



THERE'S NO INDUSTRY WITHOUT MUSICIANS

SUBMISSION OF THE MEDIA, ENTERTAINMENT AND ARTS ALLIANCE TO THE INQUIRY
INTO THE CHALLENGES AND OPPORTUNITIES WITHIN THE AUSTRALIAN LIVE MUSIC
INDUSTRY

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Inquiry into the Challenges and Opportunities within the Australian Live Music Industry

The Media, Entertainment and Arts Alliance (MEAA) welcomes the opportunity to make a submission to the Standing Committee on Communications and the Arts into the challenges and opportunities within the Australian live music industry.

MEAA is the largest and most established union and industry advocate for workers in the creative and cultural industries, with a history going back more than 110 years.

Introduction

We live in a topsy-turvy world where the interests of musicians are subordinated to the interests of the businesses that profit from musicians' work and creativity.

Without musicians, there cannot be a music industry. Unfortunately, however, when the viability of the music industry is considered by governments, commercial interests dominate the discourse.

The public discussion surrounding the initiation of this inquiry has been no different. Large commercial festival operators, many of whom already receive significant taxpayer funds from the Commonwealth and state governments, are mounting a case that taxpayers must step in to further underwrite their losses. Our submission will show that this is an unsustainable way of ensuring the viability and vibrancy of Australia's live music sector. Instead, we submit that government must focus on ensuring the viability of music as a career as the foundation on which a healthy and successful live music scene can be built.

The centrality of the artist is a core pillar of the Australian Government's cultural policy '*Revive*' and we commend the government for their commitment to supporting the artist as a worker. Central to this is supporting the pay, conditions, and security of work in the arts and music sectors.

This submission considers the conditions of work for Australian musicians and its impact on Australia's live music sector. The first part of this assessment pertains directly to conditions of work in the live music industry, in particular, the systematic prevalence of underpayment, insecurity, exploitation, and harassment in the sector. We then turn to an examination of the recorded music sector, which suffers from many similar issues. We then highlight the costs of sustaining work in the live music sector, before finishing on the role that the government can play.

It is important to note that a musician's income is typically comprised partly from earnings related to live performance and partly from earnings related to recorded music. It was once the case that live performance acted as a conduit to attract audiences to recorded music, which was the more lucrative of the two. This meant that income from recorded music in many ways served to cross-subsidise live performance. The degradation of pay and conditions in the recorded music sector over the last few decades has all but undone this relationship – and as recorded music revenues have declined, live music has in turn become less economically viable. It is therefore crucial that this inquiry recognise the clear and interlinking nature of recorded and live work, and the need to consider both within the scope of this inquiry.

Key Findings

- Musicians are systematically undercompensated for their work. Even commercially successful musicians are struggling to enjoy a basic quality of life.
 - Low incomes are pervasive in the sector, with half (49%) of Australia's working musicians earning less than \$6,000 last year.

- Unpaid work is routinely expected, with two in every five (42%) musicians playing unpaid gigs.
- Four in five (82%) musicians are not receiving superannuation from live performances.
- Women feel unsafe in the industry, with three in every four (74%) women experiencing sexual harassment.
- The out-of-pocket expenses that musicians face often exceed the income they receive.
- In both the live and recorded music industries, the business model is broken and doesn't serve musicians or their audiences.
- The live music industry is becoming increasingly concentrated, turbo-charging the exploitation of musicians, and driving down wages and conditions.
 - This consolidation is taking place across live venues, music agencies, festivals, and ticket sales, as exemplified by the emergence of *Live Nation*.
 - This is leading to poor contract terms for musicians, exemplified by the proliferation of exclusivity clauses.
- The recorded music industry has been upended by the rise of streaming services which are driving down the value of music.
 - The largest streaming site, Spotify, in conjunction with the three major record labels, is using its power to significantly weaken the ability of musicians to seek better remuneration and royalties for their work.
- Government has an active role to play in leading comprehensive cultural policy across jurisdictions.
- Government should use the powers at its disposal to investigate anti-competitive practices in the music industry.

