

**POSITION  
AND  
PRIORITIES  
MARCH  
2014**

# MESSAGE FROM THE CEO

The Victorian music sector has come along in leaps and bounds over the last four years. The SLAM (Save Live Australia's Music) rally and the signing of the Live Music Accord 2010 marked the beginning of a new era of engagement by the Victorian Government with the music industry. Significant outcomes have been achieved through the Live Music Roundtable including:

- The reversal of liquor licensing policy that linked live music to high risk and recognition of live music in liquor legislation
- A Live Music Best Practice Guide to assist venues
- The return of all ages gigs
- Government commitment to strengthen the agent of change principle in planning law to protect venues
- A forthcoming review of the State Environment Protection Policy N-2 that will also help to protect venues.

Music Victoria has been crucial to achieving these outcomes. As Fatboy Slim would say, "We've come a long, long way together."

But we cannot get complacent. So far we have simply fixed what was broken by implementing long overdue initiatives to bring Victoria closer to the support received by the music sector in New South Wales, Queensland and Western Australia. It is now time build on these achievements with a more proactive approach to continue to develop and nourish the Victorian music community to the benefit of all Victorians.

This paper makes 19 recommendations to the Victorian Government that outline the position and priorities of the Victorian contemporary music sector over the next four years. Music Victoria urges the government to take a holistic approach to deliver positive contemporary outcomes for the music sector, which in turn will deliver broad economic and social benefits. The recommendations fall across not just the arts portfolio but a multitude of interconnected portfolios including Regional and Rural Development, Tourism and Major Events, Small Business, and Employment and Trade.

We want to ensure the next Gotye, Vance Joy, Courtney Barnett or Hiatus Kaiyote don't fall through the cracks and have the support to make their mark on the international stage. We also want to:

- Increase artist and audience participation
- Capitalise on music's power as a unifying force to bring communities together and tell our stories
- Deliver an economic and social dividend for Victoria.

Victoria needs a strong independent peak body to facilitate these opportunities supported by a four year resourcing commitment to help deliver the proposed initiatives.

Victoria is one of the music capitals of the world – let's support it now to ensure it stays that way.

Yours faithfully



Patrick Donovan  
CEO Music Victoria

**MUSIC**  
VICTORIA

# OVERVIEW

1 CELEBRATE AND PROMOTE MELBOURNE AS A MUSIC CITY TO INCREASE OPPORTUNITIES FOR VICTORIAN MUSICIANS AND THE BROADER MUSIC SECTOR

2 SUPPORT DEVELOPMENT OF VICTORIA'S REGIONAL MUSIC SCENE TO IMPROVE ECONOMIC AND SOCIAL OUTCOMES IN THE REGIONS

3 SUPPORT DEVELOPMENT OF VICTORIA'S MUSIC SECTOR TO INCREASE ITS CAPACITY TO GENERATE POSITIVE ARTISTIC AND ECONOMIC OUTCOMES

