



12 October 2018

Luke Howarth MP
Committee Chair
Standing Committee on Communications and the Arts
House of Representatives
Parliament House Canberra

The Live Music Office welcomes the opportunity to make a submission to the House of Representatives Standing Committee on Communications and the Arts - *Factors contributing to the growth and sustainability of the Australian music industry*.

Established in July 2013, the Live Music Office works to increase opportunities primarily for venue based live music in Australia by identifying and advocating for better policy, regulation and strategy.

The Live Music Office was an initiative of its funding partners in 2013, The Australia Council for the Arts, the Ministry for the Arts and APRA AMCOS.

Our advocacy encompasses regulation, research, audience development initiatives and support for music industry development.

This submission provides an overview of national approaches, references to best practice industry development work happening around the country, and identifies a range of measures that in our view would greatly assist in building a better future for the music sector and for the arts and cultural development of Australia.

Yours Sincerely,

John Wardle

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Live Music Office Submission to:

Standing Committee on Communications and the Arts
Inquiry into the Australian music industry

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Live Music Office Submission – Inquiry into the Australian Music Industry

About the Live Music Office

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

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

1. Information, Advice, and Research: Directly communicating and collaborating with State Music Organisations, Researchers and Media, the Hospitality Industry and all levels of Government.
2. Strategic Planning Support: For State and Territory Music Plans, Capital Cities, Regional and Metropolitan Centres, and State and Local Government Working Groups / Taskforces.
3. Advocacy: For Better Regulation - Liquor, Building, Town Planning regulatory best practice including Exempt Development and Building Code reform through State Regulation Roundtables and reviews and the public interest test in Liquor Licensing frameworks.
4. Industry Development Programs: Creating the Live and Local Strategy to build long term capacity and connectivity for Local Government and the sector in the suburbs and the regions, the Amplify Program, the Live Music Map and Resources.

Recent highlights and key achievements include:

- Creating the NT Music Industry Council with MusicNT, the NT AHA, artists and venues and 2017/18 research initiatives including the 2017 Live Music Census.
- Writing the Cool Little Capital report with Music ACT with the subsequent Urban Sounds Discussion Paper investigating entertainment precincts in Canberra.
- Removing the requirement for SA liquor licenses to require consent for live entertainment, delivering Exempt Development for low impact entertainment alongside the Small Arts Venue variation to the National Construction Code in SA.
- Establishing the Central Geelong Live Music Action Plan development process and providing the framework and terms of reference for the City of Ballarat Live Music Strategy in VIC. Active participation in State Regulation Roundtable also providing national perspective.
- Supporting the WA Government in establishing the WA Live Music - Arts and Cultural Regulation Working Group.
- Liaising with Arts QLD and DPC as a resource for the QLD Live Music Industry Working Group, City of Gold Coast Live Music Taskforce membership.
- Participating in the NSW Parliamentary Inquiry into the Music and Arts Economy, the Night Time Economy Roundtables 25-point action plan for the NSW Government, Drafting and negotiating venue criteria for Sydney lockouts exemptions (now 30 live music venues).
- Collaborating with the University of Tasmania on Research - *The Economic and Cultural Value of Live Music in Australia 2014*, Sector consultation in Hobart and Launceston underpinning the Music Tasmania Contemporary Music Strategy for Budget Estimates.
- Delivering the Western Sydney and Regional Live and Local Strategic Initiative with CreateNSW across 10 Councils in Western Sydney and 8 Councils in Regional NSW (18 Councils, 56 events, 227 venues, and 722 musicians employed *to date*).

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- Committed National Conference Participants – Presentations, stakeholder engagement.
- Live Music Map – Publishing an online map of live music venues, businesses and community radio across Australia as well as providing 20 online templates and resources covering the practical and business side of producing live music.

From the initial 3-year funding provided until 2016, the Live Music Office was subsequently in receipt of Project Funding for Organisations from the Australia Council for the Arts for 2017, with APRA AMCOS delivering further financial support into 2018.

The end of Federal funding in December 2017 has meant that the Live Music Office is now operating at a significantly reduced capacity, with 2 (0.4) FTE staff now engaged for 2 days a week since August 2018. This has only been made possible by APRA AMCOS who are covering all staff and operational costs currently.

Factors Contributing to the Growth and Sustainability of the Australian Music Industry

In this submission, the Live Music Office raises a series of areas which are of importance to this discussion. From our experience, we understand the crucial role each of these can play across what is a broad and diverse sector, impacted and informed by many elements, and that we believe would support the objectives of the inquiry - *Factors contributing to the growth and sustainability of the Australian music industry.*

1. The Role of State and Local Government

There's a recognised and necessary role for governments to play at the Federal, State and Local levels if the music industry is to achieve its potential, and where artists have sustainable careers, venues are viable, and we have a vibrant local music culture.

2. Valuing Contemporary Music

If we value contemporary music, then by association we should value the role played by the various peak bodies that support music development across Australia, and ensure they are appropriately resourced to deliver their programs.

3. The Live and Local Strategic Initiative Model

Through this initiative Create NSW and the Live Music Office have had significant reach and impact for artists, venues and local government across Western Sydney and Regional NSW in a relatively short time frame, with a model program that we would advocate for wider application to achieve better inclusion, diversity, and participation.

4. International Make Music Day

The Live Music Office understands the unique capacity that Make Music Day has to increase participation in music and culture, and provide an inclusive entry point, particularly for any musicians for whom existing programs and structures may not currently connect, to support music making on a greater scale.

5. Arts Venue and Assembly Building Definitions in the National Construction Code (NCC)

In 2016, the South Australian Government introduced a small arts venue state variation to the National Construction Code – This red tape reduction measure supports the establishment of smaller dedicated performance spaces by assessing buildings to retail rather than theatre specifications for the purposes of building compliance, that we believe is a best practice model of importance to the growth and sustainability of the Australian music industry.

6. Investment Incentives

In 2015 APRA AMCOS and other stakeholders commissioned Ernst and Young (EY) to investigate whether tax offsets would stimulate more live music activity across the country. The modelling found that if introduced, this would stimulate an increase in total output, employment and value add, an increase in venues staging live music, increase live music performances, increase in live music attendances and an Increase in sound recording investment.

7. Copyright

As well as live performance, teaching and recording, copyright law enables creators to make a living from their work. Maintaining copyright protection for artists is clearly of primary importance if we are to ensure they can pursue diversified income opportunities.

8. Education

The Live Music Office recognises the significant role music education plays in the development of artists, industry and audiences - *“A musically educated populace is the basis for a strong music industry, both through training of professionals and discerning audiences”* – Music Trust.

9. Australian Content

It is the position of many in the music industry that in the absence of voluntary programming Australian content by commercial radio and television, that a stronger incentive be applied through regulation or benchmarks for on-demand consumer models.

10. Community Radio

Recognise the role that community radio plays in supporting grass roots local music communities in the city and regions.

The Role of State and Local Government

There's a well understood and necessary role for governments to play at the federal, state and local levels if the music industry is to achieve its potential, and where artists have sustainable careers, venues are viable, and we have a vibrant local music culture.

At the federal level, recognising contemporary music programs, supporting artist's rights through copyright structures, providing for music education programs, ensuring benchmarks for local content, and investment incentives commensurate with the film industry for example.

State Governments have a significant role to play in providing better regulation, strategic planning and targeted investment, tourism and events, whilst Local Governments can nurture thriving night economy precincts by prioritising venues in planning town centres for example, whilst also convening advisory groups to inform grants programs for example, undertaking sector mapping through a live music census, or establishing Live Music Taskforces to develop action plans informing land use planning and funded initiatives.

State Government

The following table describes some of the variations in state and territory policy and strategy approaches across industry development and better regulation frameworks.

