

REPORT ON PROCEEDINGS BEFORE

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

THE MUSIC AND ARTS ECONOMY IN NEW SOUTH WALES

UNCORRECTED PROOF

At SAE Institute Australia, Byron Bay, on Tuesday 31 July 2018

The Committee met at 10:25 am

PRESENT

The Hon. Paul Green (Chair)
The Hon. Catherine Cusack
The Hon. Ben Franklin
The Hon. John Graham
The Hon. Shayne Mallard
The Hon. Penny Sharpe
Ms Dawn Walker

The CHAIR: Good morning and welcome to the fourth hearing of Portfolio Committee No. 6— Planning and Environment's inquiry into the music and arts economy in New South Wales. 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 traditional custodians of this land. I also pay my respects to elders past and present and extend that respect to any Aboriginals that may be present today. Today's hearing is the second regional hearing the Committee plans to hold for this inquiry. The Committee will hear from Tweed Shire Council, Bluesfest, SAE Australasia, North Byron Parklands, Byron Shire Council, Falls Festival, The Rails, Ms Ilona Harker and Ms Renee Simone.

Before we commence I make some brief comments about the broadcasting procedures for today's hearing. In accordance with the broadcasting guidelines, while members of the media may film or record members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives to 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 the hearing, so I urge witnesses to be careful about any comments they may make to the media or to others after completing giving evidence as such comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions a witness could only answer if they had more time or with 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. Any messages to committee members should be directed through the secretariat. There are seats at the front of the public gallery for members of the public with hearing difficulties. Those present are asked to turn their mobile phones to silent or off for the duration of the hearing.

DAVID BURGNER, Community Development Officer—Cultural Planning, Community and Cultural Services, Tweed Shire Council, affirmed and examined

The CHAIR: I welcome our first witness. Please state the capacity in which you appear today.

Mr BURGNER: I work as a cultural planner at Tweed Shire Council. I am here to talk, I guess, mostly about the cultural planning space within our shire.

The CHAIR: Do you wish to present an opening statement?

Mr BURGNER: Yes. I will also just begin by acknowledging the traditional owners of the land we meet on today and pay my respects to elders past and present and, of course, to acknowledge everyone in the room—it is good to have your company. The opening statement I have is basically a story of optimism that in a very short period of time with a relatively small investment our council has made some significant steps forward in terms of our understanding of the music industry and also our engagement with it.

The Committee might be aware of our successful grant application to the Live and Local initiative, which really kind of kickstarted this journey for us. In addition to the two music festivals that we were able to run earlier this year in April and May, there are a few other side benefits to that project, which have been to build some relationships with musicians, build relationships with venues in a way that had never been done previously in our council and also to build some relationships with peak bodies like the Live Music Office and MusicNSW. Since then we have done a few additional things.

In March of this year our council undertook an audit of live music in our shire for the first time to give a snapshot of what is happening in the shire. We also had the opportunity, subsequent to the festivals, to start programming live music into Kingscliff park and Rowan Robinson Park, which was one of the locations of our festivals. Starting this Saturday we will have a program of live music on the first and third Saturdays of the month from August to December. It is an initiative that has just started, which is an outgrowth of the knowledge and capacity that was gained through the process of delivering on the grant.

I do not have a particular take-home message to say the Committee should definitely consider a certain thing other than a message of optimism that with a relatively short period of time and a few people who are keen to deliver that our council has come forward. We are still interested to continue on that journey to engage with other relevant partners in this space and continue to be more capable to help support the live music scene and contemporary music more generally.

The CHAIR: I note that you have some recommendations or take-home messages in your submission. Do you want to speak to any of those?

Mr BURGNER: Sure. I would be happy to. One of them is that our council would very much welcome the opportunity to participate in similar initiatives, whether that is a Live and Local 2.0 or an opportunity to continue to connect with councils who participated in that program—that is something that from a regional perspective is very valuable for us. It provided an opportunity to gain knowledge and to provide something to the community that had never been done before. For me in a cultural planning role, music had not really been on the radar prior to this.

If there was any opportunity for future programs of a similar nature, we would like to participate, or if it is to provide some kind of guidance and mentorship to local governments who have not done it before. That is something that I benefited from: connecting with some of the councils that participated in the one before us to ask them, "How did you hire your musicians?" and, "How big was your festival?"—those kinds of informal learnings that are quite useful. We would like the possibility to participate in that kind of thing or and/or the opportunity to participate in a regional forum of some kind, whether that is focused up in this area or down in Sydney but regional actors are allowed to come.

For me one of the key benefits was the relationships that get built. Any opportunity to continue to learn from people already working in this space would be very welcome by us—whether that is a forum, as formal or as informal as it needs to be. That is something that we have also initiated. In August we will hold a series of meetings with musicians and venues to, in a sense, continue the energy and the conversation that was started through the grant program from Create NSW and the Live Music Office and in part just to connect with musicians and ask them, "What are you guys already doing?" So it is not for council to come in and start a new initiative; it is to learn from the expertise that is already in our community. Those are some things that we can self-organise, but obviously at a State level if those things can be supported and initiated as well, that is a great kind of support to provide.

The Hon. JOHN GRAHAM: Thanks for your opening statement. That is fantastic. I particularly liked how you described the Live and Local initiative as providing a real kick-start to activities here, because that seems to be the real value of that grants program. Can you tell us briefly about the connections that have been made that would not have been there before these events were held?

Mr BURGNER: A couple come to mind. One of them is when the Live Music Office came up to Tweed Shire to do a site visit we had an opportunity to meet with our strategic planning unit. That was a meeting where John Wardle and Lucy Joseph could provide some resources to our planners to promote arts and culture and provide a national picture and also on a State basis and within individual shires. That was a very informative, very short opportunity to get an overview of what is happening in the country. That started a conversation internally within council around how we can use planning to promote arts and culture in a way that we had not before. It is a new piece of work and our planners are not in a position to just drop everything and engage in a new aspect, but it started the conversation.

One of the things I have been involved in since the Live and Local grant was started was to get on the Local Government NSW mailing list for the night-time economy. They organise a series of what they are calling master classes—essentially one-day workshops that are free for local government to attend in Sydney. I believe in November they are intending to have one around planning. That is something I have communicated to our planning unit and they have said, "When the date's confirmed, we'd be interested to attend." So that is an example of where that conversation around planning only happened because of John and Lucy's visit. I did not have a reason to meet with our planners prior to that but now we have a bit of a working relationship. I am not the expert in that space but I can perhaps be a bit of a liaison to say, "This is happening."

The Hon. JOHN GRAHAM: Can I jump in on that planning issue, because I wanted to ask about it. The Committee has looked at regulations in a range of areas that are getting in the way of employing musicians. Can you tell us a little more about this planning blockage where the council would love to have a music studio in an industrial estate but there is some sort of blockage? What is in the way and what could be done to remove that?

Mr BURGNER: Sure. There are some details of the application I do not know because it is not my area, but in general terms there is a studio that has exists already—for many years—in an industrial space. A place next door to them became available that they wanted to expand into, which I believe they have rented. They have put in an application for what that space would be used for, which would include among other things being able to put on gigs at the space. I believe the planning regulation does not allow for that kind of entertainment to take place. One of the benefits of having had the chance to connect with John and Lucy at the Live Music Office is that I could put them in touch with the studio to provide some advice, because I do not know the planning regulation but I know the Live Music Office has some expertise in that area, so they could then provide some advice to the studio in Murwillumbah to say, "Could you try it in this way?" I believe the application is still outstanding but it has progressed from their initial stage of having applied.

The Hon. JOHN GRAHAM: Finally, you have a range of recommendations about essentially getting more advice and help. Where do you turn to for help? What is available? Where can you reach out to to get this information? You have mentioned the Live Music Office and MusicNSW. Obviously one of the issues is that the Live Music Office has now not had its funding continued, so that function may not be there in future.

Mr BURGNER: Those are two of the main organisations I would turn to. We have also had a chance to develop some relationship with Australasian Performing Right Association [APRA] Australasian Mechanical Copyright Owners Society [AMCOS]. We ran a professional development workshop because there are a lot of musicians in the shire and not everybody got to participate in those festivals. So we did a free professional development workshop and invited APRA AMCOS to come and present that. That is a relationship we started to form as well. In addition to that I am not really sure where we would turn. It depends on the nature of the issue. If it is a planning issue, that might be more specific.

There is one other thing I will mention in terms of outcomes as a result of the festival that I think is worthwhile which is the Kingscliff initiative I have mentioned in Rowan Robinson Park. That is a situation where there is a brand-new park that has been renovated on the foreshore that has a stage with power and there are some funds to activate that space. My ability to propose to the manager of the park that we put music on there was directly related to the fact that weeks earlier I had written a grant acquittal to the Live Music Office and Create NSW to say, "This is what it costs to hire musicians. This is a sound production studio. This is a database of musicians that would be great for families in a park." I had the information at my fingertips, which made the initiative possible in a way that if it happened a year ago I would not have known where to turn to.

The Hon. PENNY SHARPE: We are obviously in Byron today, home of many festivals. Has the work Tweed has been doing with Byron council allowed for some reach into the Tweed with the musicians coming through for the festivals and understanding a bit more of the music ecosystem that you are working with here?

Mr BURGNER: Those relationships are in the process of starting to be formed. Because we had the opportunity to organise the festivals and the musicians were regional, from northern New South Wales including from Byron and neighbouring shires. It has provided me an opportunity to then engage some colleagues across the border here in Byron but also in Queensland on the Gold Coast. People are quite active—either they have live music strategies or they are just a neighbouring council with similar interests.

The Hon. PENNY SHARPE: You have a lot of people flying in and out.

Mr BURGNER: Yes. But it is really the start of that conversation. There is not a concrete initiative that we have planned but we have started to communicate in the interests of saying, "How can we work together? If we both have similar interests, perhaps it is possible to collaborate in a way that way that can both get each other's needs met."

The Hon. PENNY SHARPE: With your experience through the grant process, I am assuming that the liaison you have now had with musicians within the shire has given you some feedback around the challenges that they have about putting live music on in venues and those kinds of things. What are those challenges? Do you think council is now more open to looking at some regulations that are getting in the way in order to allow change in this area?

Mr BURGNER: Yes. On the first point, the relationship with the musicians has provided a chance to learn a little about their situation. One of the issues is around opportunities to play: Are there enough venues? Do those venues cater to all ages? For example, there was a musician who participated in Kingscliff who had approached the venues in Kingscliff before but had not got a gig. He became part of that program and connected with one of the restaurants there that he had previously approached. There was a musician that played at a cinema in Murwillumbah festival. Subsequent to the festival they formed a relationship and that musician had a couple of ongoing gigs at that cinema. So those kinds of relationships were built in part through that initiative. Can you say the second point again?

The Hon. PENNY SHARPE: Are there issues that you think the council needs to pursue through your experience around making it easier to facilitate places to play for musicians? Have regulations come to your attention that council has some oversight of that you want to talk to your planners about to make it easier? Where is that up to and how does that happen?

Mr BURGNER: Not in such concrete terms. I have had a chance to learn a little bit about some of the initiatives like agent of change versus precinct approaches. I had the opportunity to attend the Music Cities Convention in Melbourne and I met a planner from Brisbane who talked about the precinct approach there, which to me from the research that I have done—it is not my expertise—seemed like a very wise approach. At the front end of the approach some hard decisions need to be made, with some really beneficial outcomes. It is much too early for me to say that our council has an interest to pursue either of those approaches but I would say that the conversation I have had with our planners is that it is a space they are interested in.

There is a capacity about how you can take on a new piece of work but there is an interest to be informed, so those are resources I passed on to them. Perhaps in the regional areas or at least in Tweed in my experience there is a different level of urgency than perhaps in the city, in Sydney, and some of the urban centres, because there are simply fewer people, less noise and fewer actors to become involved. From the planning point of view there are probably things council can do that would make a big difference but there is not a sense of crisis that I am aware of that until these things change we have no opportunities or that kind of thing.

Ms DAWN WALKER: In your submission you mention participation in the Live and Local initiative. That seems to have underpinned a real surge in this area, the Tweed, which is very exciting. As a Tweed local it is fantastic. It is great news about Kingscliff and the support of live music. Is the inclusion of that in the cultural plan dependent on continued funding from that initiative?

Mr BURGNER: The inclusion of a kind of promotion or support for live music?

Ms DAWN WALKER: Yes. How dependent is it on the "Live and Local" music initiative and funding?

Mr BURGNER: It is a question about what outcomes to achieve. For instance, one of the recommendations I suggested was a regional forum. In the absence of one that has been organised, I have contacted that musicians I know and will put an advertisement in *Tweed Link* about the opportunity to participate

in meetings to discuss issues with musicians and venues. The starting point for that was the people who participated in the festival because we have their contact details. But it is open to the community. That can be just tea and coffee—it does not have to be a huge forum. It provides an opportunity to talk through these issues. In some sense, we do not require additional funding, whether it is from Create NSW or an additional grant, to continue that going forward. Having said that, there is an expectation in our community in some respect that the festivals will happen again. People have asked, "What are you doing next year? How do I get involved next year?"

There is a lot of will within council to see if we can make it happen. There is not currently another source of funding that would potentially deliver on that, so it is something that we would actively look for. But if it does not happen it is something that we would have to figure out internally—what level of support we could provide to it, whether it was through community development or another team within council. There is a real interest to do that, but the level of sustained engagement that council has obviously depends to a degree on funding. I am optimistic that we will continue to self-organise. That is where the collaborations—whether they are across the border with our neighbours or within the community, because there is a lot of wisdom and experience among musicians and venues already—will definitely take place. It could obviously be bigger and better if there was more support.

Ms DAWN WALKER: Does the cultural plan give you an opportunity to map out where the live music venues currently are?

Mr BURGNER: Yes, the cultural plan provides some guidance for council, broadly speaking, on arts and culture. It is not only music but also anything from trying to invest in our auditorium, our museum, the gallery and that sort of thing. The grant did provide some impetus to include references to live music in the cultural plan, which were not there when it was in the process of being developed. Is that what you are asking about—how to map it?

Ms DAWN WALKER: Yes—

Mr BURGNER: For instance, being able to undertake that audit or being able to have a planning meeting with the Live Music Office and our planners are things that deliver on elements of our cultural plan that were not there prior to the grant.

Ms DAWN WALKER: Finally, you mentioned about choosing artists for Kingscliff—for instance, musicians that were suitable for families. Within the cultural plan, do you have strategies to give opportunities to emerging young artists by for instance collaborating with the SAE Institute and all the young kids out there who are getting into music?

Mr BURGNER: Not specifically in the cultural plan—there is no line item in there that provides some guidance on how to do that; but definitely from our experience of participating in the festival. Initially, without much experience, we leaned on a curator to draw on her networks to help us come up with the program. Subsequently, a decision has been made internally within the community development team that if we were going to be able to provide a festival in the future, it would have to be an open call. One of the reasons that I am developing that forum with the IT department is so that musicians can register their interest to participate in future events so that it can be more inclusive. Ideally, that would have been the way we did it the first time, but because of time and a lack of experience, we did it by leaning on our curator's experience. That is definitely something we would like to do in the future so that everyone has an opportunity to participate and it is not the same people who get tapped on the shoulder again.

The Hon. SHAYNE MALLARD: Good morning and thank you for your submission. I would like to go back to the "Live and Local" grant. Is that a one-off grant?

Mr BURGNER: Yes.

The Hon. SHAYNE MALLARD: Right. How much was it?

Mr BURGNER: It was just under \$20,000.

The Hon. SHAYNE MALLARD: Okay. You stretched that a long way—it is not a huge grant.

Mr BURGNER: Yes. There were two festivals, each around \$10,000. They were not exactly matched but around there.

The Hon. SHAYNE MALLARD: Are you precluded from applying again once you have had the grant once?

Mr BURGNER: I do not believe so but from what I understand there is no next offering. It was initially offered in Sydney and then a second offering was made to regional councils, which we applied for.

The Hon. PENNY SHARPE: Your lot cut the grant.

The Hon. SHAYNE MALLARD: Let us allow the witness to answer the question, thank you.

Mr BURGNER: There is no second grant available. We would have an interest to participate if it was available again, in the same forum or another. But it is not currently available.

The Hon. SHAYNE MALLARD: Did you have to report back?

Mr BURGNER: Yes, that was submitted at the end of the financial year—about the outcomes. From memory, a little over 50 musicians were hired and they provided about 40 hours of free live music to the community. The funding went to the musicians, the sound production and the curator that we hired. Council provided support through my time as a project manager and through promotional material.

The Hon. SHAYNE MALLARD: It was seed funding so that you guys could have a go at a festival. Do you think the council is interested in continuing with its own resources?

Mr BURGNER: I think so, yes. There is a question about whether we would be able to fund two again internally. Like I said, I am not the person who has final sign off on that, but it was definitely warmly received internally within council, among the venues and musicians, and among the community. There is some expectation that has been created that it will happen again. Particularly for our festival in Murwillumbah, we partnered with a community organisation called the Murwillumbah Art Trail, which runs an annual art trail in Murwillumbah each year. That collaboration really assisted both parties—the music added a lot to what had previously been mostly visual arts. Similarly, the Murwillumbah Art Trail's connections, promotions and networks helped more people to find out about the festival and participate. There is a lot of will for that to happen again.

The Hon. CATHERINE CUSACK: I just wondered about the Drop Festival?

Mr BURGNER: The Drop Festival? Can you say a bit more about that?

The Hon. CATHERINE CUSACK: It is touring festival that mixes with the surfing community. That is alright. If you do not know about it I will not ask you about it. What demographics are you chasing with the policy for live music?

Mr BURGNER: We do not currently have a policy for live music. We have a cultural plan that kind of guides our engagement with the arts and culture, but there is not plan in place around live music. Since applying for the grant, there are some priorities areas with Create NSW around engaging with gender balance among artists and with youth, emerging artists and those from the Indigenous community, and we were sure to meet those kind of requirements when we were doing the programming. But there is no policy in place around how we would engage artists.

The Hon. CATHERINE CUSACK: Are you connecting the policy into tourism at all?

Mr BURGNER: Which policy?

The Hon. CATHERINE CUSACK: Sorry, you have just explained that you do not have a policy. Do you see the aspiration around live music as connected to tourism?

Mr BURGNER: Yes, to an extent. In some sense, how we have engaged has been a bit of an organic process, so there is no clear vision that we are working towards. I cannot say we are definitely trying to attract a certain number of tourists who are from a certain area. But within the council there is an economic development unit that has an events officer as well, who worked closely with us with the festivals and they have an interest and more experience in the tourism space than I do. There has been some discussion about how to do that. One of the things that happens with the art trail that we partnered with is that many people who come to visit our gallery do not come across the river into Murwillumbah. One of the focuses of our economic development team was how to capitalise on that and make use of the facility in a way that benefits not only Murwillumbah, but also the shire more broadly. With this kind of event, whether it is a festival or music in the park in Kingscliff—which gets many visitors from the Gold Coast on the weekend—there is an opportunity to create a bit of an identity within Tweed shire around music.

The Hon. CATHERINE CUSACK: I did want to ask you about the City of Gold Coast council. You talked a little about cross-border relations and working together more. What sort of opportunities can you see there?

Mr BURGNER: I think there are a couple of opportunities. I met with the council for the first time only last month. It was the first opportunity to go up to the Gold Coast to see some of the facilities there, talk with the cultural planners, and connect with some academics from Griffith University who work in the music and music policy space who have assisted the City of Gold Coast council in terms of its engagement with live music. One of the obvious opportunities is that perhaps down the track our council might have an interest to develop a live music strategy. We are not there yet and I am not sure when the will or climate will be right for that, but a council that is next door to us and that has done it before would be a great friend to have in that process. Another opportunity from Brisbane and the Gold Coast down to Byron way is around touring. If there are artists who are going from Brisbane to Sydney and there are some councils that are on board that know each other, there may be an opportunity—whether it is in public spaces or in venues that are privately owned—for artists to have an opportunity to link in to Mullumbimby, Byron and the Gold Coast in a way that is more sustainable for their tour. That is something that I would be keen to explore with other shires to see how we can support each other around that space. There is some sophistication that is required there that again we are not ready for. But I think the conversations have started.

The Hon. BEN FRANKLIN: Do you have any formal established links with Byron Shire Council, Lismore City Council or Ballina Shire Council in terms of maximising the opportunities out of the arts economy and live music?

Mr BURGNER: Nothing formal. I have met with one of the cultural planners from Byron Shire Council at a Local Government NSW event and we have stayed in touch and shared some resources from time to time and asked questions around public art and other things that are in the cultural planning space. But it more of a personal relationship than any kind of formal initiative.

The Hon. CATHERINE CUSACK: Does the Northern Rivers Regional Organisation of Councils not have mandate in this area? Is it not on its list of things to do?

Mr BURGNER: I could not say. I could not speak on its behalf, sorry.

The Hon. CATHERINE CUSACK: The history of Tweed in terms of the poker machines is that a lot of big clubs were developed along the border. Is it fair to say that they are major centres for entertainment?

Mr BURGNER: Definitely. When we did the live music audit, one facility had 60 of the 225 gigs in the month of March. There was one facility that had music every day of the week. Again, I am not sure how that relates to the city space, but at least in the regional area, that is not perceived as being an impediment for others. The musicians who played there were happy to have the gigs and the people who attended the gigs were happy that there was a place to go. It did not seem like it was getting in the way of other people so much, if that is what you are asking.

The Hon. CATHERINE CUSACK: No, I was not suggesting that. It is just that in your shire the clubs play an important role in providing venues and opportunities for live music—perhaps more so than in most other places.

Mr BURGNER: I cannot speak in relation to other spaces, but definitely in our shire, the local surf clubs, Returned and Services League clubs and local taverns are often the places that provide the live music and a space to play.

The Hon. CATHERINE CUSACK: Do you get positive feedback in the shire around pushing live music more or do you get people who are anxious about noise issues—"I don't want that on my beach"?

Mr BURGNER: I would say that in the cultural planning space, it has been the initiative that has been the most positively received by the most people. Pretty much everyone who was involved or participated has said things like, "This is great. We should do this again. I'm glad to see this happening." It has been really well received. There have been a few critical comments, but they were more about technical aspects. For instance there was a complaint that, "this music was too loud before lunch next to this venue. Can you have a quieter band next time?". There were some musicians who said, "How can we be included? The curator has picked from the network that they have. Could this be a more inclusive process?" But there have been no comments from people saying, "This is problematic. This is something we should stop doing." In fact, we have got the opposite, which is encouraging.

