

**REPORT ON PROCEEDINGS BEFORE**

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

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

**CORRECTED**

**At G7/G8, 55 St Andrews Place - Parliament of Victoria, East Melbourne, on Tuesday 7  
August 2018**

**The Committee met at 10:35**

**PRESENT**

The Hon. Paul Green (Chair)

The Hon. Catherine Cusack

The Hon. John Graham

The Hon. Shayne Mallard

The Hon. Taylor Martin

Ms Dawn Walker



**The CHAIR:** Welcome to the fifth hearing of Portfolio Committee No. 6—Planning and Environment inquiry into the music and arts economy in New South Wales, being held in Victoria. The inquiry is examining policies to support music and arts culture and policy legislation options drawn from other jurisdictions. The committee is also considering whether local councils are setting realistic noise abatement and environmental impact targets in their consideration of development applications from cafes, restaurants and live music venues. I acknowledge the traditional custodians of this land. I also pay my respects to the elders past and present and extend that respect to any Aboriginals who may be present today.

The committee has received evidence about the vibrancy of Victoria's music and arts economy. Today the committee is conducting its first public hearing in Melbourne. It will hear from Creative Victoria, Music Victoria, City of Yarra, Live Nation Australasia, Mr John Perring, Mr Ben Dennis and Client Liaison. Before we commence I will make some brief comments about procedures for today's hearing.

In terms of parliamentary privilege, as witnesses are providing evidence to the committee outside of New South Wales, they will not be asked to take an oath or an affirmation, thus the committee asks that witnesses speak truthfully. Whilst the committee acknowledges that witnesses are unlikely to make any adverse reflections about others, it is in their interests to ensure that any comments relate to the terms of reference and to avoid adverse reflections on others as they may not be formally covered by parliamentary privilege. If a witness needs to name individuals or make any comment that they believe may reflect adversely on themselves or others, they may request that their evidence be taken in camera—that is, in a private hearing.

In accordance with the broadcasting guidelines, I inform members of the media who are here that while they 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 that they must take responsibility for what they publish about the Committee's proceedings. In addition, I urge witnesses to be careful about any comments they make to the media or to others after they complete their evidence, as such comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines for the broadcasting of proceedings are available from the secretariat.

There may be some questions that a witness could only answer if they had more time or with certain documents at hand. In those circumstances, witnesses are advised that they can take questions on notice and provide an answer within 21 days. Messages should be handed to the secretariat. I request everyone to turn off their mobiles, or put them on silent, for the duration of this hearing.

**JANE CRAWLEY**, Director, Arts Investment, Creative Victoria, examined

**KIRSTY RIVERS**, Manager, Contemporary Music, Creative Victoria, examined

**The CHAIR:** I welcome the witnesses from Creative Victoria. Would either of you like to make an opening statement?

**Ms CRAWLEY:** I do. Firstly, I pay my respects to the traditional owners of the land on which we are meeting, the people of the Kulin nations, and I pay my respects to elders past, present and of the future and to any elders who may be here today. Thank you very much for the opportunity to present to you. As I have already stated, my name is Jane Crawley and I am the Director of Arts Investment for Creative Victoria. The Victorian Government's music works program sits within my directorate. I would like to start this presentation by noting that the Victorian Government has a long history of support for contemporary music. Targeted policies and programs have been delivered over the past 30 years.

Music works can be seen in the context of previous support for the contemporary music sector in initiatives such as the Victorian Rock Foundation of the 1980s, 2005 Music for the Future, 2007's Victoria Rocks, right up to the 2010-14 Contemporary and Live Music Development Program. Music Victoria's 2018 Live Music Census reports that more than 500 live venues operate in Melbourne alone, creating an important economic and creative ecosystem. These numbers add up, with more than \$800 million a year and tens of thousands of jobs directly generated through live music activity. Creators and artists are drawn to Victoria, with artists such as Sampa the Great, who is the recipient of the recent Australian Music prize for 2018, and emerging Indigenous superstar Baker Boy recently relocating to Victoria.

The Melbourne suburbs of Brunswick and Northcote are home to more songwriters than anywhere else in Australia. The past 10 years have brought contemporary music to the fore in arts and creative industries' thinking. In 2015 the Victorian Government committed \$22.2 million to Music Works, a comprehensive package of industry development and investment initiatives. The focus here was on the delivery of jobs, growth and stability to the Victorian contemporary music sector. The rollout of the Music Works package was one of the first priorities of Creative Victoria, which is the State's creative industries body. The establishment of Creative Victoria in 2015, as part of the Department of Economic Development, signalled the coming together of the largely not-for-profit arts and cultural sectors with the more commercial sectors of screen, design and games. The remit of this new organisation, along with the subsequent Victorian creative industry strategy—that is, Creative State—is to grow Victoria's \$22 billion creative and cultural industries, and the cultural, social and economic contribution they make to Victoria. Music Victoria firmly sits within this broader strategic frame.

Launched by the Minister for Creative Industries, Martin Foley, in April 2016, the Creative State strategy has five action areas. I will very quickly go through them. The first is backing creative talent, which is really about creating more opportunities to produce and present work. The second is strengthening the creative industries ecosystem, which is about building capability and conditions for growth. The third is delivering wider economic and social impact, which is about stimulating innovation and wider creative impact. The fourth is increasing participation and access, the aim of which is to engage more Victorians in creative and cultural endeavour. The fifth and final strand is building international engagement, which is really about extending Victoria's impact and profile for global audiences but also for visitors and markets. Music Works delivers across each of those five strands.

I would like, with your permission, to hand over to my colleague Kirsty Rivers who is the Manager of Contemporary Music and who has direct carriage for the Music Works program. Kirsty will be able to brief you on the details of Music Works.

**Ms RIVERS:** I too would like to pay my respects to the traditional owners of the land on which we are meeting, the people of the Kulin nation. I pay my respects to elders past, present and future, and to any elders here today. Thank you to the Committee for the opportunity to speak on Music Works. Music Works is an industry-led initiative that values contemporary music as a key creative and economic driver. It was designed as a practical response to market challenges with an emphasis on increasing and supporting demand for Victorian produced contemporary music. 2018 is the third year of Music Works and while it has not yet been fully evaluated—I note that this is currently in the market—the results and feedback to date are very positive.

As Ms Crawley indicated, contemporary music is a core cultural, social and economic driver for Victoria. Music Works delivers a series of interventions in the Victorian music ecology. It takes a holistic approach, not just supporting artistic output but also micro to medium music businesses, live music venues, regulatory changes,

capacity building, regional touring circuits, and more. It recognises the benefits of contemporary music activity, not just to Melbourne but as a driver for economic growth in regional Victoria, and it recognises the intersections between contemporary music and other creative industries. Central to the Music Works program is the understanding that participating in the global contemporary music market is often economically difficult for individuals but returns a high social, cultural and economic value to Victoria.

Within the Music Works program there are two core program areas, loosely grouped as industry investment and industry development. I will first speak to industry investment. Music Works began in 2015 with a budget of \$22.2 million over four years, of which \$12.2 million was allocated to direct industry investment. This is delivered through peer-assessed grants and a series of core industry partnerships to address gaps and opportunities in critical market sectors. The program has fostered strong industry connections, including regularly consulting with Victorian artists to ensure our peer panels reflected trusted, current industry participants. This has enabled us to build a program of trust and cooperation with the artists with Creative Victoria, as evidenced by positive feedback and an unheard-of queue to get on our peer panels.

The core Music Works grant programs are peer-assessed grants open to all, including the Quick Response program; Music Passport, which is delivered through a fellowship program for managers and labels, and a business-to-business inbound buyers program; Music Under Wings, a mentor and coaching stream to support pathways for creators and creative industries at all stages with an emphasis on three major mentoring partnerships with Australasian Performing Right Association [APRA] and Australasian Mechanical Copyright Owners Society [AMCOS], The Push, and Music Victoria—it follows that each of those is aligned with venues, industry careers and creators; and Rocking the Laneways, funding for cultural tourism and public realm initiatives focused on music.

Noting the Committee's interest in live music, we have specific grant programs to invest directly into strengthening the live sector through programs such as the Live Music Professionals, which was designed after industry consultation to support the supply market with mentor and small business coaching. It is part of the Music Under Wings coaching program and is run by Music Victoria. Also investing in the live sector is Good Music Neighbours. As Victoria has a high number of older and medium density venues, which are expensive to accommodate live music, Good Music Neighbours is a matched funding program to help venues manage their sound attenuation needs. To date over 80 venues have been supported by this program. Finally, we have the General Grants program, which also allows venues and promoters to access and to be recognised as key drivers of live music. This develops grants to support marketing, touring and connecting to their audiences.

I move to the second stream of Music Works, which is industry development. In this regard we have established three major new initiatives. First, the Australian Music Vault, a dedicated gallery celebrating the story of contemporary Australian music has been created in partnership with the music industry and Arts Centre Melbourne. Since opening in December 2017, the vault has welcomed more than half a million visitors and has attracted new audiences to Arts Centre Melbourne. Secondly, the Victorian Music Development Office [VMDO]—which is delivered by our local peak music body, Music Victoria—is designed to sharpen business opportunities and deliver industry outcomes to the State. Finally, the Music Market, a central headquarters for the music industry. I make a couple of points about the Music Market. It will be located at the Collingwood Arts Precinct in a magnificent refurbished TAFE complex. It will be a co-working hub with performance spaces and an education centre. It is currently scheduled to open in late 2019. Our current tenants will be Music Victoria, The Push and the Victorian Music Development Office, with others to come.

In addition, we have also hosted events such as the global Music Cities Convention in April this year. This sold-out event brought over 320 international thinkers and policymakers to Melbourne and enhanced and spotlighted Victoria's leadership and our approach to strengthening the live music sector from multiple angles. That brings me to the central tenet of our music program, which is live music. I do not believe there is a need to reinforce the primacy of the live music sector in Victoria. As mentioned by Ms Crawley, it is a valuable economic and social driver and an important cultural asset to Victoria. Support for Victoria's live music sector is driven through initiatives such as the Live Music Roundtable, which pre-dates Music Works but continues to be an important vehicle for live music stakeholders to work together. I note that the Victorian Live Music Roundtable is currently chaired by Jane Crawley and the secretariat sits with Creative Victoria. The roundtable meets regularly and continues to provide an essential link between industry and regulators.

Some notes on the Live Music Roundtable. It is Australia's first live music roundtable and was developed as an action of the Victorian Live Music Accord in 2010. Standing members include Music Victoria, Victoria Police, the office of liquor licensing, the office for planning and members of the music and youth sectors. Since inception of the Live Music Roundtable, when it originally sat in the Office of Liquor, Gaming and Racing, it has

successfully delivered regulatory reform, in particular, the well-known Agent of Change provisions and Australia's Best Practice Guidelines for Live Music Venues, which is now housed at Music Victoria. Another point to note is the reduction in red tape opportunity provided to all ages by these events as well. The current focus of the Live Music Roundtable is the conditions of workers in the live music industry, including a trial project to stamp out sexual harassment in live music venues. The report on the pilot program is due shortly.

Other reviews currently being undertaken by working groups of the roundtable include updates on the Environment Protection Authority's State Environment Protection Policy [SEPP] N-2 review and a submission to the Land Use Terms Review. This submission was made in April this year and addressed concerns with the land use definitions, zone tables, building class definitions and a lack of integration between State planning systems and the Building Code of Australia. Music Works in this context continues to provide both strategic investment in live music and also the secretariat for the Live Music Roundtable. Music Works has developed programs to respond to market investment needs. It is well recognised that while the live music sector in Victoria could be seen as healthy, the ecosystem remains as vulnerable to issues such as gentrification and changing audience habits as many other Australian cities.

However, I would like to note the alignment of Creative State and government priorities around regional development, particularly unique regional development opportunities, including the Victorian Music Crawl. The Victorian Music Crawl essentially provided a curated experience or "tour" to link venues, artists and the industry to identified regional touring pathways via a "discovery" trail. This was a series of pop-up events at regional venues. Following an audit to determine priority focus areas in regional live music, it was clear that unfamiliarity with the established music sector and in return regional venues, was a factor. This was a three-part "tour" over 18 months that took industry managers, bookers and artists to the regions and created pop-up "moments" to inspire the industry to the regional opportunities.

Outcomes immediately included a three-to-one return for every dollar invested and a nearly 100 per cent increase in interest in inquiries on regional activity. On a final note, I would like to mention that Creative Victoria's response to the music sector also includes a focus on collaboration with other government departments to deliver cross-government outcomes. By example, with trade, we try to work with the Victorian Invitation Program, bringing international trade partners to the State and the small business sector. We also integrate key music organisations into broader internal discussions and ensure that government policies on First People, women, equality and diversity are central to our investment.

In closing, I would like to mention that the relative health of the Victorian live music sector, as evidenced by the recent Music Victoria census, the increase in live music programming and the relative health of our 500-plus venues is not a given. To sustain this takes consistent investment and championing the right policy settings and regulation, an ability and willingness to respond to opportunities and challenges, and a whole of ecosystem approach. Thank you for your time.

**The CHAIR:** Thank you very much for those comprehensive opening statements. There are lots of things in there to unpack. Can we deal with some of the zoning issues of what we call entertainment precincts. How have you been able to manage the increased density of population around these areas and deal with noise abatement issues? Can you give us a snapshot of the initiatives for people who live in areas who will hear noise?

**Ms CRAWLEY:** I might ask Ms Rivers to talk briefly to agent of change because I think that was a key lever. It really is the marriage between that and some of the sound attenuation investment that we have used in combination to address both of those issues, so perhaps Ms Rivers can talk to that.

**Ms RIVERS:** Yes, I am very happy to. It has been a particular issue in urban areas. Of course we are all very aware of this. In 2014 the then Government brought in the agent-of-change legislation. It works under the principle that the first occupancy has rights in regard to sound attenuation and noise levels. I will take on notice any further information about the agent of change because I do not have the details to date. I can speak broadly about it but not generally.

**The CHAIR:** Just broadly will be fine.

**Ms RIVERS:** It has been successful. We are currently undertaking a review. The agent of change legislation allows a 50-metre buffer between the agent making the change. Often in the case of live music venues the agent of case will be apartments or a larger building close to the existing venue and that triggers issues in regard to future noise level management. This requires that the building developer actually includes sound attenuation to acceptable levels in their planning.

**The Hon. SHAYNE MALLARD:** If there are within the 50 metres?

**Ms RIVERS:** Yes. This is currently being reviewed for its efficiency; just an internal review at this point in time. It does not operate without the two other elements of music works at the moment—one of them being the Good Music Neighbours Grant Program, which is a significant investment program. That recognises that sound attenuation is an expensive enterprise, so significant grants up to \$25,000 are offered to venues and this is matched by the Government. As I said, up to this date we have supported 80 venues to have the sound attenuation needs invested in.

**The Hon. CATHERINE CUSACK:** What is the budget for it?

**Ms RIVERS:** It is \$1.48 million over four years. Prior to this the Office of Justice—I have to check that—offered a \$250,000 grant program as well. That was in 2014 as well. Subsequent to that the city of Yarra, which I think you will be speaking to later today, also has a small sound attenuation grant program and there may be other councils that I am not aware of have support for sound attenuation. This is at the same time as the Environment Protection Authority [EPA] undertakes a review of the noise in venues and that review is ongoing. I believe the outcome will be early next year.

**Ms CRAWLEY:** Yes.

**Ms RIVERS:** But I cannot give you direct information about that.

**The CHAIR:** How do you handle festivals? Do you have a specific arm that deals with festivals?

**Ms RIVERS:** Not in greater Victoria.

**Ms CRAWLEY:** No, Chair, we do not. The way the investment portfolio is structured is that there are multiple levels, so to speak, but we have a program that deals with multi-year funding and investment in organisations. Established festivals may sit within that frame so that is a contestable funding program. That sees large festivals such as Melbourne Fringe, Melbourne Festival, the Comedy Festival and so forth assured of funding over four-year time frames. We have a variety of other funding mechanisms which a project-based that any festival can apply for. There are various other investment vehicles. The appropriate way of reflecting it would be that we do not draw a distinction around the design, so to speak, of presentation vehicles. It can be a one-off; it can be a festival; it can be an organisation.

**The CHAIR:** We are finding it interesting that the longevity of festivals then have to regularly put in development applications [DA] and then have DA conditions put on them. Do you give a green light to a festival and they are given five years or are the bigger festivals just renewed yearly?

**Ms CRAWLEY:** The key festivals in Victoria are on four-year funding time frames. We undertook a review of festivals in Victoria as one of the actions coming out of the Creative State Strategy. That found that there were, I think, a little over 430 festivals per annum in the State. I think, from memory, somewhere around 42 per cent to 43 per cent of those were occurring in regional Victoria. They are small festivals, many of them with music at their core and they are largely run by volunteer work forces, right through to the larger festivals that are operating sometimes regionally.

An example would be Castlemaine's State Festival right through to city centre festivals. I think it would be accurate to say that there are hundreds of them in this State and they come in all shapes and sizes. All of them are eligible for funding through some means or another but it would be the case that the four-year funding tends to be invested in those festivals that can demonstrate organisational sustainability. They therefore need to be at some sort of scale.

**The CHAIR:** I was more interested in the legislation or regulations around them and whether you have in your planning laws something that relates specifically to applying for a festival, whether it is large or small?

**Ms CRAWLEY:** No.

**The Hon. SHAYNE MALLARD:** You are talking about all festivals?

**The Hon. CATHERINE CUSACK:** In New South Wales every festival needs to apply every year for approval from the council and it is a lot of paperwork.

**Ms CRAWLEY:** Okay. This is not the case in Victoria.

**The CHAIR:** No. That is what I am asking. I am trying to see if you have a better system.

**Ms CRAWLEY:** Thank you for that clarification.

**The CHAIR:** It is something that we may be able to piggyback on.

**Ms CRAWLEY:** No, it is not required here.

**The CHAIR:** Because yearly is crazy.

**Ms CRAWLEY:** It is very difficult. There is a certain privilege to having multi-year investment and it is highly contested and very much aspired to. I do think it is the case that organisationally a degree of sustainability is required in order to justify the investment and it needs to be matched by annual forms of investment that can then lead on to the multi-year. A multi-levelled approach is required but it is certainly not the case that annual approvals are required from local government authorities in order to receive that government investment in Victoria, no.

**The Hon. CATHERINE CUSACK:** Is it often the case that the council might be one of the partners?

**Ms CRAWLEY:** To varying degrees, yes, that is the case. A lot of festivals are either utilising the public realm for some component or utilising council-owned venues for some component. I would say that overwhelmingly most would have some form of relationship to varying degrees, yes.

**The CHAIR:** We will now take questions from the Hon. John Graham.

**The Hon. JOHN GRAHAM:** The thing that would probably help us most is to get your sense at the moment of what out of all those programs has really made the most difference. Obviously, it is a whole suite of things and it is a complex ecosystem so it is a difficult question to answer, but of the things you have done what has had the most dramatic impact?

**Ms CRAWLEY:** I might speak briefly to the Live Music Roundtable from a regulatory and sectorial perspective and then pass to my colleague. My own perspective on this is that a coordinated multi-levelled approach is required. I think that the role of the Live Music Roundtable is a critical one. It brings together the key players from across government and it brings together the regulatory side—which is absolutely critical to the music industry—along with policing, so all of the safety concerns, et cetera, right through to the industry leads. It also brings to the table local government and it brings to the table regional Victoria. That combination with that scope to collectively address opportunities and challenges from a regulatory perspective would be one thing that I think was quite successful. When that is married with an investment program you do tend to get cumulative real impact. I will pass now to Ms Rivers to speak to the investment programs that she thinks have made the most intervention.

**Ms RIVERS:** It is quite a difficult question to answer in the sense that we have not done an evaluation to date so this is slightly anecdotal and based on perception. Given that, I will back Ms Crawley's position that our experience has been it is the entire ecology that needs to be addressed. It is very difficult to extract one particular element outside the regulatory management, which is, of course, central. There are two programs that come to mind. First of all is the Music Works Grants program with its Quick Response element. Significant investment in peer-to-peer assessed grants has significant impact because the business cases that have to be presented to the peers pass through the rigour of that process. It essentially ensures that the cream will rise to the top in terms of the most suitable impact and the most suitable viable programs coming through. I think the significance of a large amount of money to be invested and judged through a peer assessment process has been very impactful.

When aligned with the Quick Response program, which has allowed the flexibility and the reaction response to market conditions, particularly overseas, that has been a significant change for the way we have done investment and has had a major impact. I would also align with that that the confidence and trust of the industry has had a significant impact. By investing directly into the industry they provide the marketing for us, which builds the reputation, which builds the cultural capital and builds particularly Victoria's perception as being a State of opportunity.