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National Table of Live Music Policy and Strategy – October 2018

2018	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Parliamentary Inquiry	-	Yes	-	-	-	-	-	-
Contemporary Music Strategic Plan	Yes	In train	//	Yes	Yes	Yes	Yes	Yes
Music Industry Council	-	Yes	Yes	DPC 2016	Yes	-	Yes	Yes
Regulation Roundtable	-	2016	-	2016	Yes	-	Yes	2016
Best Practice Regulation Review	-	-	-	-	Yes	-	-	-
Music Development Office	-	-	-	-	Yes	-	Yes	-
Music Industry Hub	Ainslie	-	-	-	St Pauls / NSS	-	Collingwood	-
Contemporary Music Organisation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Live Music Census	-	Woll/Newc	Yes	G' Coast	Adelaide	-	Melb/Region	-
Capital City Live Music Plan	CLC	Sydney	-	Brisbane	Adelaide	-	Melbourne	-
Live Music Precinct	-	Sydney	-	Brisbane	-	-	-	Perth
Single Contact Case Management	-	Sydney /Wollongong	-	-	Adelaide	-	-	-
Local Government Live Music Plan	Yes	Wollongong	-	S'shine Coast	Norwood / Payneham & St Peters	-	Port Phillip	Vincent
	-	Leichhardt	-	G Coast	-	-	Yarra	-
	-	Marrickville	-	-	-	-	Ballarat	-
	-	Tamworth	-	-	-	-	Geelong	-
	-	Newcastle	-	-	-	-	Morning-ton	-
State / Local Govt Greater City Strategy	Regional /Western Sydney Live & Local Strategic Initiative		-	-	SA LGA	-	MAV	-
	Regional	Western Sydney	-	-	NEP	-	-	-
	Armidale	Blacktown	-	-	Playford	-	-	-
	Kempsey	Blue Mountains	-	-	Salisbury	-	-	-
	Mudgee	Camden	-	-	Port Adelaide	-	-	-
	Newcastle	Campbelltown	-	-	-	-	-	-
	Orange	Cumberland	-	-	-	-	-	-
	Tenterfield	Fairfield	-	-	-	-	-	-
	Tweed	Hawkesbury	-	-	-	-	-	-
	Wagga	Liverpool	-	-	-	-	-	-
	-	Parramatta	-	-	-	-	-	-
	-	Wollondilly	-	-	-	-	-	-

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These include

Parliamentary Inquiry

Currently underway in NSW, the NSW Parliamentary Inquiry into the music and arts economy has received over 400 submissions, with key themes emerging including overlapping regulatory functions across agencies, out of date conditions on venues regulating what music can be played, the impact of lockouts on the CBD and Kings Cross, and the success of the Create NSW Live and Local program in Western Sydney and Regional NSW to name just a few,

Strategic Plans

Robust strategic plans for the contemporary music sector at the state level are well in place in Victoria, South Australia and Western Australia, with adjacent work undertaken in Queensland by the Department of Premier and Cabinet, an industry drafted plan for the ACT (Cool Little Capital), and a strategic plan for contemporary music now in development by Create NSW.

Music Industry Councils

Music industry Councils provide a forum for sector representatives and artists to identify industry issues and priorities and can include hospitality industry associations and local government. These have been convened by both state industry organisations and government agencies.

Regulation Roundtables

Regulation roundtables or equivalents where state agencies have convened to progress coordinated regulatory change have been important forums across a number of states. In QLD in 2005 as the special entertainment precinct model was developed; in NSW from 2005-9 for the Liquor, Planning and building code (BCA) reforms that delivered small bars and the end of the Place of Public Entertainment (PoPE) laws;; in Victoria from 2014-18 delivering all ages liquor licensing reforms, Agent of Change, Small Venues Regulation, and the Sexual Harassment Taskforce; In SA in 2016 for the Streamlining Live Music Regulation project; and in NSW in 2016 for the Night Time Economy 25 Point Action Plan.

Music Development Offices

Music Development Offices (MDO) where state agencies provide staff for music sector development are in place in both South Australia and Victoria, and both housed within Music Industry Hubs, with the SA MDO based at the St Pauls Creative Centre, and the VIC MDO intended for the Music Market at the Collingwood Arts Precinct. South Australia could be viewed as having two music industry hubs, with the Northern Sound System in Playford providing youth engagement, recording, rehearsal and performance opportunities.

Capital City and Local Government Live Music Plans

Brisbane, Melbourne, Sydney and Adelaide all have dedicated live music development plans within their cultural strategies, with regional centres Gold Coast, Tamworth, Wollongong, Newcastle, Ballarat, Geelong and Mornington also having live music strategies as well as suburban councils such as Inner West Council (Leichhardt and Marrickville, NSW), Port Phillip and Yarra (VIC) as well as Norwood Payneham and St Peters (SA).

Live Music Precincts

Entertainment precincts are in place in Fortitude Valley in Brisbane, and under consideration for the Gold Coast, Sydenham/Marrickville in Sydney and Northbridge in Perth. In Victoria, the Agent of Change (AoC) planning principle has been introduced across the state to resolve land use conflict issues between residents and venues.

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In 2011 Ernst & Young was engaged by Australasian Performing Right Association (APRA), in conjunction with The Australia Council, Arts Victoria, Arts NSW and Live Performance Australia, to measure the contribution of the venue -based live music industry nationally from a venue owner and managers' perspective. The venues surveyed were asked what they saw as the barriers to owning/operating a live music venue. The impact of the current regulatory environment for live music venues (69.1%) was identified as the greatest impediment.

Since 2013, the Live Music Office has worked closely with state and local governments, hospitality industry and state and territory music organisations in working towards red tape reduction and better regulation in what can be a complex and challenging area. We would expect that the role of state based regulations (including the Sydney CBD and Kings Cross lockouts) would be further referenced in submissions to this inquiry.

The following table describes some of the variations in state and territory regulatory frameworks for live music venues, with many of these variations introduced to support the live music sector.

These include;

Liquor Licensing

- Objectives Reference: Recognising the contribution of the live music industry
- All Ages: Dedicated regulations for under 18's to perform, attend events
- Order of Occupancy: To provide context in determining noise complaints
- Liquor Licence Conditions: Genres, band makeup can be found on licence conditions
- Licence Categories: The WA BYO venue licence is referenced

National Construction Code

- NSW and SA variations to assembly building and 'small arts venue' definitions.

Planning and Development

- Entertainment Precincts: Sydenham (NSW), Fortitude Valley (QLD), Northbridge (WA)
- Agent of Change (AoC): Victoria, City of Sydney/Newcastle, NT EPA
- Exempt and Complying Development: See SA and Victoria
- Small Venues Regulation: Victoria

Sound/Noise

- Stand-alone regulation – SEPP N2
- Acoustic Grants
- Mapping

Support Programs

- Streamlining Live Music Regulation Project – South
- Regulation Roundtables:
- State Case Management Position
- Dedicated Live Music Council Position
- Local Government
- Case Management

Musicians Loading

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National Table of Live Music Regulation – October 2018

Category		ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Streamlining Live Music Regulation Project		-	-	-	-	Yes	-	-	-
Regulation Roundtable		-	2016	-	2016	2016	-	Yes	2016
Liquor Licensing	Objects Reference	-	Yes	-	-	Yes	-	Yes	Yes
	Dedicated All Ages	-	Yes	-	-	-	-	Yes	-
	Order of Occupancy	-	Yes	-	Yes	Yes	-	-	Yes
	Remove All Liquor License Entertainment Conditions	-	-	-	-	Yes	-	-	-
	Lockouts	-	Yes	-	-	-	-	-	-
	BYO Venue Licence	-	-	-	-	TBC	-	-	Yes
National Construction Code (NCC)	Assembly Building Variation	-	Yes	-	-	Yes	-	-	-
	Small Arts Venue	-	-	-	-	Yes	-	-	-
Planning and Development	Entertainment Precinct	-	IWC	-	Yes	-	-	-	Yes
	Agent-of-Change	-	Sydney TBC	EPA	-	Adelaide	-	Yes	Perth TBC
	Exempt Development	-	NYE/ Syd	-	TBC	Yes	-	Yes	-
	Complying Development	-	TBC	-	TBC GC	-	-	-	-
	Remove Exempt Conditions on DA's	-	-	-	-	Adelaide	-	-	-
	Small Venues Regulation	-	-	-	-	-	-	Yes	-
Health	Occupancy	-	-	-	-	-	Yes	-	-
Sound	Variation	EA	Luna Park	-	SEP	-	-	SEPP	-
	Acoustic Grants	-	Yes	-	-	Yes	-	Yes	SASP
	Mapping	-	Yes	-	Yes	Yes	-	Yes	-
Support	State Case Management Position	-	-	-	-	Yes	-	-	-
	Dedicated Live Music Council Position	-	Sydney Parra	-	-	Adelaide	-	Melb Geel	-
	Local Government Case Management	-	Sydney Woll	-	-	Adelaide	-	-	-
	Licensees Forum	-	-	-	-	-	-	Melb	-
Musicians Loading		-	-	-	-	Yes	-	Yes	-

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Local Government

Since 2013, the Live Music Office has been able to work closely with local councils across New South Wales, Queensland, South Australia and Victoria on various programs to support live music and performance opportunities, as well as associated night time economy strategies.

If we were to break these down into categories, they could be considered under the following.

Advisory Groups

Convening a local industry advisory group assists in connecting with the music sector for successful event planning or development of a live music industry support strategy.