The Hon. CATHERINE CUSACK: Do you have a budget for these activities?

Mr BURGNER: We have a cultural planning budget, which I help administer. That is where I expect—if we were going to run a festival and could not find external funding—the festival funding would come from. But it also relates to a whole range of other activities, from public art maintenance to upgrades to the

auditorium. There is no certain amount that is earmarked for live music, but having now participated in the "Live and Local" initiative, music is on our radar as one of the things that we should be planning for. Again, that is part of the initial conversations that we will have with musicians. There might be things that local government is not best placed to do. But perhaps we can play a role in supporting what the music community is interested in. Even if it is just bringing the venues and musicians together for some facilitated conversations, I think there is a useful role that council can play. Perhaps we will not be the one that is always putting on events.

Music NSW sent a grant opportunity to me—I am on its mailing list—and because I now have 50 musicians' contact details, I was able to forward that information to musicians in our area and say, "Are you aware of this grant opportunity? Consider signing up for the newsletter." That is something that could not have happened a year ago because I did not know 50 musicians. But the opposite can happen as well. If I gain some more information from our musicians, whether they are from the Tweed shire or the Northern Rivers more broadly, there is an opportunity for me to then feed that back to peak bodies such as Music NSW and say, "These are the issues and this is what is taking place in our shire." It is a way to inform Music NSW—it is based in Sydney but it does a lot of good work regionally when it can—when there is a geographical impediment.

The Hon. SHAYNE MALLARD: I have a question about the audit. You said there was a complaint that the music before lunch was too loud. What were the hours of the festival?

Mr BURGNER: We held two festivals. The one in Kingscliff ran from 1 p.m. to 7 p.m. We had eight venues and seven of them were private venues—restaurants, cafes and a tattoo parlour—where one musician played two sets. The one in Murwillumbah was bigger and longer—it went from 10 a.m. until 10 p.m. That one had between two and six artists per venue in 10 venues around Murwillumbah.

The Hon. SHAYNE MALLARD: Were noise complaints an issue?

Mr BURGNER: There was one negative comment. The art trail really shaped what artists we matched with what venue. For instance, there was a quiet Japanese guitar player who sang in Japanese in a quiet little gallery, but there was another space in front of the hotel where we had live bands—larger, three or four piece bands—playing outside in the street scape. One band that was on before lunch was loud and next to it was a café where people were having their brunch and a coffee. As we were setting up we could see that they were not quite ready for what was about to happen. That is a learning for the council as well. I met with the curator and the organisers of the art trail and we talked about who to program in where, but something that we would take away is that in the future there should be a pre-lunch sound and an after-lunch sound.

The Hon. SHAYNE MALLARD: It sounds like by and large you got the mix right for the right hours, if there were no complaints.

Mr BURGNER: Yes, there were no complaints about the lateness or the loudness.

The Hon. CATHERINE CUSACK: Festivals are really big up in this region—I live up here. I used to go to Speed on Tweed and there was a dinner in the main street and the Brisbane Symphony Orchestra played. It was amazing. The councils has to really back the vision if you want something like that happen.

The CHAIR: It is great to hear that council is backing you. It is fantastic.

Mr BURGNER: I have been fortunate in the respect that the council has seen the value of it. As I said, I had the chance to go to music cities and continue to learn about this space. For me, the biggest takeaway was about having relationships, whether it is with Create NSW or other actors, in a way that has not happened previously.

The CHAIR: Mr Burgener, I like the bigness of your thinking and that you are happy to share your information. A lot of people silo it and say, "That is our region's little piece of the pie." We can do so much more for New South Wales if we share the information.

Mr BURGNER: I appreciate you saying that. There is a step-by-step process to this and we cannot take too much too soon, but I think it is important to be open about where it could lead.

The CHAIR: On behalf of the Committee, thank you for presenting today. In light of your evidence, we may throw some further questions your way. If so, the secretariat will help you with that. You will have 21 days to answer those questions. We really appreciate your evidence this morning. Thank you very much.

Mr BURGNER: Thank you very much.

(The witness withdrew)

PETER NOBLE, Director, Bluesfest Group of Companies, affirmed and examined

The CHAIR: Good morning, Mr Noble. Thank you for your very succinct submission. I loved it. I wish we could have more like this. It was very direct and to the point. Do you have an opening statement you would like to present to the Committee?

Mr NOBLE: I do look forward to question time.

The CHAIR: We will get there, but would you like to do a bit of an intro?

Mr NOBLE: I have worked in the music industry forever—probably for longer than many of you have been alive, looking at all the young people here. I have a touring company, which last year won the Helpmann Award for Best International Contemporary Concert for Patti Smith. We bet Adele and Bruce Springsteen and we are a regional company—I want to say that. It certainly was not expected. Bluesfest is the current gold winner of the Major Festivals and Events award for the NSW Tourism Awards and, in fact, has been for the last three years in a row. That is a pretty big thing to win when we are up against events that are funded as well as the Vivid festival. We have still beaten it every time. Of course, now that we have won three times in a row we have been retired to the hall of fame so that other events now have a chance. But if we were in it again we would beat them again. That might show you something.

Regional events really can be the award winners. They really can take on the crown—the crown is Sydney. Sydney is the major attractor for funding in this State, and yet we sit in Byron Bay and I put it to you that we are the jewel in the crown. We attract more tourism than any other coastal area of the State, and only come in behind Katoomba as the number two tourism destination. Tourism here is a vexed situation because there are some people who are concerned about the impacts of it. This is an event that is 30 years old. In fact, tomorrow morning, I am announcing the artists for the thirtieth festival. It is the first announcement, which is why I was a little late getting here, sorry. I was still trying to get one over the line, which I still have not been able to get. We know from 30 years. We inspired so many festivals to come and begin in this area. Many have prospered and some have not. I would just like to put it to you as somebody who has been in the music business since the 1960s. I am still enjoying it 50 plus years later. I have been a professional since the 1960s, although I have driven taxis at times. I know a lot and I would really like to contribute.

I will tell you a couple more things about Bluesfest and the Boomerang Festival. We just got nominated for the seventh year in a row by *Pollstar* magazine—which is the music industry bible in the United States—as the world's best international music festival. We are up against Glastonbury Festival every year, so we know who is going to win, but no other Australian festival has been nominated since Big Day Out in 2006—no other. We have been nominated seven years in a row. That is our industry saying how it perceives us. That is an industry nomination. Along with Rhoda Roberts, the other thing I do, apart from touring acts, is the Boomerang Festival—an Indigenous festival—which is part of Bluesfest. It is a very important event and could use a lot more help. It brings Indigenous culture to an area of Australia that is easily accessible. Otherwise, to be able to get that people would need to go to remote areas—they would need to go to Cape York or Arnhem—to actually get the other events. We bring the artists here.

It is an opportunity for the people of our country not only in areas of reconciliation, but also with access to Indigenous culture. It is something I would really like to invite you to get more on board with us on. It is occurring within Bluesfest because it cannot pay for its own infrastructure—it cannot pay for the parking, fencing and sound systems—so we do all of that. But we need the money to bring the artists. I would love to be able to have a bit of a conversation about it. I think that will do for my opening. Thank you.

The Hon. JOHN GRAHAM: Thank you and welcome. First, you have summarised how important Bluesfest is in New South Wales and also around the world. I would like to declare that I have been attending on and off since the 1990s—I want to put that on the record. I thank you for what you have been doing. Could you give us a quick run-down on what sorts of support you get or would like? One of the issues that we have been looking into is the things that make it harder than it should be to run a festival like you have been doing.

Mr NOBLE: Can I give you my usual short, succinct answer?

The Hon. JOHN GRAHAM: Sure.

Mr NOBLE: In the 2017 Lawrence Consulting economic impact report that I have just handed around, if you go over the page and look at the estimates that are given, it says that with the total input—the estimated total income in wages, the approximate fulltime jobs and the contributions—we bring \$54.5 million to Byron shire, \$107 million to the Northern Rivers and \$135 million to the State. We create 531 jobs in Byron. All those

things are important as a way of seeing the contribution that the arts and a music festival can bring to our State. If you want to get into what the challenges are, there are many, of course. The challenge is to be here every year, functioning and making a profit. That is the first challenge. The next challenge is to have an event that resonates with the public and has a social conscious, such as with Boomerang. By the way, we are the only event that has a Koala Plan of Management approved by the Department of Planning and Environment because of what we do with the koalas. These issues are important for an event that has a conscious. It is not just about making a profit; it is also about bringing people somewhere and then allowing them to experience something that we think is special. Yes, there are challenges. Do you really want me to detail them?

The Hon. PENNY SHARPE: Yes, that is what we want to know.

The CHAIR: We want to know about the red tape and the green tape.

Mr NOBLE: We bought our current site in 2007 and by 2010 we had achieved a development consent from Byron council. I decided that we would not go as a State significant event to the New South Wales Government and that our regional council was capable and had the interest and support to be able to give us a development consent. We are locals and we see ourselves as locals. Even though we have had some success, we are still locals, so we wanted our local government to give the development consent, rather than the State government. Of course, there is another site just up the road from us—the Splendour in the Grass site at Yelgun—and it went the other way. We achieved our first development consent in 2010, but it left us needing quite a bit more. In 2014, we began the process of getting a development consent that reflects what our needs are. Of course, we have to do three, four or five festivals before we know that. But we have put millions of dollars into our site.

The 2014 application was decided and given to us as approved just before the 2016 festival. At that point, we then needed to go and cost the consents. We are doing only one festival on that site, but, of course, we would like to do smaller events such as wedding receptions—things that turn the money over so we can keep putting our money back into the infrastructure, on top of the \$5 million to \$6 million we have already put in. That money is all of our profits, by the way. It took us about nine months to get the 2016 consent costed. We were required to put in sealed roadways and some waste water components, which we totally agreed with. The cost of the sealed roadways was more than \$7.5 million. We do not make that kind of money, so all of a sudden the whole future of what we are trying to achieve has been put on a backburner. We are not able to do anything concrete apart from go back to local government, which, I must say, is quite supportive. But here we sit now in 2018 on a 2016 consent. We have put in section 96s asking for changes to it to bring down the costs of running an event, which at the moment, as I say, is—

The Hon. JOHN GRAHAM: It is a good example of the sort of pressures you are under because you have to roll the dice each festival to have the money coming in to fund any of these things.

Mr NOBLE: I do not want to criticise our local government because I think their intentions are good. The time that it takes to get a consent approved makes it very difficult for us to plan our future. And I am not getting any younger. I would like to be able to at least leave a good legacy.

The Hon. JOHN GRAHAM: You have described an area that is the festival heartland of New South Wales. What is it that we can do to support that being developed in a way the community will support but that supports the sort of activities you are putting on?

Mr NOBLE: I would like to go into our thirtieth festival next year with our 2000 development consent approved. I do not think that is an incredible ask, with all due respect. And I only had a meeting yesterday because I was trying to get updated on a few things. My consultants were telling me the council is working toward a deadline of December. That is pretty close to an April event, particularly if something does not quite happen on time. My industry is no different than any other. We operate on certainty as much as we can.

We have a very large investment in our event site. It is up the road here—120 hectares about 10 or 15 minutes drive away. It has had a lot of improvement done to it. But I cannot put \$7.5 million worth of roads in, in single-use camp sites. Even if I had two or three other events there that were getting 10,000 or 15,000 people, I still could not afford it. It seems that there are within local government ways that people doing development applications and consents have to work with, so a lot of what is a festival site is looked at as a development. In other words, you are putting in a subdivision of some type that has this kerbing and guttering—and we are not. We are a single-use event site for five days a year.

The Hon. SHAYNE MALLARD: Is the associated camping the issue here?

Mr NOBLE: I do not think it is because of camping. I am not accredited enough to give you the correct answer as to what it is, but we have certainly gone back to council and pleaded our case. They said, "We expected

to see you." We are finding it is likely we will get an approval through without all of the \$7.5 million worth of road improvements—maybe it is \$500,000 worth. Well, you know what? We understand that certain things have to be done, but we also need to have some sort of approval where we can put one building on our site at which we can have wedding receptions during the summer where there is not one approved wedding reception centre in our shire. That will give us a turnover.

Even today I am employing 17 people and when you get closer to the festival it is a lot more than that—up to 600 on the weekend. And we pay them properly too—we are not paying them under the table or anything. There are a lot of challenges to run an event that is profitable, and we are not always profitable. We are profitable more than we are not, but it is a business that is circular. There are a lot of things that can affect success of a major music festival—simple things like whether it is school holidays. If it is across two or three States, more people can come as families, and we are a family event. But there are other things.

We have seen recessions like we saw in late 2011 which greatly affected retail spending. Our 2012 festival as a result lost money and it takes us a couple of years to get that back into the black again. What people do not realise with music festivals is it looks like a lot of money is being made but the truth is there is a lot of money getting turned over. The profits could be less than 10 per cent. It is a business where you really have to have your budgets. All that side of it has to be absolutely watertight. You cannot just go and buy all these artists because they are on offer.

That brings up one other point—pardon me, I told you it would not be a short answer. Going to people like Destination NSW, as the winner, three years in a row, of best major event in New South Wales, we cannot currently find a way—and I am not criticising—to get any kind of a grant. We have not had one in 10 years. Back then there was the apology—it was 2008, I think—and we were more than willing to become involved in putting Indigenous artists at a higher level in our festival so we got grants based on that for about three years. I feel there needs to be a little more communication between major events—all events—and the bodies that are able to assist.

Because in the end the State of New South Wales is the beneficiary. We are just 30 to 35 minutes from the border. There are 3 million or 4 million people within a three or four hour drive. The more of them that come across that border and come to events like mine and Splendour—those events in Byron that really do get people from all over the world; I have sold more than 500 tickets to New Zealand so far this year; they do come to us from everywhere. There is an international airport at Coolangatta so the Kiwis can fly straight in. These are the challenges where we could all get to know each other a little better. I do not know if regional growth comes in there. I do not know through my team—and I will finish—just how to reach out to all the possible people that could assist us in being a better event and I believe as a result the people of New South Wales get a benefit in many ways, culturally and economically.

The CHAIR: We might move on. That just sounded like good old common sense to me.

Mr NOBLE: Have I used my time up?

The CHAIR: No. That was good. The reason we are running this inquiry is for people like you who are having these issues, so I thank you.

Mr NOBLE: But I do not want to be negative about them. I always believe there is a result.

The CHAIR: It is not negative. We are positive.

The Hon. PENNY SHARPE: Do you get no support from the major events office of Destination NSW?

Mr NOBLE: I have known Sandra Chipchase for a long time. She certainly came here when the inquiries were occurring about getting New South Wales to a certain level of tourism by the year 2020. I certainly was part of submissions to that. I am not quite up to date about how that is being achieved. I am not saying anything negative there either. I have met with Mr Marshall.

The Hon. PENNY SHARPE: He is the Minister.

Mr NOBLE: He was at the Australian Tourism Awards where we represented New South Wales in January and came second—beaten by a flower show again. But we did beat the Formula One Grand Prix in Melbourne, which was a bit of a good one to do. That thing of access and for people like me knowing who to talk to and maybe at the other end people realising that time lines are critical in businesses like mine—I guess it is critical in all business, but certainly in my business where we operate. Here we go about nine months out from the event, we are announcing our first announcement tomorrow and it is a big one. We have to work that far ahead. On the other hand, we are already half sold out for next year. We have sold 50,000 entries already and we do about 100,000 to 115,000 entries—25,000 a day for three days, Friday, Saturday and Sunday, and 15,000 to 20,000

on Thursday and Monday. We are a five-day event. Even Woodstock was only three days and Glastonbury is only three days.

The Hon. PENNY SHARPE: On costs, you mentioned in your very brief submission the police charges. It is a challenge for us everywhere with that number of people.

Mr NOBLE: Police charges?

The Hon. PENNY SHARPE: The police charges—can you tell us what that is? I was interested in the change to it being up-front with no notice. You have been doing this for 30 years. You obviously know the local coppers and all of that sort of thing.

Mr NOBLE: There was a huge increase in policing fees this year. It was 30 per cent or 40 per cent, without notice.

The Hon. PENNY SHARPE: You had no notice of that.

Mr NOBLE: No notice. We have gone from about \$110,000-\$120,000 to \$150,000-\$160,000.

The Hon. PENNY SHARPE: Is that upgrade around terrorism concerns? Or is that what it is said it is?

Mr NOBLE: There will always be terrorism concerns. Possibly the best way to address it is to say that Bluesfest is perceived as a low terrorism concern if you were to compare it to, say, Sydney Opera House, which is a high terrorism concern. It would be great from our perspective to know exactly why, without divulging anything that does not need to be known.

The Hon. PENNY SHARPE: Do you think the terrorism requirements are being applied as a blanket in the same way across all events, so you are treated the same? Are security arrangements for an outdoor gig at the forecourt of the Sydney Opera House are treated the same as Bluesfest? Is that what you think is happening?

Mr NOBLE: I cannot answer that. I do not know. But I do know that we are a very low impact event in terms of assaults, sexual assaults. There was one this year. Luckily we have closed circuit television [CCTV] cameras in an area where we were able to identify who the young men were and they were apprehended very quickly. The person that was assaulted decided she did not want to go on with it. We actually made a couple of mistakes in that that we learnt because she was asked to identify her attackers—and when I say "attackers", this is touching, not anything more than that, within a crowd.

We are very onto this. It was our CCTV that picked it up. The complaint was made to my security. Our CCTV found the incident. We were then able to get the police involved. The people—it was just a group of four or five young guys who were being rowdy, really, but they were acting inappropriately and we were able to get those young people. When the decision was made not to take it further, they were ejected from the festival for the duration of the event. I cannot stop those things happening. What I can do is be there with a team if something does happen so that we are on it. It is very rare for us, but it did happen.

The Hon. SHAYNE MALLARD: If I may continue the line of questioning, in terms of the threat of terrorism, are you required to hire the water-filled bollards and vehicles to block entrances and so on? Is that what you are getting at in your submission—that there are higher costs now associated with that concern?

Mr NOBLE: We are not using bollards. We are using water barriers.

The Hon. SHAYNE MALLARD: Water barriers are what I mean—just as Anzac Day has to now.

Mr NOBLE: We are going to be putting two rather short walk bridges in, probably the width of this room, that will be sitting next to our roadway so that people do not have to walk onto a roadway anywhere, which is another issue.

The Hon. CATHERINE CUSACK: On the same topic, with policing drugs is often one of the issues. Are the police looking for drugs?

Mr NOBLE: Yes. There are drug sniffer dogs. I have learnt over many years that the police are very hard working and we need them. We maybe did not need quite as many as we go this year, but it does not mean we do not need them.

The Hon. PENNY SHARPE: How many police did you have?

Mr NOBLE: I would have to get that count to you. I could do that.

The Hon. PENNY SHARPE: If you could take that on notice, I am interested in that.

Mr NOBLE: Police sniffer dogs in the main tend to target people who are not charged. That just seems to go along with the territory. I do not know why but I am guessing it is that someone might have had some interaction with marijuana at some point—and it is usually marijuana related—be it the same clothes rubbing together or whatever it could be. It seems it can be very minor. But there will always be a number of people who try to bring drugs to a music festival.

Methylenedioxymethamphetamine [MDMA] or some form of ecstasy is the major worry because nobody knows what is in it. I do not want anybody to die on my watch. For that reason I support the police being there to try to lessen that possibility. We have seen people die at too many music events or festivals in this State from taking MDMA in some form, having poisons in it which kill people quickly. I am still not sure whether the way it is being done at the moment is the correct way, because too many people who should not be targeted are targeted, but if in the end the greater good is that one life is saved, I put it to you it is your point to make that decision.

The Hon. SHAYNE MALLARD: According to a report the average age of your attendees is 47.6 years.

Mr NOBLE: Yes. There are not too many of them on MDMA.

The Hon. SHAYNE MALLARD: The report also says 15 per cent of attendees are under 24 years. That sort of answers the question in the sense of drugs.

Mr NOBLE: Yes. It is the younger people who are more likely to be drug affected. In the area of police, we have a very good relationship with the police, and it is really important to have it. They support us in having a full-strength liquor licence. We are one of very few events in New South Wales that do. The reason for that is how we run our business. In return for that I understand that we need to do certain things to keep the police happy. Possibly when I wrote that submission was when I had just got the bill.

The Hon. PENNY SHARPE: I suspected that might have been the case.

Ms DAWN WALKER: I start by congratulating you as 30 years of a festival like that up here is an incredible achievement and something to be celebrated. What would be the three top things you want to see to ensure that the festival continues in future?

Mr NOBLE: At this point I have resisted the onslaught of Live Nation into Australia. It is a multinational billion upon billion dollar funded company that has bought many events, including Splendour in the Grass. I am not saying there is anything wrong with them but we do not want to see our industry dominated by any one group to the point where other groups find it hard to compete. Anti-competitive laws that allow us to continue to be in business become something that must be looked at when a multinational comes into here and at some point it is dominating the industry.

Not to do that is to take a huge risk that our fiercely independent industry suffers from a pacman-type situation where at some point we are the vast minority and this particular company—and a good friend of mine is actually the chief executive officer—I have to say we have to be careful because they are buying up management, they are buying magazines, they are buying theatres, they are buying festivals. They have got that much money that at some point it is pretty hard to say no unless you do not really want the money or it is not as important to you as it is to others. That is a very important thing to continue to watch.

This State recently enacted laws about ticket prices where you cannot have higher than 10 per cent above the face price of a ticket. The resale departments of businesses like Ticketmaster—also owned by Live Nation—will be having some issues because all of a sudden the limit is 10 per cent. However, it will be interesting to see how it goes. There are still overseas companies located in Switzerland like Viagogo and so on. To unseat them will be very difficult. One of the biggest issues with them is the fact that they are able to buy the prime space on Google. Unsuspecting consumers think, "You're the top on Google, therefore you must be the good guy." Surely something could be done about that so that the actual primary ticket seller must be listed first—the one at which you would get the ticket for the best price.

