

**Submission  
No 14**

**INQUIRY INTO LIQUOR AMENDMENT (MUSIC  
FESTIVALS) REGULATION 2019 AND GAMING AND  
LIQUOR ADMINISTRATION AMENDMENT (MUSIC  
FESTIVALS) REGULATION 2019**

**Organisation:** Music Australia

**Date Received:** 27 June 2019

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## Music Australia's submission to the Inquiry into Music Festival Licensing Regulations

To: The Director  
Regulation Committee  
Parliament House  
Macquarie Street, Sydney NSW 2000.  
c/o [Regulation.Committee@parliament.nsw.gov.au](mailto:Regulation.Committee@parliament.nsw.gov.au)

Date: 27<sup>th</sup> June, 2019

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***This submission can be published in full on the website including the name.***

### **About Music Australia**

Music Australia is Australia's only organisation devoted to Australian musical life in its entirety. We are a 50-member not for profit national Council representing all aspects of music, with activities spanning education, community and the professional industry. We deliver campaigns, information, industry plans, resources, sector networking, community engagement, Australia's largest school music participation program (*Music: Count Us In*), and a national contemporary music Roundtable.

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## **Recommendations in relation to the impact and implementation of the regulations:**

Music Australia wishes to note the following concerns in relation to the formulation and implementation of the regulations:

### **1. The process by which the regulations were developed**

The process by which the regulations were developed appeared rushed and insufficiently consultative. For example, the 'expert panel' appointed to make recommendations concerning safety at festivals comprised: the NSW Police Force Commissioner; the Chief Health Officer of the NSW Ministry of Health; and the Chair of the Liquor and Gaming regulator. It is uncertain what experience and expertise these panel members possessed in relation to international best practice music festival management. Nor did the 'stakeholder consultation' process appear to include people with significant music festival experience. It was thus no surprise that 6 of the 7 recommendations involved granting more powers and influence to the very organisations represented by the experts. A panel which has the power to increase the regulatory burden on an industry sector should include the voices of people with experience in that sector to understand the impact of proposed interventions. This is the only way to achieve a balanced outcome, and it was not a process followed in this instance;

### **2. The negative subsequent impact on entertainment, arts and culture, tourism, the economy, and employment**

There have been many examples of festivals closing as a result of the laws (eg Mountain Sounds, Psyfari Festival, Defqon.1) and complaints from established festivals such as Byron Bay Bluesfest (Vicentin, 2019). Combined with the Sydney lockout laws, this has led to a perception that the NSW Government is overly police/compliance driven, stifling the entertainment economy with heavy handed regulation, which is negatively impacting entertainment, arts and culture, tourism, the economy, and employment;

### **3. Allegations of unlawful strip searching for drugs (Dias 2018; Ryan 2019; Singhal 2019) and NSW Police Force admissions of failures in this respect (Thompson 2019).**

These failures have caused widespread community concern, not just within the music industry. One contributory factor appears to be poor dog drug detection resulting in false positives (Shoebridge 2018). False positives can result in "humiliation" and "embarrassment" and alienation of young people towards law enforcement (Ryan, 2019);

### **4. Young Australians receiving criminal convictions on their permanent records after being charged with first time offences (Dillon, 2019).**

It is concerning to hear a Magistrate justify imposing a permanent criminal conviction on young women charged with possessing an illegal substance for their personal use, appearing before the courts for the first time. This appears heavy handed.

While Music Australia shares with the NSW State Government concern over any death at a music festival, we believe the impact and implementation of the regulations have clear and objective

problems. We encourage the Inquiry to explore measures to address these problems and better optimise the balance being sought.

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