An advisory group can be as simple as calling a meeting of local venues and artists.

This could be a larger open access forum or more targeted to representatives across specific areas of the sector who can provide constructive support, as well as for consultation identifying specific issues for cultural strategy and regulatory policy enhancement.

These could comprise core members that collectively, represent the interests of;

- Local Government
- Artists
- Venues
- Music Industry Businesses
- Community Radio
- Education and Training

The advisory group can identify issues to target, provide guidance around grants and events, as well as assist in the preparation of cultural plans and actions for council.

Sector Mapping

To better understand just how the local music scene is going, doing a simple live music census is a great way to get to know where the gigs and events are happening. This process has recently been done at the local level in the City of Adelaide, Greater Melbourne, City of Gold Coast, Newcastle City Council, across the Northern Territory, and the City of Wollongong in late 2013.

A simple census involves choosing a month in the short term to map out performing artists, venues and events by monitoring gig guides, social media, venue websites, and generally do the rounds through the month to develop a spreadsheet that shows all the gigs, venues and artists in the local government area.

A live music census is simple to do, can provide a great deal from a relatively uncomplicated process, and is a very valuable and worthwhile undertaking. The Live Music Office can provide a template and support if this mapping exercise is of interest.

Live Music Strategies and Action Plans

To make changes to funding programs, local planning controls, and council policy, a more formal advisory group/taskforce with terms of reference to provide actions for the consideration of council may be needed.

The following describes a model Terms of Reference that reflects the sort of structures used to provide guidance for these types of initiatives.

The objective of the Live Music Taskforce is to consider current issues affecting the provision of live music in XYZ and then use these findings to inform the development of a Live Music Action Plan that identifies short, medium and long-term remedial actions XYZ might take.

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The Action Plan and its recommendations will be considered by the City of XYZ for adoption and implementation.

It will do this by:

- a) Highlighting current policies or controls within the remit of the City XYZ that, in its opinion, require review or amendment
- b) Identifying legislative changes or regulatory reform that could be explored with state government to support live music in City of XYZ
- c) Advising the City on existing government programs and initiatives (both domestic and international) that have a demonstrable track record in successfully supporting live music
- d) Suggesting cost-effective new projects that would positively impact the live music and performance sector in the City of XYZ
- e) Develop dedicated live music event initiatives

Further to these, in 2016 the Local Government Association of South Australia declared their support for the development of live music policies and action plans in councils across South Australia, and in 2018, the Municipal Association of Victoria has developed a thorough suite of resources in partnership with the music industry to support local government music industry development in Victoria

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National Table of Local Government Live Music Strategies – October 2018

VIC	City of Melbourne	Melbourne Music Strategy A strategy for supporting and growing the city's music industry 2014-17	Link to site
	City of Yarra	Live Music Venues Grants, CHANGES, FreeZA, Room to Create	Link to site
	City of Port Phillip	Council is committed to working with live music venues and the community to achieve a balance that supports live music whilst protecting residential amenity.	Link to site
	City of Ballarat	The City of Ballarat Live Music Strategic Plan has a scope of 5 years. It defines the goals and objectives underpinning support of local and regional live music and identifies actions to strengthen development, appropriate to Council's role within the community.	Link to site
	Mornington Shire	Mornington Peninsula Music	Link to site
	City of Greater Geelong	Central Geelong Live Music Action Plan (LiveMAP)	Link to site
NSW	City of Sydney	Live Music and Performance Strategy, Open and Creative City	Link to site
	City of Wollongong	Wollongong City Council Live Music Action Plan	Link to site
	Leichhardt (Inner West Council)	The final report of the Leichhardt and Marrickville Off Broadway live music reference group	Link to site
	Marrickville (Inner West Council)	Council has made a commitment to support existing and new live music venues across its local government areas to ensure the future growth of live music venues and creative industries in the area.	Link to site
	Newcastle	Live Music Taskforce	Link to media
	Tamworth	Country Music Festival	Link to event site
	Parramatta	Live Music Program Coordinator / Live and Local / Amplify	Link to media release
QLD	City of Brisbane	Live Program, Fortitude Valley Entertainment Precinct	Link to what's on Link to site
	Sunshine Coast	Consideration of the need for Special entertainment precincts to be identified in the Sunshine Coast Planning Scheme	Link to site
	City of Gold Coast	The Live Music Taskforce was formed in November 2016 to address key regulatory issues affecting the live music sector on the Gold Coast.	Link to site
SA	City of Adelaide	Adelaide City Council Live Music Action Plan 2014/2016	Link to plan
	Norwood, Payneham and St Peters	City of Norwood Payneham & St Peters Live Music Policy	Link to site

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Valuing Contemporary Music

If we value contemporary music, then by association we must value the role played by the peak bodies that support music development across Australia, be mindful of the challenges they face, and ensure they are appropriately resourced to deliver their programs.

These include and are not limited to:

APRA AMCOS

In their submission to this inquiry, APRA AMCOS reference key themes across five key areas for industry and government to prioritise for Australia to reap the social, cultural and economic dividend from a thriving music sector.

These priority areas are centred on:

- *The Talent Pipeline: Unlocking the talent pipeline we have to offer by creating sustainable careers for all within a sustainable industry*
- *The Global Stage: Enhancing the impact local music can have on the global stage as an export and through soft power*
- *Local Content: Prioritising locally created musical content across mediums and fair regulatory framework*
- *Live Music: Giving audiences across regional, remote and metropolitan communities' easy access to live music*
- *A Songwriting Future: Foster a new generation of song writing excellence through education*

For these outcomes to be delivered, there needs to be the infrastructure in place with high capacity and experienced people and organisations to support and coordinate respective priorities.

Sounds Australia

Sounds Australia works to raise the profile of Australian contemporary music in key international music markets. It is a joint initiative of the Australia Council and APRA AMCOS, supported by the Federal Government and other bodies, and like the Live Music Office, is housed within APRA AMCOS. We strongly support the high capacity and hardworking team from Sounds Australia, and endorse their submission to this inquiry.

Indigenous Music Programs

The Aboriginal and Torres Strait Islander Music Office (ATSI Music Office) was established in 2008 by APRA AMCOS to support Aboriginal and Torres Strait Islander songwriters and composers, with further support provided to the Inbound program. Alongside programs delivered by the Australia Council for the Arts, at the state and territory level, Bushbands, Barunga and Song Cycle's Inbound support artists and communities with Music NT in the Territory. the Starting Ground pilot has had support from Create NSW, and further research undertaken by Creative Victoria is also informing program development.

Contemporary Music Organisations (AMIN)

All the states and territories have contemporary music organisations. Collectively, the AMIN group connects and represents the state and territory music industry associations of Australia; This network creates a national platform for the representation and delivery of projects for the benefit of the Australian contemporary music industry. The Live Music Office assists the work of the state and territory music organisations as a resource to support better regulation and strategic planning for each region.

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Diversity Arts Australia

The Live Music Office acknowledges Diversity Arts Australia and their principles for action, which we believe are supported by our Live and Local Strategic Initiative as well as Make Music Day.

- *Making culturally diverse artists and creatives more visible*
- *Measuring diversity to increase diversity*
- *Taking affirmative action*
- *Creating an enabling environment*
- *Supporting the role of DARTS*
- *Make our own art*

Sydney Fringe Festival

The Live Music Office raises the role Sydney Fringe Festival plays in delivering not only the largest independent arts festival in NSW, but also in their work investigating and delivering performance in non-traditional venues and retail space. The Live Music Office understands that due to the festival being fully programmed through the window for submissions to this inquiry that they were not resourced at the time to provide a submission, however, we would advocate that the Committee consider both the Sydney Fringe Festival Submission to the NSW Inquiry as well as the associated evidence from the inquiry hearing from Monday 26 March as primary sources for the consideration of issues in particular to activating spaces and places for live performance, as well as to broader issues around establishing and operating venues and events. We would be happy to provide these references and contacts through the inquiry process. The work of Sydney Fringe Festival is also strongly referenced in this submission under the discussion of Arts Venues and Assembly Buildings under the National Construction Code.

Australian Music Centre

In their submission to this inquiry, the AMC speaks precisely to their specific operational experience as a small-to-medium (S2M) cultural organisation and the complexities that are involved in providing support to their sector. These challenges can be found in many ways across other organisations supporting the music industry and we recognise the important work the Australian Music Centre delivers for the cultural development of Australia and the submission they have provided to this inquiry.