Ms DAWN WALKER: With the Boomerang Festival, you have mentioned a couple of times seeking support. What sorts of support would you be looking at?

Mr NOBLE: It is always money. I would like to see some more involvement from our State with the Boomerang Festival—the Indigenous festival. I think that is to everybody's benefit in so many ways. Rhoda Roberts is my partner in that festival and a good friend of mine. She is also the head of Indigenous programming for the Sydney Opera House and did the closing ceremony at the Olympic Games in Sydney. She is Indigenous and is from the local Bundjalung people. The Bundjalung people—sorry, I will not take too long.

The CHAIR: Sorry, we just need to quicken up a little bit. We are out of time.

Mr NOBLE: Alright, give me a minute. Only on Sunday was I at the houses that they have just built from the native title situation where they were able to access land, sell a bit off and build their own homes. We see some really good results around here. Of course, this is the area where the first magistrates and people like that came from. The Boomerang Festival is a source of pride for the people of our area, both Indigenous and non-Indigenous. The Bluesfest would like to be able to access some of things that I was told about. I was told that there was money available for artists doing exclusive performances in the State of New South Wales that cause people to travel. My office had those conversations with Destination NSW last week. The artists are ready to confirm and then we try to go to Destination NSW and it says, "Yes, but we are going to need two or three months to be able to approve it because you have to have all our logos and those things in it." Again, commercial timelines are very hard—or impossible—to keep to deliver the talent that they would invest in. They are the three.

The Hon. CATHERINE CUSACK: I would like to cover some territory that we have not covered so far, which is around the artists and the focus that you have on giving opportunities to local artists.

Mr NOBLE: We give opportunities to all artists. Although tomorrow's announcement is a little male dominated, we are one of the few events that often has very close to an equal amount of female performers. In fact, two years back, our headliner was a female. Drilling down under that, many types of artists play at Bluesfest. Indigenous artists are a big part of our event, not only on Boomerang but on other stages too. Underneath that, we book so many locals. But I book them on this principle: we do not book them because they are local; we book them because they are good enough to be in the event, and there are plenty of locals who are.

The Hon. CATHERINE CUSACK: With the mix of locals and the amazing international stars, local artists are getting an opportunity to work with the international stars and then they are going to have a look at our guys. It is a pretty rare experience. I know about the excitement for a local artist when they are selected for Bluesfest.

Mr NOBLE: You only have to look at some of the artists that I mentioned. We have another event called the Byron Busking Competition, and the list of people who have won that includes Kim Churchill, who has got a major record deal now and tours the world. Hussy Hicks is another one—they just contacted me and last night they were playing in Birmingham, Alabama. These are local people—local includes the Gold Coast to me, but they used to live at Clunes. I just heard Renee Simone, who we had at Bluesfest this year, in Sydney, opening some of the shows there. Morcheeba, which I was touring, was what they put her on. We do work with locals.

The Hon. JOHN GRAHAM: Renee Simone is giving evidence to the Committee this afternoon.

Mr NOBLE: Tell her I want to book her today to be in tomorrow's announcement.

The Hon. CATHERINE CUSACK: The other question I have is in relation to your international contacts and how you can get these amazing people to come to Byron—a rural community—and the credibility of the event and your personal contacts. It is not something that you can put in a bottle and replicate, is it? It is a very specialised area and a network of contacts that you have?

Mr NOBLE: In terms of making—

The Hon. CATHERINE CUSACK: In terms of making Bluesfest happen. There would not be very many people who could do that, would there?

Mr NOBLE: I hope there is someone. I am going to be 70 soon and I am not going to be around forever.

The Hon. CATHERINE CUSACK: How do you hand that over?

Mr NOBLE: I have got some pretty talented people who work in the company. Hopefully I can step back a bit and give advice. But Bluesfest has changed greatly over the years. When Ben Harper first played Bluesfest in 1996, we were a blues festival. He showed me that there was something else going on. I am listening to the artists and they are doing something for an audience that I have seen coming into my event that were not previously coming—always younger. A large percentage of our event is young people. A few years later, Jack Johnson did his first show. Kasey Chambers just contacted me to say, "20 years ago I had the captain out and I did my first major show at your festival. You're booking me next year, aren't you?" I said, "Of course I am." We have found that over the years we have listened to where the artists are going and where the audience is going with them and we represent that in the event. I guess that is the best way to answer it—we are always listening to what our audience is wanting to see and are always introducing something new to keep them interested, be it Australian or international.

The Hon. CATHERINE CUSACK: I have got to say thank you for what you do. We adore it.

The CHAIR: On that very positive note, we thank you for your evidence and for the history of the event. Congratulations. Some of the issues you have brought up are exactly why we exist as an inquiry. In light of your evidence, we may have some further questions for you. You will have 21 days to answer those questions. The secretariat staff will help you achieve that if that is asked of you. We really appreciate you giving evidence today. Thank you very much.

Mr NOBLE: Thank you. To put it all in a nutshell, it is just knowing where the access is, knowing where the possibilities are, and trying to move things along a little quicker would help us all.

The CHAIR: And do not over-regulate.

(The witness withdrew)

LEE AITKEN, General Manager, SAE Institute, affirmed and examined

The CHAIR: Thank you for hosting the inquiry today. Do you have an opening statement you would like to present?

Mr AITKEN: I do. First, welcome to SAE Institute. We are really pleased to host this event, so thank you very much for visiting the campus. We look forward to giving you a tour around the facilities a little bit later. We will table a document a little bit later—we are just getting it printed at the moment—which will give you a broader overview of SAE and Navitas. To give you an overview, SAE Creative Media Institute is a dual sector, higher education provider. It was established in 1976 and we provide niche creative media programs to about 10,000 students in more than 50 locations around the world. Since 2011, we have been part of the Navitas group. Navitas is an Australian global education provider, providing education programs and services to more than 80,000 students across a network of over 120 colleges and campuses in 31 countries through its university partnerships and careers and industry division, which SAE is a part of.

In Australia, SAE operates six campuses, delivering higher education and vocational education and training [VET] programs to approximately 3,000 students, including undergraduate and postgraduate qualifications in the fields of audio, film, games, animation, design, web and mobile. We are recognised for hands-on teaching and learning, the best industry facilities and equipment, small classes and academic rigour. We encourage students to work across disciplines on major projects, developing portfolios throughout their studies. We incorporate transferable—or soft—skills such as leadership, communication and business skills as a part of the curriculum.

In New South Wales, relevant for this Committee, SAE has two campuses. Here in Byron Bay we have approximately 250 students and about 70 staff. This campus is also the head of our regional operations for SAE and the Navitas Careers and Industry Division, so we have some additional corporate staff here as a part of that. That is why we have a few extra staff that are over and above the academic operations of the campus. We work closely with the local creative community and major creative events hosted in the region—for example, Bluesfest, Splendour in the Grass, the writers festival and Flickerfest. I acknowledge the presence of Peter Noble and Mat Morris today to provide evidence.

In Sydney we have a campus with approximately 600 students and about 50 staff. We recently moved this campus into a \$12 million, seven-storey, purpose designed facility which provides modern and technically interactive teaching and learning environments. SAE is proud of its support of aspiring creatives, which often include non-traditional learners. I had this conversation earlier this morning. We provide welfare and counselling support services to students and an accessible and inclusive environment for students with disabilities or those from minority groups and we increased representation of women in technology related creative disciplines.

Access to education and equity of choice are very important to us. Our focus as an education institute is to provide opportunities for students to develop and hone their skills, gain real-world experience, strengthen networks and build careers in the evolving and growing creative economy. We are very supportive of a thriving music and creative economy that can enable this. Therefore SAE supports policies that foster linkages between stakeholders in the creative economy, including governments, councils, education and industry; facilitate practical experiences and opportunities for employment, including innovative ventures and start-ups; create a level playing field for all students to choose the education provider and the pathway that best suits them to achieve their career outcomes; provide equal access to funding and grant opportunities for both public and private education providers; and ultimately encourage participation and diversity in the creative sector.

The CHAIR: Thank you. Part of your submission talks about improved access to government funding. Can you take us through your thoughts there?

Mr AITKEN: To clarify for the Committee, SAE as a non-university higher education provider does not have access to Commonwealth supported places or Commonwealth grants for higher education. All of our students who are undertaking higher education are full fee paying students. We do have access to the government income contingent loan scheme, FEE-HELP, and also VET Student Loans for vocational courses, but that is essentially the only support fee paying students get for their studies in those areas. On top of that, students who are full fee paying who then defer their fees to an income contingent loan scheme are subject to extra administration charges. For instance, in higher education for FEE-HELP that is a 25 per cent administration charge on top of the cost of their tuition.

We do have some very limited State funding in New South Wales through Smart and Skilled, and that is for one program that we offer here in Byron Bay. That is a certificate III level program that provides great access

and equity for students who are often coming from non-traditional backgrounds. It is a great enabling program for those students. However, that is the limit of our government subsidies. For us we would like to see a more level playing field for students in terms of their access to subsidies, which would then ultimately create a level playing field for their choice of institution.

The CHAIR: Thank you.

The Hon. JOHN GRAHAM: Thank you for hosting us. The main thing I want to ask about is the interaction between the creative industries curriculum your students are enrolling in and you are teaching. How much of what you are doing is music specific, or is it really all just blended together, given how these sectors are now working? Are people working across a range of different media and art forms?

Mr AITKEN: Thank you for the question. To clarify, SAE is not a performance institute. We do not teach performance. However, we do have audio production, film production, studio production and these sorts of things. Underpinning all of that is the original concept of music production, but I think now that we have evolved that learning experience into a development of skill sets that are a lot more transferable. I cannot remember if I was having the conversation with you this morning, but we are really looking at a creative economy that is looking for a certain set of skills that is not necessarily pigeonholed into one particular job—in particular, problem solving, creative problem solving, project management—

The Hon. JOHN GRAHAM: That is your approach. What about the students coming in the front door? Do they come in with a mentality where they are looking to go into a particular sector or is the sort of approach you are describing how students are looking to sign up as well?

Mr AITKEN: I think most students come in with an interest and they want to work in the field that they love. So I do not think they always have a firm idea of the outcome at the end, but they know that they want to develop their skills in a particular area.

The Hon. PENNY SHARPE: I have one question. Your submission talks about the incubator or start-up support. What would that look like for your institution and the students here, particularly in a regional area like Byron.

Mr AITKEN: What it looks like for us is an integration with us as an education institution, government and industry together. What we would like to see is collaboration across those sectors to be able to facilitate opportunity for students to work on real-world and practical problems and then to be provided the opportunity, potentially, to commercialise those in a next step.

The Hon. PENNY SHARPE: You obviously have good links with the local festivals. Your students are clearly working there and they are finishing their qualification. What is the sort of support you think they need for the next step to help them improve their outcomes?

Mr AITKEN: It is a good question. The next step is really about how students then take their ideas and make them into a commercial reality. A lot of what we are seeing now with students is that they do not leave our types of courses and go to a full-time, nine to five job. It is a very different economy. It is a sole trader contracting and they will work across a variety of different projects. I think it is the skills for them to be able to understand the realities of how to navigate through that, taking their creative ideas and making that into a viable option for them.

The Hon. PENNY SHARPE: What can the Government do about that? I assume you do some job skills work within the courses. They know what they are getting in for. I am interested in where you see the Government can assist in that link.

Mr AITKEN: Government could provide funding opportunities for students. We have considered many different models of incubation, including grants. But to be honest we do not want to take equity in any ongoing programs or projects. We would like to see that students have the option and the means to take their idea to the next step. I also think there is a need to connect students with the actual process that comes through with entrepreneurial ventures. That might be angel investors, series A, series B—you know, the whole process—which at this stage is not well integrated. Whilst we have connections with people who are in venture capital, for instance, that is a fair way down the path from an initial concept. It is the middle ground before that, where students—

The Hon. PENNY SHARPE: Are you saying that potentially the funding is for individual students—some sort of seed funding for them to take their idea further—or is it about putting them together with people?

Mr AITKEN: I personally like the concept of industry being involved to say, "Here is a problem that we have. You work on that and bring opportunity for solutions using your creative means and skill set." And then

they are essentially funding the operationalising of that solution. That for us is a really practical application of what we call project-based learning in our curriculum. That would be really useful because it maintains the connection with industry and also then is useful for industry in solving a problem that they have and the students being able to apply. That can then lead on to further funding opportunity or employment opportunity for that student.

Ms DAWN WALKER: Thanks for having us here.

Mr AITKEN: You are welcome.

Ms DAWN WALKER: I am looking forward to having a look around at lunch. I am also a parent of one of your students.

Mr AITKEN: Really?

Ms DAWN WALKER: Yes. I can testify for the fabulous curriculum and the way you support young people particularly in this industry. Thank you for that.

Mr AITKEN: Thank you. That is very exciting.

Ms DAWN WALKER: Following on from the Hon. Penny Sharpe's questions, do you actually provide small business training as a discrete component of the curriculum?

Mr AITKEN: We run transferable skills alongside the curriculum. It is brought in at different points along the learning pathway so that when students are working on projects they would be getting injection of different skills at that time. However, we can evolve that a lot further and a lot more formally. That is actually part of a major program review that we are doing at the moment to say, "We can see that the creative economy is changing in terms of the needs of employment in future. These are the skills that the students will need." So we can inject that into the curriculum along the way. Innovative entrepreneurship practice is essentially a large part of that.

Ms DAWN WALKER: Do you have figures on how many of your students stay in the creative sector?

Mr AITKEN: We have figures on employment outcomes. We partake in the government QILT survey—that is Quality Indicators for Learning and Teaching, which is a third party survey. We opt into that as part of our continuous improvement and reporting. We have ideas of outcomes but often that will only give us information about the employment outcome, not the specifics of the sector that they are working in. I would have to take that on notice in terms of further detail. That is all I can say at this point.

Ms DAWN WALKER: Finally, the relationship between SAE and the festivals seems to be a really important component. Is there anything that could make that easier for you?

Mr AITKEN: Peter Nolan and Mat Morris will tell you their challenges. We share those challenges because it is very important for us, particularly in this regional community, for our students to be engaged in those festivals. We obviously have a vested interest and a real desire for them to continue, obviously within safety and sustainability constraints and requirements. For us those festival present a really unique opportunity for students to engage in a real-world scenario and integrate their learning in that workplace. That is critical for us, particularly being a real practice-based institution. It is important that those festivals are succeeding and continuing. We would obviously be keen to see more rather than less of them.

Ms DAWN WALKER: Thank you.

Mr AITKEN: You are welcome.

The Hon. SHAYNE MALLARD: I also thank you for hosting us today. It has been quite educational for me to visit and learn about your organisation, which I did not know a lot about before, I must admit. I am interested in your submission in the area of applying for or gaining grants. We cannot do much about appropriate tertiary education funding from the Feds other than talk to them. I am not very familiar with how the Smart and Skilled funding works exactly, but I would have thought that some of the technical areas of your vocational training would have been suitable for that type of approach. There are two parts of the question: Have you spoken to the State Government about how you can tailor your programs to try to apply for that funding and have you come back and looked at the offering to see if you can restructure it to make it qualify for State funding?

Mr AITKEN: To clarify, the Smart and Skilled funding is based around vocational education and training. That is prescribed in terms of the structure of the courses. We as a registered training organisation adhere

to those with our courses. I would make the point that I do not believe that the funding available for some of those courses is enough to warrant the cost of delivery of them.

The Hon. CATHERINE CUSACK: And compliance.

Mr AITKEN: Yes. There has been a much larger debate on this around the VET FEE-HELP issues and the changes. They have now become VET Student Loans. We absolutely understand that there were some less than desirable activities in the sector. However, from SAE's point of view, we have integrity. Quality and compliance are extremely important to us, as are student outcomes. To provide a high-quality course, particularly when there is a large technical component to that course—and the Committee will see later this afternoon some of the elements to having digital audio workstations, film equipment—it is not cheap, so I would argue that the level of funding particularly through vocational diploma programs in Smart and Skilled is not enough.

Secondly, we have been challenged to simply extend on our small Smart and Skilled allocation that we have had for two years. We have seen some really great outcomes from our certificate III program. Like I said, students have been engaging. This provides a great access opportunity for students who are non-traditional learners. However, our attempts to try to extend on that funding to allow more students to participate have not been successful to date. We have engaged the department at quite senior levels. We will continue to do that because I believe particularly for this entry level program at certificate III it is important, particularly in this region. To give you an idea, we only have that in this region for Byron Bay. We have attempted to get that funding in Sydney for our Sydney campus and been declined on multiple occasions.

The Hon. SHAYNE MALLARD: When you say there is not enough funding, can you provide some overall dollar figures or percentages? Take it on notice if you like, but some figures would be helpful.

Mr AITKEN: I can talk in broad terms, if you like.

The Hon. SHAYNE MALLARD: Yes.

Mr AITKEN: Currently the funding available through Smart and Skilled for a diploma level program in a creative course that we offer would be approximately half of what our normal tuition fees would be for a full-paying scenario. To give you an idea in terms of what we determine as a reasonable cost of delivery for that program as to how much government subsidy we could potentially get and that is available for a student to access that program, it is vastly different.

The Hon. CATHERINE CUSACK: To put it in a different way or context, am I reading this correctly that you have funding for 12 students a year out of 900?

Mr AITKEN: Approximately, yes. The amount of funding that we have depends on how many students we have starting and finishing, and there is a schedule to that. The amount of funding allows us to have approximately 15 students in about two intakes per year.

The Hon. CATHERINE CUSACK: Which is not very inclusive, from a government point of view, is it? You would like to be more inclusive.

Mr AITKEN: Yes.

The Hon. CATHERINE CUSACK: Your performance indicators are outstanding. You have kids here who love to be here. What is the problem? Is it the universities?

Mr AITKEN: It is not the universities for this particular funding because Smart and Skilled is for vocational.

The Hon. CATHERINE CUSACK: Okay, sorry.

Mr AITKEN: I think the vast majority of that funding goes to public providers—the TAFEs. That is okay. TAFE is a very important part of our education landscape at the sub-degree level and we are very big supporters of TAFE. I have worked in TAFE before and we have good partnerships and articulation arrangements with TAFE. However, I think it does need to be a little bit more of an even playing field based on outcomes.

The Hon. CATHERINE CUSACK: I have to take the opportunity to quickly ask you about regional infrastructure. How important it is to have good infrastructure like this with a high technology component to operate successfully?

Mr AITKEN: Very important. As I am sure you can appreciate, it is not cheap to run SAE and we are very proud of the fact that we are a large regional employer here. We take that very seriously and of course we want to continue and expand that. To stick with the theme of funding, in the past, we have attempted to access

Federal Government funding. There was a regional jobs and investment package offered last year that we looked at and we were engaged with the representatives. We had designs to provide additional infrastructure and programs at this campus and we were aiming to get the support of that funding. However, we found that we were ineligible for that as a private higher education provider. Even more interestingly, there was one section of that funding called business innovation that we would have applied for, but we were not eligible. There is another section on skills development, and in that skills development funding, private or public providers were not eligible. TAFEs were not able to apply for that either.

The Hon. CATHERINE CUSACK: Who was eligible?

Mr AITKEN: I am not sure. But from an education point of view, I could not see anyone being eligible, which I find interesting when it is for a skills development funding grant. We would like to see more opportunity, particularly in the regional areas, to access that funding. Another example is that we made an application for the Women in STEM and Entrepreneurship grant, which was a Federal business grant last year. We were eligible for that and we put a great funding submission in. Unfortunately, we were unsuccessful, but at least we were eligible and had an opportunity so we could say, "Okay, we will try again" or, "We'll see if we can do these things ourselves." But it is challenging.

The Hon. CATHERINE CUSACK: With regard to infrastructure, you would need good internet?

Mr AITKEN: Yes, we has this conversation this morning.

The Hon. CATHERINE CUSACK: I think it is important to understand how important it is in a regional community to have something like this.

Mr AITKEN: It is critical for us. Our service here is varied and it disrupts our operation consistently. We need that to improve.

The Hon. BEN FRANKLIN: I have one question. I am also a local resident and I thank you for what you do for the community and for what you have said in terms of the extra support that either the State or Federal Government could give. On a local level, is there extra assistance that either the council or community could give that might allow you to grow or thrive further?

Mr AITKEN: A lot of great ideas come from the community and it is really important for us to remain engaged locally. Our campus manager, who is here today, is involved with the Byron Bay Chamber of Commerce and other forums in the area and a lot of great, organic ideas come out of that. I think that it naturally happens, but momentum can sometimes stop when the commercial realities get there, "This is a great idea but we need a certain amount of money to make this viable or to get a pilot up and running." That is sometimes where we find that things dissolve. There is always great engagement and idea generation in the area. This place is a creative hub so we get people with wonderful ideas. But we do find it difficult at times to execute those ideas.

The CHAIR: Thank you for that. I think you took a question on notice, and the secretariat will help you with that. In light of your evidence, we might ask some further questions. You will have 21 days to answer those questions. The secretariat will help you with that as well. Thank you for your time and, once again, thank you for hosting us. I am looking forward to seeing the whole campus during the tour.

Mr AITKEN: We are pleased you are here. Thank you.

(The witness withdrew)

MAT MORRIS, General Manager, North Byron Parklands, sworn and examined

The CHAIR: Thank you. Do you have an opening statement?

Mr MORRIS: I do, but it's more of a reflection on the submission that we made to inform the inquiry of the planning hurdles that we have been going through in terms of providing a world-class, outdoor, sustainable cultural arts and music venue in the north of the wonderful State of New South Wales. To give you a quick bit of background, we have just had our eleventh event, which was Splendour in the Grass. That event had 35,000 patrons, 20,000 campers and 15,000 day patrons. It sold out in 26 minutes.

The CHAIR: It was probably my kids buying the tickets—I have six of them and they are nearly all coming.

Mr MORRIS: To give you a feel for the demand, there was another 50,000 in the pipeline that could not secure a ticket. It is a very popular event. The other event that we hold is the Falls Festival Byron. Again, that is another very high-demand three-day camping event with about 25,000 patrons. It is a bit slower—it sells out in about a week and a half. We are working on that one. I wanted to thank you for the opportunity to come and speak today because I have an ability to frame for you some of the challenges that we have had from the planning side of things. I know that one of your terms of reference looks at policy that might be able to improve the way that venues in particular can be approved for either temporary venues or permanent approvals, as is the case of ours. I noted in the papers that have been provided to you that we have a 660 acre property. We have invested \$25 million and we currently operate on a trial approval. There are not many organisations that would take a punt and invest that sort of capital on a temporary approval.