4 PROVIDE TARGETED FINANCIAL ASSISTANCE TO FOSTER ARTISTIC DEVELOPMENT AND SUSTAINABLE CAREERS FOR VICTORIAN MUSICIANS

5 CONTINUE REGULATORY REFORM TO REDUCE RED TAPE IMPACTING VICTORIA'S SECTOR

1.1 Develop and support initiatives to celebrate and promote Melbourne's rich music heritage

2.1 Hold a Regional Live Music Summit to develop a Plan to stimulate recovery in the regional live music scene

3.1 Support professional development to increase the competitiveness and productivity of the music sector

4.1 Implement a quick response grant program to allow musicians to capitalise on career defining opportunities

5.1 Reform the planning system to give the agent of change principle stronger standing

1.2 Provide support to further develop and coordinate events in November to showcase Melbourne as a music city

2.2 Establish a dedicated resource or office to implement the Regional Live Music Plan

3.2 Broaden the Victorian Government's trade mission program to include businesses from the arts and cultural sector

4.2 Increase the pool of Arts Victoria funding available for contemporary music

5.2 Reform noise standards and measurements to better protect venue and residential rights

1.3 Lodge an application in 2015 for Melbourne to become a UNESCO City of Music

3.3 Advocate for Victoria's music sector at the national level

5.3 Implement a state based variation to the Building Code of Australia

3.4 Preference Victorian music in all relevant Victorian Government purchasing

5.4 Extend liquor licences to trade to 3am on New Year's Eve

3.5 Establish a contemporary music centre

5.5 Allow loading zone parking permits by artists to load and unload equipment

3.6 Ensure Music Victoria is sufficiently resourced

3.7 Sponsor an assessment of opportunities to strategically develop Victoria's music industry

# INTRO

Victoria's arts and cultural sector is recognised as an important strength of the state economy, with the Victorian Government's strategy *Securing Victoria's Economy* positioning Victoria as Australia's arts and cultural capital<sup>1</sup>. While the sector is relatively small, it is growing strongly and represents an important source of job creation as Victoria continues its transition to a knowledge economy.

Victoria's music industry is an important part of the broader arts and cultural sector. It is a billion dollar business with an estimated \$1.04 billion spent in small venues, concerts and festivals in 2012<sup>2</sup>. The sector directly employs over 30,000 full time equivalent employees<sup>3</sup>, as well as supporting employment in related industries.

Melbourne is the premier music city in Australia and has a global reputation for the quality and diversity of its live music venues<sup>4</sup>. Annually throughout greater Melbourne there are over 62,000 gigs, across 470 venues, and with 14.4 million patrons<sup>5</sup>. This patronage is more than double the combined Melbourne attendance at the AFL, Rugby League, A-League and the Spring Racing Carnival (total 5.9 million)<sup>6</sup>. Every Friday and Saturday night, live music events across the city host a grand final sized crowd. Victoria's regions also host a number of popular music festivals and iconic venues. Victorians love their sport but they really love their music.

However, Victoria's position as the arts and cultural capital and Melbourne's reputation as a premier music city will not be maintained without proactive support and cooperation by government and industry. The Victorian Government can support the music sector in direct and indirect ways through partnership arrangements with industry, advocacy, regulatory reform, and targeted financial assistance.

Music Victoria makes 19 recommendations to the Victorian Government to develop and nourish the Victorian music community to benefit Victorian musicians, music businesses and the music loving public.

Music Victoria is a not-for-profit organisation that provides advocacy on behalf of the music sector, actively supports the development of the Victorian music community, and celebrates and promotes Victorian music. Music Victoria helps ensure the talented individuals and businesses in the music community continue to flourish, and that the voice of this community is included in the decision making processes of government and the community at large.

The 19 recommendations are grouped under five themes:

- 1 Celebrate and promote Melbourne as a music city to increase opportunities for Victorian musicians and the broader music sector
- 2 Support development of Victoria's regional music scene to improve economic and social outcomes in the regions
- 3 Support development of Victoria's music sector to increase its capacity to generate positive artistic and economic outcomes
- 4 Provide targeted financial assistance to foster artistic development and sustainable careers for Victorian musicians
- 5 Continue regulatory reform to reduce red tape impacting Victoria's music sector.

The recommendations reflect a broad consensus in the music community regarding what initiatives will help Victoria's music sector to thrive. This consensus has emerged through a number of reports that have been completed by industry experts, academics and independent consultants in recent years. The reports aimed to better understand Victoria's music sector and make recommendations to various government bodies on ways to better support the sector. This consensus has been confirmed by Music Victoria through recent consultation with key industry representatives.

There is strong alignment between the Victorian Government's and Victorian music sector's objectives. The Victorian Government has the stated objective of 'developing and promoting a thriving Victorian arts and cultural sector<sup>7</sup>', and delivering this through:

- Enhancing Victoria's reputation as an international centre for arts and culture
- Improving access to arts and cultural programs
- Maintaining Victoria's cultural venues and state owned facilities<sup>8</sup>.

Advancing Victoria's music sector will foster income generation, job creation and export earnings, increase tourism, contribute to liveability, promote social inclusion, and foster skills, knowledge and innovation transfers amongst other benefits. Many of the initiatives proposed will benefit the broader arts and cultural sector and not just the music sector. Supporting Victoria's music sector in turn generates positive economic, social and cultural outcomes for the state.

