

**Submission
No 15**

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

Organisation: Inner West Council

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Inner West Council Submission

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

Inner West Council supports the Inquiry into the Liquor Amendment (Music Festivals) Regulation 2019 and the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.

Music Festivals: Inner West Context

[Inner West Community Strategic Plan 2036](#) commits to protect and support the area's creative and cultural sector, which contributes \$1.46 billion per annum to the local economy and provides 6500 local jobs (id.Profile, 2018). Inner West Council area has a clear creative industries specialisation in music (2016 Census) and a high number of residents who work in the sector and in music organisations, including musicians, music festival founders/ organisers and music festival employees.

The Inner West is home to music festivals and community festivals with music stages, including Sydney Fringe Festival, Newtown Festival (90,000+ attendance), Bracca (11,000 attendance), and festivals run by Council including Marrickville Festival (60,000 attendance) and Dulwich Hill Festival (10,000 attendance).

The Inner West is also home to one festival listed as high risk and to whom the 2019 Music Festival Regulations will apply – Laneway Festival in Rozelle's Callan Park in 2020.

NSW Music Festivals Regulations 2019

Council supports a thriving Festivals sector that is safe. In February 2019 Council resolved to support the holding of a Drug Summit, bringing together a range of experts, to discuss progressive drug reform. Council wrote to the Prime Minister and Federal Leader of the Opposition, and the Premier and NSW Leader of the Opposition in support of an honest ongoing drug education campaign. Progressive drug reform is interlinked with providing a safe festivals sector. Council also notes the successful pill testing trial at Groovin the Moo festival in Canberra in 2018 and 2019.

Council views festivals as critical to the local music sector ecology. The state's festivals, whether in the local government area or not, are a key platform for musicians, technicians and performers as they offer important employment and audience development opportunities, bringing large new audiences to their products. This often involves those musicians evolving from emerging to those of national and international significance. Festivals also fuel a culture of participation in live music and collective enjoyment of culture. Without a thriving Festivals sector, the live music sector as a whole suffers, as does the local economy and the Inner West's cultural vibrancy.

Council staff have received feedback from the music sector on the Music Festivals Regulations since their announcement in early 2019. This was primarily:

- confusion about the regulations: who these would apply to and the timelines for their enforcement, throwing festival planning into uncertainty
- loss of confidence from festival organisers in their ability to do business/ run festivals in NSW
- confusion as to why a perceived drug mitigation issue was being managed by the office of Liquor and Gaming
- a perception of not being valued and supported: that this was another cost/ more red tape on top of an already difficult and burdensome regulatory environment

- a perception of intimidation

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.

Other local festivals, including Laneway Festival, will reportedly proceed despite the 2019 Festivals Regulations. Feedback suggests that festivals' decision to proceed was based upon what stage of planning festivals were in when the Regulations were introduced.

Barriers to a Thriving Festivals Sector

As stated, sector feedback indicates that the 2019 Music Festival Regulations are perceived as another obstacle to mounting festivals in a burdensome regulatory environment. It should be noted that the majority of festival organisers who Council works with are cultural enterprises, small businesses and not-for-profits – their primary objective is to support music and culture, whilst making a profit (or at least breaking even) are lower down their list of organisational priorities.

Council has received feedback on factors that make it challenging to mount festivals in NSW, primarily relating to prohibitively high costs in order to meet required regulations. This includes:

- Traffic management and security costs are high and have increased significantly over the last 5 – 10 years. This often impacts community based and street festivals. This includes a new focus on traffic hardening in response to terrorist acts/ driving into public areas
- The lack of clarity and cost of user paid police has created uncertainty. Festival organisers report that Local Area Command approaches differ area to area, but also fear a standardisation of the costs will only make the cost burden worse
- A high level of regulatory requirements working across a range of authorities with lengthy approval processes

Council notes that a number of community festivals with a live music component run by the not-for-profit sector have discontinued in the current regulatory environment. This includes the Glebe Street Fair and Kings Cross Festival. Diverse and extensive economic and community development benefits generated by these festivals are lost when these festivals become unviable. Many of these festivals are also a fundraising strategy of Community Centres who service marginalised communities with services and programs eg. Surry Hills and Newtown Festivals.

Further, regulatory issues for the nighttime economy and live music venues (including the Lock Out Laws and other regulatory barriers discussed in the Parliamentary Inquiry into the Live

Music and Arts Economy), in addition to the strain on festivals' viability, contributes to the overall picture of a music sector struggling on multiple fronts.

Recommendations

- Consider Inner West Council's recommendations for a Drugs Summit and progressive drugs reform
- Consider the effectiveness of a public safety/ drug mitigation policy being managed through Office of Liquor and Gaming
- Continued communication with the sector, including smaller operators who may still be impacted by an uncertain regulatory environment
- Reviewing avenues to create certainty and reduce costs and barriers for the sector – this includes how traffic management and security, risk management and user-pays police are resourced, and streamlining approval processes
- A Roundtable to address issues for festivals involving representatives from relevant state and local government departments, the Festivals Association and smaller festival operators
- Adequate consultation on any future measures
- Increased financial and capacity building support for the festivals sector in recognition of their critical role in the music sector and community vibrancy