

NSW Youth Parliament 2024

**Youth Creative
Opportunities Youth
Act 2024**

**Arts, Music & Culture
Committee**



NSW Youth Parliament

Youth Creative Opportunities Youth Act 2024

- Lead Sponsor:** The Hon. Indigo Grey, Youth Member for Ballina
Shadow Youth Minister for Arts, Music, and Culture
- Sponsors:** Kate Barry, Youth Member for Drummoyne
Raine Osborne, Youth Member for Holsworthy
Aria Middlemost, Youth Member for Wagga Wagga
- Lead Refuter:** The Hon. Lian Sequeira, Youth Member for Gosford
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- Refuters:** Avin Dabiri, Youth Member for Bankstown
Sophie Elston, Youth Member for Charlestown
Aled Stevens, Youth Member for Penrith
- Crossbench:** Adelaide Kennedy, Youth Member for Lane Cove

Summary of Debate

On Thursday 11 July 2024, the Arts, Music, and Culture Committee debated their Youth Bill, *Youth Creative Opportunities Bill 2024*, on the floor of the Legislative Assembly; presided over by The Hon. Aileen MacDonald OAM MLC.

Results of the Vote

The results of the amendments were 27 Ayes, 26 Noes, and 7 Abstentions. As such, the amendments were resolved in the affirmative.

The results of the vote on the Bill were 46 Ayes, 9 Noes, and 5 Abstention. As such, the Bill was passed.

The *Youth Creative Opportunities Youth Act 2024 (NSW)* was **passed in its amended form**.

Explanatory Notes

This explanatory note relates to this Bill as introduced into Parliament.

Summary

The object of this Bill is to increase opportunities for young people to engage with young artists.

This Bill comes at a time where youth have a lack of access and exposure to the arts industry, which can lead to lack of strong identity and community connection. Opportunities for youth in the arts are limited, with young artists from lower socio-economic backgrounds given less support, and as a result making the arts an unrealistic career choice for many. There is a lack of specific legislation surrounding young people in the sector, which this Bill addresses.

This Bill aims to provide support for young artists by increasing exposure of events to the community, establish more venues and upgrade current venues to provide safe spaces for the artists and audience. It also encourages venues to offer their spaces for use, help make the arts an appealing career path by creating security and establishing public mechanisms within the arts to help make it accessible to all artists and community members.

Overall, the Bill is critical to the continued development of the arts industry in NSW, as its focus is on supporting young artists to ensure the continuation of the vibrant NSW art scene for generations to come.

Overview of provisions

Part 1 sets out the short title, commencement, objects, and definitions of the act.

Part 2 sets out a new website for the exposure of the arts in NSW. The website will focus on young artists and performers, with a public forum to share and promote events. To further broaden exposure, a youth lead social media page will be created.

Part 3 establishes new venues for young creative's arts, music, and culture events which are accessible to all members of the community. Existing venues will also be sought out and approved however deemed appropriate to accommodate accessibility requirements.

Part 4 establishes a grant for young creatives, allowing young artists aged 13 to 25 to receive a grant towards the purchasing of materials needed for creative pursuits. Grants will also be made available to small venues which accommodate young performers.

Part 5 establishes a payment which aims to address poverty among young artists. It will be available to artists between the ages of 18 and 30 and applicants must provide proof of their contributions to the creative industry.

Part 6 establishes a publicly owned ticketing company and record label allowing young artists pursue a career in the arts, music, and culture sector, supported by the government and increasing reach for the newly established artists.

Background

Introduction

The arts, music and culture sector are an underappreciated and under-utilised area that fosters individual and community connection. In recent years due to the COVID-19 pandemic, both youth and individuals within New South Wales have struggled to engage with their communities due to a lack of exposure, opportunities and accessibility surrounding available opportunities.

Background details on the issue

There is a lack of exposure to the creative and performing arts industry for young people across New South Wales (Tait et al., 2019). Youth struggle to connect with their communities due to insufficient exposure and knowledge surrounding available opportunities. This often leads to loneliness, lack of confidence and a strong identity. It is evident that more must be done to increase exposure, create opportunities and provide accessibility to the creative and performing arts industry for young people across the state (Golden et al., 2024).