List of Recommendations

Recommendation 1: Government avoid kneejerk funding responses that funnel public money into the hands of already-profitable multinational companies.

Recommendation 2: Government should use its investigative powers to inquire into the competitiveness of the live music industry.

Recommendation 3: End the use of anti-competitive exclusivity clauses in contracts for musicians.

Recommendation 4: That the Federal, Tasmanian, and Northern Territory Governments endorse the \$250 minimum for taxpayer-subsidised gigs.

Recommendation 5: Government support an industry plan for live performance that includes minimum rates of pay for musicians and performers, with a threshold of \$250 per gig.

Recommendation 6: Government explore policies and practices to improve opportunities for Australian musicians alongside international touring acts.

Recommendation 7: The Federal Government should extend the scope of the Closing the Loopholes Bill to incorporate all arts and culture workers including musicians.

Recommendation 8: Volunteer work should not replace paid work at festivals.

Recommendation 9: Recalibrate funding for Australia’s symphony, opera, and ballet orchestras to ensure sustainability and growth.

Recommendation 10: Review current governance arrangements for Australia’s symphony, opera, and ballet orchestras. That the composition of boards be altered to afford greater representation to orchestra musicians, audiences, and the broader community.

Recommendation 11: That the Federal Government incorporate a statutory right to Equitable Remuneration in Australia.

Recommendation 12: The Federal Government establish an inquiry into the recorded and streaming industries.

Recommendation 13: National Cabinet consider cultural policy and legislative and regulatory harmonisation.

Recommendation 14: Government explore the use of incentives, such as tax concessions, to support participation in live music.

Recommendation 15: Government fund comprehensive primary, high school, and community-based music education, as well as ensuring support for music educators.

Recommendation 16: Government ensures equitable and commensurate representation of musicians on government boards and consultative committees.

Characteristics of Work in Australia's Music Industry

Work in the Australian music sector is characterised by low rates of pay and high costs associated with sustaining work. These conditions make it near-impossible for musicians to earn a living wage. Even commercially successful musicians report that they are unable to afford basic living costs. For example, last month Australian musician Montaigne took to the social media platform 'X' (formerly Twitter) to write that – despite having “won an ARIA and been nominated for a grammy and represented Australia at Eurovision”, they “can't afford to pay more rent than [they're] paying right now”.¹ This experience is just the tip of the iceberg for most artists who are expected to get by on extraordinarily low incomes and inconsistent and often unpaid work.

A recent survey of Australian musicians conducted by MEAA quantified musicians' earnings from all sources, including recording royalties, streaming, live performance, and ticket sales. It found that half (49%) of Australia's working musicians earned less than \$6,000 last year.² This rate of pay constitutes a mere 15% of the national minimum wage, meaning that most musicians must look for work outside of the sector to supplement their income. However, even with this additional income taken into account, musicians earn significantly less than the average Australian. Workers in Australia's live music sector, for example, earn an average annual income of just \$57,000 compared to a nationwide average of \$65,100.³

Live Music Industry

The main source of revenue for Australian musicians is live performance. Unfortunately, work in this sector continues to be characterised by low rates of pay, inconsistent work, delayed payments, wage theft, a lack of superannuation, and the widespread expectation that musicians will play unpaid gigs in return for 'exposure'. The cost of this financial precarity is obvious – with musicians less able to save for their retirement, own a home, pay off debt, or even afford the costs of raising children. These pressures also take a toll on musicians' physical and mental health.⁴

First, the underpayment of musicians is rife in the live music sector. One musician told MEAA that “one of the biggest difficulties is asking for a respectable fee when those booking you treat you as though you are being arrogant or full of yourself”. Another characterised the industry as one in which “you either accept bad conditions or you [don't] work”.⁵ In this sense, musicians are expected to routinely confront the view that performing is a privilege and not to be associated with the normal expectations of paid work.

