



The Mammals on stage at the National Folk Festival. Photo: Peter Taylor

Coming alive

New legislation offers hope for the live music scene in NSW.

by JOHN WARDLE

New South Wales is renowned nationally as the worst place in the country for live entertainment. Not for very much longer.

With brand new liquor licenses just announced for entertainment venues and a swathe of red tape sliced away for live venues in the planning approvals process, the way has been paved for a revamped live music and cultural environment across the state.

There are two main areas of change:

1. Old Place of Public Entertainment (POPE) laws, which exempted sport and gambling but required so much expense and work as to make grass roots live performance unviable, have been replaced with a new system making it significantly cheaper and easier to obtain local council certification to present all kinds of live music and performance.
2. Old state Liquor Licencing laws under which live music venues had to pay anything from \$10,000 to \$60,000 just for their bar licence will be replaced with a new system under which the licence fee will be just \$500 with a small yearly administration fee.

Taken together, the new POPE laws and cheap liquor licences are wonderful news for grass roots entertainment in NSW ... and the story of how it happened is one worth hearing.

New Place of Public Entertainment (POPE) laws

Under the old NSW planning system, while poker machines and televisions were exempt from any constraint, for someone to get up to read Shakespeare or play a musical instrument in a pub, the

Council required two expensive, onerous and time-consuming development applications before certification would be approved.

The new streamlined and simplified POPE approvals process, announced by the NSW Planning Minister Frank Sartor on 26 October, are specifically designed to encourage the staging of live entertainment and remove red tape and duplication in applications whilst still protecting public safety. Venues that will benefit include licensed premises and registered clubs as well as theatres, cinemas and public halls used for public entertainment.

Under the new rules, if you have a ground floor room in a club, pub, or a licensed restaurant with space for up to 300 people, you can take advantage of a new quick and cheap inspection called a 'complying development certificate'. As long as you have two separate doorways, you can start advertising the show and be able to have the first performance within seven days of applying (although you are requested not to be louder than the room can handle or you will upset everybody, including me).

People who want to put on entertainment in larger venues or upstairs will still have to lodge a Development Application to ensure fire safety measures are in place (but previously all activity required two Development Applications).

The new regulations also include a new simpler process for gaining permission to have live music in marquees, tents, booths and temporary structures, which will make things easier to host festivals, country shows and community and outdoor events. (Cont'd p. 26)

December

1 – 22 December

👁 *New Works by Greg Fergusson*, joint winner of the 2006 Goulburn Art Award. His artist book was described by judges as an energetic expression of human outpouring.

GOULBURN Regional Art Gallery
Tel 02 4823 4443

1 – 22 December

👁 *Kosciuszka Summer* An exhibition of recent paintings by Phil Ryan. Green Dog Gallery, 147 Sheridan St, **GUNDAGAI**

Paintings can also be viewed online.
Website www.myopiclandscapes.com.au/gallery_knp.htm

2 December

🎭 *The Funky Moves Dance Spectacular*
An entertaining end of year dance spectacular by Funky Moves students. The program includes contemporary, ballet, hip hop, funky tap and jazz. **LISMORE** City Hall.
Contact NORPA Tel 13 000 66772

2 December

🎵 *Armidale Symphony Orchestra Masterworks* Lazenby Hall, UNE. Conductor: Wendy Huddleston, Soloist: Deidre Rickards.
ARMIDALE Tel 1800 627 736 Website www.armsymph.org

(Cont'd from p.6)

To apply for a POPE under the new rules, applicants can either contact their local council or have the fast track consent assessed by an accredited certifier (which can be found through the Building Professionals Board — www.bpb.nsw.gov.au/certifiers/finding.shtml). More detailed guidelines on the new regulations are available from the NSW Planning Ministry website at www.planning.nsw.gov.au.

New Liquor laws for NSW

In perhaps an even more exciting development, the NSW Government announced new liquor laws for NSW in the first week of November. It may be a horrible cliché, but it is true that when you visit Victoria, one thing you notice is that there is so much more live music 'down there'. And it is not just in the pubs. Cheap restaurant licences in Victoria mean that all sorts of small scale music activity is well supported. Classical guitar and piano is thriving, not to mention multicultural music that (realistically) is never going to take off in the big NSW pubs and clubs filled with broadcast sport on massive screens and poker machines.

The addition of the small bars and café style licensed venues in Victoria has also been great for small scale live entertainment and made a significant contribution to the cultural landscape — something we could really benefit from in New South Wales.

Whilst new laws for NSW will have the restaurant and small bar licence included, the best news of all in the new NSW liquor laws is the announcement of a new On-Premises Entertainment Venue liquor licence, which will only cost \$500 on application, and a small yearly administration fee thereafter. Every nightclub and theatre licence in NSW will convert to this licence, which — take note and cheer — will be available for art galleries and cultural spaces.