**The Hon. JOHN GRAHAM:** One question that has come up in New South Wales is about the skill set within our agencies. How important has it been having music specialists inside the agency to be able to build those relationships that you are talking about?

**Ms CRAWLEY:** I would say critical, absolutely critical. There is a policy framing and there is a regulatory framing but the relationship is a very critical one and I think there needs to be operational understanding of how that particular industry works. It is quite a nuanced industry, it has been outside a formal frame, so to speak, in the past and largely operating in a purely commercial framing without those sorts of intersections with public policy. A deep operational understanding and the respect of key industry stakeholders is really a requirement in order to be able to design the program so that it has the greatest impact and maintains the respect and trust of key industry stakeholders. In a way I am speaking on behalf of Kirsty Rivers, but that would be my



feeling in the same way that I regard the Aboriginal partnerships program as something that requires a particular cultural experience and background.

**The Hon. JOHN GRAHAM:** What are the key ways you have managed to balance the safety discussion with the health of the music ecosystem in Melbourne? That is obviously the tension that sits underneath a lot of the public discussion. You appear to have balanced that much better here and that is why we are interested in hearing how that has worked. In particular, what are the institutional arrangements that you have to force that discussion and make sure that it is a positive one?

**Ms RIVERS:** Firstly, I think it is very important to acknowledge that music is a cultural activity; it does not cause harm. That was a central tenant of the Save Live Australian Music [SLAM] rally when music was inadvertently linked to a high-risk activity. That has been taken to heart through government policy in the sense that while the music may operate in a realm where alcohol is served, where people congregate and come together, music in itself does not cause harm; people cause harm. Melbourne and Victoria are also party to a highly sophisticated multigenerational audience. There is a long history of actively participating in the live music. Whether it is a bouzouki at a restaurant or a heavy metal band that might be at a no alcohol all ages gig, the point is to participate in a cultural activity.

Linking music itself with public harm is not central to the Music Works programs. But I will say that working with the Live Music Roundtable allows a space and a collaborative conversation with industry to overcome issues such as concerns with public safety and concerns with the service of alcohol both in terms of payment for artists but also generally public health. It is also building up a trust and accountability and responsibility to various ways of managing particularly alcohol consumption and for venue owners to also manage the spaces in which they live and to ensure that they have suitable policies around exiting venues and public safety opportunities.

**Ms CRAWLEY:** I would add that has been the domain of the Live Music Roundtable which has a strong Victoria Police presence as well as other regulatory bodies from across government. Some of the subjects that are discussed at that roundtable are everything from size of venue, training of staff, health and safety in the workplace, and support of patrons. The current pilot around harassment and safety is one of those challenges where matters were brought to the attention of the roundtable and a pilot was instigated to look at how venue owners, managers and staff could mitigate some of those things. I think some of the safety dialogue ties in with the late-night economy in the city and regional cities late in the evening and there are other policy levers there.

We have in a broader context across Creative Victoria looked at late-night programming in the city of Melbourne, going into partnerships with the City of Melbourne council, investing in late-night programming in State-owned cultural agencies. There are some policy levers around normalising critical masses of people in the city late at night to create safe conditions as opposed to regulating it so that the public realm is empty late at night and spaces have an inherent sense of danger. It has really been a mixture of the Live Music Roundtable driving some pilots to look at changing behaviour and seeing it within a broader public policy context around the late-night economy.

**Ms DAWN WALKER:** Thank you very much for being here. I want to drill a little about festivals again. You mentioned in your opening statement a reduction in red tape for festivals. Do you have anything more specific to add in that area?

**Ms RIVERS:** I mentioned that in relation to established venues. I am sorry that was not clear. That was an action of the Live Music Roundtable responding to an opportunity to participate in a reduction in red tape around live music venues. It is opening it up to ensure that all ages can participate in live music; it was not directed at festivals. Unfortunately, I cannot comment directly to red tape reduction for festivals.

**Ms DAWN WALKER:** Perhaps more broadly, I am interested in what you saw as the biggest challenges to this creative economy that you have built so successfully. Can you outline some of those thoughts?

**Ms RIVERS:** Where do we start?

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

**Ms CRAWLEY:** It might be good if we did. It is a really important question and a complex one. We feel very positive about the way the strategy has been designed and has delivered thus far. However, we need to note that it is not the end of its time frame; we are into year three of it. As Ms Rivers said earlier, we have gone to market for a formal evaluation, which we really need to have conducted because there is such a multiplicity of policy levers and investment mechanisms that make up this package. I feel in a sense that we would be doing a

disservice to what we have done not to take the question on notice. I would welcome the chance to come back with some detail.

**Ms DAWN WALKER:** Thank you.

**The Hon. SHAYNE MALLARD:** Thank you for appearing before the Committee. I want to unpack the roundtable in terms of the methods used and the success it has had in reducing red tape or the regulatory burden. We have confused regulations and different councils having different regulations in New South Wales. What success have they had and has that flowed through to regulatory changes at the government level or legislative change? What level of success has it had?

**Ms CRAWLEY:** I think a key factor in the success is the representatives around the table. It brings in the Environment Planning Authority, planning, including from Melbourne City Council and a major regional city. It is the composition that has really worked from my perspective. What it has enabled is a coherent and coordinated response to either instigating or responding to various inquiries. From my perspective, that would be one of the key successes. I note that the Committee will be talking to Patrick Donovan from Music Victoria later this morning. As a representative from the industry on the roundtable, it would be interesting to hear his view. I think the coming together of those representatives has enabled a coordinated response to both driving change and also responding to review opportunities from all parts of the sector. I will hand over to Ms Rivers to deal with some tangibles on that.

**Ms RIVERS:** Yes. Probably the best known is the agent of change legislation, which was introduced by a working group of the Live Music Roundtable.

**The Hon. SHAYNE MALLARD:** It came out of that?

**Ms RIVERS:** Yes. Other changes have been reductions in red tape associated with live music for all ages. As I said, we are currently investigating a pilot program on sexual harassment and bullying.

**The Hon. SHAYNE MALLARD:** Is there any documentation you can provide to the Committee about the policies in relation to the roundtable? Is there an annual report we can see?

**Ms RIVERS:** There is no annual report, but we have the terms of reference.

**Ms CRAWLEY:** We have terms of reference and composition.

**The Hon. SHAYNE MALLARD:** That would be good.

**Ms CRAWLEY:** We would be able to supply that.

**The Hon. CATHERINE CUSACK:** Was that in relation to the Live Music Roundtable?

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

**The Hon. CATHERINE CUSACK:** Fantastic. Is there any copyright issue for musicians? Do you look at that issue?

**Ms RIVERS:** In what sense?

**The Hon. CATHERINE CUSACK:** Musicians wanting to play the material and having to pay copyright fees.

**Ms RIVERS:** If they wish to play live, they simply have to play in a venue that has a licence from the APRA AMCOS.

**The Hon. CATHERINE CUSACK:** Okay.

**Ms RIVERS:** They do not take it out individually.

**The Hon. CATHERINE CUSACK:** But their music got the licence.

**Ms RIVERS:** The venues would have the licence, unless they are promoting themselves. In that case they would take out a licence for the public performance of music.

**The Hon. CATHERINE CUSACK:** But it may be an issue more at festivals.

**Ms RIVERS:** No, as long as the festival has a public performance licence from APRA AMCOS that performance is authorised. APRA will not withhold that licence unreasonably.

**Ms CRAWLEY:** They are very supportive actually.

**The Hon. CATHERINE CUSACK:** You mentioned 400 venues. Do you track the number of venues?

**Ms RIVERS:** I draw your attention to Patrick Donovan from Music Victoria, who is in the room. His organisation has recently undertaken a live music census of venues, particularly in Melbourne and surrounding suburbs. It has indicated over that number; in fact, it is over 500.

**The Hon. CATHERINE CUSACK:** And the Committee can get more information?

**Ms RIVERS:** That is available publicly on Music Victoria's website.

**The Hon. CATHERINE CUSACK:** Thank you for that. You mentioned reducing red tape for musicians or venues.

**Ms RIVERS:** The only instance I was able to refer to was a series of reductions in red tape associated with all-ages activity in, I think, 2013. I may have to check the dates. The Live Music Roundtable is interested in efficiencies and effectiveness for live music activity. However, Music Works itself is not directly related to red tape reduction. I would have to take any specific questions on notice.

**The Hon. CATHERINE CUSACK:** I am particularly interested in that in relation to local government. These venues need to have multiple licences from multiple agencies in New South Wales. One of the issues we are grappling with in New South Wales is development applications. If you want to amend a development application, every part of the approval comes under scrutiny. People are very reluctant to do anything once they have their approval. Getting a simple amendment sounds logical, but they would never do that because they do not want to re-open the whole thing. Do you understand what I am saying?

**Ms RIVERS:** I am not entirely following you. Is that in relation to creating new music venues?

**The Hon. CATHERINE CUSACK:** Yes, and in relation to having dancing on a dance floor. It might be a good idea for that venue, but they would need to amend their development application and their development approval would require an amendment.

**Ms RIVERS:** That sounds like a unique situation to New South Wales. I cannot comment because I do not have the expertise.

**The Hon. CATHERINE CUSACK:** But councils approve venues in Victoria?

**Ms RIVERS:** There will be planning approvals to create venues and the use of venues, and there will be liquor licensing requirements associated with any normal practice. If you wish to open a live music venue, you would have to get the appropriate planning and licensing conditions in place. If you wanted to change them, that may trigger some review. Unfortunately, I cannot speak directly to that. I will have to take that question on notice and refer it to the Office of Liquor, Gaming and Racing and/or planning.

**The CHAIR:** Thank you. That information is very comprehensive and valuable for the Committee to reflect upon. The Committee wants the whole thing rocking nationwide not just statewide. We appreciate your evidence and it will help us to tweak our systems to give artists every opportunity to thrive. Of course, that comes back to bless our communities. You have taken some questions on notice. You will have 21 days to answer them, and the secretariat will assist you. In light of your evidence, the Committee may have some other questions. We very much appreciate your appearing before the Committee today.

**Ms CRAWLEY:** Thank you for the opportunity.

**(The witnesses withdrew)**

**PATRICK DONOVAN**, Chief Executive Officer, Music Victoria, examined

**The CHAIR:** Welcome, Mr Donovan. You do not need to take an oath or an affirmation because we are outside of our jurisdiction. I advise you that parliamentary privilege may not extend to this jurisdiction, so be mindful of adverse comments. Please state the capacity in which you appear today.

**Mr DONOVAN:** I am the Chief Executive Officer of Contemporary Music Victoria, the peak body for contemporary music in Victoria.

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

**Mr DONOVAN:** I do. I have eight copies of the Victorian Live Music 10 Point Plan. Two years ago I was asked to speak about night-time economies at Sydney's Electronic Music Conference. I was sitting alongside members of the Sydney music community and also the Night Mayor of Amsterdam. His name is Mirik Milan. I think they thought Mirik Milan was going to solve Sydney's live music problems. Towards the end of that conversation I got asked about why Melbourne was thriving, and Victoria, and I said, "Well, we've done a series of initiatives over the last eight years and I've actually written them down as a 10-point plan," which I had written on a napkin the night before. And then the media came up to me afterwards and said, "Can we see this 10-point plan?" So we subsequently published it last year. It coalesces everything we have done in this State since the SLAM rally in 2010. I will give a quick summary of that and then I am happy to answer any questions.

**The CHAIR:** That would be great. Thank you.

**Mr DONOVAN:** So I will just read from it very quickly. The secrets behind Melbourne's success as one of the great live music cities in the world have been revealed with the release of a 10-point plan by Music Victoria. It has resulted from collaboration between industry, businesses and government, a commitment to protecting artists and venues, and a pledge to band together and rally if needed. It is based on initiatives developed with partners and stakeholders including the State Government of Victoria, Fair Go 4 Live Music, SLAM, venue owners, studio owners, promoters and academics. We wrote it in response to fielding enquiries from all around the world, including Sydney and New South Wales, as to how we initiated things such as the agent of change law and the Victorian Live Music Census. So we have been sharing best practice for live music all around the world. I have spoken at a number of international conferences about how we have done it. We have also published it as a guide for other cities worldwide to learn from what works and what has not worked in the last eight years.

Very quickly, number one: Know your value—collect and publish data. We have a series of reports that were commissioned into the economic and social value of live music in the State. Some were commissioned by the State Government and we conducted the Victorian Live Music Census. So I have got some links to that. Number two: All aboard—political buy-in. We have had non-partisan support for live music through networking groups such as Music Friends of Parliament and we have received support for live music from the previous Coalition Government and also the current State Labor Government. We also regularly meet with The Greens and the Reason Party. We have recently prepared a second white paper and presented it to all parties as well.

Number three: Keep the doors open—"no lockouts here". The Coalition Government passed legislation inserting an object into the liquor licensing Act to recognise the contribution of live music. The number one object is minimising harm. One of the few minor objects is to support live music. They placed me on the Liquor Control Advisory Council, which advises the liquor licensing Minister on alcohol harm reduction. Any time there is a suggestion of lockouts or linking live music to violence I just put up my hand and refer them to the object and say, "As long as you exempt live music from those." Venues are now hosting live music for the first time because of the grants, support and overlays afforded to live music venues.

Number four is: Build your case—present a clear, evidence-based plan. We presented a document, the Committee will be interested to know, to the first live music roundtable called the Case for Regulatory Reform and that was used. That was created by us with industry, and that was the agenda for the live music roundtable for the first four years, and the Coalition Government pretty much ticked off on everything that we asked for. We presented a white paper four years ago to all parties and we have presented a white paper six months ago building the case for support over the next four years.

We have number five: Come together—industry and government work together to achieve mutual benefit. This is all about the live music roundtable—members of the creative industries, planning, liquor licensing and environment to address actions in the white paper and having a senior Minister responsible for that roundtable.

Number six: Localise it—working with councils to support live music. We are currently working with the Municipal Association of Victoria to prepare toolkits to show councils why they should support music and what would happen if they do not support music and for the music industry to navigate their way through the complexities of council and recommending them to have a single point of contact for any promoter event going through council.

We also lobby the councillors, so twice before the last council elections we surveyed all 1,500 councillors in 79 councils and asked them how they are going to commit to live music and asked if they would do an audit of the local music community, would they make existing facilities available to councils and would they invest in a live music strategy. Once we see which councillors were elected then we can actually use them as champions to drive support within councils. Number seven: Get smart—excellence through best practice. We produce a live music best practice guide, available to all councils and all venues. It is quite a thorough document. It was written through the live music roundtable in partnership with various departments. Chapters range from how to build relationships with the police, councils and your local neighbours to how to diversify your line-ups and basic information such as booking forms, best practice for running a live music venue.

Number eight is to attract funding, initiatives and programs to benefit the industry. I am happy to take questions on this afterwards, but we have worked with the current State Government to deliver the Good Music Neighbours project, which is matched funding grants for venues; and Live Music Professionals, which is a mentoring/coaching program for mid-career promoters and live music venue staff. That is funded for three years. We also ran an excellent program called the Victorian Music Crawl, where we loaded up a bus and went on three journeys through touring paths.

We took Melbourne-based managers, musicians, media and promoters along touring circuits to show them how they can tour their bands through regional Victoria. We booked local artists to play in all of the local venues, which ranged from churches to trains to pubs to festivals to boats. We received a lot of media coverage for that from local media and we have had some fantastic results. We had about \$1 million worth of media for that and about \$280,000 worth of business that has happened as a result of those new networks and circuits. So they are three very successful programs we deliver for Creative Victoria.

Number nine: Protect the players—there is no music without the creatives. There is a chapter in the Best Practice Guidelines for Music Venues on how they should treat musicians. We also have an Artists' Advisory Panel so artists are influencing everything Music Victoria does. We have initiatives such as the live music permit car parking initiative where councils issue permits to musicians to park in loading bays in and out of gigs. We have three councils that have come on board with that. We also work nationally with the Australian Music Industry Network to partner with Virgin and Qantas to provide excess baggage discounts for all of our members so it is a lot cheaper to fly. This has had an impact on regional touring because it is so cheap for bands to fly interstate now.

Number 10: Rock'n'roll high school—get smart, be skilled. We run professional development initiatives for artists. They are obviously a very important part of the live music circuit—not just the venues. As in Spinal Tap, we go to 11: The circuit breaker—if all else fails, we rally and partner with our friends at SLAM, and I know the Committee has spoken to Helen Marcou. So we play a bit of good cop, bad cop there—we are the good cop. SLAM is not funded by anyone. They have a very large social media network so they can remind people of commitments and encourage them to hurry up. So that is the ten-point plan and that is, I believe, world best practice for live music support.

**The CHAIR:** Thank you. You talked about the best practice guide. Would the Committee be able to get a copy of that or is it online?

**Mr DONOVAN:** Absolutely.

**The CHAIR:** You said that you had done a Music Victoria White Paper about six months ago, which would be roughly the beginning of 2018, is that correct?

**Mr DONOVAN:** We presented to the parties in March this year. Yes, 2018.

**The CHAIR:** Could the Committee get a copy of that?

**Mr DONOVAN:** They are all on our website under our resources page. They are all available to the public. We work very closely with the other State peak bodies, including MusicNSW, as well as the National Live Music Office. We share our resources and our intelligence with all of the States and Territories. We work very closely together through the Australian Music Industry Network, which I have chaired for the last three years. South Australia has taken on our best practice guide and adapted it to their needs. Any of these documents we are very happy to share.

**The CHAIR:** Artists move beyond borders so if it would be very helpful if we could harmonise it.

**Mr DONOVAN:** Yes.

**The CHAIR:** How was budget worked out when you came up with this ten-point plan? Did you say, "I need this much money to do it?"

**Mr DONOVAN:** The ten-point plan largely focuses on the last eight years. We have prepared another white paper for the upcoming State election in November and we have asked for some of these initiatives to be continued. We surveyed the industry, asked what their needs were and they said, "More of the same, please." We have had \$27 million in support from the State Government over the last four years and Music Victoria delivers a lot of those programs. Just quickly, in terms of what we are asking for in the next election, some of the issues that current live music operators have raised with us include continuing concerns about gentrification and the agent of change law. We have just written a forty-page report on successive agents of change and a couple of areas that need to be tightened up. That was delivered to Creative Victoria just this week.

**The CHAIR:** If the Committee could get the latest commentary rather than the previous that would be great.

**Mr DONOVAN:** It is very fresh. We will have to ask—

**The CHAIR:** If you are open to it.

**Mr DONOVAN:** We have delivered it for Creative Victoria.

**The Hon. JOHN GRAHAM:** We would prefer to have it publically but even if we could get it in a confidential way, if that is the block.

**The CHAIR:** It would be great to learn from where you are up to.

**Mr DONOVAN:** We advised London on adopting it as well and it was passed by legislation on Monday. I advised them three weeks ago on some of the learnings. There are different theories on the agent of change. I know the Live Music Office has some issues; it thinks it will only protect existing venues and if you are trying to grow venues it will not provide that support. Essentially, it will protect existing venues and it does work. Our issues are that venues are still having to defend themselves in the Victorian Civil and Administrative Tribunal [VCAT] and pay legal fees even though they are in the right. Councils have a very important role but they do not understand the agent of change. They are supporting planning permits without understanding and just taking the acoustic reports on face value. So part of our campaign will be educating acoustic planners and other councils about how it should be implemented by law.

The way we sort of got it over the line was that we said if any new neighbours move into new apartments in a music hub—everyone in politics understood the Australian way that if you were there first then you should not have to pay for that. On the flipside, when I did a lot of media about it I said, "Of course if a venue sets up in the leafy suburbs then they are responsible for attenuating and ensuring that they are the agent of change, that they are not decreasing amenity in the area in sound emissions." The venues are always compliant to do that anyway. We use that wording so I can get on, you know, 3AW and the like and say, "Well it works the other way and there is a responsibility for venues." But the venues are always compliant anyway. What we are arguing in this paper is that the agent of change should be used with some other reforms to cut red tape and support the emergence of new venues. That is certainly around planning law and as of right, so you do not actually need a licence to apply to put music on in a café or in a warehouse. And that is across all visual arts so we have made applications to the Department of Planning around that.

**The Hon. CATHERINE CUSACK:** What sort of licence do you mean?

**Mr DONOVAN:** There is as of right for certain businesses to actually have music and some businesses actually need a specific live music licence, including some cafes, restaurants and warehouses. So to support where the new live music venues will be—we do not know where they will be. It is generally where it is cheap where the artists are living. Artists want to live near where they work. An artist is not going to pay a \$50 cab fare if they are only getting \$70 for the performance. We cannot predict where they will be, where the new entertainment precincts or the new hubs will be. Usually it is where the artists are moving, where it is basically more affordable. One of the big issues has been a lot of venues and rehearsal studios were built along train lines because of the background noise, but now a lot of apartments are being built along train lines because of access to public transport. So that is an issue as well.