# 1 CELEBRATE AND PROMOTE MELBOURNE AS A MUSIC CITY TO INCREASE OPPORTUNITIES FOR VICTORIAN MUSICIANS AND THE BROADER MUSIC SECTOR

Melbourne has a unique opportunity through its high quality music offering to leverage its position as the premier music city, and the arts and cultural capital of Australia. Local residents, national visitors and international tourists are attracted to Victoria's diverse music offering including festivals in metropolitan, suburban and regional locations, stadium shows by major artists, and hundreds of smaller gigs held each week.

Three initiatives are proposed to celebrate and promote Melbourne as a music city to increase opportunities for Victorian musicians and the broader music sector. These initiatives will also increase cultural tourism and tourism exports and create flow on benefits to other industries such as accommodation, hospitality, retail and transport.

## 1.1 Cultural heritage

Melbourne has a rich music heritage with music personalities and artists including Paul Kelly, AC/DC, Kylie Minogue, Gotye and Hiatus Kaiyote all calling Melbourne home. The Victorian Government should partner with relevant industry organisations to develop and support a range of initiatives that celebrate and promote this cultural heritage. Initiatives could include:

- Rename lanes, streets or places to honour local musicians and personalities that have made a significant contribution to Melbourne's music scene
- Establish a Hall of Fame dedicated to contemporary music with ongoing and temporary exhibitions featuring memorabilia donated by individuals including Molly Meldrum and Michael Gudinski
- Install plaques similar to the heritage trail blue plaques that highlight buildings and places of significance
- Develop a walking tour that includes the above initiatives and promote on the Melbourne Music City Guide, Tourism Victoria website and other relevant mediums
- Document the stories of Victorian contemporary music including artists, venues and key events and publish them on accessible platforms such as YouTube.

**Recommendation 1.1 Develop and support initiatives in partnership with relevant organisations to celebrate and promote Melbourne's rich music heritage.**

## 1.2 Melbourne Music City on the major events calendar

In November each year, thousands of Victorians and visitors from interstate and overseas descend on Melbourne to attend the Australasian Worldwide Music Expo, Face the Music conference, Melbourne Music Week, and The Age Music Victoria Awards. These events continue to grow and with additional support could be better integrated and marketed under the umbrella of a major industry event, and added to the state's calendar of major events. Such an event would lift Melbourne's profile as a premier music city nationally and internationally and create opportunities for Victoria's music sector. An event of this kind will also generate positive flow on effects for other industries including tourism, conference and events, accommodation, hospitality, retail and transport.

The Victorian Government should leverage the expertise of the Victorian Major Events Company and Tourism Victoria to coordinate with the organisers of these separate events, and explore how these might be better coordinated and marketed to national and international audiences.

**Recommendation 1.2 Provide organisational and marketing support to further develop and coordinate events in November to showcase Melbourne as a music city nationally and internationally.**

## 1.3 UNESCO City of Music

A city is considered an attractive and rewarding place largely because of the quantity, quality and diversity of cultural activities and services<sup>9</sup>. Arts and culture contribute directly to that 'sense of place' which attracts both residents and economic activity. Contemporary music has an important role to play in strategically positioning Melbourne as an international centre of cultural excellence, a dynamic centre of creativity and innovation, and an international destination for cultural tourism.

Cultural tourism has been identified as a new growth area for Australian tourism<sup>10</sup>. In 2011, Victoria received one million international cultural visitors (defined as someone who attends at least one cultural attraction during their visit), and close to 400,000 domestic and international tourists (defined as someone who attends at least three cultural attractions)<sup>11</sup>.

To secure Melbourne's positioning as a global music city, the Victorian Government should apply to the United Nations Educational, Scientific, and Cultural Organizations (UNESCO) and seek Melbourne to become a UNESCO City of Music and join its Creative Cities Network. Pursuing this initiative also provides a forum through which a number of other recommendations can be coordinated and delivered.

