



The Research Director
Legal Affairs & Community Safety Committee
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SUBMISSION RE: TACKLING ALCOHOL-FUELLED VIOLENCE LEGISLATION AMENDMENT BILL 2015

APRA AMCOS is grateful for the opportunity to make a submission to the Committee.

1. Background

APRA is the collecting society in Australia in respect of the public performance and communication rights of composers and music publishers. This typically covers the performances of music in tens of thousands of Australian businesses, including retail shops, nightclubs, clubs, hotels, bars, restaurants and cafes, festivals and events, among many other settings, as well as the communication of musical works online, such as in download and streaming services, and broadcasts on radio and television.

AMCOS is the collecting society in Australia in respect of reproduction of music in certain formats. This covers the reproduction of songs and compositions on CD, DVD, online, for use as production music and for radio/TV programs.

Whilst AMCOS has its own Board, Constitution and membership, the AMCOS business has been administered by APRA since 1997. APRA and AMCOS, known as APRA AMCOS, collectively control the copyright for such purposes in almost all commercially available musical works, by virtue of assignments from its local members and affiliations with similar overseas societies.

APRA AMCOS represents more Australian copyright owners than any other party. APRA AMCOS have more than 87,000 members and 107,000 licensees. They have a diverse membership, ranging from unpublished writers to major music publishers.

APRA AMCOS offers Music Grants to artists and small to medium organisations in relation to the creation and performance of Australian music. In 2014 APRA funded 157 grants and programs to the value of \$3 million.

APRA AMCOS has initiated, co-funded and collaborated in developing a number of key programs that support the life cycle of the music creator and their works. Most relevant to this submission is the Live Music Office.

The Live Music Office is an APRA AMCOS initiative co-funded by the Federal Government through the Ministry for the Arts. The Live Music Office was established in 2013 to support the growth of the venue-based live music sector in Australia, specifically to:

- Increase live music performance opportunities; and
- Support live music audience and sector development.

2. The Bill

On 12 November 2015, the Hon Yvette D’Ath MP, Queensland Attorney-General and Minister for Justice, introduced the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 into the Queensland Parliament.

The Bill, if passed, aims to reduce alcohol-fuelled violence, particularly late at night, through the implementation of new laws. The Bill’s objectives include blanket, whole-of-state ‘lock-out’ and ‘cease trade’ provisions, specifically:

- Regular service hours for alcohol in licensed venues across Queensland would end at 2am unless the venue is located in a prescribed safe night precinct approved for 3am liquor trading in which case a 1am lock out will apply.
- The 1am lockout would apply to all licenced venues within prescribed safe night precincts approved for 3am trading, including those which cease trading at 2am.
- The reduced trading hours and lockout would not apply to casinos and airports that are subject to a commercial special facility licence or to industrial canteen licences.
- Licensees would retain the ability to apply for and be granted extended hours permits for trading up until 5am on up to 12 occasions per year.
- No new approvals for trading hours outside of 10am – 10pm for takeaway liquor.
- Premises licenced to provide gaming or adult entertainment would be able to remain open past 3am, though not to serve alcohol past that time.
- High alcohol content and rapid consumption drinks could not be sold or supplied after midnight. The specific types and amounts of drinks would be prescribed by regulation following stakeholder consultation.
- Low risk specialist venues could apply for exemptions from the ban on high alcohol content drinks after midnight.
- Blood alcohol content readings lawfully taken by police would be admissible as supplementary evidence in prosecutions against a licensee.

3. Economic Implications

The introduction of ‘lock-outs’ and ‘last drinks’ provisions in the Sydney CBD Entertainment Precinct and the Kings Cross Precinct in February 2014 was widely reported as having an immediate impact in reducing the assaults in both the City and Kings Cross.

APRA AMCOS supports the immediate action that was taken by the NSW Government in addressing patron safety.

Given the immediacy of the action it is also appropriate to consider some of the wider potential short and longer term impacts – social, cultural and economic.