One other example that we raise in the report is the precinct model. Fortitude Valley in Queensland have a precinct model where instead of the agent of change law, which means that a new planning permit triggers the agent of change for a new building if there is a venue within 50 metres, in the precinct model in Fortitude Valley they measure the sound from just outside the venue so it does not matter how close a development or residence moves to where the building is they set that figure—which is higher than the rest of Queensland—very close to the venues. So the compliance is not impacted by how close apartments or residences move. That is an interesting model as well. One is not necessarily right or wrong but certainly agent of change has saved at least six venues that would be gone if it was not for that law. We think it is actually very successful and very smart planning.

**The Hon. JOHN GRAHAM:** Thankyou for that run-down. I love your plan. When it comes to distinguishing between music venues and high-risk venues, has there been an important definition in driving that separation to get them into two buckets?

**Mr DONOVAN:** We have been very firm on the fact that there is no evidence linking live music to violence and that was something that happened in 2010 leading up to the SLAM rally. We are continually having to advocate for live music venues and one of the current threats is the liquor licensing—we are proposing new conditions for late night licences. One of the conditions was that if a venue had more than 200 people and was open after 1.00 a.m. then they would require extra security. Of course, we threatened that this would be a disaster and there would be another SLAM rally if this gets through. We wanted them to remove the reference to live music. We said, "Okay, that is fair enough. If any venue is open after 1.00 a.m. and they have more than 200 people then that can be considered high risk, they should all have the same conditions but do not link live music. Do not even use those words."

The issue we have around that—and they have put it on the backburner for now—is that we are basically basing the high-risk conditions on the trading hours of these venues. Now the whole problem that led to the SLAM rally was one size fits all, lazy options and not actually allowing the venue owners, licensees, to come up with their own management plans because they know best. They know if it is a certain style of music it will attract a certain crowd and they will put security on in their own interests. It is all about them having their own individual management plans.

Our issue at the moment with a recent proposal was that they were going to base high-risk conditions on the trading hours of these venues. A lot of these venues are licensed to trade until 1.00 a.m. or 3.00 a.m. and they often do not stay open during the week for those hours, but if there is a big festival on they might be open three nights that week till 1.00 a.m. or 3.00 a.m. It is important to say 3.00 a.m. because with most live music—except for dance music and DJs—ends at 1.00 a.m., it is very important to the profitability of the business to remain open to 3.00 a.m. People buy less drinks when they are watching a live show, there is no doubt about it.

Venues have anecdotal evidence—we do not have any reports on this—about drink sales dropping because people are basically paying to see a show. Our line is: If you are facing the stage, you are not facing off. It is bored people who are having fights. If the drink sales are dropping for that period up until one o'clock the venue needs to stay open for an hour or two so people can have a chat about the show, the musicians can hang out with people. There are a lot of other musicians who will come to that venue.

**The Hon. JOHN GRAHAM:** I am conscious of the time so I will just ask you these other questions quickly. How important has the census been to getting a grip on what is going on in Melbourne?

**Mr DONOVAN:** It is absolutely huge. It is referred to by government; anytime we send a submission in we quote the figures from the census. It is absolutely vital and it is important to run them every five years so we can measure the success. We did one five years ago and our figures are 463 for regular venues, 555 for part-time venues. So we have shown that we have bucked international trends and we have been able to prove that the Government's investment has worked.

**The Hon. JOHN GRAHAM:** We have had reports when we have done hearings in Sydney of artists moving from Sydney to Melbourne. Is that your experience talking to the artists community here?

**Mr DONOVAN:** Definitely. The Australian Music Prize is the national prize for the best album, and last year of all nine shortlisted acts living in Melbourne less than half were born in Melbourne. There are huge examples. Sampa the Great moved—she won the award. She is from Sydney. We are hearing that all the time. We run the State Music Awards and we say you have to have lived here and recorded here for at least two years to be eligible for the Victorian Music Awards. So we are often looking at how long people have been living here for, and it is a very large number. People are moving here because you need a large number of venues to play a number of shows—different parts of the city and then regional.

**The Hon. JOHN GRAHAM:** The other thing we have had reports on is the breakdown of the touring network as we have had a Sydney venue crisis. Have you got any views about what that means for Melbourne artists or for the Australian touring scene as there is a venue squeeze in Sydney?

**Mr DONOVAN:** Yes, definitely. The Oxford is the main venue that the bands play there, but they have a backlog. Quite often bands are planning a tour and they have all the shows lined up, but if you cannot play at The Oxford then you cannot do that tour. Bands will still all go through New South Wales, but there are less options; so there is less national touring because of those options. There are big issues in South Australia; Adelaide only has a couple of venues, Perth has a couple and there are only a couple of venues in Tasmania. But it is very important and we are doing a lot of work with the Victorian Music Crawl building those pathways and we are hoping to do a Victorian Music Crawl across New South Wales as well and down to Tasmania so we can encourage those touring circuits across borders.

**Ms DAWN WALKER:** You have mentioned—I know it is on your website—community radio and the importance of community radio for live music, and the fact that in Victoria they have got a very high level of membership per capita, I think you said one of the best in the world. I am just wondering how you see community radio in terms of the big picture of the live music scene.

**Mr DONOVAN:** It is absolutely essential in the ecosystem of live music. The community is very strong here. So the fact that 20,000 people marched in the Save Live Australia's Music rally was the community coming together. Community radio plays a huge role. One of the best things for Sydney and New South Wales is that Triple J is based in Sydney and a lot of labels are based in Sydney. Melbourne managers and labels have to fly to Sydney to get a meeting with Richard Kingsmill. He would never come down to Melbourne despite us urging him and showing him the ABC charter. So there are a lot of benefits with a Triple J interview. If you go to Splendour in the Grass it is full of Sydney bands because there is a bias towards Sydney bands because they are based in that city.

Community radio is absolutely huge, the importance cannot be understated. Obviously, with the internet now it is a lot easier for bands to share information about their careers and their recordings and tours directly with fans, but community radio, Triple R and PBS have huge numbers of subscribers. I am in a band; you can send a demo, you can send an MP3 file to one of the shows because they know that they are playing your type of music and they will play your music. You can sell out shows based on just sending your music—with no publicist, with no label—directly to these people because they are volunteers and they have genre-specific shows. Bands can maintain a career just by having a relationship with community radio. Yet if those bands go up to Splendour in the Grass they will have 40 people there because Triple J do not play them.

**Ms DAWN WALKER:** Your strategy for regional live music, do you see that as distinctly different from this 10-point plan?

**Mr DONOVAN:** Very much so. I consider in my role I support Melbourne as a huge metropolis, and then regional Victoria it is like maybe Adelaide; there is no industry in regional Victoria, so everyone has to come to Melbourne. At a certain stage a band will move to Melbourne for more opportunities, but certainly in regional Victoria we work very closely with councils. The Municipal Association of Victoria is very helpful because they have one person working in culture, so we can pass information on to all 79 councils. These toolkits that we are writing at the moment will be very helpful with councils in terms of supporting their communities. We are undecided about the value of a live music strategy written by a council. There is one in Geelong and there is one in Ballarat, but if you do not have the staff or the resources to carry that out and there is a change of mayor or CEO, then it can just get put on the back shelf.

**Ms DAWN WALKER:** That toolkit, when do you think that will be available?

**Mr DONOVAN:** In September. Actually, late August we will be going out to four regional areas to present it. Musicians call their local council and they do not even return their calls. Part of it is about encouraging councils, showing them the statistics and getting them to understand who their local music community is and provide procurement policies so when you do have any kind of event you look at your local musicians first.

**Ms DAWN WALKER:** Would it be possible to get a copy of that? Will that come in time?

**Mr DONOVAN:** That is also being funded by Creative Victoria. We can just liaise with Ms Rivers and Ms Crawley about what they can share.

**The Hon. SHAYNE MALLARD:** Just a quick question about the live music roundtable, which you are a member of, I am assuming.



**Mr DONOVAN:** That is correct.

**The Hon. SHAYNE MALLARD:** The legislation we talked about before, the first-use legislation, is there other legislation you are looking at, other reforms? Have you dealt with the challenge of a unified approach by the regulatory authorities or the police, by Environment Protection Authority [EPA], by councils, to live music venues across the State, which is a bit of an obstacle we have in terms of the inconsistent applications of different regulations and rules?

**Mr DONOVAN:** Just to follow on from what Ms Rivers was saying about the live music roundtable, the first document to look at is the case for regulatory reform where we outlined all of the hurdles faced by the music industry. The agent of change was one of the first things we advocated for. The building code is a very large issue, and I believe that you have it sorted in New South Wales. Essentially, if a licensed venue had more than 10 per cent of its space dedicated to music it got reclassified from a class 6 to a 9B, which was the same compliance required of an airport or a university. It was never policed, but we were applying for the Department of Planning to have some reform there. In the end, we went through the Red Tape Commissioner, who was in this building with the Coalition Government. That suggestion came through the live music roundtable, to basically make an exemption for venues under 500 square metres that would not be reclassified. State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 [SEPP N-2] is our really big issue at the moment. Your question is—

**The Hon. SHAYNE MALLARD:** Basically what you are addressing with that roundtable. I asked the previous speakers about how did it result in legislative change. We have got one piece of legislation, but what else are you doing in terms of identifying the problems and how are you addressing them?

**Mr DONOVAN:** The other issue was all-ages gigs. You are way ahead of us with all-ages gigs. All-ages gigs were banned in Victoria 20 years ago and no-one quite knew why. So you could only have underage gigs, under 18s, but you could not have anyone over 18 in the same room. So parents and sisters or boyfriends or girlfriends were sitting in the car. We worked quite hard and had to change the police's views about this. We basically said that children or teenagers need to have the opportunity to be entertained in a supervised environment with security and closed-circuit television [CCTV] and Responsible Service of Alcohol, otherwise they are just going to go to a park with a goon bag. So we persuaded them the importance and the value of music and younger people understanding how to behave in that environment. We persuaded them to deregulate all-ages gigs.

It used to be very difficult to put on an under-18s gig; you had to pay \$250 and if the band postponed the tour you did not get your money back. It was very, very difficult because no-one makes money out of all-ages gigs because they cannot sell alcohol. Usually a venue sells alcohol and that is what pays to open the venue. So we got them to deregulate all-ages gigs, which is terrific, but we are now in a situation where no venue wants to put on an all-ages gig because they cannot sell alcohol and make money. It costs about \$1,500 to open your doors and you have to reduce ticket price for younger people. Basically you want the whole door to go to the band, so it is going to cost the venue \$1,500. We got that through: The sexual harassment, live music, roundtable, the building code reform. The last big one is the SEPP N-2. The Environment Protection Authority is reviewing the SEPP N-2 sound compliance for the first time in 25 years and some of it is out of sync with the agent of change laws as well. SEPP N-2 still says that someone can sit out on their balcony with their windows open and have peace and quiet at midnight in a 24-hour city. They need to adapt that.

**The CHAIR:** Just to clarify, is that a State environment SEPP?

**Mr DONOVAN:** Yes.

**The CHAIR:** Is that what you are saying?

**Mr DONOVAN:** Yes.

**The CHAIR:** It is the way you are saying it.

**Mr DONOVAN:** State Environmental Planning Policy N-2, that is the noise compliance levels.

**The CHAIR:** That is the trick, N-2.

**Mr DONOVAN:** We have made submissions to the EPA's review urging them to be more flexible. SEPP N-1 measures pollution in the air and water and if you run a business near a port you are allowed to have higher levels of pollution. We are arguing that in cultural clusters in certain areas, we have mapped them out, that venues should be able to play music at a higher level. There is still a fundamental problem that music is considered pollution. As Brian Johnson sings, "rock 'n' roll ain't noise pollution". I had to throw that in there.

**The Hon. SHAYNE MALLARD:** It is all subjective.

**Mr DONOVAN:** That has taken years to get that over the line.

**The Hon. SHAYNE MALLARD:** We will find out tonight.

**The Hon. CATHERINE CUSACK:** Can I ask about the well-being of the musicians, is that something that gets looked at in terms of pay, not being exploited?

**Mr DONOVAN:** Yes, definitely. The pay is the biggest issue. I think on average they are earning under \$7,000. I would say 90 per cent of musicians in Victoria have other jobs. This idea that you can have a career out of music does not exist in Victoria apart from the much larger bands with the more commercial sound. We recently hosted 10 members of the Latin American music community and they could not believe that we had 50 gigs on a Wednesday night, one venue had four different stages, 20 bands playing and they said that does not happen. If a band does not get paid properly in Latin America they will not play. But a lot of people do it because it is their passion, it is their outlet. I often say it is a hour and a half to the nearest surf beach down here so we do not have lots of young people hanging out at the beach. That is obviously a great option anywhere in Australia.

Most bands, it is very difficult for them because they basically have their own jobs. They get exploited by venues. Basically the venue will say, "This is how much you are getting paid". There is no negotiation. They might say, "Well, you might get paid partly in alcohol". A lot of musicians do not drink or they are driving to the show. They both need to share the responsibility and costs of promoting the show, whereas the venue will often say you have to bring your own people and we are not going to advertise it. There is a lot of issues there. There is a lot of issues with mental health. We are doing a lot more work in terms of dietary advice to musicians and mental health issues. Support Act Limited, which is the charity for musicians in distress, which is our charity partner, have set up an 24-hour hotline.

**The Hon. CATHERINE CUSACK:** Can you tell us some more? We have musicians telling us that they are homeless, they are living in their cars. Can you tell us more about that?

**Mr DONOVAN:** I have not heard that down here but we certainly know that the financial stress of not knowing where your next income is coming through and the reduction in income from recorded music sales puts a huge stress on some of these artists and quite a few of them have mental health issues. Then you have managers managing a band with members with mental health issues as well. Support Act Limited is absolutely vital and that is based out of Sydney. They have a full-time officer there and an 24-hour hotline. We have urged the State Government to put in some money to have a full-time case officer here.

**The Hon. SHAYNE MALLARD:** It is based in Sydney?

**Mr DONOVAN:** Yes, Support Act Limited.

**The Hon. CATHERINE CUSACK:** Part of the issue is in areas where it is hard to get housing because they do not have a regular income, it is difficult to get real estate agents to accept applications and getting a bank loan is impossible.

**Mr DONOVAN:** Yes. You should definitely speak to Support Act Limited. They are based in Sydney. Any musician in financial distress can apply anonymously for some financial support and we have raised \$60,000 through our State music awards for Victorian artists to receive some support.

**The Hon. CATHERINE CUSACK:** One more question. I am interested in what you said about councils and whether it is worth it go for a music person. What about night economy? Does this link in with the potential for a night economy policy?

**Mr DONOVAN:** So the big buzz board at the moment is the "night mayors", which is really funny because it is an ugly job, unsexy job and they have given it this very sexy title so everyone wants a night mayor at the moment. There is a night time economy conference in November. Jane Slings from the electronic music conference is running with the night mayor from Amsterdam, Mirik Milan, a night time economy conference in November and analysing the roles of that. We are running a spin off event to Melbourne Music Cities Convention which we ran earlier this year to look at the different success of different models and merits of different models for the local council to support its music community. One is a night mayor. We brought out the night mayor from Orlando and 80 per cent of their job was homelessness, garbage trucks, all of that, and music was a very small part of it.

There are other mayors I have met with like the London night tsar who was appointed by the mayor and it is more of a figurative role and they spend a lot of time flying around the world promoting their music economy.

I think there are more successful examples such as don Pitts in Austin, Texas, or Frank Henry in the Brisbane council who have worked in council for many many years. They understand the complexities of local laws and they are also a music fan or a musician or a music supporter so they can actually get in there to the nitty-gritty of what needs to be done. Part of the role a night time economy manager should have is building relationships and harmonising relationships between local businesses, local residents and entertainment. A lot of it is about mediation while also looking for opportunities to cut red tape.

**The Hon. SHAYNE MALLARD:** And regulators.

**Mr DONOVAN:** Yes. A big part of the relationship with council has to be, and we have live music venue days with different councils where they actually bring in the head of compliance, this scary monster that might turn up or send people late at night. We bring them all together and explain that we have only had eight complaints this year, we know you are all good operators. We realise that someone has left a window open and we will call up and say check on that. They know the venues that come to these days have a good track record and they know the rogue ones. They will say we have had 200 complaints about dogs barking. They put it into perspective.

**The Hon. CATHERINE CUSACK:** The Sydney venues say to us that they are part of an experience and the area needs to thrive for them to thrive. For example, with the lockout laws if you made exemptions for live music venues that would not fix their problem at all because the whole area has died.

**Mr DONOVAN:** Yes, I do not think the lockout laws are the whole reason for Sydney's music demise at all.

**The Hon. CATHERINE CUSACK:** What do you think is the reason?

**The Hon. TAYLOR MARTIN:** Reasons.

**Mr DONOVAN:** The lockout laws, I was in Sydney the night before I spoke at this conference and as long as you get into another venue by one o'clock you just cannot leave, so bad luck if you are a smoker but apart from that I went to three venues that night. I do not know. It is just so much more ingrained. There are so many more musicians here. People just pick up instruments and they just play. Everyone is listening to community radio, everyone wants to join a band, anyone can join a band, bands support each other's bands. I hear that a launch will do very well in Sydney, everyone will go to the launch because it is exciting, it is a Friday night and a special event, but they do not just want to go out and so life music on a Tuesday or Wednesday, which is what people do here.

**The Hon. TAYLOR MARTIN:** Are you saying there is a natural advantage in Melbourne, Victoria, that we do not have culturally in New South Wales?

**Mr DONOVAN:** I think it is a cultural thing. If I could go back in time I would have lived at North Bondi in the 1980s, body surfing every morning and seeing bands every night 10 Ks away. There was no doubt that it was the absolute. That is where all the bands moved and it creates momentum. Once other bands start moving to Melbourne then everyone else wants to be around other musicians and they keep moving where that is. That happened to be Sydney in the 1980s. It is hard to tell. I do not think you can just blame the lockout laws.

**The Hon. SHAYNE MALLARD:** It was in all the pubs in the 1980s as well.

**Mr DONOVAN:** Yes.

**The Hon. SHAYNE MALLARD:** Then along came the gaming machines.

**Mr DONOVAN:** Yes, you have a much bigger issue with the poker machines as well.

**The CHAIR:** Why do we have a much bigger issue?

**Mr DONOVAN:** A lot of this is anecdotal, but I have heard that a lot of the gaming rooms replaced band rooms. I do not know if you have a requirement for a venue to spend some of that pokey income on entertainment. Certainly in some states—South Australia and Western Australia—they have requirements of hypothecated revenue streams where a certain amount of lottery money has to go back into entertainment. We are trying to encourage all the AHA venues to put on more live music. We are calling, in our white paper, for a live music officer to help write a 10-year live music strategy to plan for the future. We have AHA, with 1,500 pubs in Victoria, and the Victorian Association of Performing Arts Centres that has about 80 theatres across the State, all desperate for live music, because they all want to get the young crowd in. All the RSLs are desperate to have younger members coming in as well.

We do not have the resources to do it thoroughly but what we have asked the Government to do is to fund a full-time live music officer. An experienced music promoter will go out to these regional and suburban areas and tell them they can put on shows. We are already telling the performing arts centres, "You have to have shows a bit later." "You have to let them take a drink into it." "You have to use different kinds of social media," or "You have to use social media to attract the younger crowds." They are all desperate to get the young people in.

The other thing is that you need to find a band that is about to break that you can actually afford. There is a real art to that. The existing live music agents will only recommend their own acts so there could be a role for a live music officer who has their finger on the pulse and says, "These are the bands that are ready to break." Then you have a local band supporting them, so you can support the local music community as well. That is a long-term plan of ours.

I cannot answer all the questions about why the Sydney live music scene is not thriving as it once did. Certainly for the larger acts—Amy Shark, Gang of Youths—there are a lot more Sydney bands in the Splendour in the Grass line-up than in Victoria but that is at the very high level, whereas the community here comes through community radio and the love that people have for music. Also a lot of the legislators went to university in the eighties and they had live music all the time. So it has been a lot more helpful for us that we are not persuading baby boomers that music is not just for a good time, it actually has all these other benefits, as well.

**The CHAIR:** That is awesome.

**The Hon. CATHERINE CUSACK:** Thank you very much.

**The CHAIR:** Thank you so much. You have taken some things on notice. Kate and the team will help you. You have about 21 days. In light of your evidence we may put some further questions to you, and once again the team will help you with that. We really appreciate that. Thank you so much; that was so good.