In addition, unpaid work is routinely expected in return for intangible benefits like 'exposure'. MEAA's survey found that two in every five (42%) musicians are playing unpaid gigs.⁶ One respondent told MEAA that “in music, not only is free labour expected, it is enforced with threats”. They went on to remark that “in no other industry would a person be expected to work...for free”.⁷

This practice extends to the festival industry, where musicians routinely report being solicited to perform without pay. One musician, who played as the headline act for a major festival, reported being denied a meal voucher and instead told “they could busk next to a festival banner and keep any money [they] made”.⁸ Indeed, some artists even report being asked to pay for a ticket as a condition of playing – in effect, 'paying to play'.

Another issue is the culture of late or delayed payments. One musician told MEAA that they “have stood watching the cheques being written out, then told after the event that [they] needed to wait until the Treasurer got back from holidays, then till they reconciled the finances, then to see whether there was enough to pay me”. In this sense, there is a “‘pay when paid’ policy...rife in the industry”.⁹

Precarious conditions in the workforce are also associated with significant health and safety risks for workers. Sexual harassment is rife – affecting more than half of workers in the industry, including 74% of women.¹⁰ The relationship between unsafe work practices and precarity is obvious. One woman explained that “when accepting work, I was careful not to push too hard or raise concerns; otherwise I risked losing the job, reprisals, or broader job losses”. Another said that she had “ignored a lot of sexual harassment in my career because I needed to pay my mortgage”.¹¹ Bullying more generally is extremely common, affecting three in four (76%) music workers – and is again facilitated by the precarity of work.¹²

Last, it is uncommon for musicians to be paid superannuation for live performance – despite being eligible to receive the superannuation guarantee.¹³ MEAA’s survey, for example, found that four in every five (82%) musicians are not receiving superannuation for gigs.¹⁴ This practice is highly concerning as it indicates that many musicians will end their working lives without sufficient savings to guarantee them a decent retirement.

This set of conditions means that most musicians face financial precarity throughout their working lives. One musician told MEAA that they “have little to no savings...and [their] ambitions for owning a home are completely forgotten and have been for years.” Another spoke of “scaping an insecure living, built on decades of not earning enough. Forget restaurants and Friday night takeaway, my car is six months overdue for a service...and a gym membership is the stuff of dreams”.¹⁵ Others report turning to charities like Support Act for welfare.

The same level of financial precarity cannot always be said for the corporate side of the live music industry. *Live Nation*, a company that owns many of Australia’s major music festivals – including Splendour in the Grass, the Falls Festival, Harvest Rock, and Spilt Milk – made a net profit of US\$563 million last financial year.¹⁶ The company also continues to benefit from ongoing financial support from the government, raking in more than \$16 million in government grants – including \$120,000 for a podcast festival during Covid-19, \$1 million for its cancelled 2021 Splendour in the Grass festival, and \$1.48 million for its 2021-22 Falls festival.¹⁷

The company has also achieved what is known in economic terms as ‘vertical integration’. Not only does Live Nation own a large number of festivals, but it owns and/or manages a large number of venues (including The Triffid, Marvel Stadium, and The Palais Theatre), represents vast numbers of artists through its agencies (including Mixt Up Agency, Secret Service and Village Sounds), and holds ticketing rights through its ownership of Ticketmaster and recent acquisition of Moshtix.¹⁸ In the US, concerns about this history of acquisitions has prompted the Department of Justice to begin investigating Live Nation for antitrust.¹⁹

This is a story increasingly common to the Australian live music scene. Other major multinational companies are doing the same thing – buying up huge numbers of festivals, venues, ticket companies, and agencies – and consolidating huge sections of the live music industry. *TEG* – the owner of ticketing company Ticketek – is another example. It has bought up a number of agencies across Australia, including Empire Touring, MJR group, and TEG Dainty, as well as venues and festivals including South by Southwest. Last, *AEG Frontier* owns CMC Rocks festival and Hanging Rock festival, as well as a number of agencies.²⁰