The main driver behind why we are in the position we are in is because we sit outside of the box. The planning department that we deal with in Macquarie Street is very skilled at approving and assessing shopping developments, mines and concrete batching plants, but it has great difficulty understanding the framework and parameters under which we operate. I am hoping that we can discuss some of those issues in a way that means Government can move forward to help this industry. It is a very successful and growing industry and is a very important one in terms of arts and music, as I am sure you have heard from many other speakers. Mr Brandon Saul will be addressing this group a little later. He is the co-director of the Falls Festival and I am sure he will provide some further input on both the Falls Festival and the venue that he operates at, which is North Byron Parklands.

The CHAIR: Thank you for your submission. I draw your attention to the wonderful flowchart you have about five or six pages in. It suggests that there are 21 management plans that you have to put in.

Mr MORRIS: It is incredibly complex. Again, to put it in context—

The CHAIR: Sorry, before you put it in context, can I read this onto the record, and then you can give a reply?

Mr MORRIS: Absolutely.

The CHAIR: It stated that there were 21 management plans, five monitoring programs, five reporting programs and eight working groups that you needed to mobilise. Do you want to give us a comment on that?

Mr MORRIS: I am not unhappy with that framework. I actually think it's the world's best in the sense—

The CHAIR: It is very comprehensive and clear.

Mr MORRIS: We have a situation with our activity where we basically put a town together the size of Lismore—30,000 to 35,000 people. It has all of the elements that a town of that size has. We have police involvement, Rural Fire Service involvement and State Emergency Service involvement. We have a medical centre that, until the new Byron Central Hospital opened just recently, had a greater capacity for dealing with patients than the old Mullumbimby hospital and old Byron hospital combined. We have a huge security force and a whole range of other infrastructures that go with it. We operate in an area that is quite sensitive.

Before the upgrade to the highway was put in place, there was a very significant wildlife corridor. Unfortunately, that has been severed with the new highway. But the management plans, reporting components and the working groups that you referred to are very necessary to ensure that we manage all of the different aspects of the activity in a very professional manner. I take great pride in the way that the festivals operate at a very high level in terms of managing all of these issues. When it comes to looking at permanent approval and the assessment of that permanent approval, that is where I think we probably need a little bit more insight from Government about what the activity is, what we do and how it can assess it.

The CHAIR: Would you suggest that we probably need a planning speciality body that actually deals with events such as festivals—a unit set up that understands what it takes to undertake such an activity?

Mr MORRIS: I think that would help. I will give the inquiry one current example of where we are trying to seek out permanent approval with respect to undertaking a social impact assessment. The guidelines that we were required to undertake for the social impact assessment were based on the mining or extractive industry—a very different industry. The mining industry usually operates 24/7 and has a significant amount of externalities, including dust, noise, light, vibrations and a whole range of other activities that can impact on the local community. It is also an industry that has a very significant economic benefit—we all recognise that.

But to require those elements of that social impact assessment to be applied to an outdoor music festival that operates for four days per year for each festival is not commensurate. It does not really tease out the externalities that are unique to us, which are typically noise and transport or traffic. I think if the department or even councils had more tools at their disposal, that would be good. It is fair to say that we are not the core business of a regional or local council. Again, they are very good at approving housing lots, renovations and other smaller scale commercial activities, but I do not think there is enough information out there to adequately understand this activity and assess it properly.

The CHAIR: We have taken evidence from festivals—not only here in Byron but also down the South Coast and in Wollongong—that suggests that some of the planning issues are around timing and that the authorities do not understand the timing that you are working with to get the approvals to get the show together, so to speak. Would you agree with that?

Mr MORRIS: That is 100 per cent correct.

The CHAIR: Is that your finding?

Mr MORRIS: That is definitely my finding. Again, I will give the inquiry an example. For a show like Splendour in the Grass, we tend to book the international artists some 12 months in advance. It is a very challenging event because we are competing against the summer touring circuit for the Northern Hemisphere. We have found that the only way to bring artists down to our neck of the woods during their higher demand period in the Northern Hemisphere has been to create a festival that they want to come to. We provide a lot of extra benefits for them. But it is very tenuous in terms of being able to secure those artists in that timeline. At the moment, we are in a position where our trial approval is due to run out in August 2019.

For a year and a half we have been working with the Department of Planning and Environment to seek our permanent approval. We are again going out on a limb and booking artists for the next Splendour in the Grass right now. Monetary exchanges are taking place and deposits are being put down with the hope and the view that we will either get permanency or that we will have one more trial approval. But it does create business uncertainty and I think the timelines that are involved in putting together these significant national festivals really require a greater certainty within the planning pipeline as to when and what the timelines are for securing the approvals that we need to operate.

The Hon. CATHERINE CUSACK: Does that affect your finance?

Mr MORRIS: It does affect the finance in the sense that what we are doing—unlike other businesses that have some level of surety with capital investments or even monetary exchanges for import and export—is exposing us significantly by making commitments, which we have to do in terms of contractual arrangements, with penalty clauses and the like. If we cannot deliver on the commitments or cannot hold the event, we do stand to lose a very substantial of money—millions of dollars.

The CHAIR: You want to move it from 32,000 up to 50,000?

Mr MORRIS: Eventually, yes.

The CHAIR: Have you had any indications of whether that is going to be favourable or are there ridiculous requests of what it will take to get there planning wise?

Mr MORRIS: We have been the subject of a campaign by a very vocal minority within the community who, for various reasons, do not want this activity to be there. I understand that. I can understand that in a rural area, having a festival that turns up for eight days a year would have impacts that one would not appreciate. Having said that, what the ramification of that very small vocal minority has done to the planning side of things is that it has disproportionately elongated the assessment process. It has gotten to the point where we have done significant levels of assessment that I know would be accepted in any other industry applying for an approval, but we have still then have had to have additional assessments done. There has been an additional raising of the bar and an

additional widening of the terms of reference to the point where we have spent in the order of close to \$1 million trying to secure this permanent approval, again, still with no real insight into whether we are going to get there or not. On that basis, it has been very difficult to plan from a business perspective.

The Hon. JOHN GRAHAM: Thank you for appearing. That has been really useful. Can you give us the best indication you can about where exactly that approval for permanency is up to? I think it is sitting with the department. Have you got any indication about the timing or is anything else you can tell us about the process?

Mr MORRIS: Thank you for the question. We were on public exhibition for 12 weeks over the Christmas period. Responses to the submissions that the public were able to make have been provided. We have then provided what we call the "response to the submission", which, unfortunately, was a document that was larger than the original Environmental Impact Statement. That is now back with the department. As I understand it, the department is writing its recommendation report. But because of the fact that there were over 25 objections, it will then go to the Independent Planning Commission [IPC]. With the original planning request, the Independent Planning Commission, in its wisdom or otherwise, decided to turn the approval into a trial five-year approval.

I think that is where the whole planning process became a bit perverse for us. We were expected to invest \$25 million to put the infrastructure in place that the approval required, yet it was only for that five-year period. To answer the question precisely, we are hoping that the IPC will have its public meeting around September or October. We are desperate for an approval before Christmas. We know there is an election cycle and that governments tend to have a holding period in the new year. It really will have huge ramifications, particularly for the next Falls Festival, which will be outside of the extended trial.

The Hon. JOHN GRAHAM: Obviously there are a lot of approvals to go through. You have said you are comfortable with those. To me, if I put my finger on the heart of the problem, it is the really significant investment versus the uncertainty of a formal answer and that the approval might stop at some point. That is what you have to factor in. That is really at the heart of the issue here.

Mr MORRIS: That is right. It is also important to note that the State Government has determined very clearly that this is a State significant development. It has met the requirements for State significance. I will furnish to the inquiry an economic impact and benefits report that was prepared which covers the two events in 2016. It was eluded to in the—

The CHAIR: Can we table that now?

Mr MORRIS: Yes, certainly.

The CHAIR: We can look at that while my colleagues are asking questions.

Mr MORRIS: Absolutely.

Document tabled.

The Hon. JOHN GRAHAM: You have run these couple of big events.

Mr MORRIS: Yes.

The Hon. JOHN GRAHAM: You have had approval for smaller events and your existing approval. Is there a reason why you have not used those opportunities?

Mr MORRIS: At the moment the market for one further berth, if you like—an outdoor event—for up to 10,000. If you look at an outdoor event and the cost infrastructure arrangements to host such an event, 10,000 is very difficult to break even with.

The Hon. JOHN GRAHAM: Right. Good in theory, but it is hard to make it stack up in practice.

Mr MORRIS: Exactly. That has not happened. But what we have undertaken under the existing trial approval is a member of community events. Although not music focused, they are things like endurance horseriding or cross-country for schools, which has been fantastic.

The Hon. JOHN GRAHAM: That is fine, but I am conscious there are a fair few questions.

Mr MORRIS: Sure.

The Hon. JOHN GRAHAM: We have taken evidence about the touring circuit, particularly in Sydney, and what the loss of venues in Sydney has meant to the touring circuit breaking down a bit.

Mr MORRIS: Yes.

The Hon. JOHN GRAHAM: What you are talking about is the economics of getting an artist out here performing and hopefully having a good time at the festival, but then presumably going on tour. Do you have any observations to make about the state of the touring circuit in Sydney or New South Wales has meant for what you are doing in running these festivals?

Mr MORRIS: It has made it terribly difficult. The contraction of the venue options for sideshows has been a huge problem in terms of, again, putting together a deal for an international or even a national artist. Invariably, to poach, if you like, someone from overseas who is already looking at a northern European or North American tour and trying to entice them to come down here requires not only a high level of billing on our events but also the opportunity to hold a number of shows at various other venues. For the very large events, the headline acts, invariably they tend to go to our entertainment centres and those sorts of venues. But for the mid-level bands, they are the ones that are really difficult to try to put into venues that traditionally were there, but through a whole range of issues, which I am sure you guys are focusing on, have made it very difficult to add to that suite of benefit.

The Hon. PENNY SHARPE: Having been through all this planning process for five years plus, what are the things that you would need to make it work? You have talked a little bit about certainty. I kind of get that. Ultimately, I think it is about the time frame for decision-making because time is money and it gives certainty.

Mr MORRIS: Yes.

The Hon. PENNY SHARPE: What suggestions do you have? You also touched on lack of experience with planning because it is unique and it is an unusual development, this development idea. Is there anything else we have not touched on that may be suggestions around planning to do that?

Mr MORRIS: If planning was able to develop a suite of guidelines at least that looked at best practice and looked at other events, but also looked at what is happening overseas, which I think is very important.

The Hon. PENNY SHARPE: It is experience elsewhere.

Mr MORRIS: There are massive amounts of experience. There are massive amounts of actual hard data on a range of metrics across all of the elements of the activity. I can access those so I think they should be looked at and I think there should be collated. I think that would provide a very clear pathway for planners to look at the instrumentations that they have available and determine what is necessary and what is not. The 246 conditions that I currently have on my temporary trial approval, many of them conflict with each other; many of them actually do not have a tangible outcome; many of them cannot be measured. I think we need to start to work towards a framework of management that looks at those things that are realistic and achievable. I think then we will get some better outcomes.

The Hon. PENNY SHARPE: It seems to me that there is a political compromise here in terms of the five-year temporary agreement, but you are really getting to the point at which you need to make a decision: Is this part of the State going to have a facility like this that will facilitate those two things, assuming that you have worked through all of those issues and who makes that final decision. Where are you at in terms of the local council on this?

Mr MORRIS: We had along the journey with the Byron Shire Council. I think they struggled as well to be the regulator for us; hence, we were determined to stay State significant development. We have a good working relationship at the moment with the council. They are an integral part for us to ensure. There are still certain approvals that we are required to get from them, even though we are State approved. Personally, as the general manager of the venue itself, I see them as one of my critical stakeholders.

The Hon. PENNY SHARPE: But the council has not taken a view on the proposal?

Mr MORRIS: The council will not take a public view from the political arm of things. I think that is just because of the nature of the councillors that we have, which are very diverse.

The Hon. PENNY SHARPE: Yes.

Mr MORRIS: There are certainly views within the bureaucracy itself and within the actual council itself. There are some excellent operators and managers in there. They do a fantastic job. But there are others that, unfortunately, have had enough of festivals and want to get on with what is their more core bread and butter. We agree with them. We would like to be taken to that State level. We would like to get that overarching approval and be able to continue the solid track record that we have developed over the past five years.

Ms DAWN WALKER: I also was going to ask you about the council, but now I will not. Thank you for your answer. You mentioned the Koala Plan of Management. I know you have put a lot of work into that. Maybe you can just walk us through some of those issues and some of the outstanding issues.

Mr MORRIS: Sure.

Ms DAWN WALKER: I know that that is a community concern.

Mr MORRIS: Ms Walker, thank you for bringing that up. I would like to just let the inquiry know that this 660-acre parcel of land is the most ecologically assessed piece of property, I suspect, in Australia. I am not exaggerating. We have had more than 220 days of on-ground ecologist assessment. We have done thousands of hours of a range of different monitoring technique for different species on the site. It is a beautiful site.

It does have quite significant environmental attributes to it and, as such, needs to be very well assessed, including the koala. The koala has not been sighted from the three whole-of-property surveys that we have done. However, we have found some scats in the north-west of the property and have felt that it is important to develop a Koala Plan of Management that includes replanting their food trees—so building habitat for them—and continuing a commitment to keep monitoring for this particular population that is close to the Billinudgel Nature Reserve, which we adjoin.

There has been a decline of the koalas north of the Brunswick River that has been very well documented by a leading ecologist from Biolink, Dr Stephen Phillips. It is something we are acutely aware of and we want to make sure that we have the right framework with which to manage that. If you look at those management plans and the monitoring plans that we have, that is exactly what we are focusing on. We have planted more than 22,000 trees. We have put a whole range of nest boxes and fauna culverts in place and continue to undertake the monitoring to ensure that what we do have there stays there, if not prospers.

The Hon. SHAYNE MALLARD: The site is privately owned?

Mr MORRIS: It is.

The Hon. SHAYNE MALLARD: Was it formerly farmland?

Mr MORRIS: It was two farms formerly and since 1947 it has been subject to cattle and cane.

The Hon. SHAYNE MALLARD: So, on the map you have provided to us, that was pretty much already cleared.

Mr MORRIS: Yes, exactly.

The Hon. SHAYNE MALLARD: Did you have to get it rezoned or was that part of the 3A process?

Mr MORRIS: That was part of the 3A process, so it has not been rezoned. It was just picked up under that 3A process and it was a permissible use under that.

The Hon. SHAYNE MALLARD: Under the 3A?

Mr MORRIS: Correct.

The Hon. SHAYNE MALLARD: I am just interested in that because of some evidence we had in the Nowra region about trying to find a venue as well.

Mr MORRIS: Sure.

The Hon. SHAYNE MALLARD: But if that is a privately owned site, that is helpful to know.

Mr MORRIS: It is.

The Hon. CATHERINE CUSACK: What do you see is the capacity of the site?

Mr MORRIS: With all of the work that we have done, certainly up to 50,000. But the fact at the moment is that we camp 20,000 people on-site and that is the capacity at present. There is not a greater capacity to camp unless we were to move to a property that is owned to the north by the group as well—another 500 acres of property. But what the increase in capacity would necessitate is a significant increase in the public transport component now. We move around 8,500 people by public transport. We have around 300 or 400 buses that have 13 different routes that go as far as Robina train station in the north, down to Ballina airport in the south and to all of the townships around here. It works very, very well. There is an ability to upscale that and certainly with the traffic impact assessment we have done that is doable. Personally, I am not very happy with where we are at with the numbers at the moment but it does have that ability to facilitate that.

The Hon. CATHERINE CUSACK: Are there any fire issues for the safety of patrons?

Mr MORRIS: We developed a Bushfire Management Plan and a Bushfire Emergency Evacuation Plan. Each event has the Rural Fire Service present with two appliances and 22 volunteers on site. We have our own weather stations that give us our own independent and verifiable fire danger rating. Normally we would use the Bureau of Meteorology Fire Danger Rating but they were either Murwillumbah or Grafton, two very different localities compared to ours. We have a regulatory working group that has sitting on that group the Rural Fire Service, State Emergency Service, NSW Police, Office of Environment and Heritage, Byron Shire Council and a range of other stakeholders. That Bushfire Emergency Evacuation Plan, along with a number of other evacuation plans, is looked at prior to each event. We learn from past events what needs to be tweaked and what could be improved and that is a living document that is a very robust document. Fire is a concern particularly for our Falls event which happens in summer but we also have a very significant network of infrastructure for firefighting tanks and a 15 million litre dam on site and the like.

The Hon. CATHERINE CUSACK: In relation to the popularity of the festival, how quickly do the tickets sell out?

Mr MORRIS: Splendour in the Grass sold out in 26 minutes and that was for 35,000 tickets. We had an additional 50,000-odd people wishing to purchase. Falls is a bit slower in about a week and a half and that was for 25,000. There is a significant demand out there. I have seen the demand for festivals increase as venues have closed down in capital cities. It has become more difficult for people who normally used to get their live music fix by being able to go to clubs and venues throughout their locale. The popularity of events, for a number of reasons but including that, I believe, has been significant.

The Hon. CATHERINE CUSACK: Is there potential for more events as the appetite and demand for them has increased?

Mr MORRIS: In Byron possibly not. We have Peter Noble with Bluesfest, we have Splendour, we have Falls and there may be room for another one. I think there is a hole in the market at the moment for slightly older crowds. So something like the Day on the Green where you would have Elton John or Fleetwood Mac coming for a one-day concert. Again we have tried to build that into our permanent approval. The baby boomer market, which is under-serviced in this area, is an opportunity and something we would like to pursue for sure.

The Hon. CATHERINE CUSACK: I live in this area and it is such a privilege to have these events. But a lot of other communities want to have music festivals, and they are probably not aspiring to be internationally famous. What would you say to them is a key ingredient for success?

Mr MORRIS: Obviously developing a very close relationship with the planning authority that they will be dealing with.

The Hon. PENNY SHARPE: That will not necessarily make it faster.

Mr MORRIS: Possibly.

The Hon. PENNY SHARPE: But to make it long term.

Mr MORRIS: But also in the ageing community, you need to bring the community along and we have tried very hard to do that.

The Hon. CATHERINE CUSACK: Other events are run by volunteers and are not on that scale at all, but they do question why they cannot have a five-year permit because they seem to be doing the same paperwork every year.

Mr MORRIS: Yes. One of the things I have tried to do with the approval that we have got at the moment is developing these management plans for noise, lighting, traffic and all of those different elements that I think could become a standard type of plan that any approving authority could pick up and then ask an event—whether it is run by volunteers or is a commercial enterprise event—to take on board, and then populate within that plan the requirements to make that event operate successfully. It is not rocket science. The traffic management plans are very similar except for the different road layouts. Noise management plans are very similar. It just needs to be consistent and that consistency will prove to be beneficial for the regulators, as it will be for the operators.

The Hon. BEN FRANKLIN: As you know, I am also a local resident. One of the rare and only concerns I have about Splendour, which has been raised with me, is that of noise, as you have just referred to. Will you provide an indication of what you do in terms of noise amelioration, particularly after a complaint?

Mr MORRIS: Obviously the way that we put the whole event together is built around the orientation of the stages and the type of stage equipment that we use. We use some very cutting edge uni-directional speaker systems and delay systems so that we actually have speakers 30 or 40 metres from the front of the stage so that the volume can be adjusted for those people in that area and then further afield. We have a community hotline. The community hotline is open 24/7 and operates during the event hours. We send out 3,500 letterbox drops to local residents and businesses with that number. We put two full-page advertisements in the papers both north and south of the venue. For Splendour in the Grass we had 31 calls this year, 26 of which were in relation to noise, two were traffic, two were Internet access problems and two were illegal parking, I think, from memory. When we get a noise complaint we send out one of our numerous acoustic engineers to go and undertake attended noise monitoring. So we have fairly strict regimes in terms of the noise.

The Hon. BEN FRANKLIN: Do you go to that person's property?

Mr MORRIS: We go to that person's property and undertake a sample of the noise. We will then phone back to them the information that we receive from that. In all of the cases of all those calls that we had, we were compliant. I think what happens generally is that they get a wind shift, they had not heard the festival for that day or the day before, and then they will hear something when they are on their back deck and make the call. There are some vexatious calls as well but that is just part of the game, part of the business. We took 210 attended noise monitoring samples for Splendour in the Grass and they were all compliant within the noise criteria that forms part of the approval and we had data loggers out of our closest residents and that information is being analysed now.

We do undertake significant effort for noise because it is probably our greatest exponentiality. We have traffic completely under control now although in 2016 we had an upset and that was a change in the way that some people were coming to the site where a bunch of parents and Ubers were coming to the site to drop off and then pick up their kids and that caused some internal issues. But noise is probably the biggest issue. We know that that is an issue for venues in a city and also when there is gentrification encroachment but it is not an issue that cannot be managed out. It just requires good planning, good equipment and the ability for the community to provide information to us if there is an issue and for us to come and assess it and talk to them about it.

The CHAIR: How many police do you have?

Mr MORRIS: All the police that we have are paid for use, except for the drug dog operation. So I think at the peak we had about 108 police but it generally operates around 60 or 65 police. We have a fantastic working relationship with NSW Police. We just put a new arrangement in place for them to make it more attractive for their intrastate police officers to come and work at these events. Previously they had to pay for their own accommodation and travel so the money they were earning at the actual event ended up offsetting that cost. We are now going to pay for all of the accommodation for these police officers.

The Hon. SHAYNE MALLARD: Is that intrastate or interstate?

Mr MORRIS: Intrastate, NSW Police. The Tweed Byron Local Area Command has about 127 police officers normally and does not have the ability to provide the level of policing that they require us to have and so they call all over the State. It is a very population destination for police to come to.

The CHAIR: How many events per year are held on this property?

Mr MORRIS: We have two at the moment.

The CHAIR: Just the two, and the property does not have any ancillary uses outside that?