**Mr DONOVAN:** Great.

**The CHAIR:** We look forward to maybe taking some of your great initiatives to improve the arts and music economy in New South Wales.

**Mr DONOVAN:** Terrific. I urge you to support your local peak body with some support similar to what we have and can deliver a lot of these programs, because we are not for profit and independent. We represent the whole industry. We are well placed to deliver these programs in the best interests of the industry.

**The Hon. CATHERINE CUSACK:** Was it you who did the census?

**Mr DONOVAN:** Yes.

**The Hon. CATHERINE CUSACK:** I would like a copy of it.

**Mr DONOVAN:** Everything is in Music Victoria under "resources" or "reports". So the Live Music Best Practice Guide—

**The Hon. CATHERINE CUSACK:** It is on their website?

**Mr DONOVAN:** It is on our website—Music Victoria.

**The Hon. CATHERINE CUSACK:** Are the venues increasing or decreasing?

**Mr DONOVAN:** The traditional venues with regular shows are about the same, but there are non-traditional venues—shows at Parlour and household party supporting events—so there is music at a lot more events and non-traditional events but the traditional venues are staying about the same.

**(Witness withdrew)**

**(Luncheon adjournment)**

**SIU CHAN**, Unit Manager, Arts, Culture and Venues, City of Yarra, examined

**The CHAIR:** Could you state your name and the capacity in which you are here?

**Ms CHAN:** I am Siu Chan and I work for the City of Yarra. I am the unit manager of Arts, Culture and Venues. My portfolio looks after a number of things, arts and culture being one of them, events being another. Permits is another area my unit looks after.

**The CHAIR:** For your knowledge, we are outside our jurisdiction so parliamentary privilege does not apply. Be mindful to refrain from making adverse comments about anyone, unless it is necessary. Do you have an opening statement that you would like to present?

**Ms CHAN:** I do. It is a lengthy one because I was thinking that you might have travelled down south. First, on behalf of the City of Yarra, we want to thank the Committee for inviting us to speak about our local government's experience with music, arts and the night-time economy. Live shows and live music are still important mediums to experience the arts in an age that has gone digital. Music and the arts work beyond municipal and State boundaries. Australian and international musicians depend on tour packages and Sydney and Melbourne are two traditional points for that touring circuit that people depend on.

A bit about the City of Yarra. We have a population of around 95,000 people at the moment. We are recognised as a centre for live music. We have more than 800 licensed venues, so it is the second highest in Victoria outside the City of Melbourne. About 60 of these are licensed beyond 1.00 a.m. and about 55 of these are regular presenters of live music. Most of those 800 licensed venues are cafes and restaurants, but we do have a significant live music venue scene. Live music venues in the City of Yarra are mostly in old pubs and repurposed buildings. The business models are often in high street and increasingly residential settings as the city is gentrifying and rebuilding. We recognise that our live music industry operates in a predominantly small, mixed business model. They are venues that combine hospitality with music and recreation. Since 2013 and 2014, the City of Yarra has been taking a holistic approach to the live music centre. It recognises that there is an ecosystem that is involved in the creation and sharing of the arts, which, for us, involves supporting musicians, music businesses, music organisations and working in collaboration with the industry. I can talk in more detail about what that might look for you.

We have consistently put our hand up to apply an engagement approach to work through many of the tensions that arise from the operations of the businesses with our residential community. On top of that, we take a whole-of-organisation approach to supporting our day- and night-time economies. That includes using land use strategies, planning scheme provisions for licensed outlets, changes to our provision of waste and street cleansing services—that is sometimes a bit of a pivot—and engaging with external agencies such as the Yarra Liquor Forum, and special forums to address ad hoc large-scale events such as the Australian Football League [AFL] Grand Final that happens on the other side of our boundary.

We also made the newspapers for an alcohol- and violence-related event in 2014. You might have heard about it in Sydney. We had a messy New Year's Eve in one of our largest parks. About 15,000 people attended an unsanctioned party and left the city with a big challenge. Our response the following year was not to create a new sanctioned event, as was very tempting—let us create a party where we control it, or to fence off our parks, which has been done by other councils in Victoria. We worked with the licensed venues to encourage patrons to go to a party place to have a party. It is an example I thought you might appreciate.

We believe that live music, because it is largely operating in a commercial setting outside traditional government and not-for-profit frameworks for the arts—which is the area I come from, where mostly the funding has been directed to not-for-profit arts organisations—could benefit further from government funding as a sector delivering important economic, cultural and social benefits. I think the funding of \$22 million for the live Music Works package over four years by the Victorian Government is really important and significant. One of the important things to note is that it is new money, so it is not a reallocation of the Arts portfolio, which these things often are. We think that there are great opportunities for local and State Governments to work together on these issues. That is a really important platform, so it is over to you.

**The CHAIR:** I am interested in the land use strategies. Can you expand on your experience?

**Ms CHAN:** What the City of Yarra did a few years ago—and I do not know how much you know about us, but we are facing a lot of development. Fitzroy and Collingwood were slum suburbs. Not that long ago, in the

1970s, a lot of public housing went in. It has now become very expensive and sought-after real estate. We are getting a lot of infill developments. What we did quite a number of years ago was look through it from an employment lens. Gipps Street precinct and Richmond precinct or Cremorne were identified as two precincts where we could look at not changing the zone, which is one of the few levers left to the local Government.

We identified these areas as creative and employment clusters. We are doing a new piece of work now around business and land use requirements, but what it did was protect these two precincts from redevelopment. What we find is that—and, as a caveat, I am not a planner or an expert—mixed-use developments in Victoria and Yarra have been market-driven because of their ability to be mixed use. So, whatever the market wants. At the moment, housing has been the most expensive and most sought after, so it tends to be that most of the uplift is residential and the planners will demand that the ground floor is an active site, so it might be a café, supermarket or something like that. Mixed-use was not delivering the outcomes that Yarra thought it needed, in terms of not being a dormitory suburb where people just came and slept.

So these two precincts were identified as areas where we would not change the zone based on an employment strategy. That has been hugely successful, not always for venues or for the arts. For Gipps Street precinct, there are a number of creative organisations and creative hubs. Cremorne has been called the Silicon Valley of Melbourne. A lot of tech companies have located there. I think they have 0 per cent vacancy in Cremorne. The real estate values are comparable to residential, so it is incredible.

**The Hon. JOHN GRAHAM:** It would be particularly useful to have some understanding about some of the regulation issues that venues are particularly struggling with. One big issue we have found in New South Wales is that venues are struggling to keep their doors open. The interaction between the State and local Government regulation is often contradictory and overlapping. During the discussion earlier this morning, it seems to be less of an issue in Victoria, but I wonder if you had any views about where that is an issue. How have you dealt with it?

**Ms CHAN:** I get phone calls every now and then from a venue that says, "I've got this problem," whether it is an agreement with the developer who is building next door about what soundproofing they were going to do on my wall before they started, and so on. My office gets a lot of requests from venues, whether it is a licensing issue or a planning issue. We are often a point of contact. I do not know how venues in Melbourne differ from the ones in Sydney, but I find that live music venues tend to be different to arts organisations. They are more focused on doing their own business. They are less proactive in dealing with their problems than the arts organisations tend to be. They are chasing the next grant or working on their government relationships.

I always see that phone call as a positive because I know that there is a non-compliance person that they are ringing for, as a council. We are the point of contact for them. I know Mr Donovan from Music Victoria was here. We have a relationship with Music Victoria. There have been times when it is a noise issue where we will come in. It is a three-way conversation between us, our compliance officers and Music Victoria. Having that interaction and interface for venues is an important boost to them, thinking that it is not venues against the neighbours. That does not address your thing about what about the overlap or conflict is around regulation between State and local. I do not know your problems intensely.

**The Hon. JOHN GRAHAM:** I understand.

**Ms CHAN:** When we had the agent of change adopted, it was done in conversation with some of our venues. People like Helen Marcou are very active. Her studio is in the City of Yarra. Helen is a very strong advocate. She would talk to me and our councillors. That advocacy goes right through the organisation. We feel Yarra is very progressive in the way we approach things. We have had issues that we have created as well, or issues that we have inherited. Maybe it does not affect music venues directly but it affects live music. We found that, like many other local governments, there are lots of regulations, local laws and State Government laws that we are upholding, which require a lot of permits. People would say, "I want to do an event in a park. I want to do it legally and correctly. I don't know what permits I need," and very often, there is no single person at council who knows all the permits that are required. What we did, as a very proactive and simple approach, was to write a policy about event permits and then we created a single point of contact. It is a more external-facing type of service. We were able to do that within six months and council adopted a new approach.

**The Hon. JOHN GRAHAM:** Going back to the point you made in the middle, what role did the local police play in the interactions you convened with the venues?

**Ms CHAN:** The Yarra liquor licence forum involves police and licensees.

**The Hon. JOHN GRAHAM:** So that is where they plug in.

**Ms CHAN:** They would discuss issues such as licensing or public behaviour. Most recently, they talked about the upcoming AFL final, which last year closed one of our major streets because Richmond won after a long drought. It is quite a proactive group and there are relationships in it.

**The Hon. SHAYNE MALLARD:** I would like to follow up on that line and check two things. The first is about the one point of contact for permits. They are just council permits—

**Ms CHAN:** Yes.

**The Hon. SHAYNE MALLARD:** not any other government permits.

**Ms CHAN:** No, unfortunately not.

**The Hon. SHAYNE MALLARD:** Would there be other approvals required, such as from police?

**Ms CHAN:** There are other approvals but we can refer them—for instance, we are now preparing for the Grand Final weekend by working with our venues about how they are going to manage it. Some of them want to extend their trade beyond their line, which involves road closures. That is not a local government law; they need VicRoads approval. So, we would say, "You need these approvals and other permits." We can give advice on it.

**Ms DAWN WALKER:** I would also like to follow up on that in terms of the night-time economy strategy. I noticed that there was a goal to establish an alcohol management group with membership from parts of council and the police. I am wondering if that group was formalised.

**Ms CHAN:** That is probably the Yarra liquor licensing forum. It meets every quarter and involves the police, the local services—we have some organisations and health services that look at them—and the Neighbourhood Justice Centre. Not all the venues that go to that are live music venues; they are just licensed venues and the police. It is facilitated by council.

**Ms DAWN WALKER:** Does that meet regularly and on a needs basis as well?

**Ms CHAN:** Yes. For instance, we just had a special meeting in preparation for the football Grand Final.

**Ms DAWN WALKER:** I am also interested in the Smith Street Dreaming project. Could you tell us a bit about that?

**Ms CHAN:** Smith Street Dreaming is a very special project, which arose from another issue that was related to the relationship breakdown between the businesses on the street, some of the residents and the Aboriginal community who meet on Smith Street. The experience was that the police were called out multiple times each day to respond to issues on the street. It was also a similar time when council adopted a new local law that amended about drinking in public spaces that limited drinking to our parks and open spaces between nine and nine. So on-the-street drinking was prohibited by the local law.

So Smith Street Dreaming is a community engagement response to an issue that was happening in our community. It involves the Neighbourhood Justice Centre, which is local to the health services, and some of the not-for-profit organisations—one of them a training facility for young Aboriginal people; council is the lead for that. It has gone for five years. It needs to be experienced for you to feel it. It is one of those classic ones that you go to and you feel "I get it". That is why it is special. It is programmed by an Aboriginal man working very closely with the local community. It is a day of pride really. I do not know if I sent to you the statistics from the police about the outcomes for them in terms of the number of call-outs. There has been a dramatic reduction in the number of call-outs with the police on a daily basis, and then a massive amount of pride in that community in relationships. People talk about it. Every year there is a beautiful fire. We just had one recently. It is very special. Thank you for asking.

**The Hon. SHAYNE MALLARD:** I want to clarify the role of Music Victoria in that engagement process when there is a dispute between a venue and a neighbour. What is its role in that process?

**Ms CHAN:** We work very closely with Music Victoria. I think one of the things that I cannot say emphatically enough is that it is about not dealing with the issue when it is a problem, and that is what our compliance officers say. They encourage venues to talk to compliance, even before the problem, just a phone call and "Come and have a coffee and let's talk about what's going on" so not to only make the phone call when there is a noise complaint or a behavioural complaint. We have worked very closely with Music Victoria. We have a roundtable forum each year, at least. All the venues are invited. Our compliance team come and they present the statistics about how many complaints we have received over the past 12 months and how many were escalated to an investigation.

The statistics are showing that the noise complaints the city has been receiving each year have been progressively decreasing. Our local laws team would say that part of that is about the way they approach it. All the officers that they have got know the venues and they are experienced in dealing with noise complaints. There are some peculiarities in the legislation, I think, with SEPP N-2. What does that mean? What is reasonable? There is a reasonableness test to it. Steve Alexander and I recently presented and he says that all his team have 10 years' plus experience in managing noise issues.

We and Music Victoria work closely to present that forum each year. I guess the relationship has built so much now that the venues feel like that they can just call us and say, "We've got this issue." Last year, or the year before, we had a very big peculiar issue that was outside the Agent of Change, where there is a new development going on next to live music venues. The Agent of Change dealt with the provisions for that. But in the development process where the demolition happened, and there was a void, all of a sudden there was noise going beyond that because of the demolition. That was a thing where we brought Music Victoria into the discussion because here is, I guess, a case study for them that is quite exceptional to what we anticipated in the Agent of Change framework.

**The Hon. SHAYNE MALLARD:** There is no role for Music Victoria directly as a facilitator or mediator between a disputing neighbour and a venue?

**Ms CHAN:** That is not their expertise. We did have a memorandum of understanding with Music Victoria, City of Yarra, to say that if there was a conflict between a music venue and the city in our compliance that they would come in and support the venues. I do not think that role is necessarily required any more because we are rarely in conflict with a venue. But we encourage venues to talk to Music Victoria. We encourage them to adopt the best practice guide so they are, I guess, the collaborations between us and Music Victoria. Whenever they update the best practice guide we try to be a commentator on that. We encourage people to adopt it as their best practice. But in terms of whether the venues feel that they need Music Victoria to be their advocate when they are talking to council, I would say no.

**The Hon. SHAYNE MALLARD:** How do you define a live music venue?

**Ms CHAN:** I do not think we define it; it is defined by liquor licensing, I think. That is one of the challenges in the way that we deal with noise. I might need to take that on notice because I do not do the enforcement side. In terms of licensing, it does differentiate, I think, between live and recorded, but there are lots of nuances. In one of the venues that we dealt with recently there was a problem with interpretation of what "amplified" and "not amplified" music was. A classic example is someone playing an acoustic guitar. In the industry no-one plays an acoustic guitar that is not plugged in. In their view it was acoustic music and, I guess, in the enforcement view—and this is an area where it was not local government enforcement but the police were the enforcers—that was seen as amplified music because it was plugged in.

These are the areas where, I think, we do need to provide a lot more clarity in writing that because often the people who write it are not necessarily from the industry. They are saying "amplified" means never plugged in—a cappella. We have also peculiar local laws where in our parks we say "No bongo drums".

**Ms DAWN WALKER:** I thought only the Gold Coast had that.

**Ms CHAN:** No, we have got it too; I am not sure who did it first. That is not amplified but it is apparently offensive.

**The Hon. SHAYNE MALLARD:** We have some commonalities of some strange rules.

**Ms CHAN:** Yes.

**The CHAIR:** I refer to alcohol violence in Edinburgh Gardens. What do you think had to do with it?

**Ms CHAN:** Edinburgh Gardens is a heritage park. We have local laws around amplified music. Permits are required if you are going to play something through an amplified device. We have been very lucky being close to the City of Melbourne, it creates a really fantastic New Year's Eve event—extravaganza. There are 9.30 fireworks and then midnight fireworks. We have not needed to provide a party of our own; people have always travelled to the city.

**The Hon. CATHERINE CUSACK:** And you have great public transport.

**Ms CHAN:** We do. We have trams, trains and buses. We have not had an active role in providing a New Year's Eve party. Other cities do—Maribyrnong does on the other side. I think perhaps it happened also because we have a lot of musicians who live in our city—a lot of capacity, I guess, to generate a massive party. It was a well-organised party. I was not there but I heard it was very well organised—there were stages and big sound



systems were brought and apparently four DJ sets. Most of the people who went to that event said that they had a really great time—people like you and me. They said it is local government over-reaching and stopping people from having a great time. These are reasonable people. "We live in North Fitzroy"—the shorthand is North Fitzroy are very genteel, educated people. "The worse we can do is throw a savoy at each other." That was a line I heard at council. There was a very heated debate about what the local government is going to do about this.

On the other side, we had the police talk about the risk involved—fences collapsed, people climbed the tennis courts to try to see the midnight fireworks. We are not on a hill. There were sexual assaults. Old ladies were woken up in the middle of the night because people desperately wanted to use their toilet; defecation all over the place, broken glass all over the place. You can google it and you find it in pictures. The park was left in a terrible state. There is no way that any group of police can control a 15,000-strong crowd once it is in full swing. The police would not go into the thick of this park. It is a deep park. It was a public risk. Our response was to talk to the community. There were a number of very heated public submissions that went on for hours on both sides, some people wanting their local government to take a very strong view, and others saying, "You're just stopping the party. Here's a great party that the locals have put on and yes, we can tweak it a little bit, maybe a few more bins would help, but otherwise just leave us to do our business." It was a very difficult time for council, and a very hard decision for us to make because we did not want to be seen as overreaching.

**The CHAIR:** Did they have permits to do this?

**Ms CHAN:** No. Unsanctioned. Just came in.

**The CHAIR:** Pop-up.

**Ms CHAN:** Pop-up, amazing. There was a lot of, I guess, soul searching for us about how did we not see the pop-up. And it is the classic thing, every other year it is fine and we do not really input people on working until the late hours of New Year's Eve in local laws because we are worried about it. We do now. At the time everyone had gone home, most people, unless they were on essential services. They had gone home to have their private New Year's Eve, so we did not have staff patrolling all our parks. We do have an event control centre that we set up each year. We do not put on really a spectacle or anything, but we just manage all of our city. We work with the police very closely, we have security, we put out additional waste management, all those things.

And we still, six years later or how many years it has been now—four years later; it feels much longer—work with our venues. We take out a campaign with radio and with poster companies and we offer that to the venues and say, "Here is some free promo for you, venues, if you want to use that to promote your venues for your New Year's Eve activity in our city." Because that is our preferred place where people should go and have a drink and have a party, where it is supervised and regulated.

**The Hon. SHAYNE MALLARD:** Presumably, that has been gratefully received by the venues? That would support their activities?

**Ms CHAN:** Yes. If we put on a party, it takes business away from the venues. It is these small things that you can do by being thoughtful about the sector. This connects to my preamble to you about thinking about the whole sector. The City of Yarra put in a stimulus package to work with live music venues because they said to us, "The hardest time is winter. In the month of July it is really hard to keep our venues going because it is cold, there is less music." The city has put in a \$100,000 music package for July and it is venues-based. A lot of other councils do music festivals and it is in high street settings where you close a road and have a flash in the pan type of event. For us, all our investment is with our venues, so it is inside. It is just a pivot, a small thought about how you can do better to support venues. Supporting venues supports the musicians, supports the business, so it is all about that.

**The CHAIR:** You mentioned talking to the venues, or instructing them to guide people to other places. How do you do that?

**Ms CHAN:** How do we work with venues? We work with them in a very deep way, and I guess this is one of the things about local government, that we can be very close to the ground and that we also work with the State. We were, I think, the first local government to introduce an acoustic treatment grant. Not a big investment, but something that won us a lot of fans with the venues, and with their neighbours.

**The CHAIR:** How much is that?

**Ms CHAN:** Twenty-five thousand dollars a whole year; \$2,000 on its own, or up after \$5,000 a dollar-for-dollar match. It was then replicated by the State Government. It is really great value for us because we were small and local enough to say, "We think this is worthwhile trialling, let us see how it works." It worked so

well that the State Government then replicated it. We can be really great trial places because we are more nimble and able to do that. Just encouraging the venues, who are not used to grants—and I think this is the other part of the equation—arts organisations, classical music, all used to it, it is a very funded industry; live music, less so. They are just not used to applying for grants. The thing that stands out with our acoustic treatment grants, it can be goods or services.

You can get an acoustic engineer to come out and do a survey and see what you need and that will encourage that, because double glazing does not always work, it can have the opposite effect, as you might know. It can make it bounce a lot more. It could be for goods or services. What we pride ourselves on is we turn that around in two working weeks. You apply online, your form is complete, you get your money. If you have a noise issue, you cannot wait for three months until the grant round opens, then think about getting it. Your business would be closed.