Media, Entertainment and Arts Alliance (MEAA)

In 2018, the MEAA has undertaken a research initiative to investigate employment conditions for musicians in Australia. With musicians pay and conditions emerging as one of the key discussion points from the Music Cities Convention in Melbourne in April 2018, and Create NSW also doing targeted musicians research as well, having these evaluations will be important to associated discussions for this inquiry.

The Association of Artist Managers (AAM)

The Association of Artist Managers (AAM) unites the Australian music industry's managers providing a peak body that develops, protects and promotes the reputation and interests of music managers, and their artists.

Music Australia

The Live Music Office acknowledges the important role Music Australia has played through convening the annual contemporary music roundtable, their initiative in developing a National Contemporary Music Plan, but also importantly, the leading role they have taken in music education advocacy over many years.

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The Live and Local Strategic Initiative Model

The Live and Local Strategic Initiative was initially developed in partnership with Create NSW (then Arts NSW) and the Live Music Office in response to research that had identified that music as an art-form was under represented in Western Sydney under existing programs.

The strategy was designed to identify Councils that wanted to support their music industry through a competitive Expression of Interest (EOI) process, and was later expanded to include a second round for Western Sydney as well as for Regional NSW.

Through this program, Create NSW and the Live Music Office have had significant reach and impact for artists, venues and local government across Western Sydney and Regional NSW in a relatively short time frame, with a model program that we would advocate for wider application.

Overview

The Live and Local Strategic Initiative from Create NSW and the Live Music Office provided \$525,000 in funding across 2016/18 to bring local councils, local businesses and local musicians together to stage free family-friendly 'micro-music festivals' for the public.

The Objectives of the Live and Local Strategic Initiative were to:

- Support local businesses in programming live music.
- Build capacity for local Councils to provide sustainable, locally specific music based events.
- Provide direct access to best practice of contemporary music presentation, promotion, strategy and networks.
- Enhance connections for local musicians to the local and domestic music industry.
- Deliver best practice policy and regulatory guidance to local councils.
- Coordinate a strong, collegiate music network within Western Sydney & Regional NSW.
- Support all-ages audience development and access to live music.

Program

In its first year (2016), five Western Sydney locations were selected to host programs, supported by \$150,000 from Create NSW (then Arts NSW). Events took place in:

- Blacktown
- Camden
- Fairfield
- Parramatta
- Wollondilly

After the success of the first year's events the NSW Government supported eight Regional Councils with \$150,000 funding and \$100,000 to support a further five more Western Sydney Councils as well as operational funding for the Live Music Office.

Round 2 Regional NSW Councils:

- Armidale
- Kempsey
- Mudgee
- Newcastle
- Orange
- Tenterfield
- Tweed Shire
- Wagga Wagga

Round 2 Western Sydney Councils:

- Blue Mountains
- Campbelltown
- Cumberland
- Hawkesbury
- Liverpool

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Outcomes

At the completion of the program at June 30, 2018:

- A total of **66 individual events** were held across all three funding programs.
- A total of **1359 musicians** participated in Live and Local, of which 782 (57%) individual male and 577 (43%) individual female musicians participated in the program.
- A total of **583 acts** were programmed, comprised of 244 male acts, 184 female acts and 155 mixed-gender acts were programmed. A total of 339 all-female and mixed-gender acts were programmed, representing 58% of the total acts programmed.
- A total of **852 performances** were programmed, with 348 male performances, 283 female performances and 231 mixed-gender performances. A total of 514 all-female or mixed-gender performances were programmed, representing 60% of the total number of performances.
- The program presented a range of genres but was focused mostly on acoustic performances, or performances with small PA requirements to suit small to medium venues.
- **Create NSW Priority Areas** were represented in every program, with a total of 236 CALD, 46 ATSI, 12 people with disabilities and 450 youth artists.
- The program presented a broad range of ages, from 9 years to 71 years.
- Total audience **attendance is estimated over 53,000** across the 18 LGAs in NSW. Based on findings by the Blue Mountains City Council economic development officer, a sample size of 2080 visitors was estimated to have generated around \$242,080 into the local economy from a single event.
- An estimated total of **\$448,514.00 of additional funding** was contributed by councils including both in-kind and cash contributions.
- A total of **262 venues** participated in the program.

35 different types of businesses were activated across hospitality, retail, hotel and entertainment sectors, listed as follows:

- | | |
|------------------------------|-----------------------------------|
| • Cafes | • Community Centres |
| • Restaurants | • Tattoo Parlours |
| • Pubs | • Music Store |
| • Public Domain | • Wineries |
| • Small Bars | • BnB |
| • Clothing Stores | • Hall |
| • Galleries | • Hairdresser/Barbershops |
| • Homewares and Gift Stores | • Bakeries |
| • Book stores | • Shisha Shop |
| • Registered Clubs | • Bowling Alley |
| • Hotels | • Theatres |
| • Delis | • Museums |
| • Arcade | • Florists |
| • Co-working creative spaces | • Furniture Stores |
| • Historic Houses | • Showground |
| • Cinemas | • Cycleries |
| • Shoe Stores | • Lawnmower and Garden Businesses |
| • Breweries | |

Policy and Strategy Engagement

These events are now the catalyst for wide-ranging policy and strategy engagement with participating Councils, including:

1. Engaging with the NSW Parliamentary Inquiry into the music and arts economy.

The following participating Councils and associated organisations have provided written submissions to the NSW Parliamentary Inquiry into the music and arts economy;

- Liverpool City Council
- Newcastle City Council
- Tweed Shire Council
- City of Parramatta
- Blue Mountains Economic Enterprise
- Wagga Wagga City Council

With these Councils appearing directly before the committee to provide further evidence;

- Liverpool City Council
- Newcastle City Council
- Tweed Shire Council
- City of Parramatta

2. Participation in the consultation and development of the Create NSW Contemporary Music Strategy and associate musicians survey.

Artists, curators, venues and Councils have now been able to participate in the survey being undertaken by Create NSW investigating musicians working conditions and issues, with further participants attending consultation sessions for the development of a strategic plan for contemporary music in;

- Sydney CBD
- Byron Bay
- Western Sydney
- Orange
- With Create NSW attending the Newcastle Live Music Strategy - Industry Workshop

3. Connecting roles within Councils – cultural / events / development assessment / planning

The Live and Local program continues to build connectivity across functions within participating Councils, as working relationships are built through the program and subsequent opportunities arise and are able to be capitalised on, as noted in the following evidence from Tweed Shire Council:

There is one other thing I will mention in terms of outcomes as a result of the festival that I think is worthwhile which is the Kingscliff initiative I have mentioned in Rowan Robinson Park. That is a situation where there is a brand-new park that has been renovated on the foreshore that has a stage with power and there are some funds to activate that space. My ability to propose to the manager of the park that we put music on there was directly related to the fact that weeks earlier I had written a grant acquittal to the Live Music Office and Create NSW to say, "This is what it costs to hire musicians. This is a sound production studio.

This is a database of musicians that would be great for families in a park." I had the information at my fingertips, which made the initiative possible in a way that if it happened a year ago I would not have known where to turn to.

Tweed Shire Council

4. Supporting briefings on live music action plans, town planning models, best practice.

Throughout the operation of the Live and Local Program the Live Music Office has provided participating Councils with references on best practice initiatives, as well as to any developments of note including updates on adjacent work happening of relevance.

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

Tweed Shire Council

Both Armidale Regional Council and the City of Newcastle are investigating introducing the suite of measures developed by Wollongong City Council through their Live Music Taskforce to better support the music industry and evening economy development.

The City of Newcastle has also established a Live Music Taskforce with assistance from the Live Music Office as reflected in the following evidence provided to the NSW Parliamentary Inquiry:

"The Newcastle Live Music Taskforce was set up under the guidance of the New South Wales Office of Live Music" ... "I am very pleased that that is a position the city is in and, in large part, is credit to the work that we have been able to undertake with the Live Music Office.

City of Newcastle

5. Supporting Local Government Night Time Economy dialogue and consideration

Participating Councils are also now connecting with the Local Government NSW Night Time Economy Councils Committee (NTECC) – see below. The Live Music Office would advocate that the Live and Local Strategic Initiative be a case study for further NTECC events.

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

The following excerpts are from the Camden Council Live and Local Report, prepared by Cultural Development Officer Cheryle Yin Lo:

“The second year of Live and Local in 2018 was planned for 23 June, with local businesses ready to participate and build on relationships and the reputation of the event in 2017. As a result of a positive experience with Live and Local in 2017, a new business network The Argyle Street Business Collective will undertake collaborative marketing with Council for an additional night of music for the 2018. In addition, a new partnership has also developed with Macarthur Work Learning Program (MWLP) and Camden High School supporting Years 11 and 12 students in work places for industry experience in entertainment and tourism.”