**Recommendation 1.3 Lodge an application in 2015 for Melbourne to join the Creative Cities Network as a UNESCO City of Music to recognise Melbourne's rich music heritage.**

# 2 SUPPORT DEVELOPMENT OF VICTORIA'S REGIONAL MUSIC SCENE TO IMPROVE ECONOMIC AND SOCIAL OUTCOMES IN THE REGIONS

Developing the regional music scene by establishing a regional touring circuit and supporting local musicians can deliver more dynamic regional communities, provide cultural choices and a diversified lifestyle for residents, develop audiences, and support local economic development.

Music Victoria in collaboration with NMIT, RMIT, Box Hill Institute, Victoria University and JMC Academy conducted a Regional Live Music Census to determine the size and scope of the live music scene in regional Victoria. The resulting Regional Live Music Census Report demonstrates that Victoria's regional music scene is comparatively underdeveloped. Its recovery will require a coordinated effort by government and industry and involve a wide range of stakeholders including regional artists and venues, industry and local government.

Outcomes in the regions may take longer to achieve due to local industry capacity and require additional support from both industry and government. A two stage process is proposed to provide a framework aimed at stimulating a long-term and sustainable regional music scene.

## 2.1 Regional Live Music Summit

The Victorian Government should convene a Regional Live Music Summit through the Live Music Roundtable to bring key stakeholders together to cooperatively examine the issues identified in the Regional Live Music Census Report and plan a way forward to promote the recovery of Victoria's regional music scene.

A key objective of the Summit should be to plan for the establishment of a long term regional touring circuit to act as the backbone of the regional music scene.

**Recommendation 2.1 Hold a Regional Live Music Summit through the Live Music Roundtable to address key issues in regional live music and develop a plan to stimulate its recovery.**

## 2.1 Regional Live Music Plan

Rebuilding Victoria's regional touring circuit and increasing industry capacity in the regions will require substantial support over time. Implementing the Regional Live Music Plan should be resourced through the establishment of a dedicated regional live music office. Its primary purpose would be to act as a one-stop-shop to build relationships and liaise between musicians, venues and industry, including promoters and booking agents. In time, the regional tour circuit should be well established and self supporting.

The office could operate through the existing operational arrangements of Music Victoria or Arts Victoria. If pursued, the initiative would require coordination between Regional Arts Victoria, potentially Tourism Victoria, and especially local governments.

Supporting and complementary initiatives could include:

- Apply learnings from the comparatively successful New South Wales regional tour circuit
- Review venues and the technical capacity of venues to host gigs, including continued coordination with the Victorian Association of Performing Arts Centres
- Regional promotion of the Best Practice Guidelines for Live Music Venues (a joint initiative between Music Victoria and the Victorian Government)
- Roll out professional development and capacity building.

Implementation of the Plan should include regular monitoring and reporting to assess performance of the initiative.

**Recommendation 2.2 Establish a dedicated resource or office to implement the Regional Live Music Plan to provide assistance to regional artists and venues, and help deliver initiatives to stimulate the recovery of Victoria's regional music scene.**

## 3 SUPPORT DEVELOPMENT OF VICTORIA'S MUSIC SECTOR TO INCREASE ITS CAPACITY TO GENERATE POSITIVE ARTISTIC AND ECONOMIC OUTCOMES

The music sector is largely made up of micro and small businesses that focus on local, national and international markets. Successful artists also need to be 'business savvy' if they are to commercialise their artistic output. Targeted support by the Victorian Government can build industry capacity, which in turn allows the music sector to capitalise on artistic and business opportunities and increase social, cultural and economic outcomes. Seven initiatives are proposed to support artists, music businesses, and industry associations as outlined below.

### 3.1 Professional development

The music sector supports many micro and small businesses such as record labels, band managers, booking agents, venue managers, publicists and graphic designers as well as musicians and bands. Various organisations in the sector provide professional development opportunities but its delivery can be improved to better meet the needs of the sector, particularly for new and emerging artists. There is also an opportunity to better leverage the expertise of Small Business Victoria to deliver mentoring, workshops and seminars in metropolitan Melbourne and regional Victoria.