**The Hon. JOHN GRAHAM:** Are people using those grants for services or equipment?

**Ms CHAN:** It is a mixture. Before the Creative Victoria grant came in it was probably a lot more.

**The Hon. JOHN GRAHAM:** I am more interested in after that.

**Ms CHAN:** It depends, because the Creative Victoria one needs a lot more time, it has a fixed pool time when people can apply, whereas ours is rolling, so people can apply for it at any time. Mostly it has been for goods, whether it is creating a new wall, or new windows. Sometimes it is for an acoustic engineer to do a report, but often it is for that job or goods.

**The Hon. JOHN GRAHAM:** How often are venues being asked to have an acoustic engineer prepare a report? That can be very expensive, \$20,000 for a small seated venue.

**Ms CHAN:** We do not ask them. The grant is available. If they want to apply for it, it is available all the time, and if their application is complete, in that they know what they want to do and they have got reasonable quotes for it, they will find out from us within two weeks of the application process.

**The Hon. JOHN GRAHAM:** How often is council requiring that process?

**Ms CHAN:** We do not require them to.

**The Hon. JOHN GRAHAM:** But if there is a noise complaint, one of the things that is happening for Sydney venues is that they are asked to do an acoustic report. You are saying you would not go down that path straight away?

**Ms CHAN:** No, we do not at the moment. I am not sure if it is something we would take on. Looking at the statistics last year, we had I think more than 300 noise complaints that were registered. That is not only for live music venues. Only five of those went into formal investigation. Noise complaints are not a massive problem in our city. The biggest challenge that is facing live music in our city is affordability. That is the small business challenges, things like the new Tobacco Act, or the new APRA AMCOS deals, all those things are another part of a very small and complicated business.

**The CHAIR:** Thank you for giving the Committee some of your experience. It has been very helpful. The Committee may have some further questions. You will have 21 days to answer those questions and the secretariat can help you achieve that.

**(The witness withdrew)**

**ROGER FIELD**, Chief Executive Officer, Live National Australasia, examined

**The CHAIR:** Good afternoon and welcome. These proceedings are not covered by parliamentary privilege as they would be in New South Wales. I ask you to be mindful that you would not be protected by parliamentary privilege if you make any adverse comments.

**Mr FIELD:** Okay. I hope I don't.

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

**Mr FIELD:** So, I have tried to keep to the five-minute opening remarks so hopefully I do not go too far over. I welcome the opportunity to speak. Thank you for the opportunity to contribute to this inquiry and I am encouraged by the apparent commitment from the New South Wales State Legislature to address the current state of affairs in the music and arts economy in New South Wales, and particularly in Sydney. Live Nation is a business with a significant and vested interest in the ongoing growth and development of all Australia's capital city markets. In 2018 to date we have sold more than 580,000 tickets to people in New South Wales, with 95 per cent of those tickets sold for events in Sydney over 131 event nights.

Clearly there is a willingness for people to be engaged with live music and events. However, it seems that over time there has been a divestment in the supporting infrastructure for these opportunities. The erosion of the inner-city venue landscape, lockout laws eliminating bar culture, red tape around access to open air spaces and the always overarching views of the vocal and influential few have acted simultaneously to create a fragmented and inconsistent entertainment culture. My observation from afar has been that the advent of lockout laws following Sydney's widely reported troubles with antisocial behaviour have been the final step in the sustained view that the centre of Sydney is not a place for all Sydneysiders to come and enjoy culture in the company of others.

Melbourne, however, does not always get it right either. We trialled lockout laws and we have lost some venues. We have also had some challenges with outdoor event spaces. Like you are doing now, we have listened and we have learned after taking a wrong turn. So what do we do right? Melbourne's CBD is accessible from all points on the compass and our combined tram, train and road infrastructure make getting into and out of the city relatively easy compared with working around Sydney's harbour. This accessibility also means that suburbs adjoining the city have developed their own high-street identity. Our obsession with AFL football has conditioned whole families to going out together, amassing in their tens of thousands every weekend, creating opportunity for businesses to benefit from the passing traffic. Along with other major events such as the Australian Open Tennis, the Grand Prix and Spring Racing Carnival, we encourage people to stay around the city long after the main event and even before.

We have also retained several heritage theatres, which have now become somewhat untouchable—venues such as The Forum are icons and you cannot imagine the city without them. In contrast, Sydney lost many of its heritage theatres and over time has split the audience by developing the Homebush precinct to be the major sports and entertainment hub for Sydney. Melbourne's sports and entertainment precincts are adjacent to the CBD ensuring absolute connectivity with the city and surrounding inner suburbs. Sydney should not ever have contemplated the demolition of the Entertainment Centre, a venue that retained high functional use in the centre of Australia's largest city and full of entertainment history. Its replacement is suitable for convention use and lacks the atmosphere of its predecessor, whilst Sydney Olympic Park still struggles to develop an entertainment identity.

A venue precinct and events in and around the heart of our city is what has contributed greatly to the through traffic that has helped Melbourne's laneway culture to thrive. Crowded bars and restaurants bring music where the buskers or bands are booked to entertain patrons. In Melbourne, after our failed attempt at lockout laws, the strategy changed to be supportive of a wide array of potential venues and operators. Of course the operators are held to account under the liquor licences but the range, size and styles of venues ensure that patrons are widely dispersed and many visit multiple establishments, often on the way to attend some type of event. Venues have cascading closing times, with many of the later operators including music. This keeps people engaged and also staggers the end of people's evening.

Importantly, there are fewer points of mass congregation, such as what used to be Kings Cross in Sydney. Melbourne also has not pushed major outdoor music events away from its centre. The Sydney Myer Music Bowl is acknowledged as a permanent event space and when the newly developed residential towers threatened its ongoing use, it was vehemently defended. With a commitment from local authorities and users, the Bowl now

hosts everything from Carols by Candlelight to electronic music events in harmony with those who live close by. Likewise, legislation was also passed in the precinct around Marvel Stadium, formerly Etihad Stadium, to protect its use as a major concert venue from potential complaints from residential towers that followed after it opened. Even Melbourne's major festival site is situated equally distant from the CBD as Randwick Racecourse is to central Sydney.

Sydney has no readily available cost-effective or permanent outdoor place of gathering outside of its Moore Park stadiums. Politics and influence appear to limit the usability of the Sydney Opera House forecourt, The Domain and Centennial Park, along with the crushing costs of excessive compliance. All of Sydney should be able to gather in these stunning locations and enjoy entertainment together in the same way that the Vivid Festival and the Sydney Festival draw people into the CBD in a rare moment of community. Melbourne is also event hungry, not only at the State level but also at the municipal level. The city of Melbourne craves innovative activation and between State and local government there is noticeable support for event producers in overcoming challenges and in activating unusual spaces. For example, in March we produced a weekday lunchtime performance by the band Jet, which took place in AC/DC Lane only 10 days after the idea was conceived. These types of events bring life to the city.

My final observation is about community. Every town in Australia has some form of facility that brings people together, be it a hall or a sports club. Live music in central and suburban Melbourne is deeply entrenched and is a vibrant and strong community of musicians, advocates and media. Community radio in Melbourne is strong and important, which in turn provides support for local live music venues and initiatives often neglected by other media. We have campaigned successfully for the restoration of the Palais Theatre in St Kilda and also saved other venues such as The Tote and The Espy. We rallied together and lobbied against the lockout laws, ultimately instilling a consultative relationship with government via the likes of Music and Creative Victoria. The basis of a Sydney community exists. However, it needs your support and some nurturing. Support for local musicians, venues, community radio stations, et cetera, will sow the seeds for a rejuvenated community and foster the innovation and entrepreneurialism needed to establish an independent and successful music and arts economy.

**The CHAIR:** Very good. Thank you. Mr Graham?

**The Hon. JOHN GRAHAM:** That was fantastic. Thank you for your submission. I think that captures the range of things that are part of the problem but maybe part of the solution. I commence by asking your experience of touring artists into New South Wales. We have taken quite a lot of evidence often about grassroots venues. You often deal with the top end of the music industry and big acts coming into New South Wales. How difficult is it at the moment for the music industry and venues in Sydney and New South Wales?

**Mr FIELD:** To clarify, we promote across the whole gamut of venue sizes. I think there is no argument for the quality of something like the Qudos Bank Arena facility but its location is a challenge. When you bring an international artist into Sydney and they want to stay in the centre of Sydney, you then tell them that they have to sit on the M4 for at times an hour and a half to get out to the venue and then wait an hour after the show until everyone has left because they get the same traffic, that does not exactly endear them to the venue. I personally have the view from people I know in Sydney—and I am happy to be refuted as an outsider—but I do not get the sense that a lot of Sydney particularly likes going to that venue for events either.

I do think that we have seen, for certain type of events, a diminishing number of people attend if they have to go out west. From the perspective of being able to present a variety of venues of that size, I think the biggest issue for us is the lack of inner-city greenfield type facilities. Every major capital city has one in Australia except the Sydney. Brisbane has the Riverstage, Perth has Kings Park and some other areas. Even Adelaide has Botanic Park. When we come to Sydney and we want to present something that is a bit less of an arena vibe and it is a much more relaxed environment or even a music festival, the options in Sydney are non-existent. It costs us a fortune to comply and every time we have a success, it feels like we have to start again when we want to do it again or the idea is exploited.

That is certainly what we have found with the work that we have done on the Sydney Opera House Forecourt, which I think is one of Sydney's biggest missed opportunities. We have invested a huge amount of our own money and time into making that facility as compliant as possible. What we find in Sydney quite often as well is that once a facility is invested in and gets to a certain standard it then starts to get played out as a feasible opportunity; prices go up and it dies. I think a case in point is Centennial Park. It had three or four big music festivals that helped fund it all year and now it has got nothing. We produced Sydney City Limits there this year to astronomical costs.

We are taking Download Festival to Sydney next year. Our only option it seems is Parramatta Park, which is fine, but if you are producing especially a one-day festival it should be in the centre of a big city. Melbourne has not established two centres. Yes, we have a population spread like Sydney's but the reason we have not established two centres is because the infrastructure is not there. All of our train lines come into the centre of town, all of our tramlines come into the centre of town, so people come into the centre of town for an event. I think when you talk about going out to Homebush you are actually displacing a lot of people from an easy commute. Maybe the opportunity in Sydney is to develop two markets, but you now do not have an inner-city arena for that second market.

**The Hon. JOHN GRAHAM:** You have outlined it, but just give us the best description of what is missing in the Sydney market. What sorts of venues or places are missing as you are looking to bring artists in?

**Mr FIELD:** I am of the view that you need to have an arena in the centre of the city. I am afraid that the ICC Sydney is not really particularly suitable to music and entertainment. I am not suggesting that it cannot be a multipurpose venue—Rod Laver Arena is a multipurpose venue—but I think there needs to be something that acknowledges that it is going to host music events and is suitably designed for that in the centre of town. You are the biggest city in Australia and you do not have an entertainment arena in the centre of the city, which is a huge missed opportunity. I think you should be encouraging to that end the use of the likes of the Domain or Centennial Park for those inner-city events given that you are not—unless you are miracle workers—going to come up with an arena within the next two minutes.

**The Hon. JOHN GRAHAM:** Do you have any views on what the need is from a festival point of view? You are saying the centre of the city is much better.

**Mr FIELD:** Yes, something that is convenient to the centre of the city. We do not attempt, for example, to go and plonk a music festival down in the Melbourne Olympic Park sports precinct because that has other complexities, but Flemington Racecourse that we use has a direct train link, it has got a tram link and it is a greenfield site which has an atmosphere. The work that you are doing on putting the light rail connection up through Moore Park I think starts to suggest that that is beginning to look like a great place to have a few festival events a year. Centennial Park is I think arguably the most beautiful festival site in the country. It is big enough for you to quarantine what is going on on the day, but every time we have gone through the process of using it it seems that a constituent or a group of constituents have managed to shut that down.

**The Hon. JOHN GRAHAM:** Give us a bit of an idea about what sorts of regulations or costs are the practical hurdles.

**Mr FIELD:** I think because of the need for them to commercialise the event in order to secure their own spending money or maintenance money during the course of the year the level of fees that they charge are very high without necessarily providing any of the other services and items that we have to pay for over and above.

**The Hon. CATHERINE CUSACK:** What is the cost?

**Mr FIELD:** Generally it is a turnover fee, so it is a percentage of various revenues that we bring in from ticket money through to bar, et cetera.

**The Hon. CATHERINE CUSACK:** I am wondering literally how much or what percentage.

**Mr FIELD:** Hundreds of thousands of dollars. User-pays police is a debilitating cost. I think New South Wales has one of the highest user-pays police arrangements in the country, but I am happy to be corrected on that. They are very high. Reparations at the park at times are challenging when we see the state in which we get the facility or it is handed to us and then we end up with all sorts of re-turfing charges and things when we hand it back when water shortages in Sydney mean that the turf was not existent when we came there in the first place. I think the lack of a longer term strategic plan around it being a suitable space for these sorts of events means there is no ability to invest longer term in it being suitable and therefore the events are not coming anymore.

I think the Domain is a fantastic potential site for your major park-type events but the infrastructure is not there all year so you have to try to fit in between Sydney Festival use or some of the other events that are there and then you cannot operate at certain times when there is another event operating elsewhere in the trust's domain. I do not think that the Moore Park Trust or the SCG Trust—whoever is now governing Centennial Park versus those venues—are in sync with actually activating the space either. You have got a great start of a precinct there but I do not think everybody is motivated to try to achieve the same thing.

**The Hon. JOHN GRAHAM:** When you are bringing international artists into Australia what are some of the hurdles to getting them on the national touring network? What are some of the experiences or what hurdles do you face?

**Mr FIELD:** I think from your perspective you would be concerned about the impression that they leave Sydney with and what they talk about, and they do talk about how great Melbourne is. I think most major touring artists are not necessarily going to completely bypass the State on the basis of having to go out to an arena in Western Sydney, but there is an argument that it diminishes the amount of business that they are able to do in Sydney because they are not accessing that market. When the Entertainment Centre was still standing some artists would do a number of events in the city and then some out in Western Sydney acknowledging that they are two separate markets.

When you aggregate those numbers they did much better out of New South Wales than they would have if they had just played one venue. I think you potentially miss out on the opportunity for the sorts of major events that Melbourne goes after. We have done plenty of work with Destination NSW over time but if you had the ability for a major artist to come and play an exclusive or for a festival to be exclusively in Sydney that is where your lack of inner-city outdoor and indoor infrastructure starts to have a potential impact.

**The Hon. CATHERINE CUSACK:** If you look at a map of Sydney, the CBD is on the harbour. Even though it is called the central business district, it is right on the eastern side of the city. Melbourne really benefits because its CBD is in the middle of the city, is it not?

**Mr FIELD:** We have a similar situation to you. If you take our geographic centre, it was way out east and it has been creeping back towards the west as the west has developed, but the majority of our population is east of the city and that is reflected by the infrastructure that is there. There are more train lines going east and two major freeways going east as well. I think there has been an acknowledgment of that from a support and infrastructure perspective. I do not think anyone would contemplate building a major venue out east though. I think that there is a major cultural shift that would have to take place before people felt that they were going to come to—let me give you a practical example.

We used to have Waverley Park football ground out east, which is where the supporting population where. That is now a housing estate and they built Etihad Stadium in the CBD. I think it takes a lot to shift a culture from seeing the philosophical centre of the city versus the physical centre of the city. I do not necessarily think it is potentially as easy to get into the centre of Sydney as it is in Melbourne—which I think is because of the geographic component, the harbour, et cetera—but I have been furnished with lots of facts and figures about the west of Sydney by the various venues at Olympic Park and I do not think it practically converts as much as the numbers suggest it might do.

**The Hon. CATHERINE CUSACK:** Are you saying they are two different markets?

**Mr FIELD:** Obviously the population of Sydney is not 10 million people, but there are plenty of cities in the United States that have two arenas that are an hour or an hour and a half apart and are played as two separate markets. That is definitely true. There is a better argument for taking that approach than there is for necessarily deciding to try to force a market to displace itself, especially given the growth of Sydney over time. You have fairly entrenched people living in the inner north and inner east. For a lot of our shows we draw heavily from Bondi through to the city area and the area around Enmore. If we have a show out at Homebush, I think there is a genuine case to say there is a decent drop off in people who are prepared to come across.

**The Hon. CATHERINE CUSACK:** It is a long way to Homebush.

**The Hon. JOHN GRAHAM:** To be clear, you are basing this on very specific information about where the ticket sales are coming from.

**Mr FIELD:** Yes.

**The Hon. JOHN GRAHAM:** You are looking at your live ticket sales to work out where that audience is.

**Mr FIELD:** The inexplicable thing about what we do is that there is a fair amount of guesswork and sticking a finger into the breeze and seeing if we can sense where it is going. We certainly can get postcode information for those who buy tickets. There is a basis on which to draw. Some of it is anecdotal; just speaking to people. However, there is a basis for us to make decisions from time to time to play two Hordern Pavilion shows rather than go out to Qudos Bank Arena. The other thing about Qudos is that it is a damn big venue. If you have a successful show that sells 10,000 tickets, you are still putting up a curtain for the entire top deck. If you are not

touring a big show that is capable of filling that space, it can be a total kill for the experience people have. That does affect return sales. Since the ICC opened and the Entertainment Centre was closed, there have been plenty of events where representatives of international artists as well as us have viewed that we are better to play multiple Hordern Pavilion shows rather than go all the way out to the west.

**The CHAIR:** What is the capacity of Qudos?

**Mr FIELD:** Anywhere between 14,000 and 16,000. It has one curtain mode for the top deck. Depending on whether you have a seated floor, it is probably 8,000 to 9,000.

**The Hon. CATHERINE CUSACK:** There are two different issues. One issue is accessing good public space for a festival-type event.

**Mr FIELD:** Yes.

**The Hon. CATHERINE CUSACK:** And then the second is the venue layout. It is pretty much laid out for sport in Sydney.

**Mr FIELD:** I think so. The other factor here is that if you have artists who have reached a certain level, they do not want to do the same thing every time they come through a city. They sometimes want to play an outdoor space or a bit more of a cultural space than necessarily keep going to the same arenas. You are right, there is definitely a sporting infrastructure approach. I do not know because I do not live in Sydney, but I wonder whether the attitude towards a busy game at the football stadium is different from a concert. People are more accepting of a major sporting event than they are of a major concert event. It is about whether people are encouraged to stick around and commune with others versus just getting out of Dodge.

I look at the Entertainment Quarter and I know it struggled on a commercial front. If it is drawing that many people on a weekend, and there is some good stuff going on, it should be doing well. But it is all disjointed. I do not think there is an overall strategy around trying to create that sort of culture. That is why I would encourage the Committee to take a multi-pronged approach to this. We will continue to bring major events to Sydney. Will we get as much out of them and will you as a State get as much out of them as we could? I do not think so, unless on the other end you start to foster and to encourage a strong community that holds itself to account around behaviour as well.

Some of the people you are meeting over the next couple of days are music icons in this city and they call out bad behaviour and bad operators. They work with state and local government. People like James Young are widely known here as advocates for live music but also for good behaviour. On one hand, he is helping us to put the Jet show on in AC/DC Lane and on the other hand he is on radio talking about how ridiculous the culture of people putting iPads up in front of other people trying to watch shows. He knows all the people in the City of Melbourne and he spruiks and promotes the live music culture in this city.

**The Hon. CATHERINE CUSACK:** What happened to Homebake and the Big Day Out?

**Mr FIELD:** The Big Day Out basically imploded. I think the days of the major touring festivals are over; that is, playing every city in Australia. I think that is what ultimately killed a number of those major touring festivals. Homebake involved a fair amount of disruption. I believe a factor in the final comeuppance was the cost of trying to make, I think, a three-day event work on the Opera House forecourt. Some of these events reach their natural conclusion. There has not been the encouragement of creating new events in Sydney, otherwise there would have been more.

**The CHAIR:** Was it regulated out or priced out through regulations?

**Mr FIELD:** I believe they were factors. We produced a festival at Centennial Park for three years. Even though we were selling almost to the capacity of 30,000 or 35,000 consistently over those three years, the costs did not sustain that as an anchor point for the other events we were trying to do on that run. I think Good Vibrations had a similar experience.

**The Hon. CATHERINE CUSACK:** The Moore Park precinct you are talking about is an opportunity because it is open space. Cities like Melbourne, Adelaide and Brisbane are on floodplains. It is not only the geography, but there is that space. There are multiple authorities involved in that precinct, different councils, trusts and planning authorities.

