

Tuesday 20th August  
Legislative Council Regulation Committee  
NSW Legislative Council  
Parliament House  
6 Macquarie Street  
Sydney NSW 2000



AUSTRALIAN FESTIVAL  
ASSOCIATION

Dear Committee,

## **Inquiry into Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019**

Further to the Australian Festival Association (AFA) submission-dated 5th July, and following our appearance in front of the committee, the following provides the inquiry with some additional and updated information to assist with the process.

### **Introduction**

The current regulations remain untested and are not evidence-based therefore provide no security of efficacy. What are the negative impacts faced by the industry.

We would like to again reiterate our call for the disallowance of the Music Festival Regulations to make way for appropriate consultation regarding music festival operations in this state.

A disallowance with a referral to a roundtable for further discussion would indicate to the industry and patrons attending festivals that the NSW Government appreciates the contribution these events make to New South Wales.

### **Responses to committee questions**

#### **1. If this festival regulation is disallowed, what do you see would be the future regulatory framework for festivals?**

If the regulation is disallowed, the AFA would like to see the health-risks at Music Festivals addressed using an updated version of the NSW Health Guidelines.

Currently, the regulatory landscape for festivals is complicated and crosses multiple regulators and has to work within a various pieces of legislation. The establishment of a regulatory roundtable, would give the Government an opportunity to streamline this regulatory framework.

The future of a regulatory framework for festivals must strike the right balance between patron safety, vibrant community culture, and a thriving economy.

**2. Would it be possible to have those arrangements in place, possibly on an interim basis, for this coming festival season, provided the government was willing to do so?**

The AFA is committed to the success of a Regulatory Roundtable and will ensure availability to contribute to this forum.

Interim arrangements could be discussed at this roundtable.

**3. The Ministry of health has given evidence that they would not be at the table, especially early in the process, without those regulations. How would you respond to this evidence?**

The AFA welcomes the increased oversight by NSW Health and has been really encouraged by the pro-active approach taken to work with the festival industry.

The consultative, evidence-based approach to the new guidelines has ensured this resource developed into a much-needed tool for Music Festival Operators.

**4. Prior to implementation of this regulation on the 1st of March, did you meet with any Minister in the NSW government?**

The AFA was unable to secure a meeting with any minister in the NSW Government prior to 1<sup>st</sup> March.

**5. Prior to implementation of this regulation, did you request a meeting with any Minister in the NSW government?**

The AFA requested a meeting with the Premier via the Premier's office prior to the implementation of this regulation. Our request also called for a pause on the date these regulations were scheduled for implementation to allow for greater consultation.

We also worked closely with Live Performance Australia who repeatedly requested meetings with the Premier.

**6. What are the main reputational issues caused by an event being on the list of festivals that require a music festival licence, especially given the media discussion that has accompanied the introduction of these licences?**

The full extent of the reputational issues caused by an event being required to apply for a music festival licence are unknown as there was no Regulatory Impact Statement completed.

It was publically acknowledged that those who were announced as being on the "high-risk" list have made claims of damage to their brands.

In addition, we have heard the following issues raised by those on the music festival licence –

- Higher costs of compliance without benefit of time to allow for this to be budgeted
- Risk parents won't allow their children to attend an event noted as "high-risk"

- Banks requesting additional security on merchant accounts
- Potential increases to insurance premiums
- Damage to reputation with other stakeholders
- Increased user charges police requirements
- Impact on viability to sell the business to investors

**7. The Government has set out some criteria and other risk factors that are used to assess which festivals are on the list of events required to hold a music festival licence. They have given evidence that all festivals on those licences meet those criteria. Do you believe this is correct?**

The criteria are subjective. There are festivals that would meet this criteria that are not currently being required to apply for the licence, while some have been required.

It remains unclear as to the process used to identify the 14 festivals initially required to apply, compared to what is being used on an ongoing basis.

Below is an updated overview of the key issues and recommendations from the AFA.

## Additional Information

### 1. NSW Health Guidelines

As outlined at the hearing, the AFA has received an updated consultation version of these guidelines that have undergone considerable change from the currently published version.

Based on this consultation version, the AFA considers these to be moving towards being the most comprehensive, contemporary health-based guidelines for music festival operations.