Low cost business support by the Victorian Government can help small businesses in the sector overcome a wide range of challenges that can impede productivity, competitiveness and growth. The Victorian Government, through Small Business Victoria and Arts Victoria, should partner with industry professionals and existing organisations to deliver professional development opportunities tailored to the music sector covering topics such as grant writing, intellectual property, business planning, marketing and networking

**Recommendation 3.1 Implement a professional development program in partnership with relevant organisations and professionals to increase the business competitiveness and productivity of the music sector.**

### 3.2 Trade and exports

Cultural exports make a valuable contribution to the economy. Accessing new audiences in international markets is critical for an artist to achieve a sustainable career. However, artists and other music based businesses often have difficulty in identifying and accessing opportunities in overseas markets. The Victorian Government has successfully helped Victorian businesses to export and expand internationally and should extend these programs to the arts and cultural sector, with priority markets identified in partnership with industry.

This initiative complements other export oriented initiatives available through Sounds Australia.

**Recommendation 3.2 Broaden the Victorian Government's highly successful trade mission program to include businesses from the arts and cultural sector.**

### 3.3 Advocacy

There are several key issues at the national level that affect Victoria's music sector including:

- Piracy and copyright and the impact this has on artist revenue streams and rights
- Radio spectrum allocation and the switch to digital and the impact this has on community radio stations and grassroots music
- Content quotas for radio and the impact this has on audience development for domestic artists
- Simultaneous broadcasting on the internet and the impact this has on artist revenue streams and rights.

These issues require strong advocacy by state and federal governments to ensure that Australian music and culture is protected. The Victorian Government should increase its policy advocacy capacity to ensure that the needs of the Victorian music sector are effectively championed at the national level.

**Recommendation 3.3 Advocate for Victoria's music sector at the national level to ensure its needs are championed on significant issues controlled by the Commonwealth Government.**

### 3.4 Government purchasing

The Victorian Government is progressive in its advertising and communication such as Tourism Victoria's ongoing Play Melbourne campaign or the Transport Accident Commission's powerful commercials on road safety. All Victorian Government advertising and communication should use music produced by Victorian artists by either seeking rights to use existing compositions and recordings or commissioning new works. This initiative strongly complements Tourism Victoria campaigns that showcase Victoria to domestic and international audiences.

More broadly, the Victorian Government should actively apply procurement policies that preference the purchase of Victorian produced music or creative content. This will provide opportunities for Victorian musicians by increasing exposure to new audiences and revenue streams, and keep Victorian money in Victoria.

**Recommendation 3.4 Implement a policy to preference Victorian music in all relevant Victorian Government purchasing to increase opportunities for Victorian musicians.**

### 3.5 Contemporary music centre

Recent announcements including South Australia establishing a Creative Centre and the Victorian Government contributing to a \$42.5 million project to revamp the Victorian College of Arts and create an arts hub demonstrate the value of creative clusters. A similar hub should be established for contemporary music at an appropriate site, such as the unused NMIT site next to Circus Oz and The Tote Hotel in Collingwood. The centre should:

- House peak bodies such as Music Victoria
- Provide temporary office facilities to support small music businesses
- Host professional development activities outlined in recommendation 3.1
- Provide public space such as the Hall of Fame initiative in recommendation 1.1
- Provide meeting and performance space for showcases, exhibitions and industry events.

The centre would improve the sustainability of music sector organisations through cost sharing and better coordination. The centre will also increase Melbourne and Victoria's profile as a centre for music nationally and internationally and support several other initiatives proposed in this paper.

**Recommendation 3.5 Establish a contemporary music centre and support its ongoing operation to assist in the development of a creative cluster.**

### 3.6 Resourcing Music Victoria

Music Victoria is the peak body that exists to support the growth, participation and development of Victoria's contemporary music sector. Victoria was the last state to have a peak industry body representing the music sector, all of which receive funding from their respective state governments. Recent issues affecting Victoria's live music venues have shown just how important it is for music in this state to have an organisation representing its interests.