APRA AMCOS licenses venues for the public performance of music, including recorded music in dance/DJ venues and live-artist performances of music. Since lock-outs in Sydney commenced in

February 2014 APRA AMCOS has observed the impact on venues through reduced expenditure and entry charges, and in some cases, venue closure.

APRA AMCOS reassesses the value of a venue's licence on an annual basis, and on the anniversary of the licence effective date. Accordingly, the full impact of Sydney's lock-outs will not be visible in APRA AMCOS' data until post February 2016.

However, in reviewing the figures currently available it appears that the lock-outs have, at the very least, contributed to a decline in the value of APRA AMCOS licence fees in the lock-out areas.

The APRA AMCOS licence fee for *Live Artist Performances* is based on a percentage of the venue's expenditure on live artist performers and a percentage of any ticket charge at the door. In terms of the Sydney lock-out areas, to date there has been an 18% decrease in the value of venue expenditure on live artist performers and a 32% decline in the value of door charge receipts.

The APRA AMCOS licence fee for *Recorded Music for Dance Use* is based on attendance figures. Similarly in relation to the lock-out areas there has been an 18% decrease in attendance figures as reported by venues under the scheme.

The lock-out legislation was introduced very quickly and venues had little time to consider the potential economic implications and how to mitigate economic risk across their business operation. The reality for many venues is that entertainment is cross-subsidised by other areas of business revenue, including food and beverage, and gaming.

While it could be argued that live-artist performances generally occur earlier in the evening and are therefore not impacted by the lock-out time, it appears there may be a 'domino' effect of a lock-out impacting overall venue income and subsequently the venue decision to program live-artist performances.

There is considerable research relating to the economic, cultural and social contributions of live music. In 2011 APRA AMCOS commissioned Ernst & Young to assess the economic contribution of the venue-based live music industry. The study found that nationally the venue-based live music sector contributed \$1.2b to the national economy, and provided over 15,000 full-time jobs.¹

Similarly, a study undertaken by Deloitte Access Economics for Arts Victoria estimated that in 2009/10 live music in venues generated a direct economic contribution of \$301 million to the Victorian economy.²

4. Opportunity

APRA AMCOS supports the need for immediate and concerted action in relation to alcohol-fuelled violence. Central to a thriving, dynamic late night economy is the need for patron safety.

In Melbourne's *Beyond the Safe City Strategy, 2014-17*, Melbourne Lord Mayor Robert Doyle clearly identified the opportunity of a safe late night economy,

"Melbourne has become a 24-hour city, which is recognised as the most liveable and friendly city in the world. This reputation means we are attracting more residents and visitors every year...."

¹ Economic Contribution of the Venue-Based Live Music Industry, Ernst & Young, 2011.

² Economic, Social & Cultural Contribution of Venue-Based Live Music in Victoria, 2011.

“In this new strategy we look beyond a reactive approach to city safety and embrace innovative, modern solutions that are embedded in the very foundations of our city.”³

The Melbourne City Council has demonstrated a proactive approach to managing and improving patron safety by involving all parties in the discussion and development of an agreed solution. Rather than a one-dimensional and reactive, ‘stick’ approach to managing alcohol-fuelled related violence, the City has considered a holistic strategy, including:

- Understanding the issues with strong evidence and research base.
- Developing proactive partnerships and communities
- Entertainment precincts
- Prevention and harm minimisation
- Gender
- Environmental design

5. Conclusion

APRA AMCOS supports the approach of the Melbourne City Council in having a positive and proactive approach to the potential of the night economy and the priority of patron safety.

We support the four recommendations made in the submission by the Live Music Office, most importantly the establishment of a *regulation roundtable* to ensure broad stakeholder – venues, artist representatives, local government, police, government agencies and regulators - support and coordination.

Thank you for the opportunity to consult on the legislation. We would be more than happy to provide any further assistance.



APRA
AMCOS

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³ Beyond the Safe City Strategy, 2014-17