The consultation version we refer to is available from NSW Health.

The AFA notes that with a disallowance of the regulations, amendments would be required to remove references to the music festival licence and to ensure festival medical provisions are relative to the expected medical presentations.

### 2. Regulatory Roundtable

As the possibility of a Regulatory Roundtable was widely discussed with several of those who appeared at the hearing, we wanted to provide some further detail around this recommendation.

It is noted that the term “Regulatory Roundtable” may be interchangeable with “Working Group” as referred to in some submissions or “Working Party” as referred to in the 2002 Coronial Inquest into the Death of Jessica Michalik (see the Live Music Office submission).

## **Live Music Office**

Firstly, we note that in the initial AFA submission, there was an unintentional omission of the Live Music Office as an interested party in this process. This has been updated in Appendix A.

## **Agenda**

A number of recommendations and issues that were raised in the hearing and in submissions, may be more adequately addressed at a Regulatory Roundtable. Recommendations 4-8 of our submission would be ideally discussed at a roundtable.

## **Roundtable Powers**

The AFA urges the committee to thoroughly consider any available evidence or seek advice for what makes an effective roundtable, to ensure the viability and longevity of this initiative.

## **Updated Issues and Recommendations**

Following is an updated list of key issues and recommendations regarding the regulations.

### **ISSUES**

- 1. Use of the Liquor Act to address a complex health and safety issue**
- 2. Definitions do not fit with current industry understanding**
- 3. Discretionary power allows for subjective decision making leaving Industry vulnerable and uncertain**
- 4. Significantly increased police powers**

### **RECOMMENDATIONS**

- 1. Remove the current regulations and manage the sale and supply of liquor through existing suitable license arrangements.**
- 2. Manage health-related risks at music festivals through NSW Health, with an updated NSW Health Guidelines for Music Festival Organisers included as part of event planning at the Local Government/venue level**
- 3. Establish a Regulatory Roundtable for Festivals in NSW to address regulatory changes in a measured, consultative approach**
- 4. Significantly increase investment in Peer-based Harm Reduction Services to ensure recommended service levels are available to Event Organisers**
- 5. Centralize Major Event Police operations to ensure consistency and efficacy of addressing safety concerns at large-scale gatherings**
- 6. Establish a Live Music Roundtable in New South Wales, based on the Victorian model, that includes key government agencies and music industry stakeholders**

- 7. Commission regular research into recreational drug use to adopt an evidence-based, health-focused approach to drug regulation**
- 8. Work with health, festival and drug experts to develop pill-testing trials at permanent and festival-based locations**

Thank you again for your time in considering this additional submission.

Sincerely,

Julia Robinson  
General Manager  
**Australian Festivals Association Inc.**

## APPENDIX A

### Music Festival Regulation Roundtable

*The following is the AFA's suggested composition for a Regulatory Roundtable. Separate from the Live Music Roundtable, this forum would be specific to regulations and festivals.*

#### Purpose

The purpose of the Regulation Roundtable is for regulatory agencies and peak bodies to review current regulation, align on direction and make recommendations for changes to Music Festival Regulations to Government.

#### Members

It is recommended this forum includes participants from key agencies that have a thorough understanding of the operational requirements of the regulation they oversee. The following 16 core member organisations are suggested to ensure all aspects of planning are covered.

1. Australian Festival Association (AFA)
2. APRA AMCOS (APRA)
3. Australian Hotels Association (AHA)
4. Department of Premier & Cabinet (DPC)
5. Department of Planning and Environment (DPE)
6. Environment Protection Authority (EPA)
7. Independent Liquor & Gaming Authority (ILGA)
8. Liquor & Gaming (LGNSW)
9. Live Music Office (LMO)
10. Live Performance Australia (LPA)
11. Local Government Association of NSW (LGANSW)
12. Music NSW (MNSW)
13. NSW Health (NSWH)
14. NSW Police Force (NSWPF)
15. Roads & Maritime Services (RMS)
16. Transport Management Centre (TMC)

Provision for additional stakeholders on an "as needs basis."

- Rotating Council Representative

#### Term

Immediate implementation with a minimum two-year term. Any regulatory changes adopted should see the extension of these terms to cover consultation through to implementation period.