The Victorian Government has supported Music Victoria with funding since its establishment in February 2010. Funding was provided on the basis that Music Victoria will work towards self-sustainability and Music Victoria has actively sought to diversify its funding sources by increasing sponsorship, membership and donations. However, unlike other industry associations in the sector, Music Victoria does not have a source of income such as commission on royalties or licence fees to finance its operations, and its capacity to generate sufficient funding to sustain its operations is limited.

It is essential for Victoria to have an independent peak body with four years of guaranteed funding. This will ensure Music Victoria can deliver its mission and core objectives and in particular, continue to show leadership on the Live Music Roundtable, monitor ongoing issues, update the Live Music Best Practice Guide with new legislation and trends, and work with the Environment Protection Agency on the 18 month review of State Environment Protection Policy N-2. The Victorian Government should continue to support Music Victoria by providing core funding to enable a base level of operation that can be supplemented through other revenue streams.

**Recommendation 3.6 Provide Music Victoria with four years funding to enable it to deliver its mission and core objectives.**

### 3.7 Industry development

The music industry includes recording, broadcasting and publishing components which earn revenue through music sales, broadcasting and license fees, royalties' distribution, and the management of intellectual property. Australians spend over \$2 billion a year on recorded music with most of the royalties going overseas. There remains the opportunity for Victoria to secure a larger proportion of this spend.

The Victorian Government should partner with industry in a full consultative process to undertake an assessment of opportunities to develop the industry and examine:

- The sector's operation and character, including the vertical integration between grass roots community based venue activities, and the higher end recording, and intellectual property functions
- Scale, job profile, contribution to state gross product, and positioning in terms of national market share
- The Victorian music industry's positioning and linkages in the global market including initiatives to better balance music import/export ratio and secure intellectual royalties back to Victoria
- How the music industry delivers economic and social dividends for Victoria, and establish the rationale for public investment in the sector
- How the other proposed initiatives in this paper can combine and contribute to developing Victoria's music industry.

The assessment could be used by both the music industry and government to inform long term strategic planning and investment.

**Recommendation 3.7 The Victorian Government partner with Music Victoria and sponsor an assessment of opportunities to strategically develop Victoria's music industry.**

## 4 PROVIDE TARGETED FINANCIAL ASSISTANCE TO FOSTER ARTISTIC DEVELOPMENT AND SUSTAINABLE CAREERS FOR VICTORIAN MUSICIANS

Australian musicians earn just \$7,200 per annum on average despite the music industry being a multi-billion dollar industry<sup>12</sup>. The majority of money in the industry ends up in the hands of overseas record companies, a small number of promoters, alcohol companies, and the alcohol excise pool. In general, aspiring musicians face small creative incomes and challenging career prospects. Well targeted financial assistance for musicians, particularly early career musicians, can help artists capitalise on opportunities and leverage their skills in other industries to complement their creative incomes and increase their vocational sustainability.

Furthermore, while the Victorian Government provides substantial funding to the arts and cultural sector, only a small proportion is directed toward contemporary music. This is despite the fact that one in four working artists is a musician<sup>13</sup> and contemporary music contributes approximately twice as much to the Victorian economy as classical music and opera combined<sup>14</sup>. Contemporary music is just as important as other forms of music and it should be proportionally supported and valued by the Victorian Government.

### 4.1 Quick response grants

Immediate financial support in the event an artist secures a once-off deal has been identified as a gap in the current grants offering through Arts Victoria. Such deals include the opportunity to showcase at a major industry conference like BIGSOUND or play to a mass television audience, like local artist Courtney Barnett who recently appeared on the Live with Jimmy Fallon television program in the United States. Opportunities like this increase exposure for Victorian artists to new audiences and industry contacts, and are often career defining. However, the high cost of attending such opportunities, particularly for bands with multiple members, often means they are unable to capitalise on the opportunity because of the long lead time for current grant applications.

A new grant program providing low value grants (\$2,500 for national and \$5,000 for international opportunities) through a streamlined application process will help artists capitalise on career defining opportunities. The program should be administered by Arts Victoria and utilise a panel of independent industry experts that can be called upon at short notice to decide grant funding within a week or two of application. The program must be simple to apply for, open continuously, and not be subject to funding rounds.