Mr MORRIS: I have the approval for small community events. At the moment I have the zone cross-country where we have 11 primary schools that come and do the cross-country which is fantastic. Their parents come to see the site which is also good so they can see how we look after it. I have an endurance horse riding event and I have a Frisbee golf event. I am very happy for those to happen. I find that the current approval that we got, and the one that we are asking for, has a very restrictive ability around the rest of the time that we do not operate. I personally believe if you can have other ancillary uses but do not generate noise or traffic and are to the benefit of the community, even a marketplace, it is a bit of a crying shame we have a 600-acre property that does not get fully utilised.

The CHAIR: What do you do for sewer and water and rubbish?

Mr MORRIS: About 70 per cent of the water we harvest onsite through all the different roofs that we have got and about 30 per cent we purchase from Rouse Hill Water, our local water supplier. We are not connected to the water supply; we are not connected to the sewerage supply. We have 246 composting toilets, the greatest

number of composting toilets in an outdoor venue probably in the southern hemisphere, approved by Byron Shire Council—they are award-winning composting toilets—and we manage that compost material onsite as well as the shower water. We still have to bring in portaloos, unfortunately, for the event area and that liquid waste is taken to Byron shire under a trade waste agreement.

The Hon. CATHERINE CUSACK: Just a quick point, because it is in the winter. Byron gets very full in summertime, so it is not competing with other events and it is actually utilising an underutilised capacity.

Mr MORRIS: It is. For the summer event, which is currently 25,000, we camp 20,000 of them on the site. So there are still 5,000 people looking for accommodation in that very busy time, but of that 5,000 many of them are locals that have bought tickets as well.

The CHAIR: It is great to hear from you and hear the issues. I do not think you took anything on notice, but if you did you have got 21 days to reply to that. The secretariat will help with that. In light of your evidence, I already know that the Hon. John Graham has got a question on notice and he will help you with that. Thank you so much. I know my kids particularly love the concert and cannot wait to get there. I have no doubt probably a lot of other kids would enjoy it as well, and adults. So keep them safe.

Mr MORRIS: I will. We do a good job of that. I would encourage you to have a look at that economic impact report. That has been peer reviewed by another economist from the Department of Planning and Environment and they saw no fault with the methodology on that.

The CHAIR: There is no problem with us tabling those?

Mr MORRIS: Not at all, no.

(The witness withdrew)

(Luncheon adjournment)

SHANNON BURT, Director, Sustainable Environment and Economy, Byron Shire Council, affirmed and examined

TANIA CROSBIE, Economy and Sustainability Coordinator, Byron Shire Council, affirmed and examined

The CHAIR: Welcome. Would either of you like to make a brief opening statement?

Ms BURT: I would like to thank the Committee for visiting Byron Bay as part of the public hearings of the inquiry into the music and arts economy in New South Wales. With our relaxed atmosphere and breathtaking natural assets, it is little wonder that the creative magic happens in Byron Bay. It also has something to do with the merging of the creative, carefree locals and the experienced new imports to Byron. Traditionally Byron Bay has been a rural community, which was discovered by the hippies and the surfers; it is now being inhabited by some of the world's most identifiable and talented artists. Byron Bay also attracts events and activities that you really only see in metro regions or as one-offs.

Today the Committee has already been addressed by some of our largest festival organisers: Bluesfest, which works very closely with council on its purpose-developed site, and the Falls Festival and Splendour in the Grass. They are State-significant events, controlled by the State Government, but we still work closely with the organisers in dealing with those events. The economic impact of these large festivals also would have been outlined in the submissions from the organisers. Again, I emphasise it is the very close collaboration with the organisations that run those festivals that makes those festivals work I suppose in the capacity and with the success that they do run. Adding to the activity generated by the festivals and events, Byron Bay also has the hinterland areas and hundreds of cafes, bars and restaurants and pop-up venues and they seem to be increasing in number every sort of week.

The council also works very closely with law enforcement, our local police, and my enforcement team at council works regularly in patrolling and dealing with antisocial behaviour. We also try to provide good customer service and to get good messages out there with regards to activities around night-time events and venues. At the moment the council does not have a night-time economy committee but we do have strong relationships with our chambers of commerce and providers in the entertainment and hospitality industries. As to the role that we do play at council, we sort of facilitate and process applications for many activities—be it markets, weddings, filming events and the like—and I will share some key statistics with the Committee.

More than 75 large- to small-scale events have been approved by council just in 2018. Many of these events did not require council approval but there was a touch point with council in terms of outcomes in management and information dissemination. As we understand it, official attendees to these events were around about 400,000 people. Many of the events attracted attendees from all over Australia and, indeed, internationally. Many events lever off our local talent and our local community so it is a very important basis for our local economy. Looking at the Committee's terms of reference, we can answer questions as to statistics and the like if necessary, but looking at it from council's perspective one of the key outcomes that we see as important is to acknowledge the importance of the creative and music and arts industries to Byron's economy and community.

We would like to see some additional resources and support for local government to implement better practice in the area of music and arts planning. This can occur through facilitation and collaborations. This morning Tweed Shire Council presented some really good examples of forums and the like, which I think Byron would definitely support. We would like to look at a working group with government agencies to address some of the development and rezoning challenges that arise from existing venues and/or emerging organisers or venues. This would also assist in managing the expectations of residents living in areas and/or residents who move into areas and the conflict that occurs with venues and events that take place. It would also be handy to have some tools to help us protect our space for arts creative and cultural use through planning.

With the upzoning and the value of land becoming so important this often displaces some of these industries and that results in them leaving the local area. This is a problem that we have been experiencing and understanding more recently. The other thing is better integration of the development application process with the liquor license process. There seems to be a bit of a disconnect at the moment when development applications come in for new events, pop-ups and the like. Council and the community will go through the process and conditions of consent will be issued, only then to go to the liquor licensing process and there might be a disconnect or an inconsistency. That then creates conflict and compliance issues as a result.

The CHAIR: You are saying that there are dual consents; one may say yes and the other may say no?

Ms BURT: What currently happens at the moment is we will have a development application come in—it might be for a pop-up event or it might be for an existing venue—and we need to change the hours or the level of use. They will then have to go to a separate body for their liquor licence approval. We will have a referral made to us and the referral will also go to the police. There will be checks and measures put in—namely, does what is being applied for in the liquor licence application accord with the development consent conditions for hours, numbers of patrons, et cetera? Sometimes it does not and council will object or put comments back to the liquor licensing authority and those comments may or may not be included in any approval that is granted. That is the issue that we do not have any control thereafter over in terms of the conflict that can arise.

The CHAIR: You also said that quite a lot of people touch base with council. How do they do that? Where do they get the advice that they need to check with council as to whether they do or do not need a permit?

Ms BURT: I might ask Ms Crosbie to answer that question because we have a whole events liaison section.

Ms CROSBIE: The first place most people go is the website. That will provide them with an approval process that they will be asked to complete and forward to council. It is a simple application process and they can process and pay at the counter. There are a number of different ways but we have set-up designated access for people to come through for events. One of the things that council did was to have a designated person so that you do not have to go to the DA person, the traffic person and to the food people. It is all processed through one place, which makes it easier for everyone. We can also follow up internally if things are dragging the chain. It is a very positive process. It is on a process of continual improvement, and we work closely with all the other northern region councils to ensure that we are best practice within the region. Yes, they could make phone calls, send emails or do it in person. Certainly for the bigger festivals and the bigger events we will definitely have that meeting a long time out so that we can provide the timelines when they have to go local traffic authorities.

The CHAIR: That is one of the points we have heard with the larger festivals. Planning issues are not resolved in time for them to really secure their investment when they are trying to put on their concert. Do you have any comment about what you do in the way of being mindful of the applicants' needs to meet timelines and underwrite events?

Ms BURT: That is a challenge. The bigger event organisers are probably better at it and are aware of the timeframes. It is the newly emerging or the one-offs that are problematic. The opportunity arises for them and there is a lot of excitement and momentum. Then, unfortunately, they come to council and say, "We have two weeks to do all this." We end up in the really difficult situation of making magic happen, which is not always possible and preferable, because it looks like we are managing preferences. That is becoming a challenge. Again, it is all about communication and getting out there and trying to work more proactively through the events liaison officer in that space with people. It is definitely about setting up those meetings pre event and post event, and also having a debriefing about what went well and what did not go well.

Ms CROSBIE: I could add that the larger community events we already have pre-diarised. We go, "Okay, we know your event is in December. We haven't had an application form." They will just phone somebody and go, "You need to get it in." "Oh, I forgot." Certainly where there is repeat community events we are very proactive in working with them. It is the ones, as Shannon said, that sneak up on us.

The Hon. JOHN GRAHAM: One of the things that has been interesting for the Committee today is that we have taken some evidence from festivals before but really festivals are so important for this part of the world. Looking at it from a State perspective, or maybe even from an Australian perspective, this is really the festival heartland when it comes to the music scene in New South Wales. I guess that is incredibly important around the State and the country. It puts a lot of pressure on the local community as well. Have you got any guidance for us about what support would really make a difference to help you balance those pressures, to be able to support the existing festivals but hopefully to continue to grow that aspect of what is going on here?

Ms BURT: I am trying to unpack all of that! You are right. As I said, there are probably some really great examples of what happens well here in Byron, and again part of that is that with some of the larger festivals there are some regulatory working groups that meet and work collaboratively. That includes residents, community nominations, councillors and also State agencies. I think it is that sort of co-ownership and co-understanding, and having people in the tent, so to speak, around what the festival is doing and how the festival operates, that is really important, because I think there can be a lot of misconceptions and misunderstanding about what a festival and an event is. People can get carried away with news and other reports which can be a little bit misleading.

That is key—that sort of regulatory working group with those festival providers. I do not think you are ever going to solve the not-in-my-back-yard. That is always going to be part of our community. That is something

that the festival operator or organiser sometimes takes on board themselves, and puts in place their own measures in terms of how they deal with their neighbours. There are also some good examples of that in Byron, where those relationships have been built, particularly around Falls Festival and the Splendour in the Grass sites. Those are things that I know happen. In terms of the smaller, emerging festivals we are still struggling. We are navigating that at the moment. Having that liaison officer at council is critical. We do not always get it right, and I think that is something that we are learning—who needs to be in the room and at what time. Definitely that framework is something that is useful.

The Hon. JOHN GRAHAM: One of the views that was put this morning was that particularly the large events are only really happening on dedicated sites and only a couple of times a year. That is not something that the planning framework copes very well with. It is used to processing mines, supermarkets and big apartment dwellings. This is outside the experience of a lot of the day-to-day practice of the planning system. Does that ring true with your experience of the region? Is there a need for more support for this sort of development, given how much is going on in this region?

Ms BURT: I would definitely agree with that. Again, I suppose we have been fortunate in that we have had the tsunami of the big events on the sites but we have learnt from that. So you have the State significant developments on the North Byron Parklands. That sits in a different framework. Council is but a stakeholder rather than an approval authority. So it gives us a different role—a different lens. That in itself presents challenges in that we are then communicating our concerns for our community, who are the most impacted from any use of that site, back to the Department of Planning and Environment. That has been an interesting process. They have a different level of support and assessment processes for that.

With Blues Fest it has been the council. In the most recent years there have been at least three or four applications that we have processed. The most recent one was for a permanent event site. That was pretty challenging. It was challenging for the event organiser in terms of dealing with what "permanent" looks like on this site. It is rural land. It is not serviced. It has challenges in terms of how you are going to manage those numbers of people at various times, given that it is not serviced, and also the road networks. There has just been, again, lots of discussions. Whilst council has expertise to deal with some of those issues in terms of water, sewer and road planning, there is that dependency on other agencies and/or there is a cost item that is associated and a policy change needed to facilitate some of these things on these sites. That is the challenge.

The Hon. JOHN GRAHAM: You have talked about the conflicting consent approvals. You highlighted one aspect of that, which is that the community feels as if it has less control over how some of those conditions land. Really, the other major problem that creates for festivals or for venues is that it is very difficult to enforce overlapping, often conflicting conditions. That is bad for everyone. That is bad for the venue or the festival and it is also bad for the community or the council trying to enforce it.

Ms BURT: Yes. That is true. An example of that is how we manage traffic and parking impacts in and around the North Byron Parklands. North Byron Parklands employ police that manage on the site and in and around the site, but there is the knock-on effect to the towns and all the residential areas that then afford council enforcement officers to manage. We are often not resourced to the numbers in staff; nor can we allocate resources just because of the spread of our needs for the weekends that these festivals fall on. So it becomes a challenge and a conflict in how we manage that. But the community's perception is that we are doing the work when often the compliance sits with the State Government through its conditions and requirements. That is just one example.

The Hon. PENNY SHARPE: We have a lot about the big festivals. They are very specific, interesting and important contributors, but I am interested in the smaller community-run festivals. We were in Wollongong and we had some evidence from the folk festival there. It has been operating on the same site for 20 years. They have to do a single application every single year. When they were doing it 20 years ago it started with three pages. I think they said they were now up to 16 pages. It is all volunteers. I am just wondering if you have got any insight from your end about whether you have been able to reduce that. Have you been able to give ongoing approvals with the same conditions to some of those smaller annual events that you know are happening? I want your insights, given how many are asked for here.

Ms BURT: The approach we have taken is to look at a site, who owns the site and then issue an event approval for that site. Elements is an example. They have an event approval for that particular site so they can run the writers' festival or other events.

The Hon. PENNY SHARPE: Is that permanent?

Ms BURT: Yes.

The Hon. PENNY SHARPE: There is a DA consent unless they want a variation?

Ms BURT: Yes, unless they want to vary it or change it, it applies to that site in that context.

The Hon. PENNY SHARPE: What triggers a variation? How minor or major? Again, this is something that people have raised with us. They have existing consents and they want to change what they consider to be an organic change to their operation, but it is not always seen that way by council.

Ms BURT: For triggers, I suppose, you look at it from amenity impacts. Is it going to be more numbers, increase in days, increase in hours, such that it would change the operation and the potential impact that flows from the use of the site for that event. It can be as minor as adding 100 or 200 people to that event, but the road network in might not be able to cope with 200 people. There are those sorts of things. It is a bit nuanced, depending on the circumstances. Again, we try to work on the approach of what is the best way that we can manage the site with some performance-based conditioning, which might have some thresholds in it. In respect of triggers, we have done that for Bluesfest.

The Hon. PENNY SHARPE: I am really interested in the smaller voluntary-run ones.

Ms CROSBIE: Yes. Perhaps the smaller ones are not at a permanent site. It might be a fun run or something like that. That is where our event liaison officer sits down with them or walks them through that and helps where they can and runs interference around that process for them because we acknowledge they are all volunteers. We also run training classes. We run workshops for event organisers. We pretty much know now who does most of the work. It is a very small local community. We are able to get to most of those that are coming through. A new event will be run by someone who has done something in the past. We try to manage that for them. We walk them through the forms. We are doing a festival at Billinudgel that has not been run for a number of years and we are sitting down and working with them so that they totally understand exactly what is required of them. We are working very closely with them.

The Hon. PENNY SHARPE: Do you have the ability to give some of those smaller ones permanent consent if they have done their paperwork and have gone through the process? The first time is a nightmare; it is hundreds of pages. If they have all of the things ticked off and it runs okay, do they have to go through that process again the next year or is there some ability to pick up from there and tick and flick their approval?

Ms BURT: Cloning an application is possible. That is something that we have done in a couple of instances. It does not mean that they do not have to put it in again, but they virtually clone what they have done previously.

The Hon. PENNY SHARPE: You accept that?

Ms BURT: They might need to refresh a traffic management plan because standards might change, but that is something that we work on because, again, we do not want to increase hurdles or red tape. Sometimes those impediments in the legislation require things to come in again as new.

The Hon. PENNY SHARPE: We can look at some of those. The legislative requirements need to be more flexible for those things?

Ms BURT: Yes, definitely.

Ms DAWN WALKER: You mentioned that the creative industries have needed to move out of the area because of the land prices and we know housing affordability is an issue in the region, the increase of Airbnb and some of those pressures. Do you have any insight of some of those pressures on our local creative industries and what is council doing to counteract those?

Ms BURT: There are probably a few things that we are doing. If you look at the arts and industrial estate area, that has been quite a dynamic area over the past five to 10 years in terms of change. It has been a traditional larger industrial area. What is in there now is a heap of smaller start-up businesses, retail; it is a mix. The knock-on to that is that those larger producers are now trying to find somewhere else to go, but there is a conflict in there. That is one thing that we are struggling with at the moment. To address that, we are looking to do a master plan for the arts and industrial estate in the next six months. We are going to do an inquiry by design process, which is like a master plan on steroids, and we are hoping to get all of the relevant stakeholders in to look at what is in the arts and industrial estate, what needs to be there and how best can we utilise that space to get the best bang for that land use.

You are right, there is nowhere for people to go at the moment. We are at various stages of strategies in respect of rezoning land or even trying to identify land suitable for rezoning for industrial and other business uses.

We have all the pressure in respect of community, key workers, housing and the conflict with Airbnb at the moment, so it is a bit of a melting pot of issues that we are trying to manage either through strategies or through a planning process. Again, we continually hit a hurdle with State Government and planning controls, planning definitions and planning processes. I think Byron prizes itself in trying to challenge convention and trying to be a bit innovative, but it is very hard to be innovative when you are given a standard local environmental plan template and told that you need to fit within those boundaries and rules. Creative industries do not work like that.

Ms CROSBIE: We did some business research earlier in the year. We found that a number of our arts and creative people are in the hinterland, so they are more likely to be operating out of the bales on the farm and that type of thing. I get a report monthly of new businesses into the shire and at least half every month are arts or creative businesses. There are still those pressures. We can absolutely see those pressures that work on a day-to-day business, but we are still attracting that level of creative artist to the area. We have also done an audit on all of our employment lands so that we understand how many office front or space front organisations are arts and craft or arts and creative businesses. In September we are also doing an investigation into the arts and creative businesses that are located in the arts and industrial centre. There is a lot of focus on that, because that is really our culture. That is really who our people are and that is where we get the creativity from. It is very important to the council that that is retained moving forward and it continues to add value to our economy and to our culture.

The Hon. SHAYNE MALLARD: I think you said in your opening statement that there is never going to be a revival or getting away from Nimbies. I have spent 2½ years in local government, so I agree. But we need to have a balanced conversation about the impacts and the benefits. I am sensing you are very positive about the festivals and the benefits they bring to the region. What work have you done in assessing broader community views on the impacts of not only the big festivals but also the arts and culture aspects of this region?

Ms BURT: There has probably been quite a few pieces of engagement work done by council in the past 12 to 18 months. Part of that has been the view of the community strategic plan, so there was survey work forums that were held with various parts of the community and, again, all those sorts of issues around what is going on in our community in terms of who we are, who we want to be and some of those tensions were dealt with through that process. Where we have landed now is that council has this new 20 community strategic plan which embraces the whole issue around economy and creativity as one of the pillars, so it is actually part of the fabric of council and the community understands what the rules are around that.

Ms Crosbie has also touched upon some of the surveys that we have been doing with the business community. There has also been the residential land strategy for which we have guidance groups. We have had a northern shire guidance group. We have a Bangalo village plan with a guidance group for Bangalo, and a Mullum village plan that has a guidance group, and a Byron one. We have got a lot of touch points for our community and the people who sit on those groups are community people, very broad ranging and always engaging on issues to do with the towns and villages and those sorts of things that matter to them most.

Ms CROSBIE: We are also in the process of commencing a tourism management plan for the next 10 years, which will have a community solutions panel sitting around the construction of that document. That will be a significant piece of work. We do understand there are two sides, and certainly you see the impacts on our roads, the impacts on our infrastructure daily. That is difficult when we are a community that drives on the roads all the time and uses the infrastructure all the time. They go hand in hand.

The Hon. SHAYNE MALLARD: It is encouraging to hear your strategic plan has embraced the opportunities of the festivals, the arts and culture, so the community knows your leadership is on board, this is clearly hear to stay and you are managing it. Are you getting a sense that the community is embracing the opportunities?

Ms BURT: I can only gauge from the level of, I suppose, complaint when a festival is on that we receive at council. Part of my directorate is the enforcement team. Again, the phones are not ringing off the hook. From my perspective there is obviously good management practice that has been put in place, good communication, pre and post, that is dealing with those issues. In saying that, I think it has been a journey. I do not think it has been an easy journey but it is certainly well down the track.

The Hon. CATHERINE CUSACK: My question is about New Years Eve. It is all about managing outdoor, mega activities. It is a little bit different because you do not have a development application [DA] for New Years Eve, it just keeps coming. Do you have any comments about that?

Ms BURT: With New Years Eve there is Soul Street that does have a DA and does have conditions. That gets managed. Again, that is part of Ms Crosbie's team, infrastructure services and enforcement team working around probably several months out; what does it look like, how are we going to manage that from council's

perspective and work with the organiser around the conditions that pertain to that particular consent. You are right, then there is the knock on. That is one event, but then you have got the rest of the town and the rest of the activities. Again, that is a liaison with the police. It is really critical, particularly up here, that the council and the police relations are open at all times. There is work that my staff cannot do, from a workplace health and safety perspective and/or a legal perspective, that the police can do. There is that perception that it is council, it is the enforcement team, they can do that, but it is clearly not. That is the approach that we take.

The Hon. CATHERINE CUSACK: It has gone from being the front page story in every national newspaper on 1 January, to being quite under control now.

The Hon. BEN FRANKLIN: Stopping alcohol is probably a helpful part of that.

Ms BURT: Yes.

The Hon. CATHERINE CUSACK: When you are processing applications do you ever have moments when you think, "This is ridiculous. Why am I doing this?" Are there little points that do not really make much sense to you, or someone is saying, "Why do I have to do this?" and you are thinking, "I don't know"?

Ms BURT: I sometimes think, "Why did they ask?" Which I probably should not. Sometimes it is easier not to ask, for that exact reason, something so minor or simple becomes so complicated. But we have an obligation.

The Hon. CATHERINE CUSACK: The people who have to do the processing are best placed to say, "It is really stupid. We do not need to do that." Do you have any guidance on things that stick out as wasting everybody's time?

Ms CROSBIE: There are some really good examples that perhaps I can provide back to you. I would like to have a little bit of time to think about that. There have been ones where we have gone back, or had an internal discussion as to why are we doing that.

The Hon. CATHERINE CUSACK: It would be helpful to the Committee.