- Live and Local created opportunities for Council’s departments to work together:
- Staff from the Community and Cultural Development and Planning, Communications and Events and Economic Development divisions jointly resourced and funded a communications plan to support event staffing and to increase the event’s public and cultural profile to new audiences. This included an increased social media presence.
- Council’s Environment and Health division provided advice so that music venues complied with acoustic standards.
- GIS Mapping staff developed a map for the event program.
- This cross-organisational approach combined with the work of musicians and businesses to promote the event across their own social media network.
- Live and Local prompted the development of a new Busking Policy (in progress) and Cultural Plan (research and in development) and is part of Council’s considerations for night-time and cultural tourism planning.
- The event is also one of many elements that will influence initiatives to activate Argyle Street, aligning with Council’s new Camden Town Centre Urban Design Framework for Argyle St Town Centre which will provide more opportunities for live music and supporting local musicians.
- Council’s Cultural Development responded to peers in the cultural sector from 5 Councils who sought advice about the Live and Local model and process and Camden’s experience. Enquiries and meetings from Fairfield, Tweed, Wagga Wagga, Blue Mountains and Hawkesbury.
- “Thank you for your contribution and ongoing participation towards our HSC Student Work Placement Program, your support and kindness towards the students is greatly appreciated. The Live and Local event with the students was a great hit and it was great to see the students involved in this event”. Chantal Ogden, MWLP

The event and achievements

- Live and Local was a first for Camden Council, and we were one of only five councils initially in Western Sydney to receive funding for the Live and Local event.
- Visitors saw Argyle Street – a place that has been home to businesses since the Camden township started to develop in the 1840s – come to life. Council’s street pole banners brought colour to the street and encouraged public access and participation in the arts.

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- One audience member told us it was “like being in Europe”. Many people told us they wanted to see the event as a regular event.
- Importantly, the event acted as a catalyst to change perceptions of the heritage town – its rich history and architecture could contribute to Camden’s changing role as a dynamic, thriving musical and cultural hub with a cosmopolitan ambience.
- The event set a benchmark for the wider Macarthur Region, one of Australia’s oldest areas of European settlement, but a place that is vastly changing. Live and Local illustrated that a cultural event can attract regional and state visitors to experience the area’s growing diversity, its cafes, food and dining places, and its unique heritage and architectural features.
- The Live Music Office endorsed Live and Local as a national case study and promoted it on their website. The Live Music Office also recommended our Cultural Development Officer, who led the project team, to provide support and professional advice in the delivery of the Western Sydney Strategic Initiative Live and Local model. Sharing our experiences has helped us to establish a State network to present live music in NSW.
- The planning for Live and Local in 2018 has already attracted local businesses who want to build on the relationships and the reputation of the 2017 event.

International Make Music Day

The Live Music Office recognises the unique capacity that Make Music Day has to increase participation in music and culture, and provide an inclusive entry point, particularly for any musicians for whom existing programs and structures may not currently connect, to support music making on a greater scale.

Make Music Day is a free celebration of music making around the world on June 21st. Launched in 1982 in France as the Fête de la Musique, it is now held on the same day in more than 750 cities in 120 countries.

Completely different from a typical music festival, Make Music Day is open to anyone who wants to take part. It's a DIY Music Festival! Every kind of musician — young and old, amateur and professional, of every musical persuasion — can organise their own gig, or join the many organisations that will host events, to share their music with friends, neighbours, and strangers. All of it is free and open to the public.

Like the Live and Local Strategic Initiative model, we see this program as having a genuine capacity to have wide ranging reach and impact. To connect with young people through school programs, to provide opportunities for Culturally and Linguistically Diverse (CALD) communities to celebrate their cultures, for artists with a disability, and to support participation by regional and remote communities who may not have available structures in place for music program development.

This initiative through its inclusive nature can umbrella many different types of music that would otherwise not usually be grouped together. In 2018 Create NSW has announced its support for Make Music Day Australia in partnership with the AMA and the Live Music Office, with some of the participating events including:

- **Sydney Symphony Orchestra**
In celebration of international Make Music Day, the Sydney Symphony Orchestra shared a global broadcast of its performance of Verdi's Requiem on 21 June live from the Sydney Opera House.
- **Make Music Australia Day at Bondi Pavilion**
Featuring performances from choirs and jazz bands to ukulele groups, the local community joins Waverley Council to celebrate the joy that music brings to everyday life.
- **Make Music Day at Liverpool**
Liverpool City Council is celebrating Make Music Day at Macquarie Mall. Come down to jam with live local musicians and embrace your inner musician with the open mic slot from 2pm-3pm.
- **Make Music Day @ Sydney Olympic Park**
Including: Mount Druit Indigenous Choir and a live cross on the Big Screen to the Sydney Opera House featuring the Sydney Symphony Orchestra performing Verdi's *Requiem*.
- **Sydney Mandolin Orchestra Recital**
Music played includes arrangements of Renaissance, Classical, Neapolitan, Spanish, Modern and Popular music as well as original compositions from Australia and overseas.
- **Armidale: Walk Through the Orchestra, New England Conservatorium**
The Armidale Youth Orchestra will introduce Pre-school and Primary-aged children to the sounds and colours of the Symphony Orchestra, with an interactive and fun concert held at the New England Conservatorium.

The National Construction Code (NCC)

In 2016, the South Australian Government introduced a small arts venue state variation to the National Construction Code – This red tape reduction measure supports the establishment of smaller dedicated performance spaces by assessing buildings to retail rather than theatre specifications for the purposes of building compliance.

Prepared by the Live Music Office in partnership with Sydney Fringe Festival and Music NSW, in September 2017 a submission was made to the Australian Building Codes Board that proposes that the New South Wales (NSW) and South Australian (SA) variations to the National Construction Code (NCC) definition of **Assembly Building**, associated NCC definitions of **Class 6**, as well as the SA **Small Arts Venue** variations be a matter for consideration to be adopted nationally by all states and territories in the NCC 2019.

Firstly, we advocate for a Small Arts Venue variation (or equivalent) to be introduced nationally. Given that this is already in place in SA, we seek to ensure that as an industry we have a nationally consistent approach from the NCC where best practice state variations have been introduced and recognised.

This principle would then apply to the NSW and SA variations to 9b Assembly Building already in place, to be also applied as a consistent national definition.

We appreciate that there would need to be consideration of the detail, given the slight but important differences already in the NSW and SA Assembly Building definitions. We are aware that the Australian Building Codes Board (ABCB) is not responsible for state variations.

We also submit that serious consideration be given to increasing the capacity of the Small Arts Venue precedent from SA for wider application to expand from the current 300m² to 500m², acknowledging that many provisions for 300m² and 500m² are similar.

Our proposal identified two distinct problems that could be addressed by reforming these provisions in the NCC for 2019.

1. The issues facing small to medium creative spaces and the application of definitions designed for larger premises with entertainment/assembly land use activity,
 - Lack of affordable appropriate small-medium sized cultural spaces for performance, rehearsal and multi-purpose use.
 - Restrictions on building use and land use that prohibits low-impact cultural use or performances in many areas that would otherwise suit that type of activity.
 - Lengthy and costly project timelines that prohibit temporary cultural activity or support sustainable grassroots business models.
2. The uncertainty and relevance of retaining identified clauses in the definition of Assembly Building pertaining to *(i) a discotheque, nightclub or a bar area of a hotel or motel providing live entertainment.*

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The 2015 [Sydney Fringe Festival Findings Of The Pop-Up Theatre Pilot Project](#) Report delivered by Festival Director and CEO Kerri Glasscock speaks to the issues the sector faces in the introduction.

In many instances, managers of small and medium creative spaces, generally under 500m², have found focusing primarily on arts and cultural activity has drawn them into regulatory categories designed for much larger theatre and performance space. Whilst relatively defined regulatory pathways exist for small bars and retail spaces, regulation does not appear to scale effectively between small and large creative spaces.

Currently, creative spaces are often subject to definition within the planning system as 'Entertainment Venues' and, within the building system, as 'Assembly Buildings'. These categories have been designed for nightclubs, major halls and public buildings such as airports and schools. Whilst they can be adapted to apply to smaller creative spaces, this can only be done at a cost well beyond the limited resources of smaller creative enterprises, and with time-frames which make short term and temporary projects untenable.

Increasingly artists are presenting work that is breaking with tradition, is multi-genre, and pushing the boundaries of form and function. These contemporary works require a very different venue from the traditional theatres of old.