**Recommendation 4.1 Implement a quick response grant program through Arts Victoria to allow Victorian musicians to capitalise on career defining opportunities.**

### 4.2 Arts Victoria funding

Arts Victoria funding to contemporary music has decreased substantially due to cuts to the main, longstanding program Victoria Rocks. In addition, Arts Victoria has changed the way it administers grants by combining previously separate arts grants into one funding pool and this has reduced the transparency of funding available for contemporary music.

Contemporary music should be allocated a more equitable proportion of the arts funding pie to reflect its substantial social, cultural and economic contribution to the state in terms of artistic output, participation and audience sizes, and industry output and value add. The Victorian Government should re-establish arts funding specifically targeted at musicians engaged in contemporary music. Importantly, the level of funding should be proportionate to the contribution of the contemporary music sector to the Victorian economy.

**Recommendation 4.2 Increase the pool of Arts Victoria funding available for contemporary music and increase the transparency of the grant process to improve equity of arts funding.**

## 5 CONTINUE REGULATORY REFORM TO REDUCE RED TAPE IMPACTING VICTORIA'S MUSIC SECTOR

Regulatory reform is an important form of assistance provided by government to support the music sector. Ongoing reform is necessary to ensure the arts and cultural venues that underpin the music sector are able to operate with greater certainty, and to provide a more stable environment for investment in providing opportunities for musicians to play and audiences to participate.

The Live Music Industry Roundtable established in 2010 has provided a successful platform for the music sector and government to work together to progress regulatory reform. Despite the achievements of the Roundtable, a number of issues relating to liquor licensing, planning, environment protection and other areas of the regulatory framework such as the building code still impact or pose risks to the music sector.

It is recommended that the Roundtable model continue to be utilised to implement regulatory reform in the five areas outlined below. Three of the five recommendations were included in Music Victoria's *Music industry position paper – The case for regulatory reform* presented to the Live Music Roundtable in July 2012. While positive steps have been undertaken by the Victorian Government, these recommendations have not yet been implemented and remain key priorities for the music sector.

### 5.1 Agent of Change

The agent of change principle determines responsibility for music noise management. Where changed conditions are introduced into the built environment, the existing rights for residents and music venues should be maintained. The agent of change should be responsible for attenuation works to ensure amenity standards are maintained.

Buildings that are developed proximate to arts and cultural venues should be attenuated to protect residential amenity. It is a very simple concept which the planning system at present is not consistently applying. The agent of change principle should be better applied in the planning system, including through reform to the Victoria Planning Provisions and development of a complementary suite of local planning policy and guidance.

**Recommendation 5.1 Reform the planning system to give the agent of change principle stronger standing to protect arts and cultural venues.**

## 5.2 State Environment Protection Policy N-2

The State Environment Protection Policy N-2 (Control of Noise from Public Premises) (SEPP N-2) establishes the objective standards for sound levels and the baseline for music noise regulation. Compliance with SEPP N-2 is required by all music venues under the liquor licensing and planning systems.

SEPP N-2 is outdated and does not adequately protect the very cultural vitality that make the cultural clusters where many live music venues reside so attractive to residential living in the first place. SEPP N-2 should be reformed to:

- Recognise that a blanket amenity standard across Victoria is not appropriate and that areas of high night time activity should have a different amenity expectation to the more genteel suburban neighbourhoods
- Relax the decibel standards in some areas
- Amend the timing of day and night standards and when the night time standards apply in some neighbourhoods
- Ensure that noise readings are taken inside the effected dwelling, and with the window shut.

**Recommendation 5.2 Reform noise standards and measurements in the State Environment Protection Policy N-2 to protect venue and resident rights.**

## 5.3 Building Code of Australia

Anomalous provisions in the Building Code of Australia (BCA) place an unduly onerous burden on music venue owners and operators. The provision of live music changes the building class of a typical pub from a Class 6 to a Class 9b, which requires higher building standards. It is purely the act of providing entertainment that changes the building class to 9b and places a small venue in the same category as a sports stadium, airport, hospital or university. This means a small venue may be faced with major compliance costs if they choose to provide, or continue to provide, live music.