Ms CROSBIE: We do get lots and lots, as you can imagine. People get to the stage where they ring up and say, "I am having Billy's birthday party on the beach, do I need a licence?" There is obviously this perception that you need to get permission. "We provide that information now on the website. Have a read of that. If you do not know, then call us and we will walk you through it." Our role is about walking through and saying, "Do you really need that? Because, if you do this, this is potentially a better way for you to go." We do not always say, "Here is your application form, fill it out." We will say, particularly with newer applicants, "Tell us a little bit about your event." That is where we have that discussion. Sometimes it is in those conversations when the warning bells can ring, and you say, "Wait a minute, why are you doing that?" Those discussions, there are probably half a dozen examples I can provide for you.

The CHAIR: Thank you for your evidence. You suggested you might present something on notice?

Ms BURT: Yes.

The CHAIR: We will make a note of that. In light of your evidence the Committee may have some further questions. The secretariat will help you with that. You will have 21 days to answer any further questions. Thank you for your presentation.

(The witnesses withdrew)

BRANDON SAUL, Organiser/Promoter, Falls Festival, affirmed and examined

The CHAIR: Do you have an opening statement or a summary that you would like to share?

Mr SAUL: Not so much a statement, more kind of a perspective that might invite questions. It might also explain why my perspective is a little at odds with some of my peers.

The CHAIR: You go for it. Tell us your story, we are happy to hear it.

Mr SAUL: Most people know me through Falls, Splendour and North Byron Parklands. I am actually a lawyer and accountant, so I think I am double-dulled, and bring that kind of baggage to what I do. Before that I studied architecture. I have always had this kind of obsession between culture, government, place making and kind of social fabric, for want of a better term. I am now, believe it or not, a property developer building a cultural industry park in the industrial estate. I have the benefit of working with these two quite closely. I played a big role in getting FBI, the radio station in Sydney, off the ground, so I am not just from here. Its only purpose is to promote Australian music in Sydney to help address a challenge there. I was also on the founding board, a member of Carriageworks. I have sat on numerous government policy committees and discussion tanks and spent a lot of government money trying to promote Australian music, federal, State and local, with varying degrees of success.

All in all the bit that I wanted to target was, I think the existential threat is actually to the community fabric, the bottom of the music industry. I think that is the real loss to society and I think the focus on economics and the way in which arguments are made to attain permissions are actually part of the problem. I look at my kids, I have got three daughters and a son, and I look around and compare what they are now entering into in comparison to what I had when I was growing up and it is kind of sad. It is not good. I think the top end of the industry is fine. I do not think government should be giving money to the music industry. Anyone who is asking for it, I do not think they have a strong argument for it. I think there are many ways in which government can improve the situation at no cost to the taxpayer. I think that is probably where I differ from some of my peers.

The CHAIR: I think it is where we want to know more.

The Hon. BEN FRANKLIN: Yes, we do.

The CHAIR: For clarification, you earlier said, "These two." You meant Ms Shannon Burt and Ms Tania Crosbie?

Mr SAUL: Yes. We are very lucky to have them.

The CHAIR: That is an interesting concept. You do not think that we should be further funding it or giving it grants?

Mr SAUL: No.

The CHAIR: So what do we do to boost up-and-coming artists in regional and rural areas?

Mr SAUL: I honestly do not think the Government has a role, not in the positive sense. I am 49. My kids reminded me on the way here that I was once a musician and I am in *Who's Who of Australian rock*. I was the seventh keyboard player in a God-awful band. But I had the benefit of the halcyon days of Australian music—I am that old. I was around when the country was alive with music and it was not seen as a problem. It was not a problem; it was very much a part of the Australian character. I was around the time of Cold Chisel, Midnight Oil, Men at Work, Spy vs Spy—the list goes on and on.

The CHAIR: Dragon?

Mr SAUL: Dragon was a bit before my time. But there was a period in Australian music—Midnight Oil, Men at Work and AC/DC are pretty good examples. If you leave this country and look back at it, music has changed people's perception of who we are. It has certainly not been the film industry. It has been an important thing, which it really is not anymore, to be honest. I have experienced the halcyon days and then I have seen it become less and less so and more corporatised and more paperwork-heavy. I suspect that part of the reason for my personal success is that I am an accountant, that I am very good with the paperwork and have been very good with approvals. I ran Bondi Beach, for example, with the NSW Police Force. I wrote the strategy. I sat with the Attorney General's legal service to write strategy, using music as crime prevention, and risk and resource management.

The Hon. CATHERINE CUSACK: The Barry Manilow strategy.

Mr SAUL: Yes, the Barry Manilow strategy. Parts of it worked, parts of it did not. I also played a fairly strong role in the strategy for Byron Bay New Years Eve. Indeed, we are still the principal sponsor of that. I think music generally, as part of the cultural fabric, can actually be a force for good. The challenge is that it is now discussed in an economic, rationalist and measurable things, which makes it completely turn its back on the community layer of events that give places a reason to be and thrive.

I am a bit of an urban planning nerd. I went to Amsterdam, Berlin and London this year to look at how they deal with different creative industries. They would giggle looking back at us. There is no value on cultural capital in the debate. I do not think that it is any particular person's fault; it is the system that militates towards loud voices, screaming at both ends. I have sat through some pretty McCarthyesque inquisitions into the relative worth of festivals here. I will openly admit that those who are ferociously "for" are probably as bad as those who are ferociously "against". They are ideologues, arguing entrenched positions and not addressing fact.

The fact is that it is an important part of any community, but it needs to be managed. So it is not a yes or no; it is the how, at what scale, where and how often. Those discussions do not happen, which is unfortunate. Coming full circle, I recall my experience with North Byron Parklands. I was the one who found the land and put everything, including the partners and finance, together, but I am not sure it was a good idea or not. Looking back, it has been 10 years in the making. It is a long time to maintain enthusiasm to get approvals. It is also very expensive which certainly militates towards the corporate outcomes. If things get expensive, you have no alternative but to have corporate outcomes. I look at that property.

For example, the regional cross country was being run in the streets, because we are an agglomeration of country towns and there are no big enough spaces for the kids to run. We volunteered that they could run around the paddocks. There was a protest. It was making the point. They had to deal with that protest that it was outside the permissible use of the venue. One complainant stopped it happening. It was a bellwether for a system that has gone wrong. I do not blame any individual, but I think that if you are really looking at addressing this, you have to look at the systems that militate against that.

The Hon. JOHN GRAHAM: I think you have answered the question about why you have been invited to the inquiry with that opening gambit. I want to ask you about two bits of the ground that you have covered. That is useful evidence about the balance of things at play here. First, what are your observations about the grassroots music scene? We have had evidence today that the top end of the music scene, including the recorded music industry, is growing again. That is an optimistic part of the story, but it is really the grassroots part, the venues and musicians, that is struggling. In some ways, that is the State Government's responsibility. State and local Government deal with that grassroots segment. What are your views about that?

Mr SAUL: Believe it or not, in 1995, I wrote my honours paper on the effects of technology on the Australian music industry.

The Hon. SHAYNE MALLARD: Just at the birth of the internet.

Mr SAUL: This was when the internet was going to crush everything. There were protests at the Parliament House. I wrote that it was not going to cost the industries, it was going to cost the record companies, which is true. The beneficiaries are the artists and the audience. There is a really good metaphor worth bringing up. If you look at the music industry, plural, it used to be thousands of passion-based businesses, record companies producing music. Whether it is Elvis Presley or Bob Marley. There were—and I will come back to this in a moment—singers producing schools of music. I do not mean to make this about me but I cannot really explain it otherwise. I wrote the first five-year business plan for Vivid. When Brian Eno spoke at the first one, he gave this great talk about the genesis of the activity being a "scenius", not a genius, particularly in music. You have scenes—whether it be Liverpool and The Beatles or Jamaica and Bob Marley—that throw out gifts to humanity. I think that is the challenge.

The music industry used to have thousands of labels. Eventually, five companies buy them up so they can dictate whether Beta or VHS is going to be the platform of choice. Then you end up with supermarkets that can only stock 20 records, so you have to have Whitney Houston, who is a black woman who looks like a white woman—she appeals to both audiences. Aretha Franklin is no longer possible. You have gone from plurality to this considered, corporate version of music. With the internet and the unlimited distribution of music, it has exploded back the other way. The gift to humanity is that you do not need money to produce a record anymore. You can produce it and distribute it. There are no barriers to entry to creativity, which is the reason I do not think that you should be giving the money. The problem is there is nowhere to learn your craft anymore.

The Hon. JOHN GRAHAM: The problem is the music scene. Where does that exist in New South Wales? How do we foster it?

Mr SAUL: It does not. I did draw a little picture, a diagram. It is high school economics. When I was around, there were pubs and clubs everywhere. The shaded area is the unprofitable part of the industry. When people talk about literature or poetry, they do not talk about a poetry industry. There is no poetry industry; it happens. Businessmen then make an industry out of it. That is where I grew up among pubs and clubs. People like me who really did not have it. I had a chance to get up at the trade union club at two o'clock in the morning and work that out.

The Hon. BEN FRANKLIN: Than become a lawyer.

Mr SAUL: Yes, so I am a promoter.

The Hon. BEN FRANKLIN: Exactly!

Mr SAUL: But the truth of the matter is that out of that melange, you had all sorts of wonderful things happening. What you have now is a very narrow pavement where business is pretty much everything and the community is pretty much nothing. The problem with that is that is obvious: it is sad for us as a people. But for festivals like Splendour In The Grass and Falls, there would be fewer and fewer Australian artists to put on.

The Hon. JOHN GRAHAM: Do you think that is inevitable?

Mr SAUL: No.

The Hon. JOHN GRAHAM: Do you think there are things we could do to shift?

Mr SAUL: Totally. I suspect we are probably on the same page here. You need only go to Melbourne or Adelaide. You do not have to go to Amsterdam to work out that a bunch of—I do not think anyone has sat down and said, "Let's kill the music industry." If you really pull it apart, the system ended up being such that small numbers of complainants can close down culturally worthy institutions that do not have a voice. That is the core problem.

The Hon. JOHN GRAHAM: Finally I ask about one other aspect that might strengthen the music scene. Given your experience with the radio side of things—

Mr SAUL: I am pretty proud of FBi, by the way.

The Hon. JOHN GRAHAM: Given your involvement in setting up FBi with a new music mandate, what is your view about how important radio and community radio are to fostering the music scene in New South Wales? What is the role for them to play?

Mr SAUL: Does everyone know the history of Triple J? You really cannot understand music in Australia without Triple J. Put simply, Triple J used to be Double J—it was Sydney only. Because it was Sydney only, you end up with 3RRR in Melbourne, 4ZZZ in Brisbane. You have got some really good community radio stations. Do not get me wrong—Double J was fulfilling that gambit in Sydney and that is part of the reason why the scene I was talking about was so strong. You had a really influential radio station supporting an industry, because industries do not exist in isolation. When it went national it had to, to service the country, turn its back on Sydney. That is where the hole that is now FBi was left. Again that took eight years and a High Court challenge to get through, so you really needed committed, militant activists to get it through the system. Even when we won there was a hostile takeover by a commercial station that came in and bought 400 memberships. It was hilarious. It was like a Netflix miniseries.

The Hon. JOHN GRAHAM: That is the history, but what is the role now? What is the role today, when we are looking at the music scene?

Mr SAUL: Put simply, when the Government sold the Nova licence it had to give away one of equivalent size. It is a \$140 million asset, way too big for any community radio station to manage, given that the Government also sold the towers to Macquarie broadcasting. To put that in perspective, when 3RRR in Melbourne started it was a \$9,000 start-up and an aerial on the roof in the university. I personally had to raise \$1 million to get the spot on the aerial for FBi. So FBi's only purpose is to promote Sydney culture, arts and music—50 per cent Australian music, half of that from Sydney, and it is all new. So it is kind of the first rung on the ladder. Coming back to that pyramid, it is promoting the bottom of the pyramid. It is not necessarily the most popular artists but it is those that then go on to be something more. It is a metaphorical support structure for that, but it actually means nothing if there is nowhere for them to play, which is exactly what has happened.

I am sure we all agree that if you look at Sydney in particular—it is probably worth noting Byron it is not the same. It is alive to the sound of music. I am sure there have been complaints that it could be better, but really if you look at why this place is so wonderful and why so many people want to live here, start with the

Aquarius Festival, the blues festival, Homebake. But also Tom Mooney, god love him. Like him or love him—or not—The Rails, the Great Northern and the Piggery before it are cultural institutions that have made this place what it is. You really cannot point to that in Sydney any more. Just about everything is owned—and I will come out and say it—by Justin Hemmes. Monopolies never produce good things for culture. It is not Justin's fault; it is the fact that there is no room for anyone else.

Poker machines are obviously a problem. But overall the issue is we have somehow morphed from subjects. The other day someone explained to me what has gone wrong. We used to be, as Australians, from the Westminster system where we were subjects with responsibilities and now we are individuals with property rights. That is really at the core of this. If you ask why most of these places are being shut it is because property owners are making vociferous complaints. At some point the Government needs to address that. I will try to be quiet in a minute. I challenge you to come up with any city anywhere with no nightlife and no cultural backbone that anyone wants to live in. Literally all the successful cities have a vibrant nightlife and all the culture that goes around that.

The CHAIR: Where are we up to?

The Hon. PENNY SHARPE: The Hon. John Graham has asked all my questions.

The CHAIR: Ms Walker, do you have some?

Ms DAWN WALKER: He asked most of mine too. What would your advice be to a young artist? What are the first three steps if they are interested in music and they are playing in a small band?

Mr SAUL: I need to be careful here. One of the challenges with access to the means of production is that everyone can do it, and the reality is that not everyone has talent. If you have talent, it will happen for you. That is absolutely true in the modern world. You can be discovered very easily if you have talent and get in front of an audience, whether it be YouTube or any of the other channels. With my kids, if I could turn it to something more personal, give it a go till you are 19 or 20. If it has not worked for you, stop. I think the idea of it being an industry is a bit of a fallacy. I think it is to a certain extent.

In all honesty, I would say: If you do have talent, pursue your talent irrespective of industry. The idea that you should morph your talent—can you imagine Bob Dylan going: "No, the chorus doesn't work. Sorry. They've changed that." Australians do not realise this but we have a pretty soft social safety net under us. If you do want to be a musician there is plenty of support to do it. That is probably all I am going to say. It will happen for you. I think that the reality is I kind of look at this as a societal problem. The challenge then becomes the kind of music that gets produced. If you look at the Flumes of the world, they are essentially one-man bands in a dressing room. It is a different kind of music. You are not necessarily going to get the kind of social commentary you get from Midnight Oil and collections—you know, the scenius that Brian Eno talked about: the Rolling Stones and the Beatles.

The Hon. PENNY SHARPE: That is a very nostalgic view. I would disagree with you on that. Young people are making social comment. It might be laying down tracks in their bedroom. It is finding an audience. Your concern about organic structures and places for them to play is right, but I am not sure that—

Mr SAUL: I guess I am talking more about the volume of music that gets to an audience. I would agree. You have bands that are hitting home—like Camp Cope got up at Splendour with a feminist rant. I was reading it from afar. One comment was, "You book a feminist band and you're surprised to hear what we've got to say?" I was thinking: "Bring it on." It is good. I am not necessarily sure the argument was that well considered. I know the team that booked that festival and if there is anything to book to balance the gender skew they do it. The comment I would make is the ones that are getting to a mainstream audience are more like Flume now. That is because there is not a culture of people—singer/songwriters, for example, as a genre is not what it used to be.

The Hon. PENNY SHARPE: How much of that is a long-term trend or are we just going through this period where this is where we are at?

Mr SAUL: I think it has a lot to do with Instagram. If you look at the rise of pubs as décor—pubs that used to hold music are now snazzy restaurants with Instagram opportunities. The society we live in is going to have the effect of a lot of different systems. Instagram has absolutely created a more facile outlook on everything. But to me that is all the more reason we need the leadership to reinstate the singer/songwriter in the local pub.

The CHAIR: Which reminds me why we should get on with questions, if that is okay.

The Hon. CATHERINE CUSACK: Would you agree that the way young people socialise has changed a lot?

Mr SAUL: Yes. Absolutely.

The Hon. CATHERINE CUSACK: They do not drink as much as we did, do they?

Mr SAUL: I have to say as someone who is right at the forefront of them, they are outrageously well behaved—disappointingly so.

The Hon. CATHERINE CUSACK: Do you think this has affected the financial model for Australian music?

Mr SAUL: Do you mean that they do not drink as much?

The Hon. CATHERINE CUSACK: Yes, and it is harder for the pubs. The pubs are going to get more money out of gambling than they are out of drinkers.

Mr SAUL: 100 per cent. Whoever decided to co-locate gambling and booze—Jesus Christ. That has got to be the crime of the century.

The CHAIR: He tried to stop it I think.

Mr SAUL: But that is not the only problem. I played a big role in the push towards small bars. If we look at Europe or pretty much anywhere else we do not necessarily need to compete with a poker machine to be able to put on live music and pay for it with booze. The other thing it is probably important to say on this point is that I asked my father-in-law—who has met you and said I should say hi, but I do not want to name him now—about it and he gave me his input as a 75-year-old man, which was that someone had to do something about the drug problem. I thought that was a bit shallow. My experience of the drug problem is that it concerns steroids. The other thing that I want to tell you is that booze is very well managed in New South Wales—phenomenally so. People cannot get a full strength beer at our festivals—it is very difficult to get inebriated. The problems that we are seeing with the one-punch killings and the like are actually about angry men pumping themselves full of steroids so they can look good for Instagram. That is the problem.

The Hon. CATHERINE CUSACK: One other change that I have seen is that there used to be a record shop in Double Bay called Bay Imports. Molly Meldrum would tell us on *Countdown* the date that a record was going to be released in England and the date it would be released in Australia and everybody would wait. Now all the music is available instantaneously—people do not get the album; they just get the song. Do you think that model has impacted local businesses?

Mr SAUL: I think it is kind of endemic of the time. Bob Dylan could not exist anymore and put out a song and then another one and another one. That said, we cannot change that. We cannot wind back technology and we cannot put genies back in bottles. The upside to the internet is that we now have access to everything all the time. There was a point when if I went to Double Bay and was looking for a record by Gong, they would have had to order it in for me. Now, we can discover it ourselves and the machines actually say, "People like you like music like this."

The Hon. CATHERINE CUSACK: We do not even have to think.

Mr SAUL: In some respects the wonder of music was that you got to go to your friends and say, "Have you heard this?" I think that has accelerated in a time sense. The problem is now we cannot experience it. That is one of the reasons why my businesses are so successful. I am the only experiential opportunity that young people have—it is terrible; it is not good.

The Hon. CATHERINE CUSACK: What should we be saying in this inquiry?

Mr SAUL: One of the eye opening things I have done in my career is to help decommission and recommission the sport of soccer. It was interesting. I got a call from Geoff Parmenter, who went on to be the head of Events NSW, who said that everyone was saying that he needed to speak to me. I was like, "Why?" He came down to see me in my office and said, "We want to reconstitute this sport as something that is actually popular." The problem with soccer was that it was kind of put around ethnic groups and even though it was the most popular sport that anyone played, when everyone left school they just went to rugby league. I know my experience there and I helped produce the Australia v Uruguay game.

I had never had anything to do with sport. I said to Geoff, "You have got the wrong guy." He said, "No, that is what I want." It was really interesting to see how legislation is differentially applied to things of different cultural worth. For example, there is a clause in the legislation that regulates noise that literally means we can bend the regulations for things of cultural worth—quite literally. The regulation is bent all the time for sport—all the time—but not for music. I think the challenge you guys have is that there is no quick win. It is almost that you

need to reset the dial so that you can see that those things have worth so people like the police and councils can. If this was treated equally with sport it would be fine.

The CHAIR: I think we are doing that through a process called "entertainment precincts." Without the planning issues, these precincts are being designed to bring in entertainment, arts and music. People who choose to live in those areas will be forgoing some of their hearing options.

The Hon. SHAYNE MALLARD: It did not work in Kings Cross.

The CHAIR: Wollongong is starting to use it—we have been down there. But, like you say, we need to reconstitute our urban areas or the areas where we are having these precincts and send a very clear message that they are arts precincts so these are the expectations that people can have.

Mr SAUL: I am not going to argue against good in favour of something that is better because we need to do all the things we can do. I will say that one thing that needs to happen is what I call plurality. Authenticity comes from multiple authors. One of the reasons why Surry Hills and Darlinghurst are so good is that so many people had a hand in making them. If we look at the way some of these places are being rebuilt, where a company gets a whole city block and they remake it, what we have lost is authenticity. The best cities that we all travel to are the ones where there is authenticity and there are little bars everywhere. The process you are talking about lends itself to larger corporations and people like myself, who know how to go through the paperwork. What we will end up with is a smaller number of cultural connoisseurs choosing what people are going to listen to. The challenge here is for things to spring from the woodwork, in the same way that they do in the rest of the world. That is where you get good music.

The Hon. BEN FRANKLIN: With your hat as the organiser of Falls Festival, is there anything with regard to Falls Festival that State Government should be looking at to make it easier? You have said that music venues are shutting down, and clearly festivals are now becoming a very important part of people experiencing the live music scene. Is there anything that we should be doing in that specific space?

Mr SAUL: There is actually. I will probably again surprise people with my answer. It is appropriate that large festivals such as the ones I produce are heavily regulated. It gives security to everyone involved. The challenge though is that there is an asset there that the community could use, but to acquit the bureaucracy associated with using it, it would not be used. It comes back to what you were saying before. Community organisations cannot employ armies of planning lawyers and the like. To put this in perspective, the last time I looked at our planning bills, they were in the order of \$6 million—it is insane.

The Hon. JOHN GRAHAM: Whose planning bills are you referring to?

Mr SAUL: For North Byron Parklands to be able to use the property. There are two problems here: First, we have to spend a hell of a lot on lawyers, planning lawyers and consultants—

The Hon. BEN FRANKLIN: To get it approved in the first place.

