

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

Organisation: Australian Festivals Association Inc.

Date Received: 5 July 2019

Friday 5th July 2019
Legislative Council Regulation Committee
NSW Legislative Council
Parliament House
6 Macquarie Street
Sydney NSW 2000



Dear Committee,

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

The Australian Festivals Association Inc. (AFA) would like to thank the parliament for the opportunity to contribute to this inquiry into Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.

The AFA has combined extensive feedback from our members, key industry representatives and the public to deliver this submission. Our aim is to provide an accurate representation of the shared interests of our diverse industry.

The AFA is a not-for-profit member-run industry association formed to represent the shared interests of the festival industry. A national body, our members comprise festival promoters and organisers across a range of festival sizes, regions and compositions. AFA members also include small business owners with a vested interest in the industry such as medical providers, security agencies, site managers, and suppliers of infrastructure like toilets and marquees.

As the peak body representing festivals across Australia, our members are concerned about the future of festivals in NSW. In 2017 the NSW share of live performance revenue in this country had already dropped behind Victoria¹. Without rapid change, members predict more festival cancellations and relocations², and that new entrants to this sector will consider starting in more supportive states like Victoria, the ACT and Queensland.

Below is an overview of the critical issues identified by the implementation of these 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. Guidelines in the regulations aren't viable for implementation by organisers in their published state**
- 4. Discretionary power allows for subjective decision making leaving Industry vulnerable and uncertain**
- 5. Significantly increased police powers**



RECOMMENDATIONS

Our members conclude from these issues that a **disallowance of the regulations** is the most appropriate action for this committee to take. Furthermore, the AFA recommends the following measures are implemented to ensure a safe yet thriving Music Festival Industry for NSW.

1. **Remove the current regulations and manage the sale and supply of liquor through existing suitable license arrangements, including Limited Licence – Special Event (Large Scale Commercial where appropriate).**
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**

Festivals play an important economic, social, and cultural role in this state. We want New South Wales to continue to host significant Australian festivals while ensuring small and emerging events thrive and grow for the benefit of this the Premier State. The AFA looks forward to working with the committee throughout this process.

Thank you again for your time in considering the following submission.

Julia Robinson
General Manager
Australian Festivals Association Inc.

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CONTEXT

NSW Music Festival Industry

Music festivals are often considered an opportunity for communities of like-minded individuals, to converge in celebration of live, and live-produced music. Festivals are known to have wide-reaching socio-cultural benefits while delivering significant economic advantages.

Festivals (contemporary and multi-category) account for 11.8% in attendance and 8.2% of revenue to the Live Performance sector in Australia¹. Traditionally, NSW has led Live Performance revenue and attendance when compared with the rest of the country. However, for the first time since 2010, the live performance revenue share for NSW has decreased from 37.1% to 32.7%, allowing Victoria to take the lead share.

To further illustrate this recent shift, we outline a case (Appendix A) where for the first time, a nationally touring festival has seen QLD take the lead capacity over NSW. The increased capacity in QLD is due to a supportive regulatory framework for festivals generally.

The AFA is concerned that recent changes to the NSW festival landscape are significant and may cause damage to the reputation of running festivals in NSW.

Festival Business Model

Our members report that for-profit, ticketed festivals generally operate on a project-based business model. Typically festival budgets, including ticket prices, are built 12-18 months out from an event meaning changes within this period may have serious implications for the business (Appendix B). Usually, a green-space festival of fewer than 5,000 patrons might operate at a loss.

Not-for-profit festivals operate on shoestring budgets with any cost increases threatening the continuation of the event.

Consultation with industry regarding the new regime commenced just three months before coming into effect. The final version of the Music Festival Regulation was available with just five days notice before implementation. The conclusion the AFA makes is the execution did not consider the business implications of the music festival industry.