**Mr FIELD:** Yes.

**The Hon. CATHERINE CUSACK:** How would you approach that if you wanted to have a—

**Mr FIELD:** It is probably an advocacy body that helps to cut red tape.

**The Hon. CATHERINE CUSACK:** And activate—

**Mr FIELD:** I think you have to have some sort of superstructure. I do not understand why all those different trusts exist. We have them here. The Melbourne and Olympic Parks Trust operates one half of the train line and the MCG Trust operates the other half, which is not dissimilar to the Sydney Cricket Ground Trust and so on. But I think an overarching body that looks at potential events, including sporting events, in this space and helps to deliver the best use, the best operators and the best outcomes would make a lot of sense. The various Victorian events bodies help with that, and the parks bodies help with that as well. When we put the pop-up Globe into the Sidney Myer Music Bowl that involved the Victorian Arts Centre Trust. Victorian Major Events also helped us to work with the EPA and the Parks Victoria people to take the extra real estate that we needed to make that happen over summer. It is still a process, but at least there is one—

**The Hon. CATHERINE CUSACK:** Champion?

**Mr FIELD:** Yes, and there is a place to talk to that can help get through that. I have not personally seen a great deal of working together coming from those bodies. That is nuts to me because they could be making a lot of money to reinvest in the park for the other 350 days of the year that the people who live around it and the horse riders, and everyone else could be using it.

**The Hon. SHAYNE MALLARD:** If you want a taste of Sydney politics—

**Mr FIELD:** I definitely do not.

**The Hon. SHAYNE MALLARD:** You have just done a little excursion into a very heated area. There are two trusts involving the most powerful figures in Sydney, including the Prime Minister, the Lord Mayor and Tony Shepherd, and Gerry Harvey and John Singleton own the lease at the Entertainment Quarter. I was a trustee.

**The Hon. CATHERINE CUSACK:** I want to press ahead with this concept of a precinct. I am not saying it is an easy concept. Are there other opportunities that you see? For example, Darling Harbour now has the ICC.

**Mr FIELD:** Darling Harbour we made an inquiry about using Tumbalong Park in its new form. When we bid on the redevelopment we were encouraged to be thinking about cultural activations for the space, and I thought Tumbalong Park was going to be considered as a potential place of public gathering, not unlike what we have here with Federation Square, perhaps. But we were basically told there would never be any music events in that space.

**The Hon. CATHERINE CUSACK:** Oh, really?

**The Hon. JOHN GRAHAM:** Because of noise?

**Mr FIELD:** I do not know where it came from but we inquired via the ICC and it was made clear to them that it would not be entertained as a place of public gathering, which—

**The Hon. SHAYNE MALLARD:** It used to be.

**Mr FIELD:** Well, yes, it used to be. I do not believe Sydney has somewhere like Federation Square where people can come and watch soccer games, World Cup games. This all goes to the fostering of an inner-city community, and it is not just music or commercial music.

**The Hon. CATHERINE CUSACK:** Yes. If I lived in the inner city of Sydney, which I do not, it would be great to walk to. That would be part of the appeal.

**Mr FIELD:** The thing is people come from Melbourne suburbs to be together if we are playing a World Cup game and it is on the big screen at Federation Square. If you started to look at places like Tumbalong Park for that sort of use and then moved it into modest sized music events as part of a cultural schedule there, I think this comes back to having a holistic view of what the space can be used for over the course of 12 months and deciding what the impact is on the immediate surrounds on the basis of the days of usage, which will not be very much, but you will activate the space very effectively and start to regenerate a bit of a culture around coming into town for events.

**The Hon. CATHERINE CUSACK:** Did you look at other spaces as well?



**Mr FIELD:** We looked with interest at what was happening down at Barangaroo with that slope going down to the harbour there. I think there is potential there but it is difficult with infrastructure unless some infrastructure is put there permanently, like a stage base or something like that at the bottom of the hill.

**The Hon. SHAYNE MALLARD:** Do you mean at the headland?

**Mr FIELD:** Yes.

**The Hon. CATHERINE CUSACK:** Could you actually construct some sort of a—

**Mr FIELD:** This is where the production people shoot me, but I think if you were committed to trying to use that space you could put some infrastructure there that would allow the sorts of events that go into Kings Park in Perth, for example, that might sell 5,000 or 6,000 tickets. I think the Domain is underutilised. You almost have permanent infrastructure there. You have that iconic canopy. But if you mistime it, you cannot use it. Your weather is better than ours and we have events running in the Sidney Myer Music Bowl from probably end of October into probably the latest we would get away with is the Easter period, early April. The Moore Park strip, around the Kippax Lake area, is not as nice as the Domain. It is not as forested but it is potentially usable. I know a couple of events have used it in the past. But I think your big missed opportunity is Centennial Park.

**The Hon. JOHN GRAHAM:** Are there any other positive measures you think we could take? That is quite a good description of some incremental positive steps to drive our culture back. Do you have any other views about positive steps we could take to drive our music culture?

**Mr FIELD:** I think you have to move really swiftly to dispel this lockout law perception. One thing that does stick with our international visitors when we finally make the trip in from Qudos after a show and they want to go to a bar—they do not want to rave necessarily but they want to go out—

**The Hon. CATHERINE CUSACK:** Finish the night.

**Mr FIELD:** Yes. You are done if you are not in the city early. I am amazed some operators have continued to exist. You have hit the city with a great big club because of Kings Cross. We still have a bit of a grubby precinct down at King Street, but it is not the be-all and end-all because there are plenty of other operators that operate up to 3.00 a.m. or 4.00 a.m. all through the city grid and in the inner-city suburbs as well. You have to take a consultative review of that and listen to what measures were taken here around trying to make licences more accessible.

I may be incorrect but I think there are a number of pretty big and powerful operators in Sydney who have been able to open various bars and that sort of thing. You need to make that more accessible to a broader variety of operators. You have some great brands like Frankie's developing, like we have Cherry here, but you need more of them and you need the ability for people to come up with an off-the-wall idea, especially if it is a modest-capacity place, and help them make it feasible to operate. In order to do that you have to let them operate outside of very restrictive trading hours.

You should take a good look at some of the music or cultural stalwarts that are really struggling that you still have. I know there has been a lot of venues close down and the likes but I think looking at how you can get behind supporting the likes of 2SER, community radio, some of the smaller venues. I go past the Lansdowne all the time and it looks terrible and it is all shut up. Those are the sorts of places you have the potential to dive in and rescue and help keep alive. You should really consider some of the consultative bodies that we have both on the user side, on our side, but also some sort of mechanism by which you can have an advocate in government or the industry can have an advocate in government.

**The Hon. JOHN GRAHAM:** I have one specific question on touring. You talked about the breakdown of the touring festivals around Australia. Is there any potential in the way we work now or that we could work in future for touring either festivals or artists elsewhere in the region? From your point of view how does that work?

**Mr FIELD:** It works really well. Again it is probably in a way aided by there not being an inner-city arena to some extent. We use Hope Estate up in the Hunter a lot.

**The Hon. JOHN GRAHAM:** I mean actually outside Australia—elsewhere in the region, either into South-East Asia or—

**Mr FIELD:** For festivals or just for general touring?

**The Hon. JOHN GRAHAM:** Either for festivals or very big artists. Is there any interaction at the moment or could there be?

**Mr FIELD:** From our perspective we have about 15 offices throughout South-East Asia, so we are very active. It depends on the artist. There is certainly a number of artists that play Australia and New Zealand and then do some Asian territories. Bruno Mars just did that. The more opportunity we can provide in Australia and New Zealand the more we will be able to bring through the Asian region, because there is a perception that Asia is one market and it is not. They have very diverse tastes and very diverse economic capability and so on. The more events we can create in Australia particularly, the more feasible it is to play one or two of those markets and actually start to increase the interaction into the broader region. This is engine room of being able to bring things into the region. It is really critical that we get as much financial success out of this area to make those wider forays—

**The Hon. JOHN GRAHAM:** It is part of the potential, but the potential has to stay—we have to get this part humming.

**Mr FIELD:** One of the things New South Wales has that Victoria does not have is some very successful out of Sydney markets. In Victoria you come in and you play Melbourne. You do not go off and play Geelong even though Geelong is the same size as Newcastle. But you guys have Newcastle, the Hunter region, Wollongong and at times Canberra. You have actually got a great foundation to build on.

**The Hon. CATHERINE CUSACK:** What does Victoria have that we do not have that could make a difference to us?

**Mr FIELD:** I think I have touched on it in here. You have to regenerate. A lot of people I know and my friends in music know from Sydney who no longer work in music, whether they were in bands or they were booking venues and so on. I think you can focus on trying to bring that back; I think that is very easy for you to do. We started from the same place you did. We dismantled it with over-regulation and unworkable licensing et cetera but we have managed to turn it around. I am confident that you can too.

**The Hon. CATHERINE CUSACK:** So basically a better regulatory regime?

**Mr FIELD:** I think a more consultative regulatory regime that takes into account the different nature of what you are dealing with in various places. If you are dealing with a nightclub and strip club precinct then deal with it like that, instead of making a rule that polices them and then nails a hole in the wall bar down in the small streets in the centre of Sydney. I think part of what I am getting at is accepting that you have a huge opportunity to get people to assemble in the centre of Sydney regardless of how far away they come from. Let us not forget that these place were public parks when they were created and places of public communion. The fact that they are not used for that now I think means that people in Sydney do not feel that there is a city that they are a part of. It has fragmented it, but I think you can fix that.

**The CHAIR:** On that positive note, we will conclude your evidence.

**Mr FIELD:** I hope it was positive.

**The CHAIR:** It was true. We have to create events for the community to come to, which is a very positive thing. In light of the evidence you have given today the Committee members may have some further questions. You will have 21 days to answer any questions taken on notice.

**Mr FIELD:** Certainly.

**(The witness withdrew)**

**(Short adjournment)**

**JON PERRING**, Proprietor, The Tote Hotel, examined

**The CHAIR:** Mr Perring, could you state your name and the capacity in which you are giving evidence here today?

**Mr PERRING:** My name is Jon Perring. I am part-owner in The Tote Hotel and Bar Open.

**The CHAIR:** Because we are out of the New South Wales jurisdiction parliamentary privilege does not necessarily protect you. So if you are going to make adverse mentions of anyone I would counsel you to be very wise on such a matter.

**Mr PERRING:** I was not planning on it.

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

**Mr PERRING:** I do. I might briefly say who I am and just cover contextual things that might be worth saying. I have a Fine Art (Honours) degree from RMIT, which I completed in 2016, majoring in sound, but I am best known for running live music venues—Bar Open, The Tote, Melbourne Spanish Club, Yah Yah's, Pony, Marquis of Lorne. I have been doing that over 20 years and I am a current member of the Live Music Roundtable; I have been a member since its conception. I am also a member of the Live Music Taskforce that sat in 2003 and 2004. I was a board member of Music Victoria and was vice chair of that organisation for a period of time and also, at a predecessor, a board member of Vic Music; a convenor of Fair Go 4 Live Music, which is a lobbying organisation of various people that come together from time to time when we need to.

I was involved in the negotiating of the Victorian Government Live Music Accord Mark 1 and Mark 2; I was involved in policy development of the Agent of Change policy, section 52.43 of the Victorian Planning Provisions and its Practice Note 81 and its predecessors. I was also involved in changes to the Liquor Act, in the objectives primarily, and liquor licensing risk-based policy including the live music exemptions around the time of the SLAM rally. I was involved in changes to the Building Code of Australia, primarily the State provision for live music in venue exemptions so that live music venues could be considered class 6 and not class 9B.

I am author of the Creative Victoria report of August 2018, which is a review into the efficacy of the Agent of Change policy, which I just completed last week—you may want to read that. You will have to talk to Creative Victoria about that. I am also an electric guitar player since somewhere around about 1976. So that is me, and you will probably want to talk about a whole lot of policy things. But I thought first-off I would talk about how important music is and how old is live music?

We know that the oldest musical instrument was discovered in Germany and it is a flute made of mammoth ivory and thought to be in excess of 42 thousand years old. That is how long we have been playing music. Compare that to the oldest written language, Sumerian, which dates back about 5,000 years, and modern sporting codes such as tennis, soccer, rugby, AFL, which are probably no older than 200 years old. Music is really deep within us. It is the only language element that we share with other species; I am talking about prosody and melody—in other words, the expression of emotion.

Listening to music is a process by different neural pathways than language; so it is connected into our brains in different manners. The best example of how we process music is musical soundtracks in movies. An example is the John Williams score within something like *Star Wars*. It is the musical soundtrack that really defines the whole emotional trajectory of the film; without music the film would not be the immersive art form that it is. If you think about where religious ritual would be without the practice of music, you would think about examples such as the call to prayer or evangelical or orthodox church services.

Music is central to the narrative of human experience and it is central to Australian culture. I could give some examples such as Courtney Barnett, a Melbourne musician who is doing very well in the States, who reflects the experience of living and loving in Melbourne. Archie Roach's *Took the Children Away* articulates the pain of the stolen generation. Yothu Yindi *Treaty* still resonates today in the political aspirations of Indigenous Australians. A.B. Original with *January 26* and *Dumb Things* articulate Indigenous experience in relation to hegemonic Australian identity. Bombay Royal, a local band, reflects Bollywood in an Australian Indian cross-cultural context, and made it very close to the top of the iTunes charts a couple of years ago—you are probably not familiar with them. Sons of the Ionian Sea, which is a second generation Greek diasporic band, articulates the identity of that particular group of people through Australian electric guitar playing traditions. Mojo JuJu's *Native Tongue*, explores the complexity of her contemporary identity. All these examples have entered the zeitgeist to different degrees. The explorations of those various topics are much stronger for it.

Music is a practice that coordinates and unifies differences between people. It works across cultural origins and across language barriers. A Malian jambe player can easily play with a Glaswegian punk. Half the practising artists in Australia are musicians; it has mass participation and a mass audience—it is greater than sport. Just about everyone listens to music. There are AusCo figures that back all those statements up, and also the Victorian Live Music census 2017. A city without music is a city with a major cultural deficit, which is unfortunately the situation that Sydney finds itself in. You cannot create a vibrant music economy without having a vibrant musical culture and, more importantly, loads of musical activity. That activity needs spaces to play where audiences can gather.

In general terms, I would encourage this Committee to seriously consider serious meaningful regulatory reform to allow the creation of spaces where music can be performed; that is, minimal red tape to establish and operate a venue; practical land-use policies that allow as-of-right use, which I believe is very important; practical and sensible liquor licensing laws that are not overly prescriptive and draconian; shared responsibility of amenity protection across the community between residents, developers and venues; skilled and sensitive enforcement practice to make sure that everyone is sitting within that expectation; and, very importantly, audience development.

To repair the cultural and reputational damage I see in Sydney, the New South Wales Government needs to invest. It probably needs to invest at somewhere around about the hundreds of million dollars level to revitalise the live music sector. Here, the Victorian Government has invested more than \$22 million across four years, and really, to dig yourselves out of the hole, you would probably need four to 10 times that amount to get things rolling in Sydney again. This investment needs to be not only available to live music venues but to the other music businesses that surround it, such as labels and artist managers; importantly, community radio—I cannot underline how important community radio is to the Melbourne music scene; and, most importantly, artists need to have access to funding as well. All levels of government need to be co-ordinated. So a State Government live music roundtable is required that has the ability to implement policy as well as develop it.

Finally, I want to refer you to a recent documentary that was made in 2018 by a small group of Sydney film makers, called *Turn It Up, Finding Sydney's Sound*. This is about the demise of the Sydney music scene and it contains a whole lot of interviews with various Sydney musicians and venue owners past and current. Ironically, this documentary premiered at the Melbourne Documentary Film Festival in 2018. So there you go.

**The CHAIR:** Where will we find that documentary?

**Mr PERRING:** I will send you the links. I do not think it is playing anywhere. You probably need to talk to the filmmakers themselves.

**The CHAIR:** We will do our homework.

**Mr PERRING:** I imagine you want to talk about policy issues.

**The CHAIR:** I do. My first question is about the paper you helped write. We know it is with the Victorian ministry. Are you able to tell us anything about it? That is the white paper.

**Mr PERRING:** Sure. That is the review of the agent of change?

**The CHAIR:** Yes, there has been two and this is the latest one, is that correct?

**Mr PERRING:** Well, I have written lots of papers over the years but I am assuming this is the one you are referring to, that is the 2018 August one?

**The CHAIR:** Yes.

**Mr PERRING:** The agent of change policy has been in force now for several years. It was brought in initially by the Liberal Government. The practice notes have come in under the Labor Government and the first shot at the Practice Note was wrong in law and had to be corrected. Richard Wynn helped to facilitate that process. As you are probably well aware the policy is designed to share the burden of protecting residents from live music sound. The idea being that if a planning application is lodged either for a music venue or for a residential development, whoever the newer person is into that neighbourhood they are responsible for paying for the sound attenuation to either be applied to the resident, the live music venue or both. It is quite pragmatic on how you can solve the issue. One of the difficulties we have found over time is that it is generally developers who come up against this policy.

There has really been no greenfield live music venues that have been established. They generally happen in "as of right" use. Someone will get a hotel and put bands on, which you are allowed to do. Typically the planning

applicant puts in an application and it goes in with an acoustic report. The planning applicant, the developer, is responsible for the narrative and identifying what those music venues are and what needs to be done. What we have found is that a lot of those acoustic reports have either ignored the existence of a live music venue or downplayed its role. I have recommended that we tighten up things on what the definition is and instead of leaving it to the developer to identify the live music venue we actually define where those live music venues actually are.

The live music census does a lot to identify those 355 music venues. Or possibly using a precinct based method of identifying where the late night economy is and applying the policy on a blanket basis to those areas and it automatically gets triggered if any application is within an area. I have suggested that they use the liquor licensing. They can define what they call designated areas. The Victorian Commission for Gambling and Liquor Regulation [VCGLR] and the police have identified a number of these. They could use these as the basis of applying the policy.

**The Hon. JOHN GRAHAM:** Thanks for that presentation that covered quite a few million years from start to finish.

**Mr PERRING:** Yes, 42 thousand, that's right.

**The Hon. JOHN GRAHAM:** I was really interested in asking about the fact that your venue was at the heart of the argument about high-risk venues and music, whether those are the same thing or totally different things. Can you give us a run down on what the Victorian discussion is about music venues and high-risk venues and how those things interact?

**Mr PERRING:** This was a discussion happening in 2010. As you are aware in Victorian liquor licenses there is a clause that says if "live or amplified music"—it makes reference to that—if those activities are going on in licensed premises then you have to put on a certain level of security guards. The way that the liquor licensing—they were not the VCGLR then, I am struggling to remember the name, but the department responsible for that—was applying "high risk" was whether it contained live music or amplified music. We argued back that was a very bad way of making a risk assessment. There was a lot of backwards and forwards. The end result was that liquor licensing now determines risk based on things like the hours of operation, the size of the venue, really all things to do with licensed venues and not necessarily with the presence of music.

**The Hon. JOHN GRAHAM:** It is a more nuanced approach.

**Mr PERRING:** That's right. We were arguing that there is no academic research that can back up the claim that by having live music you are going to get any increase in violence whatsoever. We asked the police to stump up that research and they were not able to do it. As far as I know there is no research that backs that up. The licensing regulatory impact statement from 2009 made the statement that in fact that link could not be made.

**The Hon. JOHN GRAHAM:** That is quite a development in the way the argument has happened over time.

**Mr PERRING:** Yes.

**The Hon. JOHN GRAHAM:** There is no research showing there is a link. Is there any research back the other way which shows that music venues are safer places? Obviously that is hard to prove. Is there any guidance you can give us?

**Mr PERRING:** Not that I am aware.

**The Hon. JOHN GRAHAM:** That argument really has been settled in one direction?

**Mr PERRING:** Yes.

**The Hon. JOHN GRAHAM:** The industry and government has worked together.

**Mr PERRING:** Yes, and if you have a look at the live music accord the Victorian Government acknowledged that there was no link between violence and live music activity. If you think about it when a band is playing everyone's emotions are unified in one direction, so how that crowd is feeling has a unifying effect. There is a lot of cultural fabric in which bands play. They are usually playing to most of their friends and friends of their actual friends. There is a lot of social fabric within an audience. It makes sense that these are places that are not conducive to violence erupting.

**The Hon. JOHN GRAHAM:** What is the place over time where you are able to have that discussion so everyone is comfortable, whether industry, government or police? Where do you have that discussion if

problems crop up across Melbourne or Victoria? What are the practical arrangements that you have in place where those discussions take place?

**Mr PERRING:** There is liquor accords around the place. They are much broader than live music and they exist in municipalities. I find them stagnant and not very useful. There is the live music roundtable where regularly all the policy issues are discussed backwards and forwards and the police go to that.