When weighing up the average inner city retail property to lease short term, with the producer retaining all box office earnings, a pop-up retail conversion becomes an economically viable option to hiring a traditional theatre space. Rental rates are generally cheaper than accessing one of the limited hireable spaces, time spans are more flexible, and the producer has greater control over ticketing, staffing and other conditions. This increased control over ticket pricing and expenses makes it possible to make a profit, rather than the investing most earnings back into hiring the venue.

If artists were able to legally and affordably use available, empty spaces the current venue crisis would literally cease to exist.

Numerous government reports and commitments to industry nationally have identified the operation of these provisions in the NCC with particular regard to being a barrier to small to medium sector arts and cultural land use.

This proposal directs the ABCB to the supporting documents produced by the Live Music Office, Sydney Fringe Festival and the City of Sydney that investigate the challenges created by the current system, including;

- 2015: [Live Music Venues and the Building Code of Australia Issues Paper](#) - Skip Consulting.
- 2015: [Low Risk Arts and Cultural Venues - NSW Case Study for National Application](#) - Design Collaborative.
- 2015: [Sydney Fringe Festival: Findings of the Pop-Up Theatre Pilot Project](#) (Sydney Fringe Festival).
- 2016: [New Ideas for Old Buildings Report – City of Sydney](#).
- 2016: [Sydney Fringe Off Broadway Report](#) (Sydney Fringe Festival / Live Music Office).

Additional primary sources:

New South Wales: The 2013 [NSW Government Creative Industries Action Plan](#) found that

Further, anecdotal reports suggest that current Building Code of Australia, health and safety and fire regulations provide unreasonable financially prohibitive restrictions for new venues to operate, particularly in Sydney. A deeper examination would assist in a better understanding these issues.

New South Wales: In June 2015, the City of Sydney partnered with the University of Sydney and the Live Music Office to host a forum, Creative Spaces and the Built Environment. Including a presentation by Sydney Fringe Festival, the findings from this forum published in the [New Ideas for Old Buildings Report](#) present a strong case outlining the problem.

New South Wales: The [December 2016 NSW Government response](#) to the Sydney Night-Time Economy Roundtable supports report Action 2.7 *Identify reforms to the planning regulations – through changes to Exempt and Complying Development (e.g. to encourage start-ups, creative and small business) and the Building Code of Australia (BCA).*

Queensland: Prepared for the Queensland Department of Premier and Cabinet, the 2 December 2016 Music Industry Working Group Outcomes Report under the section *improving regulation: Planning and permitting, recognises the need to “Redefine what a venue is? And any barriers for building code, regarding compliance, DA”.*

Western Australia: The WA Labor Policy | February 2017, [CREATIVE WA: SUPPORTING THE ARTS & CREATIVE INDUSTRIES](#) includes a commitment to:

Introduce a State Planning Policy on live performance to streamline the approvals process for live performance, ensuring consistency across local governments.

Victoria: In a July 2017 letter to the Victorian Planning Minister by Dr Kate Shaw from the University of Melbourne School of Geography, also endorsed by Jon Perring from Fair Go 4 Live Music (FG4LM), Helen Marcou from Bakehouse Studios/Save Live Australia’s Music (SLAM), and John Wardle from the National Live Music Office, a submission was made as follows:

We’re concerned that musicians and artists are constrained in their practices by the Victorian planning system, along with broader community access to their performances and works. The current land use definitions, zone use tables, building class definitions and lack of integration between state planning systems and the Building Code of Australia (BCA), do not accommodate contemporary arts and cultural land-use practices. This is resulting in arts initiatives either being prevented from starting up, or operating illegally.

South Australia: On 10 February 2016, the Premier announced an industry-led red tape reduction review aimed at supporting Adelaide’s live music venues. The resulting [‘Streamlining Live Music Regulation’ 90-day Change@SA project](#) was established to investigate and implement reforms.

The case studies examined by the project team illustrate how this complex system has led to delays, burdensome conditions being placed on licensees through the planning and conciliation process and operators incurring significant costs for acoustic engineering reports, noise attenuation works and building code compliance. This complexity creates a disincentive to showcase music in an existing venue or to or open a new live music venue.

The project team undertook a rigorous analysis of the legislative environment, conducted interviews, prepared case studies and formed an industry reference group that provided advice about live music related issues. There is ample scope to simplify the current regulatory system whilst still ensuring that common neighbour and community concerns about noise and safety are addressed.

As mentioned previously, we also submit that serious consideration be given to increasing the capacity of the *Small Arts Venue* precedent from SA for wider application to expand from the current 300m² to 500m², acknowledging that the provisions for 300m² and 500m² are similar.

Investment Incentives

In 2015 APRA AMCOS and other stakeholders commissioned Ernst and Young (EY) to investigate whether tax offsets would stimulate more live music activity across the country.

EY surveyed some 23,000 venues (both those staging live music and those not staging live music) and a range of major and independent record labels, offering several options for tax offsets. Almost half (45 per cent) of restaurants and cafes surveyed stated they would stage live music if tax offsets were provided. Hotels and bars also supported the move, with one in five stating they would introduce (or re-introduce) live music if tax offsets were on the table.

The Highlights and Key Findings from this work are:

- **Increase in total output, employment and value add:** The highest output, employment and value-add came from providing a 'combination' venue cash offset of \$40,000 for new live music venues, and 20 per cent expenses offset for existing live music venues.
- **Increase in venues staging live music:** Based on the venue survey data, 45 per cent of restaurants/cafes/other, 21 per cent of hotels/bars and 5 per cent of clubs and nightclubs that are not currently staging live music would stage live music if a range of tax offsets were provided, an estimated 2,017 new venues intending to stage live music across Australia.
- **Increase in live music performances:** Up to 284,193 additional live music performances per year are expected under the combined venue scenarios. This is an increase of approximately 87 per cent over current levels.
- **Increase in live music attendances:** Up to 31.1 million additional attendances are expected under the combined venue scenarios.
- **Increase in sound recording investment:** Sound recording producers reported that an offset would assist in reducing overhead costs and allow for increased investment in new and current artists.
- **Impact on tax flow and net difference:** Tax offsets generate additional spending in the economy, which results in additional tax revenue for government. The net difference between the total tax offset paid by government and the additional tax revenue received varied across the various scenarios investigated, and was highest under the combined venue scenario of \$10,000 cash offset for new music venues and 5 per cent expenses offset for existing music venues, providing a net return to government of \$40.2m, and the greatest return on investment for government.

Looking to associated international approaches, artists in New York City for example also have a tax offsets program that includes them alongside film and television production, Small venues have credits in Seattle, recording artists in Ontario. In Australia, we provide investment incentives in this way to the film industry, however are yet to also recognise and support the music industry in a commensurate way alongside our screen colleagues.

Clearly these sorts of percentage gains would of great benefit to our industry, and recognising that the modelling has identified precise levels where offsets can provide additional revenue for government, progressing this initiative should be actioned by the commonwealth if the aims of this inquiry are to be supported.

Copyright

The Copyright regulatory environment has been a focus for a great deal of discussion in very recent years, particularly around safe harbours and fair use.

As well as live performance, teaching and recording, copyright law enables creators to make a living from their work, and it can be argued, functions as a stimulus, incentivising creators to produce new work, contrary to specious arguments positioning copyright as a barrier to creativity.

The 2017 research paper *Making Art Work: An Economic Study of Professional Artists in Australia* by David Throsby and Katya Petetskaya funded by the Australia Council for the Arts, found artist's income declined by about 4 per cent between 2008 and 2015, and that for the 2014-2015 financial year artists earned a gross income of \$48,400 on average, well below the average income of \$77,121 but above the poverty line of \$22,167. Most artists were subsidising their income with other jobs, often making up the larger component of their income.

Recognising then that artists are earning well below the average income, maintaining copyright protection for artists is clearly of primary importance if we are to ensure they can pursue diversified income opportunities, and that they aren't earning even less.

Education

The Live Music Office recognises the significant role music education plays in the development of artists, industry and audiences, and we reference the important work providing sound reasoning and extensive evidence for safeguarding music in the primary and secondary curriculum undertaken by advocates such as Music Australia, the Music Trust, and of course the renowned music educator Richard Gill.

In a January 2013 Limelight Magazine piece Richard Gill made the following statement,

"We learn music because it is good. We learn music because it is unique. We learn music because it stimulates creativity at a very high level. No other reasons for teaching music are needed. If the Federal Government is serious about education then it should mandate music education in the early years of a child's life. Australia has never been in greater need of creative minds".