Current legislation

The New South Wales government's focus on night life and the capacity building for live music venues across the state ensures the arts, music and culture landscape can thrive. Currently, there is legislation in place to boost New South Wales night life and allow for live music venues to reach their full economic and creative potential. The Bill, *24-Hour Economy Legislation (Vibrancy Reforms) Amendment Act 2023*, focuses on live music, dining, creative sectors, and workers. This Act updates, simplifies and streamlines regulations around noise, planning and liquor licensing. The Vibrancy Reforms are centred around six key areas of change: sensible venue sound management, vibrant and coordinated precincts, an activated outdoors, empowering the 24-Hour Economy Commissioner to deliver a sustainable and thriving night-time economy, streamlined and contemporary licensing, and improving the night-time for workers. These reforms aim to boost New South Wales's night life by creating accessible opportunities for musicians, provide substantial incentives to host live performances and ensure a more flexible, safe, rewarding, and accessible landscape for nighttime workers. Thus, fostering exposure and accessibility for businesses and workers within the arts, music, and culture sector. However, there is no current legislation focused on young people in art, music, and culture.

Importance of arts, music, and culture for young people

The role of arts, music and culture is imperative in the creation of one's identity, particularly in young people (Rohlfing, 2023). Extending far beyond merely learning a skill or creating art, creative arts play a vital role in the socialisation of young people, allowing them to form and connect with other likeminded people and increase their social health and wellbeing (Children's Medical Group, 2023). These further influences one's health and wellbeing, which is crucial during childhood and adolescence. Creative arts have also been found to bolster mental health by promoting an enhanced sense of community, self-expression, and cultural identity (Child Development Info, n.d). In addition, young people who engage in these activities have been shown to flourish in academic environments, and even tend to have higher confidence compared to young people who aren't involved.

Teaching arts, music and culture to young people enables the industry to continue to grow and foster opportunities for artistry as a career (National Advocates for Art Education, n.d.). It plays a vital role in the makeup of one's identity and influences young people to gain necessary skills including confidence, emotion processing, optimism, and open-mindedness. Furthermore, the creative arts provide youth with an outlet to express themselves, free of judgement.

Current strategies to address issues

To engage members of the New South Wales community in arts, music and culture, there are several websites such as Visit NSW which showcase events across the state (VisitNSW, n.d.). However, the main emphasis of these sites is placed upon already established venues, such as the Sydney Opera House, Australian Museum, and the Art Gallery of New South Wales. These listed establishments hence gain publicity, successfully attracting crowds to their exhibitions and shows. Whilst this is important, it leaves gaps for providing visibility for individual artists and creators, as they are not easily seen through these platforms. This is especially prevalent in the metropolitan Sydney area.

The Regional Arts NSW website creates visibility for the arts, music, and culture sector, leading the conversation, encouraging collaboration, providing support, and celebrating the achievements of the arts and cultural sector in regional New South Wales (Regional Arts NSW, n.d.). Their website contains Regional Arts Network, which connects the different regions within New South Wales and provides strategic direction for specific sustainable arts and culture opportunities. These sites create more visibility for artists; however, they are limited due to the initial lack of knowledge about and exposure to the website.

In addition, the Youth Opportunities program provides one-off-grants that help marginalised youth developed projects to connect with their communities. However, this program is only available for application by not-for-profit organisations and local councils. This means that the impacts of the program are limited to specific organisations, who may not know about the available opportunity. Furthermore, individuals are not able to apply, limiting the potential for interested youth. In addition, the grant only provides \$10,000 to \$50,000, which is insufficient for organisations to fund long-lasting, wide-reaching creative arts or music programs. Grants are unable to fund existing projects or programs, hence limiting the effectiveness in providing support for programs that, for example, benefit disadvantaged youth, but can't continue operating due to inadequate funds.

Reference List

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I certify that this public Bill, which originated in the Youth Legislative Assembly, has finally passed the Youth Legislative Assembly of New South Wales.

Hamani Tanginoa, Youth Voice Coordinator



NSW Youth Parliament

Youth Creative Opportunities Youth Act 2024

Act no. 5, 2024

A Bill for

An Act to foster the exposure of the creative and performing arts industry for young people across New South Wales; and for other purposes.

I have examined this Bill and find it to correspond in all respects with the Bill as finally passed by the Youth Legislative Assembly.

Joshua Shaw, Youth Governor of the NSW Youth Parliament

The Youth Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of the Act

This Act is the *Creative Youth Opportunities Act 2024*.

2 Commencement

The Act commences on the date that is 12 months after the date of assent in this Act.

