long ago, which was a competition between New York, Brooklyn and Sydney artists.

**The Hon. SHAYNE MALLARD:** Would your visual artists perform at venues such as the Oxford Art Factory?

**Ms BENTON:** Yes, some of them have.

**The Hon. SHAYNE MALLARD:** There is an interrelated, common interest between live music and performance artists?

**Ms BENTON:** Absolutely. I think what Mark has done with the Oxford Art Factory has really enabled and encouraged that kind of blurring between art and music where he has a series of contemporary artists curate work that is shown in a nightclub context coming out of the gallery.

**The Hon. SHAYNE MALLARD:** I think I saw a little bit of that. You refer to emulating the South Australian approach to fostering live music venues, therefore performance art venues as well now. Can you touch on the high points of the South Australian policy?

**Ms BENTON:** As I mentioned before, I take that on notice.

**The Hon. SHAYNE MALLARD:** We are not going to go to South Australia.

**Ms BENTON:** There is a lot of detail there.

**The Hon. SHAYNE MALLARD:** Do not rule it out.

**Ms BENTON:** No, I have not ruled it out .

**Ms DAWN WALKER:** It is lovely to hear from a visual artist today. I am interested in some of the ideas you have spoken about, keeping galleries open longer and having that sort of mixed use, what that means for the visual arts and also what it can mean for other artists' expressions when it is done as a holistic approach.

**Ms BENTON:** I think that is really important, not just for artists but for audiences. I am sure you are aware that the Museum of Contemporary Art [MCA] runs an art bar every month. Do you want me to elaborate?

**Ms DAWN WALKER:** Yes.

**Ms BENTON:** The MCA is open late one night every month. An artist will curate a bunch of things that happen in the gallery that are not normally there, they are not hanging on the walls, necessarily. They might be video installations, performances that move in and out of the space. They will have musicians come and perform as well. They will have disc jockeys [DJs] on the roof that are sometimes practicing visual artists, but also maybe DJs, it is flexible. I think it runs until 10 or 11. It has been running for a few years. Afterwards, I have noticed as someone who goes to these events, the impact that has had on the city and--no, no, no, let me take that back--what has happened to the city that impacts on the audience experience of going to the galleries at night.

There is nothing much else open at Circular Quay any more as there used to be somewhere to go and get something to eat at that time of night. Closing venues has had an impact on even galleries wanting to open late. What we are talking about in our submission is encouraging--we are not just talking about music venues being open later but enabling opportunity for galleries to stay open late so that people can go after work and see an art show. They do not need to be going in business hours, necessarily, but engaging with what is happening in our many amazing city-based and State-based art institutions that at the moment currently only really can serve an audience that is available in the day.

**Ms DAWN WALKER:** Is there anything happening in regional New South Wales that you think would work in Sydney, or that they are doing better, maybe with that interface between different mediums?

**Ms BENTON:** I do not know about the interface between different mediums, but there are certainly some very strong communities in different parts of regional New South Wales, that I know about, that are working collaboratively across galleries, and I guess pubs, that are collaborating for an art crawl. It might be the few galleries that are there will open at the same time, and I guess working in different types of studio spaces but I am not quite sure that is relevant to this. I will take that on notice as well and get back to you if I can.

**Ms DAWN WALKER:** Often it is a sense of community, is it not?

**Ms BENTON:** Absolutely.

**Ms DAWN WALKER:** And it is fostering that community that is so important, and from what we have heard today that is something that seems to have been lost in Sydney.

**Ms BENTON:** It is not dead, which is the really important thing, and this inquiry is really exciting for many, many people. But it has had a massive impact on, not just the spaces where people can show work, but

the spaces that people can make up. The capacity, I guess particularly the economic capacity, to sustain a living as an artist in Sydney is becoming increasingly impossible. But people are still trying to figure it out and not giving up, which I think is really exciting and something that we should be really proud of as a city. I do not know how we are keeping them, but we are.

**The Hon. SHAYNE MALLARD:** It is the nature of artists to survive, essentially.

**Ms BENTON:** Yes, sometimes.

**The CHAIR:** Thank you for your evidence. Because of your evidence, there may be some further questions that the Committee may wish to ask you in writing. You will have 21 days to answer them. The secretariat will help you. I note that you took some questions on notice.

**(The witness withdrew)**

**The Committee adjourned at 18.08**