The March 2014 Music Trust Submission to the Review of the Australian Curriculum tabled the evidence base for music education developed from many years of research under the following:

Intrinsic benefits:

- *Lifelong enrichment through gaining ability to make and respond to an artform that offers entertainment, special skills and capacities, and the most profound experiences and insights.*

Instrumental benefits:

- *Brain development with greater integration of right and left hemispheres, development of brain areas underlying skills in other disciplines. There is a lot of arresting new work in this area. Says researcher Sarah Wilson: "Music primes the brain for learning." Development in the early years is crucial*
- *Accelerated learning in literacy, numeracy, academic subjects*
- *Highly developed motor skills, listening skills (the latter also relevant to language learning)*
- *Increased creativity if music is taught in such a way as to build creative skills*
- *Increased self-confidence, self-esteem, supporting better performance generally*

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- *Increased emotional skills, empathy*
- *Improved socialisation skills*
- *Inclusion of students who are left behind by the traditional curriculum*
- *Reduced truancy, better attendance, retention, with effects on academic performance*
- *Better school spirit, morale, reputation, attractiveness. Independent schools and some government schools market themselves using their music programs as a major attractor.*
- *A musically educated populace is the basis for a strong music industry, both through training of professionals and discerning audiences.*

Musicians understand these well.

For secondary school programs, at this time of year many professional musicians and teachers are working with high school students accompanying their performances for assessment for the HSC. The feedback is of marked differences in music education and between resources that are available for students across the secondary school system, and between public and private schools. It's the experience of these teachers and musicians that supports the observations from the The Gonski review.

"In addition to declining performance across the board, Australia has a significant gap between its highest and lowest performing students. This performance gap is far greater in Australia than in many Organisation for Economic Co-operation and Development countries, particularly those with high-performing schooling systems."

Looking to initiatives that would support increased access for young Australians to music education, from 2019, NSW parents, guardians and carers of young people can apply for a \$100 voucher to use for creative and cultural learning activities outside of the school curriculum under the Creative Kids Program. The \$100 voucher can be used towards the cost of participation in, or tuition fees, for activities such as music lessons, drama and theatre, language classes, visual arts, coding and design.

Recognising the list tabled in the Music Trust submission as to the benefits of music education, providing these sorts of incentives to augment existing school's programs or as a start where no music education is available, will have far reaching consequences, making a real difference for young Australian, particularly from lower socio-economic demographics and regional / remote communities.

The Live Music Office also supports the fantastic work in this area provided by the Music Count Us In Program through Music Australia, and well as the Songmakers Program which places APRA AMCOS Ambassadors and music producers in secondary schools across the country to work with students to write and record new songs.

Australian Content

The Live Music Office supports APRA AMCOS' strong view that local content requirements continue to remain highly relevant to the Australian broadcast media landscape.

It is the position of many in the music industry that in the absence of voluntary programming from commercial radio and television, that a stronger incentive be applied through regulation or benchmarks for on-demand consumer models.

During his Keynote Address at the Face the Music Conference in Victoria in 2012, music industry promoter Michael Chugg noted that,

*"Mainstream radio will not f***** play Australian music until they have to. It's awful," "I'm sure eventually it will change, but it's very frustrating the short playlists and the domination international music has on commercial radio stations."*

Recognising that music consumers also use streaming services as well as radio, and that other approaches can be applied to achieve similar outcomes, the consideration of 'benchmarks' for example for on-demand streaming models is an important conversation to ensure the local industry is recognised in federal communications policy and industry and media discussions.

Community Radio

Community Radio plays a such a big part in supporting non-mainstream suburban and regional musicians, and as such is an integral ingredient in developing our industry at the grass roots.

To safeguard Community Radio, we need to:

1. Recognise the role that community radio plays in supporting local music communities in Australia
1. State and local government to partner with community radio to develop infrastructure and facilities that support the live music sector and safe/vibrant Night-Time economies.
2. Improve understanding and respond to the station operations and metrics:
 - Short term leases aren't suitable due to significant studio infrastructure requirements;
 - Supporting broadcast tower requirements;
 - Providing for associated performance spaces.
3. Providing access to primary radio service in digital form on a free-to-receive basis

Research 1: Economic Contribution of the Venue-Based Live Music Industry in Australia

In 2011 Ernst & Young was engaged by Australasian Performing Right Association (APRA), in conjunction with The Australia Council, Arts Victoria, Arts NSW and Live Performance Australia, to measure the contribution of the venue-based live music industry nationally from a venue owner and managers' perspective. The study provides an estimate of the venue-based live music industry's economic contribution in terms of gross output, value add and employment for the 2009/10 financial year. [See report link.](#)

In terms of its economic importance, the venue-based live music industry¹ in Australia generated revenues of \$1.21 billion during 2009/10 financial year (i.e. "industry output"). The revenue of the venue-based live music industry is driven by patron spend at live music performances, of which 16.7% was generated from ticket sales to live music performances, with the remaining 83.3% from patron spend on food and beverage. These revenues were generated from an estimated 41.97 million patrons attending a total of approximately 328,000 venue-based live music performances at 3,904 live music venues across Australia.

- On a State by State basis, New South Wales (32% of industry output) is the largest contributor to the venue-based live music industry, followed by Queensland (24%) and Victoria (22%).
- Venues surveyed have on average been staging live music performances for approximately 13 years, with the main reason for staging live music being to generate patronage (65.8%) and to invigorate other parts of the venue's business (50.8%).
- The most popular genre of live music staged at the venues surveyed was rock/pop, accounting for 38.5% of respondents, followed by "all styles" with 31.4% and blues/roots/country with 13.9%.
- It is estimated that 3,904 live music venues in Australia staged approximately 328,000 live performances in the 2009/10 financial year, equating to approximately 6,300 performances per week. This equates to 84 performances per live music venue per year (or 1.6 per week), of which 14 were ticketed performances and 70 were nonticketed.
- With regard to the nights of the week that live music is staged, the most popular nights are Friday (77.3%) and Saturday (75.1%) nights.
- 36.6% of venues book the services of artists/musicians directly (i.e. in-house) compared to using the services of an agent (22.4%), while 38.5% of venues use a combination of both.
- The venues surveyed were also asked what they saw was the barriers to owning/operating a live music venue. The impact of the current regulatory environment for live music venues (69.1%) and the cost of talent (61.7%) are clearly the biggest issues facing the industry. Of the 12.8% of respondents that selected "other", the most common reasons given were music licence fees and the cost of security.
- Venue-based live music acts as an incubator for emerging artists/performers. The ability to perform and trial new material with smaller audiences assists artists with their development. While new technologies are providing different ways for artists to reach audiences, live performance is critical for artists' technical and creative development, income generation and networking with fans and industry. Venue-based live performance is often the first step in furthering an artist's international career.

Research 2: The Cultural and Economic Value of Live Music Making in Australia

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

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

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

Other key findings from the research include:

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

The research also investigated many long-standing industry perceptions.