3 Relationship to other Acts or law

This Act prevails to the extent of an inconsistency with another Act or law.

4 Objects

The objects of this Act are to—

- (a) strengthen and revitalise the arts, music, and culture sectors through support of youth creative endeavours,
- (b) foster greater awareness and interest amongst young people to engage in arts music and culture events,
- (c) expand available opportunities to engage in arts, music, and culture for young people, and
- (d) facilitate the feasibility of careers in arts for today's youth and future generations

5 Definitions

In this Act—

arts mean various sectors that form the creative industry in New South Wales which are used for creative expression, storytelling, and other methods of communication.

artists are individuals in the New South Wales creative sectors that practice a form of artistic expression as a primary vocation.

venues are spaces fit for holding art music and culture events, which accommodate for all people in the community.

events include gigs, exhibitions, galleries, performances, and other similar showcases which highlighting artists and their area of specialty within the arts.

culture is the different creative endeavours which reflect the shared attitudes and values of the wider community of New South Wales.

young creatives are young people who pursues artistic endeavours for the purpose of cultural enrichment.

Part 2 Exposure of arts, music, and culture through digital means

6 Establishment of exposure website

There shall be a public website created for citizens of New South Wales which promotes arts, music, and cultural events, as well as performers and artists.

7 Functions of exposure website

(1) The website should be created by Create NSW.

(2) The website should include—

- (a) feature a portal for youth artists, as well as private and public facilities and groups to post about upcoming events,

- (b) a search bar which allows you to filter results by location, and
 - (c) a feature which allows members of the public to write reviews about art, music and cultural events listed.
- (3) The website should be monitored by the Department to minimise harm.
- (4) The website should be easily accessible by the public, including publishing it on the Visit NSW website.

Note—

The relevant website is www.visitnsw.com.

- (5) The website should be promoted to young people through social media, schools, and events run both by Government and private organisations that receive funding through the Government.

8 Establishment of a youth-led social media page

- (1) There shall be, as provided by this Act, a public media account created by Create NSW in which artists in the community can submit information on upcoming events to be shared.
- (2) The social media account should include, but not limited to—
- (a) artists being showcased,
 - (b) the venue,
 - (c) the time,
 - (d) ticket prices, if applicable, and
 - (e) any other specific essential details to the event.
- (3) The account must post information once received in a timely manner to give notice of upcoming events.

Part 3 Venues for young people

Division 1 Establishment of more venues for young people

9 Establishment

There shall be the establishment of more venues which can facilitate events for art, music, and cultural events.

10 Accessibility needs

These venues will be aligned with the suggestions of Accessibility Planning as seen on the NSW Government Website.

Note—

The relevant website is www.nsw.gov.au/departments-and-agencies/premiers-department/community-engagement/event-starter-guide/accessibility.

11 Staff needs

Staff hired at these venues must be required to complete disability awareness training which is refreshed annually.

12 Venue distribution

- (1) 30% of these new venues should be dedicated to exclusively youth purposes in arts, music and culture.
- (2) 10% of these venues are to be allocated as permanent galleries and displays of work created by youth artists to enable permanent exposure.
- (3) There should be prioritisation within the remaining newly established venues for youth exhibitions.
- (4) All venues must be evenly distributed throughout the state.

Division 2 Identifying existing venues for use by young people

13 Grant for youth events

- (1) There shall be a small grant to further upgrade facilities to meet standards or expand capacity to showcase exhibitions and performances.
- (2) Recipients of the grant will be highlighted on the website outlined in section 6.

14 Non-licensed venues

- (1) There shall be an identification process for existing private venues which are suitable to showcase and host art, music, and cultural events.
- (2) This identification seeks to identify venues which align with the criteria for newly established venues.
- (3) The identified venues will be contacted regarding granting access for the youth to utilise the facilities and offered the following incentives.

15 Licensed venues

- (1) There shall be an identification process for existing licensed private venues which are suitable to showcase and host art, music, and cultural events.
- (2) This identification seeks to identify venues which align with the criteria for newly established venues and can easily be made into an environment which is safe for youth artists to showcase their works.
- (3) Grants will be provided to those venues willing to adjust to help them facilitate new needs and requirements.

Division 3 Requirements of venues for young people

16 Internal requirements

Venues must—

- (a) have trained mental health and disability support workers employed,
- (b) prioritise employment to young people,
- (c) offer adequate equipment for use including—
 - (a) microphones,
 - (b) speakers,

- (c) seats,
- (d) anything else reasonable needed, and
- (d) cater for the Child Safe Standards, and
- (e) require staff to comply with relevant sections of the Child Safe Standards.