Mr SAUL: Yes, to get it approved. I do not have a problem with that because establishing a venue should require those things. The problem with it to, do some social good, is that once we have proved that whales are not beaching and birds are not coming out of the sky, which is what we have done, we should be able to use it. At the moment, for someone to be able to use the property, they have to acquit so many tests and bureaucratic processes that they will not be able to use it. I think that is a loss to the community. All venues should have commercial uses and non-commercial uses. That is a good society. The problem with Byron is that eventually money will rule everyone and all the good stuff will get squeezed out—maybe it is to Lismore's benefit. It is true that the good things happen at the fringes of regulation, not in the middle of it.

The Hon. PENNY SHARPE: With the festival, you said the festival should be heavily regulated. Do you think it is reasonable for us to dictate the percentage of Australian content? Is it necessary?

Mr SAUL: No, I think it is a bit cheeky. I realise that you did not do it, but a government that killed the Australian music industry probably does not have the ability to mandate that kind of thing—or should not. I would prefer to remedy it in other ways. That said, I will say that an Australian artist that can pull an audience that we do not have to fly from Europe or the United Kingdom is getting a Guernsey anyway.

The Hon. PENNY SHARPE: That is my sense, but when you talk about regulation, I am interested.

Mr SAUL: On top of that, the people involved do not choose to ignore their law degrees to do this if they are not passionate about Australian music. We are bending over backwards to nurture and find talent already.

The CHAIR: On that positive note, we thank you for presenting. You have given substantial evidence. We may put some questions on notice and the secretariat will help you with that. You have 21 days to answer any further questions. We thank you for your time and education.

Mr SAUL: Thank you for coming.

(The witness withdrew)

LUKE THOMAS MOONEY, The Rails, affirmed and examined

The CHAIR: Do you have an opening statement?

Mr MOONEY: I am here on behalf of some local venues we have in town, The Rails and the Great Northern Hotel, and others. It is the first time I have been to one of these. I did not really know what to expect.

The CHAIR: It is pretty relaxed. It looks formal, but it is pretty relaxed.

Mr MOONEY: Brandon Saul is somewhat in his element. I suppose we have been asked to attend. Tom Mooney may have been asked but has been ill recently so I undertake this on his behalf. I suppose we can discuss the pub game and the live music industry in this town. I was not sure whether to throw you some dot points of possible concerns or an understanding of where you are going.

The CHAIR: Just whatever you want. Tell us about your business and then go through your dot points.

Mr MOONEY: Sure. We are in the pub game. My parents moved here 36 years ago and put live music in The Rails, which is perhaps the longest continual live music venue in the country. We are proud supporters of live music. We love it. Through a lot of hard work we have been able to sustain that as a business and prosper out of that. I have seen where it has come from and how Byron Bay has developed, hopefully with a bit of help from ourselves. We obviously have a fair passion for live music. We love it. We like seeing pubs being vibrant—you know, places of social intercourse. I have seen them change in certain areas and not be that, but I think that is an alternative where we do not want to go.

I suppose the points of discussion I have down here are concerns about any plans being a blanket approach. That is one of the concerns. I have seen some areas in the State and the country where serious investment is needed from government or otherwise to get live music up and running, and maybe some quite rural areas would need quite a big investment. That may not work in an already heavily invested area. It is an interesting challenge in respect of what the Government may have to come up with to provide a non-blanket approach that would work regionally and specifically in certain areas.

Regarding the point about having community ventures and live music venues reaching a happy medium, often there can be two streams of thought that come with a council plan and private enterprise and how they can mesh. We have experiences occasionally where that does not quite overlap well. I would be interested to see how that takes place in the future. Another one is the role of small bars in the mix. We have seen in Byron more than a doubling of liquor licences in the past five or more years, which is obviously a fair change. Has that affected us or hurt us? I am here to say that other small venues may have the profitability and capability to allow live music to function, and the ability to do so is a bit of a strain. That is one concern. I am just going through points that you guys may ask. Please excuse me if that is not the right way of going about it.

The CHAIR: That is fine. You go through them and then we will ask questions.

The Hon. BEN FRANKLIN: That is perfect.

Mr MOONEY: Good. The other point is the Australasian Performing Right Association [APRA] fees. We now see that live music venues pay the most APRA fees. Musicians have a right to profit. It seems as though those who facilitate the musicians are paying the most. Those who do not support live music pay a lot less in recording and APRA fees. That could be an avenue in which to encourage people who love live music. This is a pet point: There are a lot of buskers in our town. It is great. It provides a pretty vibrant community. It is a great community and it is awesome. The amplification of them occasionally is a concern. I know that summer is pretty great, but I will not get a busker outside my window at three o'clock every day. But I get my work done pretty quickly in the morning because nowadays speakers can be the size of this cup and emit a lot of sound. In the street, the local ice-cream shop is across the road from where a busker will play every evening.

We see a lot of restrictions. We have to abide by them. The Rail itself had to start its music and finish its music early due to a noise complaint many decades ago. At this time of year with the westerlies going, we will get people up to two kilometres away pull us up for noise complaints. A great deal of those on the street do not see a lot of compliance. I know in chatting to someone that there are up to five different agencies dealing with that. That is an interesting one. That is about it. I have spent a bit of time in Sydney and Melbourne and I have seen those music communities develop, come upon hard times and struggles, just like I said.

The CHAIR: Do you know if your pub actually pays APRA fees? Can you tell us a bit about what that is?

Mr MOONEY: I probably cannot give you the total specifics of it.

The CHAIR: Do you know roughly how much you pay?

Mr MOONEY: I will take that on notice.

The CHAIR: Hundreds, thousands?

Mr MOONEY: Many thousands a year, yes.

The CHAIR: It is something we are looking at. It has been brought to my attention and would be good to know.

Mr MOONEY: We are paying artists—and the artists should be paid for the music being broadcast, as well as the performing rights to that song—but perhaps a rescaling of it that enables a smaller live music venue to cope would be one idea.

The CHAIR: That is good.

The Hon. JOHN GRAHAM: Thank you for appearing on your own behalf and on behalf of Tom. You have run through more than 30 years of music, but I think the other thing that is probably worth putting on the record is that it is pretty much every day of the year.

Mr MOONEY: Yes.

The Hon. JOHN GRAHAM: Over a fair bit of that time.

Mr MOONEY: Yes.

The Hon. JOHN GRAHAM: That is one of the remarkable things about at least The Rails and some of your other venues. My core question would be that that is an incredible record and it is a real gift to the area and to live music in New South Wales. What are the things that mean that you can keep doing that for a fair bit of time to come? When we are looking at the things that might impact on those decisions, what makes it possible for you guys to keep doing it?

Mr MOONEY: Obviously, customers—first and foremost. If they do not keep coming, we change the model. Things that would help would be that compliance issues tend to be a burden. Obviously a fair amount of that needs to take place, but compliance is a big one. What difficulties might arise from us being able to continue? Demographic shift. This town becomes, perhaps in certain areas, more affluent. Live music is probably seen more in Newtown than in Vaucluse, perhaps. That would be an understanding that demographic change, which incorporates cost of living, is significant. Many of my staff do not live in Suffolk Park and Sunrise anymore. They live further out. That means they are not attending local venues. They are all pressures created by the greater number of venues. Competition can aid creativity greatly, so that is not something we should complain about; but there is the compliance issue.

The Hon. JOHN GRAHAM: In relation to compliance, the Committee has received strong evidence from other venues about some of the regulations that are in place including one that kicks in basically if you employ a human being to play music. A television can be blaring or there may be loud music being played but as soon as a person is employed it involves extra paperwork, red tape in some places around the State. Will you provide a quick rundown from a day-to-day point of view of the compliance matters that most worry you when running a venue and keeping the music going?

Mr MOONEY: Sound checks is a great one.

The Hon. SHAYNE MALLARD: Is that by police or council?

Mr MOONEY: By council. It is normally facilitated by residents complaining. A great deal of them are from street buskers—

The Hon. JOHN GRAHAM: Noise is front of mind?

Mr MOONEY: Noise is number one.

The Hon. JOHN GRAHAM: You referred to five agencies but the Committee has ascertained that seven agencies or sets of bureaucrats are in charge of regulating noise in New South Wales, none of whom really wants to be in charge.

Mr MOONEY: Someone else told me that.

The Hon. JOHN GRAHAM: That must make it harder.

Mr MOONEY: It does. You move with what you have. The Rails some 20 years ago probably loosely tells this story that there was an elderly man about tenth closest to the pub who complained incessantly, resulting in our live music having to be ceased at 9.30, at which recorded music could be played at the same property. It has since changed to 10 o'clock and some exemptions, et cetera. There is some irony in it; there is irony in everything.

The Hon. JOHN GRAHAM: The problem is not the volume, it is the fact you are actually employing someone. It seems bazaar.

Mr MOONEY: Live music. That was a regulation when I was a child. I cannot go though the particulars of it. There did seem to be a different case for it. We are not alone in noise complaints. There can be vastly differences in spikes in volume and that can have an effect.

The Hon. PENNY SHARPE: From where do you source your talent?

Mr MOONEY: The local region. We are blessed here. I have spent some time in inner cities of other cities and there is some vibrancy there. Many of our staff play at our venue. Around the area we have local groups, touring groups of course, band bookers that look at the next big thing, from everywhere, but obviously supporting a base with local artists.

The Hon. PENNY SHARPE: I have a lack of understanding about the way in which APRA fees operate. For you to play recorded music you have to play APRA fees but to have live bands playing what is the fee associated with that? What is the differential? How much more does it cost? I am interested in the differential and your understanding of why that is the case.

Mr MOONEY: I believe an artist as a member of APRA will make note of what songs are played in certain venues and that will—

The Hon. PENNY SHARPE: So if one of your local bands is paying a cover, that is what the APRA fee is covering, is that right?

Mr MOONEY: Perhaps, or their own. I am not an expert in this and I probably do not want to talk out of turn.

The Hon. PENNY SHARPE: No. This is what I am trying to understand because I do not know how it works. It seems ironic that if live music is being played it is more expensive—

Mr MOONEY: You are paying twice. I think if you play Elvis or some jazz there is a stipulation or a certain time where you do not have to—

The Hon. PENNY SHARPE: Yes, after 30 years or whatever it is.

Ms DAWN WALKER: Where do you source musicians? You are providing live music seven nights a week at The Rails?

Mr MOONEY: Yes, and it is always free. We have a few cash prices. We do not increase drink prices, et cetera. It is something that we think is a reason to bring people in. It is an area that facilitates it. My wife grew up in a town out at Deniliquin where I do not think the pubs would be able to do that as the culture is not there for Friday night gigs. It is culture that dictates that. People want live music. They thrive on it. I am lucky to live in a place that facilitates that.

Ms DAWN WALKER: Are you positive about the future for that? Is that a sustainable model?

Mr MOONEY: We hope so. Yes, we continue to survive and hopefully thrive. Live music is the calling card once you become known for it. The challenge is getting to that point, which is probably something that my parents dealt with forging that path and I plan on continuing it. I heard Brenden say it is up to the culture of our youth of today and where they want to go. I saw in the 1990s that electronica and house music made a big play in what the youth wanted to listen to. I saw many great music pubs go under down there. There were many reasons for that but it was a change in culture also.

Ms DAWN WALKER: I congratulate you and your family.

The Hon. SHAYNE MALLARD: Do you say the success of your business model is the culture of Byron Bay?

Mr MOONEY: Yes.

The Hon. SHAYNE MALLARD: Do you rely heavily upon the transient community, the tourist economy?

Mr MOONEY: Of course, tourists come to the pub. It becomes known. There are a lot of venues and businesses in the town that have probably focused on tourism solely and not made it. It reflects on the locals—

The Hon. SHAYNE MALLARD: You have got a good mix of the two.

The Hon. BEN FRANKLIN: The Rails is known for locals to go to.

Mr MOONEY: That is great to know. The locals will tell people where to go.

The Hon. SHAYNE MALLARD: Do you have gaming machines, sports bars?

Mr MOONEY: We do in some venues, sports bars as such. The Great Northern—

The Hon. SHAYNE MALLARD: In The Rails?

Mr MOONEY: We do have a couple that we are reviewing.

The Hon. SHAYNE MALLARD: Gaming machines are a challenge to the culture and live music venues in Sydney and noise complaints.

Mr MOONEY: Yes. The Great Northern Hotel, which is a large multi-faceted venue, has a TAB with some gaming machines, et cetera. It is a facility that certainly has been seen to be needed in the area, certainly for a TAB on a Saturday afternoon. We keep them well divided. A mum at school asked me if we had poker machines and I asked her if she had been to the hotel. She said "hundreds of times" and that is the way we like it. It is a facility you need; it is there. It is kept well away from somebody who does not want that facility. Poker machines in urban areas and many other places is an easy form of income for some, and in some country towns it is probably the difference between them existing and not existing. Changes in law and social patterns mean that those country pubs probably do not survive. It is a sad thing. I do not really want to bag it because I agree with quite a lot on both sides, but those pubs in country towns—I do not want to say they are necessary as it is a bad thing to say—stop becoming a pub.

The Hon. CATHERINE CUSACK: There is a real community here of local musicians who play in one another's band. Byron is commensurate with the culture of the music scene. The music scene cannot just be put somewhere; it is about the culture of the community to have that local audience, is that right? We all like to go to these venues.

Mr MOONEY: It has got to be a love first, of course.

The Hon. CATHERINE CUSACK: People who love music would come here. Maybe that is a better way to put it.

Mr MOONEY: Yes. I suppose. I heard authenticity spoken in the last conversation, but it has been organic. It has been ourselves, Aquarius, as you have heard, and various festivals; it has been a few people in the area that have created it and it did not just pop up, it took hard work. How does a country town start that? That is something I have thought about. I do not know how they start that. With incentive in regional and country areas et cetera, removal of certain fees or whatever to hotels who play live music in rural areas, they are all avenues that could work. We are talking western country towns. How do you get people to bring that up?

I have a wife who played live music for 15 years. The reason she did was the small town she was in had a music teacher for six years. Twenty people went through the Conservatorium of Music because of her, in a town of 3,000 people. Several big bands came out of it. For six years this inspirational lady was teaching in that school. Later, music does not fall off the face of the earth but it drops dramatically. Educating in schools, the drive to play, they can all help the culture. But Byron's culture did not just jump up.

The Hon. CATHERINE CUSACK: That is leadership.

Mr MOONEY: Yes, taken by businesses. Councils can help.

The Hon. CATHERINE CUSACK: And the musicians themselves.

Mr MOONEY: Exactly. It has got to be played for the love of it. There is a well-known band who toured Australia extensively for 15 years and until they made a cover and a greatest hits they did not make any money. That story has been heard a lot.

The CHAIR: We just talked about figures about APRA. If you can provide that information; the secretariat will help you to do that. You have 21 days. In light of the information you have given us, we may put questions on notice. Once again, the secretariat will help you. We appreciate your giving evidence today and we look forward to dropping down to The Rails and having a look.

Mr MOONEY: On another note, I know you guys are busy and have circumstantial time but we have got a pretty nice day outside which might change it. Tuesday, a week after Splendour in the middle of winter, could perhaps be the quietest night in Byron of the year. Hopefully you are at The Rails for more than 45 minutes because the band does not start until seven and at The Northern it does not start until 9.30. I hope you guys stay out late and see it, to mosey around and see it thrive. It is a beautiful thing when there are six, seven, eight venues with live music and buskers in the street.

The CHAIR: I think a few of us get up to Byron every now and again and we can drop in there. Tonight we will see it for what it is, but I will make a point to drop in at other times. The inquiry is not finished until about October, so we have a bit of room to play. We can come back on your invitation for a weekend or something.

Mr MOONEY: All the winemakers get out of the cold southern States at this time of year for a wine showing.

The CHAIR: But the best wines are in the southern area of the State.

Mr MOONEY: Yes, and they do not mind coming north to show them in the summer either.

The CHAIR: I have a declaration of interest. Thank you very much.

(The witness withdrew)

(Short adjournment)

ILONA HARKER, Artist, affirmed and examined

RENEE SIMONE, Artist, affirmed and examined

The CHAIR: Welcome. Would either or both of you like to make a brief opening statement?

Ms HARKER: My name is Ilona Harker and I have been a singer, musician, producer and writer for 25 years. I am self-taught and self-funded. I have received no grants for my music or had spousal or family assistance. I have worked many jobs in varying fields to support my passion for the arts. I have performed at Big Day Out, Bluesfest, Splendour, Falls and many other interstate and overseas venues. My last job as a music and memory therapist for elders with dementia had me working in rural communities in western New South Wales, Bourke and Walgett, and also around south-east Queensland. I have held hands with elderly people dying who had no family and sang to them while they passed. My current project—health, entertainment, arts—will take my skills into prisons and back out into rural communities to help with issues such as rural suicide, isolation and depression. I am passionate about using my art to bring joy to people in places that need it.

Over the years I have witnessed many movements in the entertainment industry. I was there for the birth of grunge. I saw the passion of that generation to enact change and to help shift from the dominant record industry model. Twenty-five years later we can see the growth from the seeds of change that were sown back then. We have seen the record industry dieback and then watched the blossoming of the digital age, but more seeds need to be sown. We need to keep growing and evolving as our culture does. More importantly, we need to lead the way for progressive change. The music industry is one of the most powerful influences on youth culture and as such we need to hold ourselves to greater accountability. In light of the recent media coverage of the murder of Eurydice Dixon and the Me Too movement, there is a conversation happening around safe spaces for women. In the music industry there has been a history of sexual assault and harassment being part and parcel of the workplace environment.

The music industry is a male-dominated industry like many but, unlike many, it does not have the safety nets that other industries do. I, alongside many other women, have experienced years of sexual harassment and inappropriate behaviour by men in positions of power. I am not here today to name or shame but, rather, to look for a new way forward so that young women do not have to deal with what I have had to. I am seeing change in the music industry but I think we can do more. I propose that we foster and help to create a movement based on the Safe Space movement where anyone who is being assaulted, regardless of gender, race and sexuality, can get support and help. We can train staff in the music and entertainment industry to assist with bystander intervention—from bouncers to bartenders to venue owners to promoters to fellow musicians.

Like the Safe Space movement, we can have a sticker to identify venues and businesses that have this training and in doing so we might be able to set an industry standard to change it. I also propose that we start our own pledge, similar to the White Ribbon pledge, where we make a commitment to stop assaults and violence in our industry. Lastly, I would like to acknowledge the lack of gender diversity in the music industry. One only has to look at the last 10 years of major festivals in Australia to see that on average less than 20 per cent of the artists were female. So unless our daughters are seeing women leading in creating content in the industry, they will not see a place for themselves. So I ask the men who are leading to please hand the microphone and the space over to women, to step aside with grace and to listen to women.

Ms SIMONE: Mine is not like Ms Harker's statement but I have a few key points to make. Local musicians create the vibrancy and colourfulness that make this particular regional town a unique tourist attraction. Byron Bay visitors enjoy live music as they are buying their organic vegies at the farmers' market, there is live music coming from the footpath while they are dining, and there could be a community event happening in one of the parks heavily driven by the addition of live music, just to name a few. Unlike the cities, Byron Bay does not have the volume of live music venues to make being a live musician a viable form of employment. The person playing at the farmers' market, for example, is on \$65 for three hours and the main community markets are paying \$100 for five hours. People are playing in bakeries for coffee and breakfast to try and make ends meet. The parking tickets that musicians are receiving whilst they are playing because they are unable to move their cars often outweighs what they are actually getting paid to play.

As the town receives more and more momentum, and prices are driven higher and higher, musicians are forced into compromised living conditions such as living in people's garages or in damp caravans. This systemic undervaluing has driven these degree bearing, highly skilled local artists into becoming one of the lowest socioeconomic groups in this area. The options are for them to either move away from the area, making way for the more transient backpacker who is happy to work for a meal and perhaps \$100, or to stay, face the struggle and

then to potentially have the knock-on effect of both physical and health issues. I am the creative director of a council-run event called Soul Street, which is a New Year's Eve event. Last year we had 10,000 people come through the centre of Byron Bay without a single issue. It was a drug- and alcohol-free event and there was not a single fight. That was because of the programming and because of live music. We can all understand that live music has an amazing impact on everyone—from local businesses to the tourists who come here. My request is for us to look at a way to have a minimum wage for artists so that we can even the playing field, so that people can stay here and be happy and healthy in what they do.

The Hon. JOHN GRAHAM: We have heard some great evidence today, particularly about the festivals, but to be finishing today's hearing with a discussion about the artists who are driving the music scene in Byron Bay is just fantastic. We have talked a fair bit about the grassroots of the music scene over the course of the day but perhaps you can tell the Committee a little bit more about what it is actually like to stick at it for a period of time because from what you have described both of you have actually done that.

Ms HARKER: I have been here for just coming up to 12 years. I moved to Brunswick Heads and before that I was in Brisbane. I was in bands and I was also starting to do promotions and creating my own events. When I moved to Brunswick Heads it was very daggy, it suited me perfectly but it is now not very daggy. For the past two years I have actually been homeless. I have not had anywhere to live. The place that I was living in I got kicked out of. I did not have a rental agreement and trying to find a place again was really hard. I had a 17-year-old son at the time and it was very tricky to put him through high school.

I have had many, many jobs but I have always done music because I am really passionate about it. I see the change that happens when you can reach people through art and through music. He ended up dropping out of high school. The effect on my mental health was quite strong and severe. I was diagnosed with depression and what is called adjustment disorder, which was quite tricky. I have been quite public about it so I do not really have a shame about it even though I know there is a stigma because I kind of realised there were things beyond my control. So the issue Ms Simone spoke about—namely, how tricky and how difficult it is.

I am really lucky because I get to stay at people's houses. People open their homes to me. I know another musician, she is a single mum with three daughters living out of her vehicle. She plays all the big festivals. When I was homeless I was actually earning in my job around about \$2,000 a week. It was not because I did not have the money; it was because there were no homes for me. There was no accommodation available. Also, sometimes when you are applying for accommodation it is very different to working in a bank, where you have been working there for three or four years, to having a job as a musician. There is a stigma associated with that as well. Whilst I can see the art and the beauty that happens in this industry, the difficulties I have encountered in just trying to keep my head above water have shown me a great tenacity and a passion for this industry. I think it is one of the major reasons why—again back to women—that there are not a lot of jobs out there for women.