The BCA should be amended to ensure that small live music venues do not need to comply with Class 9b requirements. New South Wales implemented a state based variation to the BCA that became effective on 1 May 2008, which amended the relevant class definitions, and it is recommended that Victoria adopt the same or similar approach.

**Recommendation 5.3 Implement a state based variation to the Building Code of Australia to ensure Victoria's small live music venues are not faced with unnecessary compliance costs.**

## 5.4 Liquor licensing

New Year's Eve 2013/14 highlighted another area of liquor licensing that requires reform to improve the operating environment for small live music venue owners. Many liquor licences restrict trade on Sunday to Thursday nights to 1am and this becomes problematic if New Year's Eve falls on one of these evenings. To help overcome this issue, the Victorian Government Liquor and Gaming Regulator (VGLGR) automatically extends on-premises licences with restaurant conditions to 3am. However, other licence types must apply to the VGLGR for an extension, which will only be granted if there are exceptional circumstances.

This regulation has effectively meant that it is not economical for a small live music venue to trade on the busiest night of the year. The current regulation is unfair and has no reasonable basis as there is no difference to venue or patron behaviour if New Year's Eve falls on a Wednesday or a Friday night. Further, this current arrangement has negative flow on effects by reducing the number of venues open for patrons to enjoy safely New Year's Eve and reducing the number of gig opportunities for musicians.

**Recommendation 5.4 Extend to all liquor licence types the automatic extension to trade to 3am on New Year's Eve to allow live music venues to operate at a profit, and provide a safe, regulated environment for the public to celebrate the new year.**

## 5.5 Parking permits

Music Victoria, in partnership with a number of local councils, has sponsored a successful program of providing loading zone permits for venues to give to bands to load and unload equipment. Under the current rules, only vehicles with a 'G' on their registration label are permitted to use loading zones. The program provides a venue with a permit that can be provided to the band as needed. However, the program is only an informal arrangement with participating local councils. The Victorian Government and VicRoads can assist by amending relevant regulation to make this arrangement permanent, widespread and lawful.

**Recommendation 5.1 Amend relevant regulation to allow temporary use of loading permits by artists to load and unload musical and production equipment for gigs.**

## CONCLUSION AND NEXT STEPS

Music Victoria presents these recommendations to the Victorian Government and its agencies, and submits that the proposed directions represent an integrated package of proposals, which if implemented will result in positive social, cultural and economic outcomes for Victoria.

Implementing the package will require a whole of government approach. The best way would be to establish a standing and multi-agency governance arrangement that is appropriately resourced, and supported by a strong mandate.

In addition to the recommendations proposed in this document there are other opportunities for the music sector and government to partner, for example:

- Work with the public health system to develop a tinnitus prevention program for at risk groups including musicians and patrons
- Advance education by better integrating music pathways from secondary to tertiary level or attracting international students to Victorian music courses.

There is also a dialogue to be had with local government and unlocking opportunities at the local level through local government owned infrastructure, local arts grants, planning decisions, or sponsoring all ages gigs. All councils should have a music strategy to celebrate local music and ensure music forms a strong part of local cultural identity, and is valued and planned for.

Furthermore, new initiatives may emerge in response to changing operating conditions in the local music scene, by broader evolutionary changes in the industry, or in the way music is enjoyed. The above recommendations represent a point from which to deepen engagement and achieve the objectives of both the music sector and government.

Music Victoria  
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This paper was compiled by Music Victoria in conjunction with members of the Victorian music industry.  
musicvictoria.com.au



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## END NOTES

1 Victorian Government (2012)

2 Victorian Live Music Census (2012)

3 Deloitte Access Economics (2011); Ernst & Young / Live Performance Australia (2010); Newton, D (2012)

4 Deloitte Access Economics (2011)

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7 Victorian Government (2013)

8 Victorian Government (2013)

9 Arts Victoria (2008)

10 KPMG (2013)

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12 Artfacts, Fact 7

13 Australia Council for the Arts (2010)

14 Ernst & Young / Live Performance Australia (2010)