**The Hon. JOHN GRAHAM:** And is that more the clearing house?

**Mr PERRING:** The VCGLR goes to that. It is more discussions around policy and regulatory reform and the subcommittees that sit around that that do most of the hard work.

**The Hon. JOHN GRAHAM:** That is useful. Thank you.

**Ms DAWN WALKER:** Thank you for that introduction—that was really interesting. I am probably more interested in The Tote. Maybe you could give us an outline of your live music business model. How often do you have live music and where does it fit within your business?

**Mr PERRING:** Sure. My partners and I came into the picture in around 2010. The Tote was essentially on its knees at that point, primarily as a result of liquor licensing policy. It suddenly had to start running large levels of security staff when it did not have the revenues or the budget in order to basically pay for that. Security is very expensive, as you can imagine. It is typically \$35 to \$40 an hour per guard. If yours is a high-risk venue you have to have two for the first 100 and then one for every 100 after that.

So we came into the picture at that point in time and successfully negotiated with the new Director of Liquor Licensing a more pragmatic approach to running security. So we tend to apply it when we think we need it more than just all the time, because The Tote runs live music all the time. It has three stages. It has a room out the back. About 280 payers can see a band there. We have a smaller venue upstairs that has about 100 capacity, and we also run free front-bar gigs, maybe on some of the nights of the week but generally Saturday afternoons and sometimes Sunday afternoons as well.

We are doing somewhere around 2,500 gigs a year. That makes us probably the busiest music venue in the country as far as I can tell. No-one has disputed me on that—not that anyone is counting too much! There is a lot of musical activity. Most Melbourne bands will cycle through The Tote at some particular point. When I say "gig" I am referring to a band getting on stage and playing a set. I am not referring, necessarily, to a ticketed show which might contain three, four or X number of gigs. So when I say "gig" I am talking about what a musician does; not necessarily what you get with your ticket.

**Ms DAWN WALKER:** Thank you.

**The CHAIR:** Talk about security costs and accreditation, so to speak. Is there a three-strike system or something like that in place so that the people doing the right thing do not get penalised; the people doing the wrong thing do get penalised?

**Mr PERRING:** Are you talking about punters?

**The CHAIR:** Venue operators or liquor licence people.

**The Hon. CATHERINE CUSACK:** Are you saying the restrictions tighten?

**The CHAIR:** If you are doing the wrong thing and you have brawls happening outside your venue every weekend, is there such a thing as a strike system?

**Mr PERRING:** No, but there is a demerit point system that is part of the licensing—

**The CHAIR:** Demerits. Can you talk to us about that?

**Mr PERRING:** I have not read up on it lately.

**The CHAIR:** That is okay, if you tell us loosely we will chase up more than what you have given us. It gives us something to focus on.

**Mr PERRING:** From memory, it does not affect all, but it is major licensing breaches—for instance, if you have under-age people coming into the hotel. Major breaches of licensing policy. You get a series of demerit points and that indexes up your licensing fees. That is my understanding of it.

**The Hon. SHAYNE MALLARD:** It ramps up your licensing fees but it does not threaten to cancel your licence?

**Mr PERRING:** I do not think so; no.

**The Hon. SHAYNE MALLARD:** That is an interesting incentive or disincentive. Would you like to tell us about the more problematic days as a venue operator. Obviously with the agreement, milk and honey days seem to be going on in Victoria at the moment, although Yarra City Council has pointed out that there are still some issues around regulatory controls. What was it like in the bad days?

**Mr PERRING:** I do not know that there were any, or are you talking about regulation bad days?

**The Hon. SHAYNE MALLARD:** Yes. Was there a problematic period? Obviously the crunch time was when you had that application—they were going to apply to you the security which would have ended your business. Was there a problematic period? You have had a lot of experience.

**Mr PERRING:** Yes, there was a point where regulators, police and venue operators were very much at logger heads. Some of the experiences that we had included things like police visiting us maybe 16 times in a night. That was, I think, probably the most intense period of it, and just being picky on various regulatory matters—whether the CCTV systems were focused, sharp enough and to their particular liking and covered all the areas that they wanted them to cover.

**The Hon. SHAYNE MALLARD:** This is familiar to us in Sydney, particularly in old Kings Cross venues. What was the motivation for the police action? Let us not say that it was personal. Was it a perception of violence or drugs? What was the motivation for the police to be so—

**Mr PERRING:** I think it was the political environment, quite frankly. The licensing director was under pressure from the Government, which was under pressure from what the tabloids were asserting at the time. They were primarily really focused on nightclub violence in King Street but the policy was broad, and live music venues got swept up in this as well.

**The Hon. SHAYNE MALLARD:** That is exactly where we are at. How long ago was this—20 years or 10 years ago?

**Mr PERRING:** It was in 2010—so eight years ago or maybe nine years ago. In that period.

**The Hon. SHAYNE MALLARD:** Just walk us through how we got out of that loggerhead—confrontation between police and you guys to where you are at today. How did you walk out of that?

**Mr PERRING:** At the time—if you go back to 2010—there was no representation of the music industry at all. Music Victoria did not exist. So when the Government wanted to talk to someone they did not have anyone to talk to. Live music as a sector—

**The Hon. SHAYNE MALLARD:** It was fragmented.

**Mr PERRING:** Yes. It was not represented. Everyone was just doing their thing, if you like. It was a sort of organic beast. Then when these things came up a whole lot of people came out of the woodwork. Helen and Quincy McLean started organising the SLAM rally. A lot of people got behind that. I was involved with Fair Go 4 Live Music. We were putting up petitions. That is really where the live music negotiations around the accord happened. One of the things that came out of those accords—there were probably several things—was that Music Victoria got funded and got a roll-on. So the Government had an organisation it could speak to to discuss these things.

The other really important thing—I cannot recommend how important it has been—has been the Victorian Live Music Roundtable. That is pan-government so all those silos of government can get together and discuss the various policy things. A lots of these policy areas bounce across planning, liquor licensing, environmental law and local government. There is no single area in government that can solve the problem, if you like.

**The CHAIR:** Who convenes the Victorian Live Music Roundtable? Who is in charge of it?

**Mr PERRING:** Originally it was Liquor Licensing. That was not for any particular reason, other than that was the door that opened under the pressure from the SLAM rally. So we walked in through that door and they ran it. We had a supportive Minister as well. In more recent times it has ended up in Creative Victoria and is chaired by Jane Crawley, currently. They run the administration of it but there are representatives from the Department of Planning, the EPA, the police, licensing itself and the Victorian Commission for Gambling and Liquor Regulation [VCGLR].

**The CHAIR:** It sounds like a good model.

**The Hon. SHAYNE MALLARD:** I have one last quick question on the theme I was talking about. Given there was violence and the tabloid media, the shock jocks and the politicians were pointing to an issues of violence—alcohol related violence I assume, similar to what we have—would you contend that live music venues were caught up in that unfairly?

**Mr PERRING:** Yes.

**The Hon. SHAYNE MALLARD:** You mentioned nightclubs a minute ago. Were you able to differentiate, to the policy makers and to the public minds, live music venues from the nightclubs and what we call in Sydney the beer barns—the big pubs that do not have live music, that are just for drinking? Were you able to differentiate yourself and break away from that problem?

**Mr PERRING:** Yes, we were. We were very keen to do so. But I could refer you to the police statistics. It is interesting to put all this debate in context. The Victoria Police collect statistics. They record violence against the person for licensed premises. The interesting thing about those numbers is that they are pretty much stagnant. Right across the period when you look at when the lockout came in for a brief period of time, 2010 when all the debate about security levels were coming, the change in the policy right up to now, the numbers are stagnant. They are around 1,400, 1,500 a year. They have been growing, but they have been growing at two per cent, which is the same as the population growth.

**The Hon. SHAYNE MALLARD:** This is live music venues overall?

**Mr PERRING:** No, this is licensed premises. I refer you specifically to those statistics. In contrast, when you look at domestic violence, it has gone up 35 per cent, or something like that number. I have not looked at them lately. It was a few years ago when I analysed them.

**The Hon. CATHERINE CUSACK:** I want to add to the comments of other members and thank you for that almost poetic statement that you made at the beginning.

**Mr PERRING:** Thanks.

**The Hon. CATHERINE CUSACK:** It is important to put it in that context. I want to talk to you about your leadership. Other witnesses have talked about your role as a real leader, a mover and a shaker for the industry here. Do you see that in Sydney at all?

**Mr PERRING:** I do not know as many people as perhaps I should in Sydney. I talk a lot to John Wardle from the Live Music Office, who I am sure has given evidence. He has really got his mind around what the regulatory issues are in Sydney. He also knows what it is going on in other jurisdictions in Australia. He knows what works and what does not work. I would regard his counsel as very important to whatever direction this Committee decides to take. Other than that, who else do I talk to in Sydney? I talk to Ianto Ware from City of Sydney a little bit—not that often—and people within APRA from time to time. I am more concerned about what goes on here, obviously.

**The Hon. CATHERINE CUSACK:** I understand. We have some venue people who are very passionate. They are not really making any money but they love what they do. My sense is maybe the Sydney venue industry is not as together as Victoria in respect of what you have just described.

**Mr PERRING:** I think we are in the luxurious position—I am not trying to boast at all—that the audience has not been derailed here, if you like. We have very passionate audiences. Audiences go out to see live music. Without the audiences, we would be nothing. Community radio has a really important role in audience development, because all those people who have the various music shows on Triple R and PBS, they are informing the audience about what is going on, what is new, what is good, and also the history of the various genres. They are really, really knowledgeable people who run those. They are generally volunteers who are running those particular programs, so they are music nerds. They help inform our audiences. That is one of the things that I think is critical to the success of the Melbourne music scene.

It is fragile here, too. Do not think it is all beer and skittles, because it is not. We only have to go down to St Kilda and have a look at something like Fitzroy Street, which has really dropped right off. Nobody goes there. We are talking about a major promenade on a seafront. How could that possibly fail? Interestingly enough, music, for non-regulatory reasons—primarily the cost of land use and things like that—has slowly migrated out of St Kilda and moved north in Melbourne to Fitzroy, Collingwood, and now it is running up Sydney Road and High Street, Northcote. It is essentially moving north. That is where audiences and musicians can afford to rent. As it has declined in St Kilda, its ability to differentiate itself from other hospitality-based economies has been diminished.



That is my personal theory about why St Kilda has declined so dramatically and collapsed in Fitzroy Street. What is happening now is that retail is essentially contracting in retail strips. Hospitality is now becoming the predominant economy in those areas and you cannot have a prosperous hospitality economy if you knock out half of it by suppressing its late-night economy. For a hospitality economy to compete, it really needs to compete on all fronts, including night-time.

**The CHAIR:** Thank you, Mr Perring. Your evidence has been really helpful. In light of your evidence, we might put some further questions on notice.

**Mr PERRING:** Sure.

**The CHAIR:** The secretariat will look after you. You will have 21 days to produce that song—evidence.

**Mr PERRING:** It might be an instrumental.

**The CHAIR:** I will take the instrumental. Thank you very much.

**Mr PERRING:** Pleasure.

**(The witness withdrew)**

**BEN DENNIS**, Manager, Peking Duk, examined

**The CHAIR:** Good afternoon.

**Mr DENNIS:** Good afternoon.

**The CHAIR:** In what capacity are you appearing before the Committee?

**Mr DENNIS:** I am owner and director of Myriad Management.

**The CHAIR:** We are out of our jurisdiction, so that means that you are not covered by parliamentary privilege. Be mindful that if you intend to name anyone it could be held against you. Would you like to produce an opening statement?

**Mr DENNIS:** For sure. I will be talking today on the positive impact of commercial radio for emerging Australian musicians. I want to talk to you today about what happens when commercial radio takes a chance on emerging Australian musicians and how the wider economy benefits. I am the manager of the band Peking Duk, which has won two Australian Recording Industry Association Music Awards [ARIAs], sold well over one million records in Australia and has received amazing support from commercial radio. I have seen firsthand how this support translates not only to the success of a band but also to the ecosystem of the industry.

In early 2014, Peking Duk released its single "High", and the band was lucky enough to have this track added to many commercial radio stations in Australia. The results of this support had an immediate domino effect. The single shot up the charts to fifth place and to this day has had well over 300,000 sales or equivalent streams. None of this would have been possible without the support of commercial radio. An example noted by Chrissie Vincent in her thesis, which I believe some of you are across, was the role of commercial radio in changing the career course of the Teskey Brothers. This emerging and independent act from Melbourne were featured on "Live from Eddie's desk" on Triple M breakfast radio, and this is a prime time radio slot. This one bit of radio—the one interview and the one play from Eddie Maguire—saw them move from performing in smaller venues, which were around 100 person capacity, to selling out the Corner Hotel four times in July 2017.

It is a good reminder to never underestimate the power of prominent figures such as Eddie Maguire getting behind emerging Australian acts. Trusted voices like his taking ownership and introducing new artists to their audiences are key in developing fans that buy tickets and records. This is money-can't-buy support and it is moments like these that are unmatched on any other media platform. We can also see the knock-on effects of commercial radio support in the wider community. Peking Duk, for example, has been lucky enough to receive continued support from key commercial radio stations like 2Day FM, Nova, KIIS and more. This support through the years and the fan base grown from their listenership has meant we can tour bigger shows, in more cities and employ more people. Currently, we have a crew of 18 people with Peking Duk, including live show engineers, guitar technicians, guest musicians and so on. Again, this would not be possible without commercial radio support.

I want to note the addition of our music to regional commercial stations, which have market share in their towns. This has helped us sell tens of thousands of tickets in non-capital cities. For example, Coffs Harbour, Wollongong, Central Coast and Newcastle will all be key destinations for us in an upcoming regional tour. Again, this not only means we can employ our 18 staff for this touring period, but also means that venues will be at capacity, extra venue staff will be brought on and it will contribute to the wider economy in regions that are not financially viable to tour to without constant support from commercial radio.

Diving deeper into the relationship between the radio stations and Australian musicians is very important. Stations like Nova and Hit Network have their own in-house opportunities for musicians, such as Nova's Red Room and Hit Network's World Famous Rooftop. Coupled with a corporate partner, these events can be a lucrative way for musicians to make money and for radio stations to engage with the wider music economy. Often it is the Australian artists, management and agencies that are easiest to work with when negotiating deals that also enter the territory of sponsorships and partnerships, compared to an international artist who may not see the value in said partnerships.

These are all great examples of what can happen when commercial radio does support local music. Governing bodies and the like should not be responsible for helping curate these radio playlists, but we should focus on how we can have a higher percentage of Australian acts break through to the commercial level of success seen by many Australian musicians who have been lucky enough to have this support—musicians like Vance Joy, Amy Shark, Dean Lewis, Vera Blue, and of course Peking Duk. The question is: How can we empower commercial radio to build on these wins and hear more Australian voices on air and in their playlists?

I note that in Sarah Krueger's response to Commercial Radio Australia's involvement in meeting and beating local quotas, she mentions radio stations would "welcome the supply of more high-quality Australian music". Quality comes from artists who can spend more time on their music. This happens when they can get rid of their second job due to an increase in ticket sales or music sales, which are a result of gaining new fans. It is all a part of the domino effect that ensues after giving an emerging act the support it deserves.

As you may know, there is the Australian recorded music quota for commercial radio to adhere to. For some stations, that quota can be 20 per cent; for others, it can be 25 per cent and so on. Those with a 20 per cent quota only need to play five hours each week of Australian music released in the last 12 months. We know how well Australian acts can do when given a chance from commercial broadcasters. Now we need to focus on this new music quota to see if it can be increased. Stations that do not just meet it but also beat it and promote new Australian music across the board and in prime-time slots should be rewarded through cultural and financial incentives.

The support of local artists who are more likely to play shows in venues around Australia more often and employ locally is imperative to the growth of the entertainment economy. When a commercial radio station gives its support to an emerging Australian artist and helps them break through, they are investing not only in the act and its career, but also in the success of the entire Australian, and New South Wales, entertainment industry.

**The CHAIR:** Well said. Now, let us unpack some of that.

**Mr DENNIS:** Yes, please.

**The CHAIR:** The Committee has been talking to some streamers—we are going to see Apple and a few others—to address what they are doing to increase Australian content or the quotas. Do you have any thoughts about how the Committee could, through its recommendations, address the increase in the playing of Australian content?

**Mr DENNIS:** I will start off with things like Apple Music and Spotify. It is important to note that they do quite well already. For example, Spotify's current New Music Friday playlist, which is released every Friday, has 44 per cent Australian artists. That is an Australian-New Zealand playlist because they have an office that operates out of both countries. That is exceptionally good. Organisations like Spotify and Apple have the power to present these Australian musicians in editorial mediums that they have each week with international partners. They are pretty much fast-tracking Australian musicians' success through their platforms.

If an artist like Peking Duk, for example, works well on the Spotify playlist in Australia, they will recommend that artist to their international counterparts. We have seen the power of that with tracks like *Call On Me* by Starley, remixed by Ryan Riback. That track has been number one in many countries around the world. This is from those playlists. I think it is important that they still have a quota, if it gets to a place where they are varying. Moving on to radio, it is a lot harder, as you might have heard. I think the 25 per cent quota is fair enough, but we have to look at that quota of new music and when they are playing the music. Currently, a lot of them are ramming all that Australian music into the hours of 11.00 p.m. to midnight.

With the Eddie McGuire example, you can say that when an Australian artist is given a chance to showcase on a prime-time slot hosted by a substantial figure, it has an immediate effect to their sale. Those sales gave The Corner Hotel an extra 2,800 people in their venue, which might not have happened otherwise. They went from selling half of that venue to selling three or four times that venue. Glenn Sterle, Senator for Western Australia, said that a lot of radio stations are finding their licensing fees quite expensive. They want to get those fees reduced. I think a good way to get them on board would be to offer those incentives to push our Australian music or New South Wales music as well.

**The CHAIR:** You alleged that they are burning basically Australian content between 11.00 p.m. and midnight, and that it is not a fair go. It is not the true spirit of what it is meant to be.

**Mr DENNIS:** Yes, I allege that. There are enough examples of them getting behind Australian music in prime time and it doing exceptionally well, with artists like Dean Lewis, who is number two on the Spotify charts. That would not have happened without pushing them into those key across-the-board timeslots. There are night-time timeslots, which are relatively easy for an Australian artist to get added to, but then you have your across-the-board slots. It is a shiny moment to get on that playlist. It means that you will get played up to eight times a day, when people are in their cars.

**The CHAIR:** That is its intent: to give them that sort of exposure.

**Mr DENNIS:** Yes.

**The Hon. CATHERINE CUSACK:** You mentioned new music. Are they playing a lot of Midnight Oil?

**Mr DENNIS:** I think it comes down to the format of each radio station. A CHR radio station, which is a commercial hit—pop—radio station, has a quota of 25 per cent Australian music, and only 25 per cent of that 25 per cent has to be released in the last 12 months. That is about five hours a week, which is not a lot—especially if they can put it all into that late-night slot, because the monitoring hours are from 6.00 a.m. to midnight. You see a lot of that. They have their new Australian music shows at that late-night time. Some of these shows are really great. You have got amazing people like Ash London, who go out of their way to push Australian music. But they are at that later night slot.

**The Hon. CATHERINE CUSACK:** Do you remember Countdown or are you too young?

**Mr DENNIS:** I know about Countdown. I am too young to have seen it.

**The Hon. CATHERINE CUSACK:** I grew up with Countdown and that is how I saw people. There is nothing like that?

**Mr DENNIS:** On free-to-air television right now it is limited, especially on the commercial stations. There are also limited opportunities for Australian bands. I think probably one of the last opportunities was through Rove Live, I would say, which is quite a while ago. The ABC has amazing opportunities through a few of its shows. It helps present Splendour in the Grass and broadcasts some shows from that live, and one-night stand in early September. But there is only so much they can do with the current cost cutting to its budget because it is quite expensive to broadcast live from music festivals. Sometimes the morning shows will get relevant acts for their market, which is fair enough, to perform and those are great opportunities. But for emerging acts you would need to prove yourself before being booked on one of those shows.

**The Hon. CATHERINE CUSACK:** Is there an equivalent to Molly Meldrum championing Australian music?

**Mr DENNIS:** Yes, it is a hard question. There are quite a few, as I mentioned, Ash London but she is at that later slot. We are talking specifically about commercial radio here, and there are key moments like that Eddie McGuire thing which happens but it is not a constant or scheduled thing.

**The Hon. CATHERINE CUSACK:** How did the Eddie McGuire event occur? Did the band have a manager or did they organise that themselves?

**Mr DENNIS:** They had a manager. I do not know the specifics, but it would have been done through their publicist or management. Yes, I do not know how that opportunity came about for them.