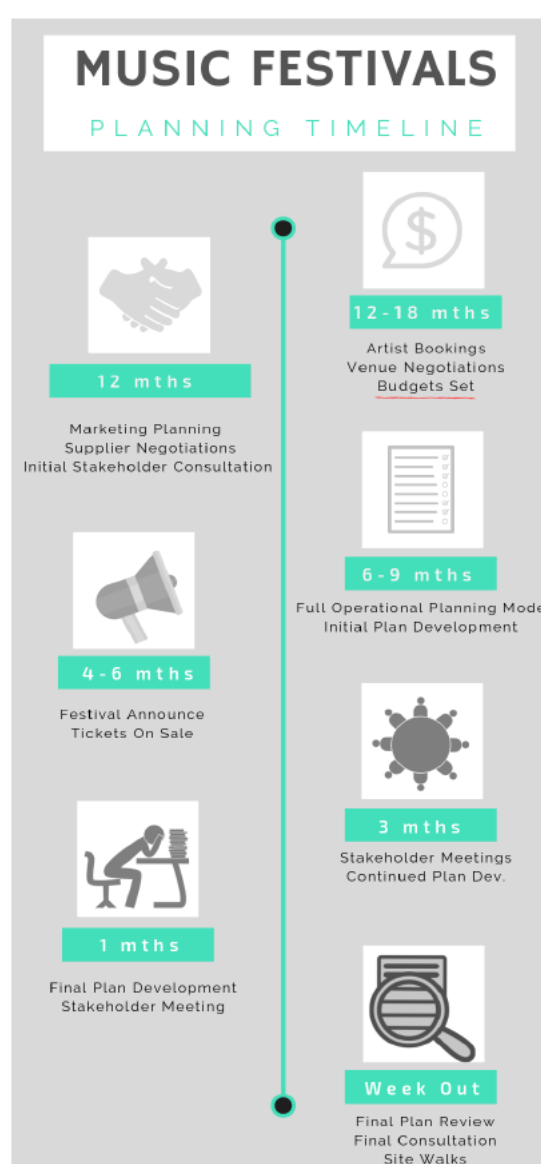


Image 1: Example of a music festival planning timeline. Source AFA.



Existing Regulation

Our members reported that during the announcements of new regulations, there was significant social commentary around festival organisers' lack of planning and accountability. The indication was that this industry was under-regulated or exposed to limited oversight of planning.

Prior to the implementation of a specific Music Festival Liquor Licence, operators in this state were required to comply with various pieces of regulatory legislation, apply for multiple licences and certificates as well as provide extensive plans to stakeholders. Through these processes, they report cross-over with what is provided to each stakeholder, creating a regulatory burden that can be a barrier to business.

This graphic, created by the AFA, outlines some of the significant planning and regulatory controls already imposed on parts of our industry.