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

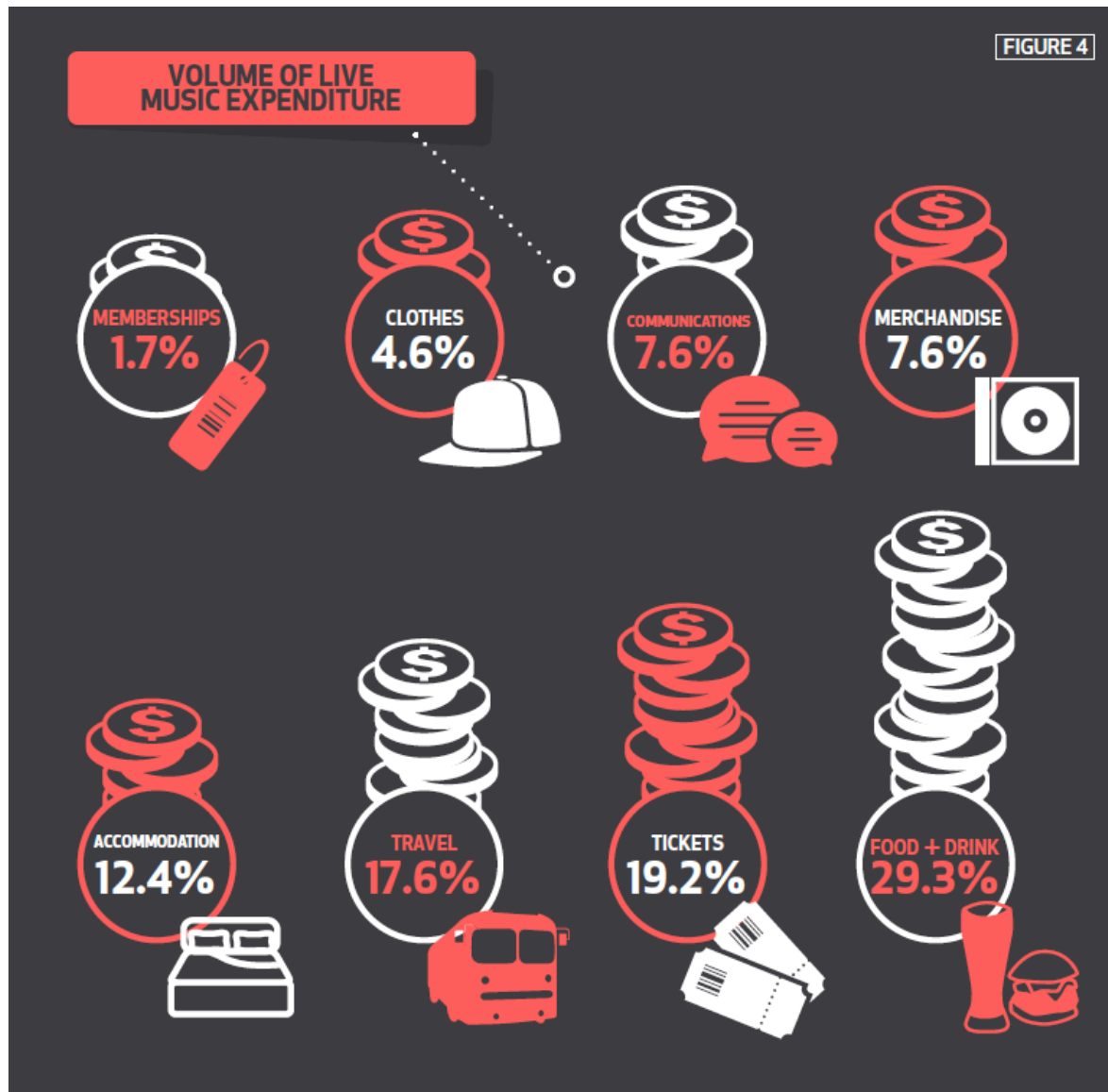
Live Music Consumption

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

- Accommodation and related expenses
- Clothes and fashion
- Food, beverages and other consumables
- Fuel, motor vehicle and travel expenses
- Memberships and subscriptions
- Merchandise (including CDs, programs, memorabilia)
- Phone, internet and communication expenses, and
- Tickets / entry fees

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



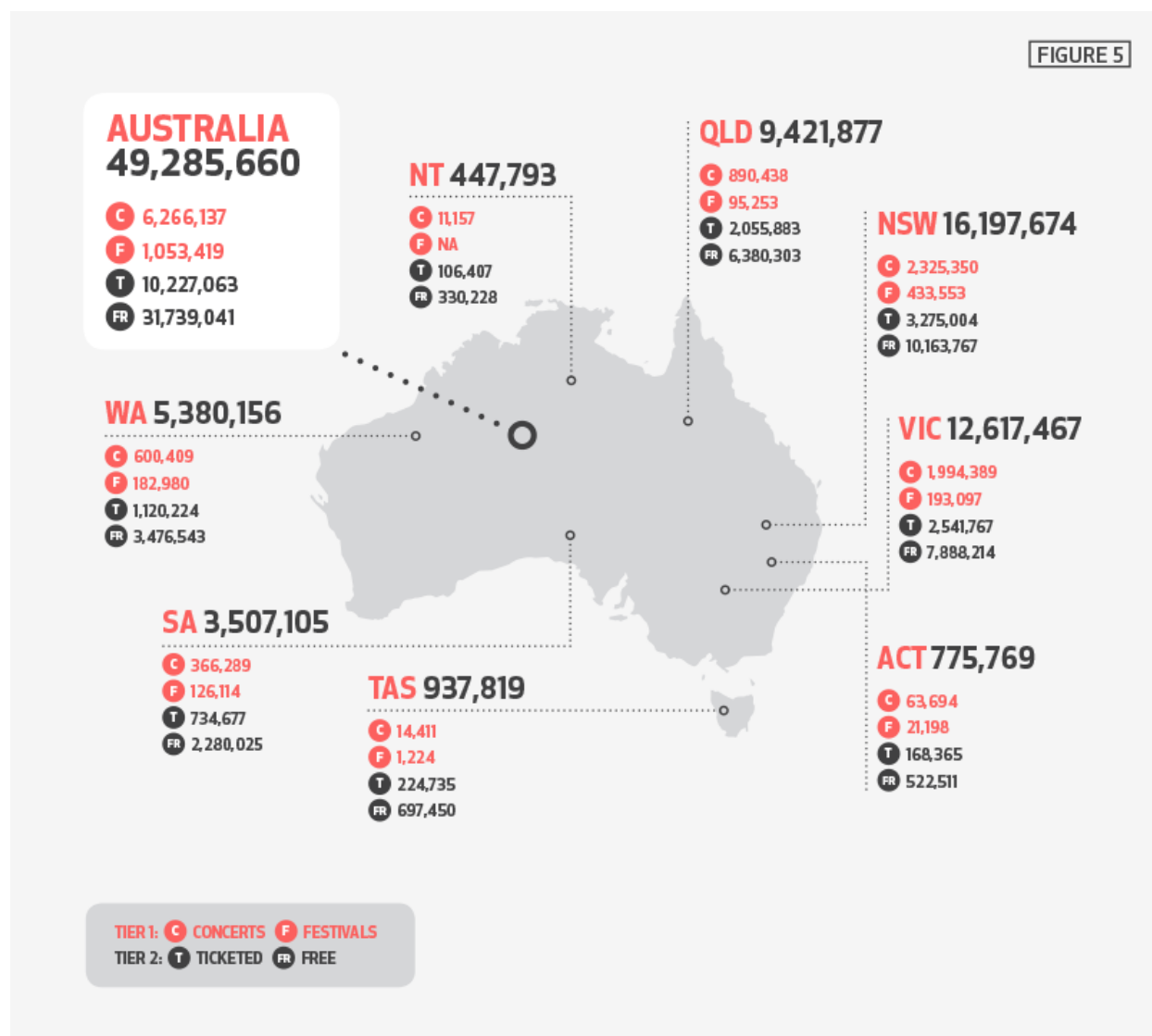
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Live Music Attendance

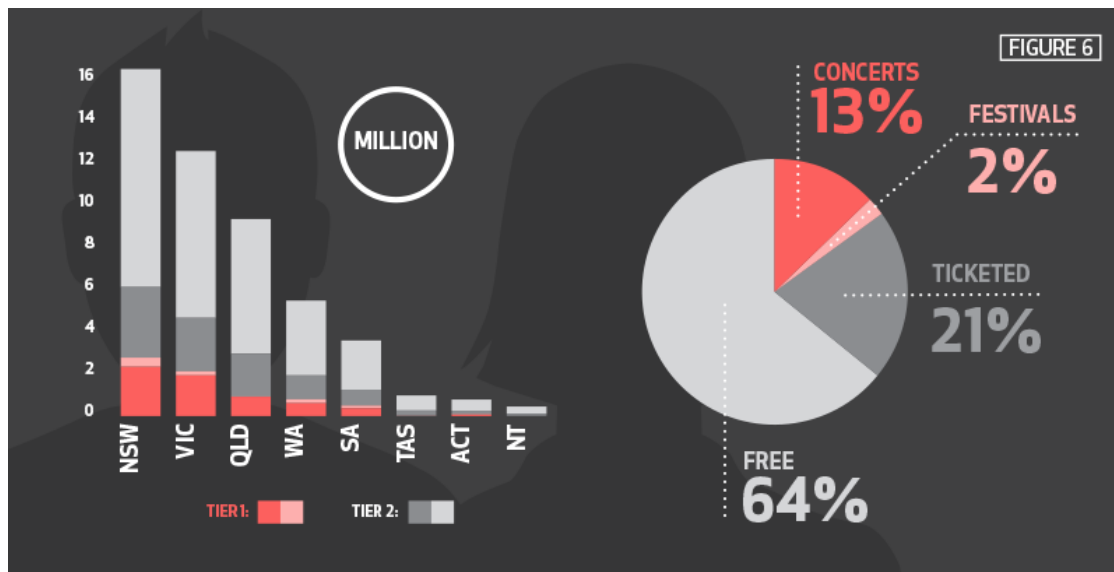
In the absence of representative primary data, attendance and sales figures were drawn from Live Performance Australia (LPA) and the Australian Performing Rights Association (APRA AMCOS) (*Ernst & Young, 2011, 2014*), and cross-referenced with data from the ABS (2010a, 2014a).

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

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



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Audience Patterns of Attendance

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