Part 4 Incentivisation to venues for employing young people

17 Establishment of the Young Creatives Grant

- (1) There shall be the establishment of the Young Creatives Grant with the aim to foster accessibility to the arts for young people, by providing a one-off financial grant for young people to buy art or music materials.
- (2) The grant will be provided by Create NSW and must be accessible by on the website outlined in section 6.
- (3) Materials in which can be claimed by the grant include—
 - (a) painting materials,
 - (b) drawing materials,
 - (c) musical instruments,
 - (d) photography equipment, or
 - (e) any other equipment decided by the Department.

18 Requirements

- (1) Applicants for the grant must be an individual who is at least 13 years of age but who is less than 25 years of age.
- (2) Applicants must provide the Department with adequate reasons for need of the grant, including the intended purpose of the money.

19 Grants available to pubs and clubs

- (1) Small venues with 25% or more of their live entertainment being individuals aged under 25 years will be able to apply for funding grants.
- (2) The funding grants will help make pubs and clubs accessible venues for youth arts, music and cultural events.
- (3) An incentive of longer operating hours will be offered to pubs and clubs who are willing to accommodate young people during the hours of 7pm to 10pm, allowing pubs and clubs to operate until 4am for licensed venues.
- (4) Additionally, the Government calls upon the Commonwealth to exempt pubs and clubs who are willing to accommodate diverse youth performers and artists, from paying alcohol excise taxes.

Part 5 Liveable wage for young artists

20 Establishment

- (1) A rebate will be established to support established young artists and musicians to live on, to address poverty among artists.
- (2) The rebate will allow for young artists to focus on creative endeavours, which should be used in conjunction with the grant outlined in section 17 to expand resources available to make the arts a viable career choice.

21 Requirements

- (1) Youth performers must be provided compensation at a rate that accounts for an artist's—
 - (a) skill,
 - (b) travel,
 - (c) size of event,
 - (d) size of organisation, and
 - (e) any other factor that a Minister provides.
- (2) The minimum wage for youth performers will be set and will be increased annually according to the wage price index.
- (3) Any venue who receives an incentive according to Part 4 of this Act must provide this minimum wage.

Part 6 Publicly owned arts, music, and culture companies

Division 1 Publicly owned ticketing company

22 Establishment

- (1) A publicly owned ticketing company will be established and will be for arts, music and cultural events involving the youth specifically.
- (2) The ticketing company will be named TicketsNSW.
- (3) The publicly owned ticketing company will prioritise participation and affordability over making a profit, hence lowering service fees.

23 Functions of the ticketing company

- (1) The publicly owned ticketing company will be required to have transparent pricing which includes—
 - (a) the price of the individual ticket of the event,
 - (b) the predicted price of any service fees, and
 - (c) the total sum of all costs of the ticket.
- (2) The publicly owned ticketing company will be required to have an equitable ticketing price for in-demand events, giving everyone an equal chance of securing tickets.

- (3) The publicly owned ticketing company will offer discounts for local events to encourage members of the community to support young local talent.

24 Visibility of the ticketing company

The publicly owned ticketing company will be promoted on the website outlined in section 6 and social media page outlined in section 8.

Division 2 Publicly owned record label

25 Establishment

A publicly owned record label will be established and will focus on youth artists entitled MusicNSW.

26 Function of the record label

(1) The publicly owned record label will focus on supporting emerging artists which includes—

- (a) fair contracts that give money directly to young artists and redistribute extra funds into improving the company to further reach and education about music, and
- (b) resources and support to help foster emerging artists, rather than focusing on immediate success such as mentorship programs with previous artists who utilised the program.

(2) The publicly owned record label will sign artists across multiple genres creating further exposure for the community of a greater diversity of music.

(3) The publicly owned record label will adopt an affordable pricing policy that ensures music is accessible to all.

27 Distribution and reach of the record label

(1) The publicly owned record label will create programs aimed at making a social impact including—

- (a) music education in schools, or
- (b) community music projects.

(2) The publicly owned record label will create greater distribution of music through public broadcasting channels including the Create NSW website, social media page, and ticketing company.

(3) The publicly owned record label will be connected to the ticketing company, hence tickets for gigs for artists under this label will be sold on this site.

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