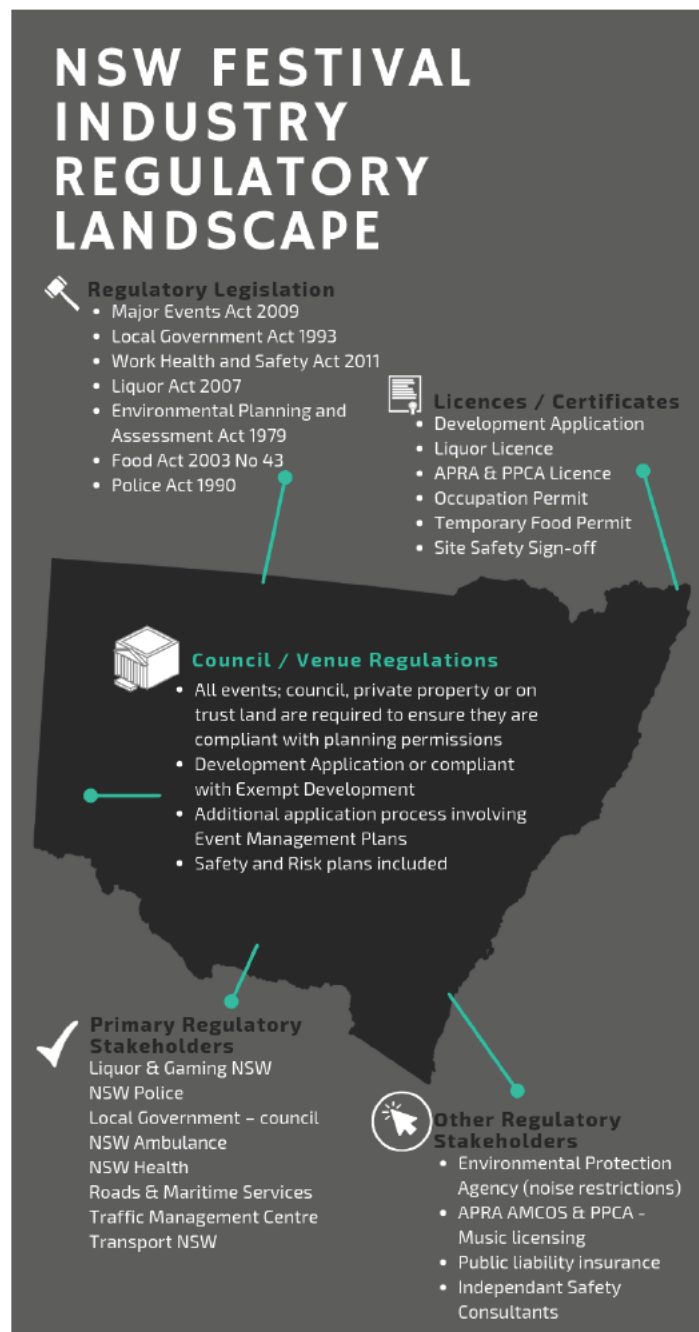


Image 2: Illustration of some of the existing regulatory requirements for a music festival in NSW. Source AFA.

ISSUES

Terms of Reference

The terms of reference outline that the Regulation Committee are to *inquire into and report on the impact and implementation of the* - (a) Liquor Amendment (Music Festivals) Regulation 2019, and (b) Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.

Below are the critical issues with the regulations identified by the AFA. These issues also outline concerns around the impacts and implementation of these regulations using Case Studies to illustrate these concerns.

List of Key Issues

1. Use of the Liquor Act to address a complex health and safety issue

The object of the Liquor Act is to “*regulate and control the sale, supply, and consumption of liquor*” and “*to contribute to the responsible development of related industries such as the live music, entertainment, tourism, and hospitality industries*”³.

Addressing safety and drug-related harm at music festivals with a Liquor Licence does not fit within the scope of the Act. Also, this fails to capture events that are not licensed to sell or supply alcohol, including BYO and alcohol-free events.

Finally, the AFA notes that the implementation of regulatory changes to an industry with just five days notice for operators impacted the responsible development of related industries. The AFA calls for more significant consideration of business timelines when adopting new regulations.

The sale, supply, and consumption of liquor is an already complex and rigorous regulatory environment without the complication of addressing drug-related safety concerns. The implementation of an additional Liquor Licence does not adequately address the fundamental issue of drug-related harm.

2. Definitions do not fit with current industry understanding

APRA AMCOS (the organisation which grants the rights to use copyright music) defines a music festival⁴ as one that:

- A. Occurs on at least one full day (being no less than 8 hours in advertised duration)
- B. Is at an outdoor place requiring a stage to be erected, or a specific performance area to be created, specifically for the festivals
- C. Is advertised as a Festival, in which the staging of the event and all associated advertising is not dependent on any one or two headline acts
- D. Includes at least six acts

Members and the broader industry note there is an existing definition accepted by the industry.

3. NSW Health Guidelines referenced in the regulations are not viable for implementation by organisers in their current published state

Our members expect that industry guidelines, such as these, would be thoroughly researched, accurately cited, and would be generally fit for purpose. The AFA does not believe the current iteration of the guidelines meets those expectations.

The AFA provided feedback to NSW Health regarding these issues (Appendix F), and acknowledge an update to these guidelines is pending. Some key points of that submission are below -

- Some references and authors remain absent impacting its credibility
- Detailed acknowledgments to contributors such as festival organisers absent
- Application of the Australasian Triage Scale (ATS) in full raises concerns
- Incomplete consideration of other critical health-related harm reduction methods

The AFA has welcomed greater involvement and oversight by NSW Health, including industry consultation on this point. Members acknowledge the benefit of thoroughly researched and evidence-based guidelines. Should the updated version reflect industry expectations, they would be a welcome tool for organisers.