**The Hon. CATHERINE CUSACK:** The committee has not spoken to any managers in this inquiry so it is great to get your perspective. There are obviously benefits to have a manager and it is essential because these guys are really good at music but not necessarily good at the things they need to get themselves on television or whatever. Will you talk about that role? At what point would a band be at to have a manager and managers also take a big financial risk too?

**Mr DENNIS:** Yes, for sure. I think any emerging act in this context would have a manager and they would have a publicist or a radio plugger. So the publicist's role is to get that music into the hands of music directors or playlist selectors at these radio stations. It is their job to say "This is why the song will work. This is the touring the band has coming up. This is what we can do for you." They basically present a case to be played on these radio stations. From there they might add you to the nights and see how that tests or how that goes with their audiences. If it has gone exceptionally well they will consider adding you across the board.

A lot of these stations like 2Day FM, for example, in Sydney have had to adjust their playlists a little to go more into the adult contemporary playlist which is playing more easier listening music like Ed Sheeran's and that which is making it a lot harder again for upcoming Australian musicians to get on to that radio station. That is fair enough as they are a commercial entity and they have to have their commercial interests at heart. Also for every one Ed Sheeran there would probably be 200 other Australian guys with an acoustic guitar who can just do the same quality music, and there is.

**The Hon. CATHERINE CUSACK:** Which one radio station do you think is really great?

**Mr DENNIS:** Triple-J. I did see a comment about music quality and it brings me back to if you listen to a full day of Triple J, which has 50 per cent Australian music at its current count on its playlist, you will not see any difference in quality—whether it is an Australian artist or an overseas artist. It is a very subjective thing.

**The Hon. SHAYNE MALLARD:** All high quality?

**Mr DENNIS:** Yes. You would not be able to tell the difference in quality.

**The Hon. SHAYNE MALLARD:** What I like about Triple J are the interviews and conversations with the artists. It gives much more perspective of what the Australian artists are trying to achieve.

**Mr DENNIS:** Yes.

**The Hon. SHAYNE MALLARD:** You described a traditional role of a manager of getting music on playlist of radio stations. What is the role of social media? What is the role of digital platforms? The Committee received a briefing from YouTube music owned by Google. That sounded very exciting creating a whole community in that digital space. What is the role of that and where is it going?

**Mr DENNIS:** These new online platforms like your Apple Music and Spotify are becoming such powerful tools to show us where we can tour and where would be a viable place to tour. I have got applications on my phone that can say, "We're having 300,000 streams a month coming from the Newcastle region" or wherever. That kind of technology is allowing us to dive deeper and give us more real time statistics than we have ever had before. I am going back to the Apple Music and the Spotify playlists. It is quite like radio where these playlists might have up to two million subscribers on them. Once you are on that playlist you are going into the phones and ears of two million new people who you might not have had before. You can see the plays rise as soon as you are added to those playlists. They are just as important as radio stations are but we cannot forget that personable interaction.

**The Hon. SHAYNE MALLARD:** What is the business model for you in getting on the playlist? Do you paid per play? How does that work for the artist? If you encounter someone like me downloading a digital album?

**Mr DENNIS:** You get paid per stream for an Apple Music or a Spotify stream. It is quite a fair bit lower than what you would be paid for a single download, say, if you purchased the song off iTunes.

**The Hon. SHAYNE MALLARD:** But millions of people listening.

**Mr DENNIS:** Totally, but then you have to think about the sense of ownership because you are not actually owning the song, it is more like you are listening to it once, and then that is it. But that is all countered through your record level or if you are doing it yourself, you have distributors who look after that payment for you. Again with those playlists you are getting that into something with two million listeners and that might be an extra two million play streams that is being accounted back to you.

**The Hon. JOHN GRAHAM:** How easy is it to use the Spotify information that is coming back to as an artist or a manager?

**Mr DENNIS:** The statistics?

**The Hon. JOHN GRAHAM:** Yes.

**Mr DENNIS:** That is an app that they make available to any artist or any manager.

**The Hon. JOHN GRAHAM:** It is very available but how easy is it to access and use? Would it be good to train artists and managers in this industry development practise or is it so intuitive that it can be used anyway?

**Mr DENNIS:** It is so intuitive. After this I can show you on my phone and you can log into it right away. It has in real time how many times your songs have been streamed. It has a heat map of where they have been played. Apple Music just introduced this. It is in beta mode for the last few weeks so that is a really cool thing. I was absolutely gobsmacked about how many streams were coming from Russia, and other random towns like Alice Springs, and that kind of thing.

**The CHAIR:** It could be a long tour.

**Mr DENNIS:** Exactly.

**The Hon. JOHN GRAHAM:** I wanted to say thank you, you made the points about radio very strongly. It is still a key driver if we are looking to make changes in the New South Wales music scene, it has to play a role. It is useful for the Committee to hear not just about your work or your artist's work but the 18 people who are on tour with you. Hearing that example is pretty powerful.

**Mr DENNIS:** Of course, and those kind of numbers, it happens quite a bit. It only takes one radio edition for an act to be able to go and sell out 700 tickets in your Newcastles and your Wollongongs and regions that

sometimes are forgotten but are as powerful as the Sydney CBD, sometimes more powerful and strong because of those university markets and whatnot.

**Ms DAWN WALKER:** I was interested in your role as a manager. I think it is useful to have you give evidence. Could you outline a little of the role? I am also particularly interested in whether you experience any differences in booking your act in Victoria compared with New South Wales?

**Mr DENNIS:** As a manager, generally speaking, you have your artists there in the centre of this eco system and it is my job to relay the information and organise everything around them. A band will typically have a record label, a booking agency, a publishing company, who look after the songwriting royalties and whatnot and a publicity company. I have to bring all these things together and then make sure they are working well for the artist and relay that information to them so they understand it. They are not going to sit and read through 100 emails a day. It is about putting this information in front of them so it is easily digestible.

In terms of differences between Melbourne and Sydney, I guess Peking Duk is a dance music act. We have noticed the biggest difference between Sydney and Melbourne is the whole sniffer dogs—I am not going to call it a problem, but how sniffer dogs are always at the shows that we promote and it does have a negative effect on fans, it does have a negative effect on the people who want to attend the shows and it does go into the mindset of the attendees at Sydney shows. We just do not get that in Melbourne. We do not get that amount of police presence either, because I do not really remember any great incidents that required such a big police attendance at a Peking Duk show.

**The CHAIR:** Did you say you are going to Shoalhaven, south of Wollongong?

**Mr DENNIS:** We are going to Wollongong.

**The CHAIR:** There is a great entertainment centre in Shoalhaven.

**Mr DENNIS:** November, I think—Yours and Owls Festival in Wollongong. It is sold out. It is going to be good.

**The CHAIR:** The Committee has heard from the people involved with that festival.

**Mr DENNIS:** Great.

**The CHAIR:** Thank you for your evidence, it is very helpful. The Committee may have some further questions to put on the record. The secretariat will help you with that and you will have 21 days to answer those questions.

**(The witness withdrew)**

**HARVEY MILLER**, Artist, Client Liaison, examined

**MONTE MORGAN**, Artist, Client Liaison, examined

**The CHAIR:** Could you tell us who Client Liaison is?

**Mr MORGAN:** Client Liaison is a band, a limousine service, a fashion label and soon to be spa business.

**The Hon. TAYLOR MARTIN:** How does Tom Tilley fit in?

**Mr MORGAN:** He is our bass player.

**The CHAIR:** In New South Wales you would be covered by parliamentary privilege, which means everything you say would be protected, whether it is adverse or not, but we are outside our jurisdiction so that may not be the case. You need to be mindful that if you are mentioning anyone's name or if you use negative comments you could be sued for defamation. Outside this room people may take issue with that. Do you have any introductory statements or comments you would like to make about your observations?

**Mr MILLER:** We do not have an introductory statement but basically we are just here to talk to you about the economic impact for artists outside of New South Wales that come into New South Wales.

**The CHAIR:** Tell us the story.

**Mr MILLER:** For us, we started and always one foot in front of the other. The first test of any measure for any band if this is potentially going to be a career, is to play outside your State. At those early times, flights, taxis to airports, all that at a young age when you are probably at uni as well, is a big step to take. For us it was to Sydney. That was our first interstate gig. When we went to Sydney we first played at Goodgod Small Club, just off Sussex Street. This place pretty much embodies that of a pre-lockout situation. It had a kitchen inside, it was harbouring interesting acts, relationships with FBi Radio and relationships with upcoming independent gigs. The owner and runner was also involved in Vivid Sydney. It was a real sort of hub, if you wanted to get into underground music and be an upcoming band. It seemed it was great. The service for us, this group of people, we could go out and play our first show. Simply put, that does not exist any more and a lot of similar clubs, clearly post-lockout, as you would all know, do not exist. That was our first—

**Mr MORGAN:** And our second I think.

**Mr MILLER:** And our second.

**Mr MORGAN:** Was that venue, yes.

**Mr MILLER:** With the exception of a few, we make the claim that pretty much does not exist any more. There is maybe one venue, Freda's. Their trading licence only goes to 12 and there are a lot of noise restrictions. Other than Freda's in Chippendale, not sure of another venue like that. And they are not even set up to be a fully live music venue. Our situation that we were lucky to have, I do not know how we would go about it nowadays.

**Mr MORGAN:** We are fortunate now that we play in theatres, but that has its own set of problems. When we tour around the country usually our profit is found through after parties, after shows. We will do an extravagant theatre show and put as much into that as possible, then we will go to a venue afterwards and DJ and get a fee from the venue. In Sydney we find that harder and harder because of the lockout laws and the suburbs that we play in. So we simply have to call it early and we cannot do the after party.

**Mr MILLER:** I at one point could not get my gear from the venue into the car after we finished the show. The bouncer would not let me in because of the lockout laws. That goes forward to the point of the times being cut down on the amount of bands that play. It used to be you could get three or four bands in a night, now you can only get one because you have load-out times now. The exposure, the amount of time to live music for bands—

**Mr MORGAN:** The number of venues as well. For our window where we are in our career, there is only really one venue that suits our needs and that is always booked out.

So to do a tour on short notice is next to impossible. We are looking at working at green sites and doing our own festivals from the ground up. A lot of the festivals are under contract with either Ticketmaster or Ticketek, which have a very high booking fee, which the punter pays for. This is nationwide so it is very hard to find independent venues that are artist friendly when there are not many new venues popping up; the situation is dire.

The general environment and mood of Sydney's live music scene has really died since we started and it is quite sad to see.

**The CHAIR:** When did you start?

**Mr MILLER:** Five or six years ago.

**Mr MORGAN:** I think we played there in 2013.

**Mr MILLER:** It is a carcass of its former self. It is quite saddening. We are in a position now where that is kind of behind us. We can come in and do all right because we are quite established but I would not know where to begin if we were trying to start to do this all over again. It would be difficult.

**The Hon. CATHERINE CUSACK:** How important is the Sydney market for musicians?

**Mr MILLER:** It is hugely important. The thing about Australia is that it is the second; it is the LA of New York in America. You need those cities. In Europe you can get in a bus and hit city after city but in Australia there are only so many cities you can hit before your tour ends. You have to wait another six months to a year to tour. To knock off one of those cities or have one of those cities retract in profitability is a huge hit.

**Mr MORGAN:** It is also the home of Triple J, which has been very important for us. I feel like the communities are kind of inseparable but it feels like Sydney's is smaller, which is surprising because it is a bigger city and there are all those great acts there. I do not know, but given the opportunity for musicians to thrive and create music, create more scenes and create excitement internationally—

**The Hon. CATHERINE CUSACK:** You said there is only one venue for you now in Sydney?

**Mr MORGAN:** Yes, the Enmore Theatre is a favourite for a lot of artists because we are past that stage of bars and pubs and we are looking into theatres. There are very few of that size and as you get to that size the actual cost of hiring out that venue is crazy.

**Mr MILLER:** They have put a LED screen in behind you. It is 10 to 15 grand. You have to pay exorbitant amounts for security guards to stand in front of the exits.

**Mr MORGAN:** They take a cut of your merchandise, which does not happen at other venues and things like that, so they are squeezing you. They do not let you put on the show you want to put on as well, and they squeeze your time.

**The Hon. CATHERINE CUSACK:** I am really interested in the policing issue, that there is potentially overpolicing going on. Has that always been the case?

**Mr MILLER:** Yes, we were at Thredbo playing a show last weekend and Mr Morgan was confronted quite forwardly by police officers at Thredbo of all places; it was just ridiculous. There were sniffer dogs.

**Mr MORGAN:** They said, "Why are you leaving the venue at this time? Are you leaving because of the dogs?" There were a long series of questions. It is not the first time that we have come into contact with dogs. Friends of ours have been quite shaken up by the experience.

**Mr MILLER:** My girlfriend's sister—the daughter of a politician, a Federal Senator—was strip-searched at a festival last year. Imagine what that would be like if one of your children—and she did not have any drugs on her—was strip searched. That was pretty traumatic.

**The Hon. CATHERINE CUSACK:** And that was in New South Wales?

**Mr MILLER:** That was in New South Wales two years ago when we played. She had no drugs on her.

**The Hon. SHAYNE MALLARD:** A false positive.

**Mr MILLER:** Yes, and there was nothing she could do. She was just in tears. I do not know the science and art behind pill testing or anything but it seems like that would make sense. I am not going to pretend to go down all those policy routes. I am not privy but—

**The Hon. CATHERINE CUSACK:** It is very interesting to hear that the attitude of policing in Victoria seems to be wanting everybody to just have a good time?

**Mr MILLER:** If you see the police on the street you know not to mess with them.

**The Hon. CATHERINE CUSACK:** Yes, we all do.

**Mr MILLER:** It is not like they let you off easier; I think there is just an understanding.



**Mr MORGAN:** I think there is just a general excitement about the night in Melbourne instead of fear. Things like White Night and festivals put on like the St Kilda Festival. I grew up in the city here and when I grew up there was not much going on night. This was in the nineties and everyone was talking about the fear of sex clubs and it being dirty. Then international students came to Melbourne and it just brought it alive. Mr Miller said we want to become a 24-hour city and be excited by that and it is sad that Sydney did the opposite.

**Mr MILLER:** We are on the precipice of being a New York, Tokyo where we can have an international city. If you are going to be an international city you have to operate 24 hours a day, especially with the Asian student community here. You will see them down doing their shopping at 3.30 a.m. It is great. At the top end of Spring Street we are getting food at 3.00 a.m. At the Supper Club we are up there having several drinks and eating food at 4.00 a.m. We have to remove that stigma that being out late at that hour means that you are drunk and wasted because there are cultures such as in Spain where they have siestas and people stay up later at night. A lot of people are different and if you are going to be an international city you have to allow people to operate at different hours. Politicians are 9 to 5; different hours to us.

**The CHAIR:** Maybe in Victoria.

**The Hon. CATHERINE CUSACK:** It did not feel like that yesterday.

**The CHAIR:** Not in New South Wales.

**Mr MILLER:** I understand you work very hard but that idea that people have lifestyles outside, it does not mean that they are just these weird creatures.

**The Hon. SHAYNE MALLARD:** That is a good point.

**The Hon. JOHN GRAHAM:** Thank you for your evidence. A couple of points have really aligned with what we have been told in other evidence. The point you made about whether you could have done what you are doing now with the current state of venues in Sydney is powerful. Others have said it probably would not be possible given the state of the Sydney music scene. That is really what you are saying to us again today, is it not?

**Mr MILLER:** Yes, definitely. You can kind of quantify it because literally the doors have shut. The unfortunate thing about it is they then get turned into apartments and the permanency of architecture then seals that off. I do not know what the solution is because granting 24-hour licences are gobble pots and by what measure do you hand them out?

**Mr MORGAN:** You could start by a few more, I would say.

**Mr MILLER:** Yes, in Melbourne too.

**The Hon. JOHN GRAHAM:** We have taken evidence from Set Mo and the venues they played that have closed and Future Classic coming in, the artists and the venues that have closed. Do you think that the electronic music scene in Sydney has been hit harder than other sorts of music? Do you have any views on that question?

**Mr MILLER:** Somewhat yes in that music tends to go later than guitar, drums and that kind of live music because the nature of that music is to start a bit later and go a bit later than live music, which can get going at seven and get up early.

**Mr MORGAN:** I do not know how you make a distinction between the two because we perform as a band and we also DJ and have electronic elements. Electronic music is popular right now and to say: "This venue should be allowed to do this because they have live elements not electronic music", it is music.

**The Hon. JOHN GRAHAM:** It really goes to the point that the economics of this are pretty marginal anyway and if any bit of it falls apart it makes it pretty hard to do. That is the point you have made.

**Mr MORGAN:** Yes.

**The Hon. JOHN GRAHAM:** There are a whole lot of groups coming up that hopefully will be able to do what you have done, but we have a venue crisis in Sydney and New South Wales. Just give us an idea of what success looks like. You have told us a bit about the various parts of your business, but it would be helpful for us to understand how successful you have been. I do not want to force you not to be modest, but now that you have made it please give us an idea of what that has allowed you to do.

**Mr MILLER:** It allows us to first and foremost, 100 per cent of the time practice as musicians. We do not have second jobs or anything. We have got a fashion label now and a limo business and all these multifaceted

things. We employ quite a few people. We have got a graphic designer, two people on the fashion line, a manager, an assistant manager and my brother is the full-time tech.

**Mr MORGAN:** That is six full-time and then when we tour we have another five or six people as well.

**Mr MILLER:** It is a big operation.

**Mr MORGAN:** I think we are indebted to Triple J. It took us a long time to get support from that station. Everyone wants to be on Triple J. They are the only national broadcaster—I do not know why—that really supports live music and their connection with interviews and the music that you hear that they are going to be playing this week. It took us a long time to get on that station and when we did it really helped us to open up nationally. To make a living off music in one city is very hard. It is a lot easier when you can branch out.

**Mr MILLER:** And we still even struggle with Adelaide and Perth; they are hard. Sydney and Brisbane, you kind of need them, they are your staples. If you do not have them you are up shit creek. Sorry, that was very unparliamentary language there.

**Ms DAWN WALKER:** I was going to ask about Triple J and how important that was. You did say it took you quite a long time. Could you briefly outline what steps you took to finally crack Triple J?

**Mr MORGAN:** Releasing music consistently is very important for them, I believe. We tried to release new music with a new music video every three months, which is a big requirement because a music video does not make any money back necessarily. Because we started in the Facebook and YouTube era it was very important for us to connect visually. Then around every release we would do performances and try to get support from management, publicists, labels and Triple J Unearthed, which is their platform, and then getting support tours with larger bands. Someone said something to me recently that if you look at any act that is on a festival called Groovin the Moo, which is a regional festival around Australia—if you get on that festival you will get on Triple J. Because Triple J is so connected regionally you need to prove that you have a following outside of your own city.

**The CHAIR:** In terms of making videos, what sort of budget would you be on as a start up?

**Mr MILLER:** Everyone rallies when you start; a few grand, one grand.

**Mr MORGAN:** Usually three to five grand, now maybe 30 to 40.

**The CHAIR:** Would people be shooting them with iPhones now, so to speak?

**Mr MILLER:** You can.

**Mr MORGAN:** It is not necessarily what gear you use, although it can be, or how big the crew is. It is the idea and the execution of it really. Our connection with the film industry in Melbourne is huge as well because for them it is their opportunity to play. They are given that money and that is why they get all their friends together because they are going to do something creative and they are going to have an audience because a song is going to support their visual. It is a nice match there.

**The CHAIR:** Where do you send that video?

**Mr MILLER:** We give it to *Rage* and MTV and those kinds of platforms, but mostly it is online.

**The CHAIR:** I am just thinking about advice for other young artists who are trying to start off. It is really good to have artists here. It helps us to step through why we are doing this inquiry, which is to open the first door of the dream of doing that short gig and getting your foot in the door to get where you guys are at.

**Mr MILLER:** The door that Mike Baird slammed closed and put lots of padlocks on, just to continue your analogy. Sorry, I just had to have a quick stab. I could not resist.

**The CHAIR:** Thank you for what you do. Your giving evidence today is so helpful for us to get into the artists' world.

**Mr MILLER:** Thank you. We want to see Sydney back to where it was at the Sydney 2000 Olympics, which was probably the last hurrah.

**The CHAIR:** You know, we lead Victoria in a lot of ways and we would like to gain the lead on this again one day. In light of your evidence we may want further clarification and may ask some further questions. You will 21 days to answer those questions. The secretariat will help you with that. I wish you all the best. Keep rocking on. I hope we will see you play in Sydney a lot more because we have done our job.

**Mr MORGAN:** Thank you.

**(The witnesses withdrew)**  
**The Committee adjourned at 16:16**