This is all bad news for artists and performers. More consolidation and vertical integration of the live music industry means less bargaining power for artists and performers. Booking agent Paul Sloan has argued that “the scale of [these] large companies means that they have been able to aggressively reduce the capacity of third parties to negotiate reasonable terms”. This “lead[s] to lower artist

returns and less sustainable careers”.²¹ Some artists are even reporting exclusivity clauses in their contracts that prohibit them from playing other gigs around the time of their festival performance. This has left several bands in the lurch where festivals have been cancelled. For example, one agent reported that when Splendour in the Grass was cancelled, a band they represented “didn’t just lose its Splendour gig, it lost all the other gigs they had to turn down over three months as part of the contract”.²² The level of power that Live Nation and its contemporaries hold is now becoming so great that artists are reluctant to even speak out about their concerns.²³ One unnamed agent went so far as to say that “no one is going to challenge a Goliath like Live Nation”.²⁴

This issue speaks to the internal heterogeneity of the Australian live music industry, and the need to avoid kneejerk funding responses that simply result in more money being funnelled into the coffers of already profitable multi-national companies. Instead, funding responses need to be attentive to the structural problems of the festival industry – not least the concentration of live music venues, agencies, and ticketing in the hands of large multinationals, and the systemic exploitation of Australian artists and performers. The latter requires government to take a more detailed assessment of the live music industry – including its competitiveness and market concentration.

Recommendation 1: Government avoid kneejerk funding responses that funnel public money into the hands of already-profitable multinational companies.

Recommendation 2: Government should use its investigative powers to inquire into the competitiveness of the live music industry.

Recommendation 3: End the use of anti-competitive exclusivity clauses in contracts for musicians.

Setting standards for minimum rates of pay is key to ensuring that musicians have sustainable jobs in the sector. With this goal in mind, MEAA launched a minimum fee campaign two years ago, targeting taxpayer-subsidised gigs. Since then, six state and territory governments – South Australia, Western Australia, Queensland, Victoria, NSW, and ACT – have endorsed a minimum fee of \$250 per musician per public-funded gig. MEAA is now calling on the Northern Territory, Tasmanian and Federal Governments to endorse the minimum fee.

Recommendation 4: That the Federal, Tasmanian, and Northern Territory Governments endorse the \$250 minimum for taxpayer-subsidised gigs.

This principle should be further extended to the corporate sector. The \$250 minimum should be adopted by commercial operators across Australia as part of broader industry solutions. MEAA is therefore calling on the government to support an industry plan for live performance that includes minimum rates of pay for musicians and performers.

This principle should also apply in the case that government funding (direct or indirect) is to be directed towards festivals. In other words, any government funding of the sector should be tied to the condition of fair payment to musicians.

Recommendation 5: Government support an industry plan for live performance that includes minimum rates of pay for musicians and performers, with a threshold of \$250 per gig.

One of the growing barriers to obtaining good work in the live music industry is the declining number of Australian bands and artists being contracted as supporting acts for touring international artists. We recommend that the government explore policies and practices to improve opportunities for Australian musicians alongside international touring acts.

Recommendation 6: Government explore policies and practices to improve opportunities for Australian musicians alongside international touring acts.

MEAA welcomed the passage of the Closing the Loopholes Bill through the Senate earlier this year. The Bill provides welcome acknowledgment of some gig workers, but unfortunately limits its scope to those who are engaged via a digital platform – e.g. Uber and Deliveroo type arrangements. MEAA’s view is that this limitation is unfair and inconsistent with the Federal Government’s endeavours to ensure workers not classified as employees do not see their rights “fall off a cliff”. This limitation in the Bill sees all non-digital platform workers – i.e. those who do not have a high degree of bargaining power, are not comparatively well remunerated and do not have a significant degree of authority over their work – suffer exactly this fate. This includes freelance journalists, musicians, dancers, and other creatives. MEAA therefore believes that the Bill must extend its application of “employee like” provisions to all “employee like” workers regardless of whether they are engaged by a digital platform or not. It is essential that such standards are legislated so that all gig workers have access to them regardless of the industries they work in.

Recommendation 7: The Federal Government should extend the scope of the Closing the Loopholes Bill to incorporate all arts and culture workers including musicians.

