

Parliamentary Inquiry: Inner West Council - Questions on Notice.

1. The Government has pointed out that this regulation currently applies to a small number of festivals. Other submissions have pointed out that the regulation has caused broader concern. Could you detail any examples you are aware of that are of concern in the broader festival sector about the application of these regulations?

It is worth noting the factors that make it difficult for festivals to put their concerns on the record for this Parliamentary Inquiry. Firstly, festival operators Council spoke to felt unable to identify themselves or make a submission, as they feared that they would be targeted unfairly by regulators for speaking out, or would compromise their ability to operate in the future. Secondly, because festivals' business model relies on creating a perception of magnetism and fun for audiences, for festivals to publicly state their concerns about mounting their festivals could undermine confidence and ticket sales.

Council staff consultation/ discussion with local festival operators not listed as high risk revealed the following concerns regarding the 2019 Music Festival Regulations:

- The Regulations were announced in the context of the reportedly high and late user pays police costs incurred by the Mountain Sounds festival and other festivals' concerns noted in the media, contributing to a sense that festivals were being targeted
- Each festival operator Council spoke to indicated that regulations were introduced without the sector having a full understanding of who would be affected and how, creating uncertainty
- There was a fear that new costs and regulations could be introduced without warning
- The Regulations were perceived as another regulatory burden/ issue, on top of an already burdensome regulatory environment
- The eventual high-risk list was perceived by some as "naming and shaming", contributing further to a sense of fear amongst festivals who were not on the list
- Effects were particularly felt on festivals who were:
 - a) in an early stage of planning when the Regulations were announced as they were not confident to book acts and make financial outlays
 - b) just about to hold an event when announcements were made, as they had sold tickets to events and were yet to find out if it applied to them and what the ramifications. It was noted the announcement was made close to the Sydney Mardi Gras Festival and subsidiary events

Council notes relevant case studies published in the Australian Festivals Association Submission to the Parliamentary Inquiry. Please see Council's example below.

2. Could you detail any examples you are aware of where festivals may have been discouraged from operating, or starting?

Council provided the example below in their submission. The Festival Director wished to remain anonymous.

Council staff spoke directly to one festival founder/ Director who lived in the local area and employed dozens of local emerging musicians and staff to run a small Sydney festival (2000 attendance) with an excellent safety track record. Following the release

of the 2019 Music Festival Regulations, the Directors decided not to proceed with the third year of the Festival due solely to the uncertainty generated by the 2019 Music Festival Regulations. This was also in the context of the reportedly late and high user-pays police costs incurred by the Mountain Sounds Festival.

Council understands that since the release of the 2019 Regulations ILGR has worked to educate the sector on the new Music Festival Regulations and to provide a definitive list of Festivals to whom the new regulations apply. Nonetheless, in speaking to this local Festival Director, the release of the definitive list did not ameliorate concerns that legislation and regulations could be introduced suddenly, thus impacting confidence that the financial risk of running a festival was worth taking.

Correction to Inner West Council transcript

Please note that the word 'echo system' should read 'ecosystem'.