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Ms Mary Porter AM MLA  
Chair  
Standing Committee on Planning, Public Works and  
Territory and Municipal Services  
Legislative Assembly for the Australian Capital Territory  
Civic Square, London Circuit  
Canberra, ACT 2600

17 March 2010

Dear Ms. Porter,

### **Submission to the Inquiry into Live Community Events**

Canberra artists and musicians and patrons welcome this Inquiry into Live Community Events. As a professional musician and Canberra resident of 18 years, I believe consideration of the impact of noise and other regulations on live community events is well overdue, and that successful resolution of the issues is critical to the cultural future of this city.

I note the Recommendations of the Interim Report of the Committee, and strongly support them. However, the Inquiry's Terms of Reference focus on the building code regulatory aspects of this issue. Consideration should also be given to the ACT Government's own policy objectives with respect to arts and culture, and contained in the *Arts Canberra* policy statement. Specifically, the Principles espoused by this Government include that:

- Arts and cultural activities are at the heart of our community's identity.
- Sustainability is central to the development of the arts.
- All people have accessible opportunities to participate in arts and cultural activities.
- Government, business and community investment in the arts generates significant social, cultural and economic benefits.
- Art in public places engages and inspires our community and enhances our physical environment.

Members of the Committee would be aware that the Government is also in the process of conducting a Review of the Arts in Canberra. The issue of noise regulations and their impact on live music and other cultural events is high on the list of concerns raised by members of the community in that review. I recommend that the Committee approach artsACT for advice on submissions relevant to this Inquiry.

As noted in my own submissions to the Arts Review, a critical factor contributing to the success of the performing arts in a small city like Canberra is the sense of community and support for professional artists to live and work here. The size of Canberra means that opportunities for professional musicians are limited, For original, contemporary live music and related cabaret-style performance, that community has always relied around a handful of licensed venues in the Civic area - since the early 90s respectively the Terrace Bar, the Gypsy Bar, Toast and Church Bar/Aree Bar/Transit Bar.

The legal troubles that led to the closure of the Gypsy legal troubles started because of noise complaints. Toast closed largely because the owner was sick of dealing with persistent noise complaints, which I understand were hardly, if ever, found to be justified. Now Transit Bar is in peril due, once again, to noise complaints.

Representations have been made many times to the ACT Government over the years that noise restrictions and the processes in place to deal with them did not, and still do not, take account of either the pre-existing nature of the Civic precinct as the vital home to this artform, nor provide any process to reconcile (legitimate) noise regulation with arts policy. Failure to act to date has resulted in a weakening of Canberra's live music scene.

I submit therefore that the Committee should acknowledge in its deliberations that Canberra's live popular music scene, as found in venues such as Transit Bar, is of equal importance to anything that appearing in the Playhouse or Llewellyn Hall. I further ask that it acknowledge in its findings that the failure to address the conflict between cultural policy and zoning and noise regulation to date has had a significant detrimental impact on Canberra's music culture and the livelihoods of artists and venue proprietors.

With respect to the Committee's Terms of Reference, I submit therefore that the ACT Government's arts and cultural policies be considered in the review of order of occupancy legislation and building codes, in order to support sustainability of live music and events in our community.

Yours sincerely

**Gavin Findlay**

Public Servant and Musician

*Formerly*

Director, Canberra Youth Music

Administrator, The Australian Choreographic Centre

Manager, Splinters Theatre

Disclaimer: I am a personal friend of both the former proprietor of the Gypsy Bar, and of the former proprietor of Toast. I was the Secretary of Keep the Gypsy Bar Inc., which raised money towards the legal costs of Mr Brendan Sheehan.