I have some handouts here—I got some photocopying done—and that explains the lack of money that women are getting. Renee spoke about it. You can read the statistics; I do not want to say it because they speak for themselves. I am not a statistician. It makes it really difficult to exist and survive in this environment. If we do not have homes—if the arts do not have homes—we also do not have places for where the baristas go, where the cocktail makers go, where the nurses go, where the cleaners at the hospital go. We have a huge issue of housing in this area. If that could be knocked on the head I could live quite happily, even though I know that I am quite lucky and my wage is higher than a lot of other people.

Ms SIMONE: At \$2,000 a week—you didn't tell me that.

Ms HARKER: Yes, that was when I was raking it in.

Ms SIMONE: That is a very unusual statistic of Ilona's, but Ilona is a doer of many things. She paints and she—

Ms HARKER: I emcee, I do lots of stuff.

Ms SIMONE: She has all sorts of different shows that she does and she has lots of different hats. She is a super human. I have an entertainment company. I employ entertainers all the time. The average that people would be receiving on a weekly basis would be about \$300 or \$350 a week. A lot of people rely on busking to try and supplement their incomes. I have put a little thing out asking artists if they had anything that they would like to contribute today. One of the things was that since the introduction of paid parking in Byron Bay people do not have loose change in their pockets so those sorts of jobs do not pay anymore. Those are market gigs, where they are relying on people throwing their loose change. They also rely on CD sales but of course no-one has a CD

player at home; people might have one in their car if you are lucky. That is obsolete as well. We are living in caravans with big stacks of boxes of CDs just waiting for the next call.

I have tried to carve a different path for myself because I did not want to be a black single mother on the other side of the world. I was born and raised in England. I did not want to have that be my destiny so I took the reins and decided to be the boss instead of the lackey. But the style of music that I do is not really suited to pubs, and most of the venues are pubs. We do not really have listening-to-music venues. We do not have places to sit and appreciate in a sophisticated environment where you are not dealing with people being sexist or grabbing your bum or all of that stuff.

So I tend to do more of the private events. I have created a reputation in the wedding industry, which used to be the lowest form of entertainment. I decided that I would make it not that—I would make it cool and funky so that people could come to me and know that they could have a cool private event. They would not get the lowest quality musician; they would get a service that is tailored to them. I get paid in advance and I get looked after at the event. That is how I have solved that problem of this minimum wage issue.

What happens in town is that people are playing on the sidewalk for \$100 for places that do not even have licensing to do that. They money has to be an underhanded thing. They cannot claim it on the Australasian Performing Right Association [APRA] because it is not actually a venue. So really people are giving up their whole evenings where they could be spending that time and energy on raising a family or doing all the things that ordinary people of our age do. I am 42, for instance, and I do not want to be in the streets playing for \$100. I have a son at home; I want to be at home. I want to have a proper job. I have worked hard to bring the level of musicianship and entertainment to the standard that I am able to, so that I can present it to people and ask for the money that I believe that I am worth. I am quite good at left brain-right brain, whereas most musicians just use their right brain and cannot really do an invoice without needing help.

So part of my service as an entertainment director has been mentoring a lot of the musicians in the local area and getting them up to speed—even with the quality of their gear. They do not have it because they do not have the money. So I have a stash that I keep and I lend people speaker stands that are not scratched or speakers that are not dented or rusted or that are not crackling and have proper leads. I will replenish those periodically. I write it off as part of what I am doing for the industry. I do not get grants for that. We are all just trying to help each other out but there is certainly no influx of money coming from anywhere.

The Hon. JOHN GRAHAM: Thanks for that. When we are talking about keeping venues open or keeping musicians in work that is an incredibly powerful perspective—to hear from both of you about what you are doing to make that happen. Finally, on the safe spaces set of views, thank you for your really practical steps. The importance of that has been referred to elsewhere. We have heard elsewhere about what is happening in states like Victoria. But I think your practical suggestion about where we could start are really useful.

Ms HARKER: I hope so.

The Hon. PENNY SHARPE: Thanks for that. I was going to ask you a bit more about the safe space. Musicians have had similar issues and I just wanted to ask you a bit more. I am interested in the idea that venues could sign up to that. Do you want to talk a bit more about how you think that would work? Do you know about similar programs? I am very familiar with the safe space facility for LGBTI. I understand what they are and that there is a criteria and that people sign up. Is there anywhere that is doing it in relation to music?

Ms HARKER: No there is not. I had this idea because of the safe spaces that happened with ACON in Lismore with the LGBTI community. There is a sticker at every venue, which is where I got that idea from.

The Hon. PENNY SHARPE: Okay. Good. I understand what you mean.

Ms HARKER: That is what I meant when I said there was that safe space movement. There was a Byron Bay liquor accord. They changed the culture of alcohol here. They really did. They realised that there was an issue with violence. There is a big issue with violence worldwide. Now we are trying to make that a little more specific. With the LGBTI if you have a bouncer who does not understand or has views against trans people that are not necessarily in keeping with the views that a lot of people might have, that person might turn a blind eye. But if they may have to sign something that at their work that means they are accountable for ignoring that kind of violence it may be different.

Renee and I are friends. I was out with Renee a couple of years ago at a venue that I work at—a venue that I had done gigs at. It was a nightclub. I was just dressed the way I am and a guy grabbed my boob. It was just in the crowd. I went to the bouncer and I said, "This guy just grabbed me." The bouncer just said, "It's your word against his and I am not listening to it." I was lucky to know the venue manager. I spoke to him. They looked at

the tape. They saw what the guy was doing and they kicked him out, but it was only because I knew the venue manager and I had some clout.

The fact is that a lot of women do not have this voice. Renee and I are really lucky to have the voices that we have in this community. We have worked really hard for it, though. But, still, I know that in regard to pay there would generally be—I do not know about Renee; I can only speak for myself—a difference in pay between me and any male. The idea for the pledge and the safe space is similar to the white ribbon pledge. You make a commitment to that change. It does not mean that you have to change everything instantly. You can just make a small commitment to be aware. It would be good if staff are trained with bystander intervention and how to do that safely—how to walk into a space and de-escalate situations or who to call—and to have that protocol written down.

That could be written up when they get their bouncing certificate: "I have to be really aware that if a woman comes and says that she has been sexually assaulted I am not going to say, 'It's your word against his.'" That happened two years ago, I think, in a progressive town like Byron it is really important that we do that. I just performed at Splendour in the Grass and I heard two stories of two young girls being raped. One was a gang rape. My friend went and looked after her. The police spoke about it as well. If we can do it in small venues then we can set a precedent for doing it in the larger venues. That is the way we can get the world more woke, which would be great.

The Hon. PENNY SHARPE: The point is that in respect of saving space, people at the venues say they are going to train their staff, they do not allow their security to be there unless they have been trained in understanding that. That is really powerful. I want to ask you about pay differentials between female and male artists. Do you get paid differently? How does that work, particularly locally? I hear Mr Mallard saying: if you get paid at all, which is a separate issue. Is that an issue?

Ms SIMONE: I am obviously not going to pay my artists differently, so it is hard for me to speak on that. I only know what I get paid as a female, so it is hard then to compare with males. I do not think I am the right person to answer that one.

Ms HARKER: I know in one instance that a male artist told me what he got paid. I was MC at a festival in Bangalow. This guy got \$3,000 and I got \$1,000, exact same festival, exact same time. I fought to get paid more. He is really well known, so the other thing that can be said is that he might have had a greater pulling power than I did. I did that for three years and then finally in the last year I got paid \$1,500, and that was for emceeing for two days. It is not a huge amount of money for the effort you put into that. But that is one of my big things. I am like, "Yes, I can pay rego." I am not working for that job anymore when I was getting all that money. I was away from home, I was working six days a week and driving 3,000 kilometres a week, so I earned that money.

Ms DAWN WALKER: I want to tease out some of the roles of a manager and whether you think that makes a difference. Do you have a manager and does that facilitate getting more work as a live artist?

Ms HARKER: It would. It is finding one. I have approached lots of managers and spoken to them and have had chats with them. I think Ms Simone spoke before. The difficulty with me is that I have many hats. I MC, I do cabaret, I am a musician. I do lots of different things and it is very tricky for them. I do not know how to sell me! I am hard to sell. For them there is not just one thing. There is no little box that I fit into. For me, having a manager would be amazing, but what I have learnt since being an independent artist is—I do all my own posters, my own media, everything. It has taught me incredible lessons about how to then ask for more pay and what I am worth. I can imagine having a manager would be good but then friends of mine who have had managers have also said that they have then been ripped off and so I have not had that opportunity. I am not sure what difference it would make. I think it would make a great one.

Ms SIMONE: I have had managers and I have been a manager as well. It is a thankless job because the artist is not getting paid very much. The 10 per cent or 15 per cent or whatever you have negotiated is not enough to then sustain being a manager, so then they get fed up and leave you in the lurch halfway through creating an album, or whatever. There is definitely a lot more outgoings than there is income. Then it is a matter of sitting down with the manager and figuring out which things that I do out of all the hats I have to put on to try to make a crust here, which of those things am I going to take money from? Does this still count or does that or that?

My manager said he did not want to have anything to do with weddings, but weddings were the only place I was making money. Then if he wanted to take a percentage of me playing at a festival, which might have been in a five-piece band and we were being paid \$600, that is not working out already. Having a manager is about finding the right person who actually understands your music and your journey. I do not want a manager saying, "You will be great. You are the next Rhianna. You would be amazing in America. Let's tour you." I have

a child. I need to be at home. For me to self-manage means I am in control of my own destiny in that way, which I have managed to navigate well until this stage, but I do not think I represent most musicians.

The Hon. SHAYNE MALLARD: Thank you for coming in. I echo the views of Mr Graham. Having practitioners as the last witnesses is really helpful for us. I want to talk more about the minimum wage discussion. My aside to the Hon. Penny Sharpe was that the blokes are not getting paid that well either. The figures you are quoting do not seem too bad, but generally we have heard about some low rates of pay for everyone in the industry. I know the differential is not acceptable, but they are underpaying everybody and not paying some people.

Ms HARKER: I was an arts therapist in that job, so I was doing music and memory and clowning and lots of—

The Hon. SHAYNE MALLARD: I am not commenting about you.

Ms HARKER: Blokes also—it is correct in the music industry.

The Hon. SHAYNE MALLARD: By and large, musicians are casual contract employees.

Ms SIMONE: Yes.

The Hon. SHAYNE MALLARD: Self-contractors? Is there an actual document that is signed?

Ms SIMONE: No.

The Hon. SHAYNE MALLARD: Not even with the big festivals?

Ms SIMONE: Yes, for a big contract.

Ms HARKER: Yes, and also an artist agreement, so that might be exclusivity that you cannot play anywhere else. If you are touring, that kind of thing, artists with big festivals, but generally not with small venues. You would just get an email of when you turn up, what you are getting paid.

Ms SIMONE: Or they just text you on the day and say, "Can you play at a cafe tonight?"

The Hon. SHAYNE MALLARD: You are falling between the gaps of regulation because you are a subcontractor. Other subcontract employees are having the same problems, which we are seeing in the media. My partner is in hospitality. He has a company and that has a regulated wage environment. I have forgotten the figures, but after 30 hours you go into double time, so the casuals click over and get extra hours or do not click over. What is the union doing to assist the industry sort this out?

Ms SIMONE: Which union?

Ms HARKER: There is not really a union. There is APRA AMCOS, which is the musicians' rights organisation. They are pretty amazing for what they do, but there is not any kind of regulatory body that helps out. The music industry is reluctant to change. Everyone wants a slice of the pie, and they are really putting their feet down so that things do not change. I think the record industry really got a big shock when we moved into the digital age with things like sound cloud and Apple music and Spotify music. It is like the dinosaurs, they are not changing. A few people have tried to bring in musician unions, but it has not really worked. APRA AMCOS are the ones who say we are meant to do live performance returns. We do that every year. If you have played at a festival you get some money back, because if people play your music at your cafes they have to pay APRA AMCOS as part of a licensing fee, so we get a bit back there. I do not know, maybe it is a bit different for city musicians. They might not have a union, but they are more connected.

The Hon. SHAYNE MALLARD: What if the council hires you to perform here or in the city? What is the benchmark? What is the standard for a performance?

Ms SIMONE: There is not one. That is what the issue is. I run an event on New Year's Eve and I am given a miniscule budget to put on eight hours of entertainment—

The Hon. SHAYNE MALLARD: It puts pressure on you.

Ms SIMONE: —across the whole town. They have chosen me because they know I am well connected, but I end up calling favours from all of my musician friends, and it is New Year's Eve. It is meant to be the one paying night. We have been playing at all these free events all year, especially in Byron. We are saving the whales, we are freeing Palestine—we are doing everything. It is New Year's Eve, can we just get paid? Can we get a proper gig? I am feeling like, "Oh, it is on my head. We will just do it this year and then hopefully next year we will show them. We will film it and maybe we will get a grant." I am talking, talking, talking. They always say yes because they are my friends and they are wonderful, but, at the end of the day, I do not want to do that anymore.

That is not what I am about. If there is one thing I get out of being here today, if I can just be in a position where I do not have to beg, steal and borrow to pay the musicians that I am paying that would be a dream come true. If there was a minimum wage and if everybody knew what that was per hour—

Ms HARKER: For example, one of the venues here that was on today—and again I am not going to name and shame—but was in the 1970s paying their musicians \$200 for a three-hour set. They are still paying \$200. This has not changed. It is nearly 50 years and this is what we are up against. While everything else has gone up, our wages have not; in fact they are the lowest. Then there is competition with people—people say they will play for free because they are going to get favours. They think if they play for free they will get an in. Then that creates unhealthy competition.

Ms SIMONE: Plus the backpackers.

Ms HARKER: Yes, the backpackers and people are coming because they get a chance to play in Byron. Unless this is regulated or there is some push to create a minimum wage, or even a benchmark, we are going to lose culture. When we lose culture we lose life.

The Hon. SHAYNE MALLARD: It is difficult for me to get my head around. I accept a minimum wage across the board, but then there is a talent premium.

Ms SIMONE: I have thought a lot about that as well, because I wanted to be able to present a solution today, not a problem. What I came up with was that if there is a minimum wage, then that is the minimum wage. If you are then able to demonstrate by your beautiful equipment or your wonderful collateral that you have put together, the effort, the time, the beautiful posters that you have created, if you are able to demonstrate your following on social media and where you have played—

The Hon. SHAYNE MALLARD: Your success.

Ms SIMONE: You can ask for whatever you want. It just does not go below the minimum wage. Then we do not have people living in damp caravans getting sick.

Ms HARKER: Or tents.

The Hon. BEN FRANKLIN: But how does that work? I agree with you, I support you, I am a member of the community too and I love that. I presume the minimum wage is higher than the dole?

Ms SIMONE: No, it is not.

The Hon. BEN FRANKLIN: Your proposed minimum wage would be higher?

Ms SIMONE: I have not said a figure.

The Hon. CATHERINE CUSACK: What about the minimum wage? There is a minimum wage in Australia.

Ms SIMONE: Yes.

Ms HARKER: And it is age-based as well.

Ms SIMONE: Is the minimum wage based on unskilled workers, or does it go up?

The Hon. CATHERINE CUSACK: It is unskilled. It is for different industries but it sounds like more than what you are being paid.

Ms HARKER: It is.

The Hon. BEN FRANKLIN: How do we stop it being rorted? How do we stop someone saying, "I'm a musician" when in fact they have got a kazoo?

Ms HARKER: Give them a guitar.

The Hon. BEN FRANKLIN: Does some subjectivity come into this, before you can say okay, tick, they are a musician, therefore they are entitled to this?

Ms HARKER: You have to get a busking permit from the Byron Shire Council. In order to get a busking permit you have to demonstrate that you know how to play. The same with the Queen Street Mall in Brisbane, you have to go before a committee. If there was a committee you had to play for and they say "yes, you qualify for minimum", then if there was some premium on it that could be done subjectively or through a contract. It would help with just the minimum and just getting by. There are a lot of people who have got very rich off

musicians and some of those top musicians, like the 1 per cent who get those kind of \$10 million gigs at big festivals, then they fly them over, while we can hardly pay our bands. While we celebrate those, there are so many reasons that we are not going to get there, apart from the fact that we do not live in the States. There are really strong reasons that we do not get that. It might not be talent and it could be that it is just not fair, and that is okay, but to have some kind of minimum wage with someone being able to tick, saying yes, you are applicable, or even a board or something.

Ms SIMONE: I just think that people would not want to do a gig if they were not a musician. That would be the worst experience of your life ever and you would certainly never be called back and that would be the end of it. If you can get yourself a gig, then you have had to demonstrate something. You have had to show them some sort of Utube video at least, or you had to play them some of your music. That in itself is up to the person buying the talent.

The Hon. BEN FRANKLIN: When you say a minimum wage, do you mean a minimum hourly rate?

Ms SIMONE: Yes.

The Hon. CATHERINE CUSACK: I understand Hussy Hicks is in America at the moment?

Ms HARKER: Yes.

The Hon. CATHERINE CUSACK: They have played together for a long time, as I understand it.

Ms HARKER: Yes.

The Hon. CATHERINE CUSACK: Could you tell me a bit about their journey? I did not know that they were in America until this morning.

Ms HARKER: They are amazing. I have been friends with them for a few years. Music is their life. They do nothing but. They do not have children, which helps a lot. They are on the road. They are constantly on the road. When they are not on the road they are getting flooded in. I played with them in Tamworth maybe 10 years ago. I am not sure whether they do grants and things like that. It is possible they do. I do know that they get a lot of support within the industry. They are incredible talents. In the handout that I gave I also spoke about All My Ex's Live in Texas, and they are the same. These are very talented women who have worked really, really hard to get where they are. I know that I have spoken to Hussy Hicks and I have created a Facebook page about women in the music industry and I talk about the sexism. I have created a safe space there so women can speak up. They have their own stories. They have each others backs. There are two of them. I have been a solo musician, I know Ms Simone has as well. It is a little bit different when you are solo. They are a power duo, those two.

The Hon. CATHERINE CUSACK: They are amazing. I think they must have worked very hard.

Ms SIMONE: They have.

Ms HARKER: They slog, yes.

The Hon. CATHERINE CUSACK: That brings me to my next question about a sisterhood in the industry. Is that part of the appeal of being here in Byron, that there is a community or like-minded musicians?

Ms SIMONE: I have a community, as in I have all of the artists that I employ as part of the Byron Bay Experience—that is the name of my business. I create events for people who come to Byron Bay and give them that real authentic Byron experience with those artists that are not able to get the gigs in the big pubs and clubs. We do private events and will have a busker on arrival. That busker is made to look like someone you would see on a street but actually he is highly professional. We style it and stage it. There will be fire twirlers and hula hoopers and all that stuff going on.

The camaraderie is not just a sisterhood in my instance, it is amongst the artists. We have a closed Facebook group that we communicate on. Even for today I put a little thing up and everybody is contributing their thoughts. If I do not have a particular person in mind for a certain event, then I will just put up a post and people can say, "Yes, I will do that DJ set for an hour at the sixtieth", that kind of thing. It is a small town and we all know each other. There is definitely a camaraderie in that way. The balance between male and female from my perspective is quite even in that respect.

The Hon. CATHERINE CUSACK: For you being here in Byron Bay, there is a culture and a camaraderie, if I can put it like that. I can see the struggle and that there does seem to be leadership and people sticking together. If this is your passion this would be a good place to be?

Ms HARKER: Yes.

Ms SIMONE: I think that is sometimes a double-edged sword. Because it is their passion is why people will say, "yes, okay". We will have an event and the person who is running the event will say, "Okay, we have got the teepees and the structures and the food and the catering." And that is all a fixed price. But somehow with musicians it is not a fixed price. They will say, "I have got \$300 for you. Do you want it?" Instead of saying, "How much does it cost for you to play?", they say, "We have got \$300 for you." So then it is take it or leave it. If you are living in a stinky caravan and you are trying to pay for food, you say "yes". It is just a trap. It goes round and round.

Ms HARKER: There is a level of camaraderie but unfortunately because of the competition it sometimes is—Ms Simone and I have been friends for a really long time and had a friendship before and we sort of grew up together in this industry. But in regards to the sisterhood, the industry is really sexist still and Ms Simone is the exception. There are a few other people who are incredible exceptions, and I will name just for positivity, Glenn Wright from Mullum Music Festival, who also does Bello festival. His gender diversity is extraordinary, and his general diversity of all the artists that he picks is amazing, so it creates this beautiful culture. And his pay is, I would not say industry standard, but it is not piffle. There are a lot of other venues, like the other festival that I played at where you are just in a room and maybe the only female and these spaces are intimidating to walk into, especially when I was younger and what I looked like was commented on more than what I played. Our appearance is sometimes more important than our content. That can be a frustrating thing to deal with. Sometimes, there might be women who compete with that, so you take a step back. It gives you a place to go to with integrity, but sometimes the sisterhood that you want is not necessarily there.

The Hon. CATHERINE CUSACK: But maybe there would be less pressure if you had a minimum wage.

Ms HARKER: Yes, I think there would be, and also if there is a raising of that space to make sure that we are safe and calling people into account for their behaviour. Sometimes it is just a few things like that but it can be disheartening.

The CHAIR: I need a clarification before we finish. You made a comment about some sexual assault situations at one of the concerts. Were those situations taken care of by law enforcement?

Ms HARKER: Yes, the law enforcement were pretty amazing.

The CHAIR: On both of those occasions?

Ms HARKER: Yes.

The CHAIR: That is all I need to know.

Ms HARKER: One of them was because the girl was so distressed that she just ran away. But the police did an incredible job of trying to look for her.

The CHAIR: Just as long as that was properly dealt with.

Ms HARKER: Yes.

The CHAIR: Thank you for your evidence. It has been fantastic. I think the sobering side of this inquiry is hearing from the artists and the diverse lifestyles that many of them live on the smell of an oily rag. There are very few who are living the high life, although they started at the very bottom too.

Ms HARKER: Sorry, I do not think all them did. A lot of the bands were really well supported. They have had a lot of support from their families and come from a higher income.

The CHAIR: Thank you for your time. In light of your evidence, we may have questions on notice and you will have 21 days to answer them. We thank you for your evidence today and hope that you do really well in the future.

Ms HARKER: Thank you for your time and allowing us to have this voice. It is really important.

Ms SIMONE: Thank you for having us.

(The witnesses withdrew)

The Committee adjourned at 4.22 p.m.