

Agreement regarding live music venues

Between representatives of the Live Music Industry, the State Government of Victoria and the Director of Liquor Licensing (DLL)

Importance of Live Music to Victoria

The parties agree that:

Live music makes a significant contribution to the cultural well being of Victorians and makes a significant economic contribution to Victoria.

The invaluable contribution made to Victoria by the live music industry will be reflected through legislative changes to the objects of the *Liquor Control Reform Act* 1998 by the Government to support this important industry.

The Government has created a help desk with dedicated licensing officers to assist licensees who provide live music to navigate the liquor licensing system.

The development of robust, evidence-based policy requires research such as the Live Music Research Project and other issue-specific research tasks.

To nurture and support a vibrant, successful and responsible live music industry, Music Victoria and the Government will work with live music licensees to develop a new 'Thriving Music Venues' forum to provide business support and create a code of best practice that promotes safe and well managed music venues.

Consultation and discussion will continue between the Government and Music Victoria to progress other longer term goals regarding the promotion of live performance, such as:

- Recognition and implementation of the agent of change principle during 2011, and

- Review the restrictions on live music performance imposed by mandatory conditions within the restaurant and café licence category in the Act so as to further encourage live music in these venues.

The Government commits to turnaround for temporary liquor licence applications of 60 days from time the Director has received all of the required information from the applicant.

Licence Conditions for Live Music Venues

The parties agree that:

Live music does not cause violence.

The Government has acted to remove the link between live music performance at licensed premises and crowd controller licence conditions. Since the signing of the Live Music Accord, the DLL has not imposed crowd controller conditions on licensed premises only because the venue provides live music and trades after 1am.

A flexible, common-sense approach to crowd controller licence conditions for live

music venues is appropriate.

To implement this flexible, common-sense approach, the Government will amend the Liquor Control Reform Regulations 2009 to establish a dedicated, cost-free procedure for live music venues to apply to have their crowd controller licence conditions reviewed.

To support this flexible, common-sense approach, the Government will amend clause 52.27 of the Victoria Planning Provisions to enable changes to be made to crowd controller licence conditions for live music venues without triggering the requirement for a planning permit to be obtained in all cases.

Management plans developed by licensees tailored to their premises will be part of this flexible, common-sense approach. A venue's management plan may replace a requirement to have crowd controllers where the plan demonstrates that the venue is managed safely and in accordance with objects of the Act. Compliance with such management plans will be a licence condition. Management plans must be approved by the DLL.

The application process will be simple. Applicants will be required to demonstrate that they are a venue that offers live music performance, and to provide DLL with any proposed management plan.

Applications to vary a crowd controller licence condition for a live music venue will be processed by the DLL:

through the use of the Director's powers under s.58 of the *Liquor Control Reform Act 1998*; or

as a "prescribed variation" to a liquor licence. The Liquor Control Reform Regulations 2009 will be used to identify such applications as a "prescribed variation" for the purposes of the *Liquor Control Reform Act 1998*.

In considering whether to vary a licence for a live music venue, the Director of Liquor Licensing will consider:

compliance issues including any history of violence or anti-social behaviour associated with the premises;

mediated outcomes with local government, residents, the DLL or Victoria Police;

the conditions of any planning permit or planning scheme for the premises;

any decision of the Victorian Civil and Administrative Tribunal (VCAT) –

that are relevant to the current operation of the premises.

A licensed venue which is identified as having compliance issues including incidents involving violence or anti-social behaviour may result in the DLL considering the imposition of appropriate crowd controller conditions in addition to, or in preference to any management plan condition.

Signed by and on behalf of:

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Live Music Industry

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Save Live / Australia's Music
Live Music Industry

Patrick Donovan
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The Hon. Tony Robinson
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