MEAA is also aware of the widespread practice of using volunteers to perform work at festivals. The recent Creative Australia *Soundcheck* report, for example, found that one in four (26%) festival staff work as unpaid volunteers.²⁵ MEAA understands that many of these volunteers enter such arrangements in return for a ticket to the festival and/or accommodation. However, in some cases, work done by volunteers appears to be the same as those engaging in paid work. For example, MEAA is aware of volunteers working as car park attendants, rubbish collectors, or dishwashers. In these cases, it is critical that volunteers are not replacing or undercutting the work of paid employees, and that volunteer practices only ever complement and/or supplement the work of paid staff.

Recommendation 8: Volunteer work should not replace paid work at festivals.

It is not only contemporary forms of live music that are struggling. Classical live music – in particular, orchestral music – is suffering from underfunding from government. In particular, the indexation of funds is failing to keep up with increased fixed costs. As a result, symphony musicians are reporting funding shortfalls, leading to cost-cutting and a culture of philanthropic dependency. MEAA is aware that in some cases, travel budgets have been cut, confining audience participation to larger metropolitan centres. Other workers report the rise of a culture of casualisation, where as many as one-third of orchestra positions have been converted into precarious forms of work. Other musicians have reported a growing tendency to leave positions vacant for long periods of time to save on costs. It is essential, therefore, that funding models are recalibrated to reflect the growth of fixed costs and ensure the sustainability of the sector. In addition, MEAA is concerned about the corporatisation of governance arrangements, and the resulting underrepresentation of orchestral musicians and audiences on boards. MAA believes that such governance mechanisms would benefit from review.

Recommendation 9: Recalibrate funding for Australia’s symphony, opera, and ballet orchestras to ensure sustainability and growth.

Recommendation 10: Review current governance arrangements for Australia’s symphony, opera, and ballet orchestras. That the composition of boards be altered to afford greater representation to orchestra musicians, audiences, and the broader community.

Recorded Music Industry

The extensive consolidation of streaming and music distribution has resulted in what is known in economic terms as ‘monopsonies’ – the situation in which a market is dominated by one big buyer.²⁶ Recorded music and streaming have, over the last several decades, increasingly taken on the appearance of a monopsony. Spotify, Apple and the Big Three record labels – Universal, Warner and Sony – now control vast chunks of the market. As this market concentration has grown, exploitative practices have flourished in the industry, and musicians have lost out.

This level of power – and lack of competition – allows companies like Spotify to unilaterally decide the terms of trade with musicians. For example, we might take the recent announcement by Spotify that musicians’ tracks will need to be streamed a minimum of 1,000 times *before* they start paying royalties.²⁷ This revenue was estimated at more than \$40 million.²⁸ If musicians don’t want to abide by these terms, they have very few alternatives. This is just one way in which the system has undermined the conditions of musicians.

Urgent attention needs to be paid to ensuring that artists get better terms of compensation for their recorded work. Overseas, political attention has been paid to how this might occur. For example, in the US, representatives have introduced the *Living Wage for Musicians Act*.²⁹ This Bill is designed to ensure that more streaming royalties are directed towards artists. MEAA recommends that governments in Australia explore similar avenues to bring about a fairer set of conditions for musicians and ensure that they can have a greater level of stability in their work.

Another issue is the lack of royalties paid to non-featured or session musicians who perform on commercial sound recordings. These workers are currently uncompensated for international use, due to broken reciprocity arrangements between Australia and other major territories. The experience of prominent Australian musician Peter Luscombe is that of the majority, where despite performing on dozens of popular recordings, he has received no income from the broadcast of this work, and after more than 40 years in the industry is facing an underfunded retirement.³⁰ This constitutes yet another way in which musicians are routinely shortchanged for their work.

Recommendation 11: that the Federal Government incorporate a statutory right to Equitable Remuneration in Australia.

Recommendation 12: The Federal Government establish an inquiry into the recorded and streaming industries.