This latter is a huge win for those of us who were involved in the campaign to have the licence created. The new laws are in large part the result of a robust effort which saw some 450 of 900 submissions received on the draft liquor laws in 2005 addressing the topic of live music, and an endless round of meetings and submissions to the State Government by the small team doing the lobbying.

Of particular significance in the new legislation are:

- > A cheap new on-premises entertainment venue liquor licence available to venues such as music venues, cinemas, comedy clubs, art galleries and theatres.
- > A fairer noise complaints process that is considerate and understands who was 'there first', rather than the previously unbalanced procedure that favoured complainants. This will increase flexibility for venues and residents to discuss and settle problems in a conciliatory manner.
- > A new hotel licence without poker machines, which will enable the establishment of small boutique bars.
- > Restaurants will be able to serve a drink without a meal after a simple application.

At the time of writing, the legislation is being prepared to be debated in the NSW Parliament, so there is work to do before the new laws

are passed but once approved, the new licenses are expected to be available after 1 July 2008.

How did it happen?

The commencement of the POPE laws and the unveiling of the new entertainment venue liquor licence for NSW were a milestone for a team of determined people who lobbied hard for many years to have the changes implemented. In 1998 the Musicians Union surveyed their members to find out why work opportunities were disappearing for live entertainment in NSW. This led to the preparation of what became known as the Vanishing Acts Report by Prof Bruce Johnson and Dr Shane Homan in 2003. The findings of this paper then informed the drafting of an issues paper for government by the NSW Premiers Department in early 2005.

When NSW Premier Bob Carr stepped down shortly after the tabling of the Issues paper, the stage was set for a fierce campaign by a team of dedicated people determined not to let the issues fade away. The way was finally paved for the new POPE processes in late 2006 when changes were made to the Local Government Act. This was the result of months of consultation on detailed regulations, and the final completion of new stand-alone entertainment laws for NSW. A great deal of work was done on the drafting of the liquor laws at the same time to create the entertainment venue liquor licence, and the recent 'Raise the Bar' lobbying campaign finally killed off the requirement to have a drink without a meal in all NSW restaurants.

Special mention must be made of Victoria Owens, Music Program Manager at Arts NSW, who has made a major contribution to the implementation of these reforms. Also involved were Shane McMahon from Arts NSW and Richard Ruhle from the Musicians Union and the Media, Entertainment and Arts Alliance. For those of us involved in the process, the battle is not over yet, with a round of meetings in Parliament as we go to press to brief the political parties on the importance of the new laws for the cultural development for NSW before they vote on the Liquor Bill, expected by the end of the year. It's been a gruelling process.

The combined potential of the new streamlined POPE rules with the new liquor laws may be some of the best news ever for the cultural landscape in NSW. For musicians, there is great hope that new regulations will be a catalyst for change for the better in both the hospitality and entertainment industries.

Legendary Sydney Jazz trombonist and arranger, Dave Panichi, who lectures at the Sydney Conservatorium and who has played with Frank Sinatra, Aretha Franklin, Buddy Rich and Blood Sweat and Tears, said it well: "These reforms are long overdue and vitally important to the future success of the live music industry in NSW." ■

John Wardle is working musician, a member of the Music Council of Australia, a federal delegate for the Media, Entertainment and Arts Alliance and an advocate for regulatory reform for live music in NSW.


**Read the Vanishing Acts report online at www.arts.nsw.gov.au
Read the Issues Paper online at www.musicnsw.com/industry_issues/issuespaper.pdf**

March

7 – 9 March

 *Living Sound Festival* Performances & workshops from local & visiting artists, celebrating regional contemporary music & the 30th anniversary of Mitchell Con. Hip Hop, Jazz, Classical, Gypsy... **FORBES, BATHURST, LITHGOW** Tel 0424 6121 38

7 – 9 March

 *Central Coast Country Music Festival* Quality country music artists from NSW and interstate. Music bus tours, lake cruises, market stalls, poets' breakfast and buskers. **THE ENTRANCE** Website www.theentrance.org

7 – 15 March

 Riverina Theatre Co presents the Australian premiere of *The Role Model* by Bruce Hoogendoorn. A hilarious look at the life, loves and the losing of the plot of a famous Australian sports person. **WAGGA WAGGA** Civic Theatre Tel 02 6931 9466

8 March

 *Jazz in the Tops* An afternoon and evening of jazz in a natural amphitheatre amongst the snowgums with a backdrop of a spectacular lookout over the Liverpool Plains. **COOLAH** Tops National Park. Website www.jazzinthetops.com.au