Costs of Sustaining Work

Compounding poor pay and insecurity, musicians face growing cost barriers to being able to play. The cost-of-living crisis that has characterised the post-pandemic economy has greatly impacted on the costs musicians normally face to put on a show, such as paying for instruments and equipment, travel and accommodation, freight, administration and financial management, merchandise, communications and insurance.³¹

Additionally, the costs associated with sustaining work, are extremely high – often exceeding the meagre incomes of artists. For a start, more than two-in-three musicians spend 20 or more hours per week rehearsing, practicing, and preparing for gigs.³²

As MEAA member Alex Siegers told the Sydney Morning Herald: “In any one week, I could fill out nine different time sheets plus all the invoicing I do, and it’s an administrative nightmare.

“Sometimes I feel as though I’m just killing myself going from gig to gig, event to event, but then you have a good performance and a good education moment then you think, ‘yes, that’s why I’m doing it,’ and you have enough of those moments to string you along. When those moments are no longer powerful, I’ll throw in the towel.”³³

Travel time and costs are also weighing heavily on musicians. The cost-of-living crisis has significantly driven up the costs of fuel and flying and most festivals and venues do not provide payment or subsidies for travel.

The 2023 Musicians survey conducted by MEAA, found that artists believe that venues are taking a greater share of the ticket door sales and that musicians are finding themselves having to cover costs that would normally be covered by venues such as marketing and promotion. The plight of music venues has been well publicised, and a thriving music scene requires a diverse range of venues that can operate sustainably. However, pushing costs onto already-struggling artists is exploitative, and does nothing to solve the structural issues faced by both artists and venues.

Government’s Role

Governments at all levels have a constructive role to play in developing and nurturing Australia’s musical talents. As part of the Commonwealth government’s consultations towards the new national cultural policy ‘Revive’, we released our vision for a new national policy entitled ‘Let’s Get Creative’³⁴.

Our policy envisions a society where media, arts and culture are recognised as vital to everyday life. A society where all facets of government work together to facilitate access to media, arts, and culture within our communities.

Some state governments have taken steps towards addressing some aspects of this policy through ‘night-time economy’ reforms. The NSW, ACT, QLD, VIC, and SA governments have enshrined support for night-time entertainment, live music and tourism in their planning and zoning laws, liquor licensing frameworks, and public transport plans. Greater coordination and harmonisation between the states, territories and Commonwealth governments would provide certainty for musicians, patrons, and venue owners. We believe that the National Cabinet has an important role to play in elevating cultural policy to its rightful position of national importance.

Recommendation 13: National Cabinet consider cultural policy and legislative and regulatory harmonisation.

In addition to this, government must recognise that arts and culture have far-reaching value stretching beyond their market price; that there is demand and need for them; that they should be accessible and available to all; and that they must be effectively and sustainably funded, for societal improvement rather than for profit alone.

A plan to support live music and revitalise participation would help to build the civic and economic demand to create secure jobs and safe workplaces. Government could consider a range of incentives to encourage participation and patronage of live music that would be attentive to changing tastes and consumption habits.

Recommendation 14: Government explore the use of incentives, such as tax concessions, to support participation in live music.

Decisions on public investment should be channelled through education and employment, the visibility and recognition of work, and respect and reward for the workforce. That means ensuring music is taught in a comprehensive way in primary schools, high schools and in the community

including support and recognition for the role of music educators. Government should also guarantee equitable representation of musicians on government boards and consultative committees, and prioritise the funding of long-term, sustainable measures that support music as a career over short-term measures that put a band-aid on market failure.

Recommendation 15: Government fund comprehensive primary, high school, and community-based music education, as well as ensuring support for music educators.

Recommendation 16: Government ensures equitable and commensurate representation of musicians on government boards and consultative committees.

In this way, we can overcome the routine prioritisation of industry interests over musicians' interests and build a sustainable model for supporting Australia's live music sector.

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- ² Note that the sample is statistically valid (over 500) in a workforce of approximately 6000, with most respondents being part-time or full-time working musicians. Musicians Australia (2023) *End of Year Survey Report*, <https://www.meaa.org/download/musicians-australia-2023-end-of-year-survey-report/>
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