4. Discretionary power allows for subjective decision, making leaving industry vulnerable and uncertain

The factsheet for these regulations indicates that ILGA will make determinations in regard to the information provided by NSW Police and NSW Health⁵. In that process, consideration is made of three previous years of incidents. However, as incident reports are from a combination of stakeholders, varied results are produced. The information may not be accurate or reflective of the greater context of the festival.

Without a clear framework for this process and full transparency, discretionary powers may result in unfair determinations.

5. Significantly increased police powers

These regulations have significantly increased police powers than previous licences. With already considerable visible policing at festivals, additional powers granted to senior police officers may be seen to contribute to the “nanny-state” being referred to by the public via the media².

There is evidence⁶ that suggests there are unintended negative health and social impacts from over-policing at events, such as patrons avoiding medical services for fear of punishment and the experience of trauma from strip search operations.

Furthermore, the Major Events Act⁸ already addresses these measures.

Increases to an already heavily policed industry have led to the closure of some festivals, relocation of others, and general uncertainty in the industry². The AFA acknowledges the vital work the NSW Police Force do for festivals more broadly. However, we want to ensure any changes are evidence-based and do not negatively impact the industry.

RECOMMENDATIONS

Recommendations 1-4 are considered by the AFA as urgent and have been identified to be implementable before the summer festival season.

- 1. Remove the current regulations and manage the sale and supply of liquor through existing suitable license arrangements including Limited Licence – Special Event (Large Scale Commercial where appropriate)⁷.**

Through this process, festival organisers would continue to engage with NSW Health and NSW Ambulance, NSW Police Force and the council or venue.

To ensure adequate resourcing and notice for agencies and organisers, the AFA has developed a best practice guideline for members to use when engaging these key stakeholders. The aim of this guide was to address the concerns of members that last minute approvals and user charges estimates was causing stress on planning timelines and already stretched budgets.

Proximity to event	Description	Police	Ambulance	L&G	Health/LHD	Council/Venue
12 months / debrief	Confirm date(s) & any known details (festival name, genre, proposed capacity, times, camping/day festival)	✓	✓	✓	✓	✓
7 months	Licensing meeting, conditions discussion	✓ Licensing only				
3-6 months (new events)						
6 months	License application lodged (Plans overview and site plan provided) License conditions signed	✓ Licensing only		✓		
3-6 months (new events)						
5 months	Initial stakeholder meeting First round plans finalised & circulated	✓	✓	✓	✓	✓
3 months (new events)						
3 months	Second stakeholder meeting	✓	✓	✓	✓	✓
1 month	Final stakeholder meeting	✓	✓	✓	✓	✓
24-48 hours	Site walk	✓	✓	✓	✓	✓
Show day(s)	Hourly control room meetings	✓	✓	✓	✓	✓
1 month post event	Debrief / confirm next year's date(s)	✓	✓	✓	✓	✓

Image 3: AFA suggested best practice guide to stakeholder consultation timeline. Source AFA.

The sale and supply of alcohol at festivals in NSW is already complex. Alcohol should remain the focus of liquor licensing to ensure attention is not diverted by an equally complex health issue of illicit drug use.

The AFA, bolstered by the support of our members, and an alliance of peak music industry bodies, has been consistent with our call for these regulations to be removed. The impacts of these changes on an already declining live performance industry are significant. By removing these regulations in favour of consultation, there is an opportunity to turn this around.

- 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.**

The AFA acknowledges the extensive work NSW Health put into the guidelines, and consultation with industry on their development. Likewise, we welcome the increased involvement of NSW Health concerning medical operations and evidence-based Harm Reduction measures. This recommendation supports a health oversight approach to health issues.

The AFA suggests a consultation with local councils and venues regarding the adoption of the guidelines into part of the application and planning processes for Development Applications and event permits. The AFA would suggest this could be an ideal agenda item for the Regulation Roundtable indicated in Recommendation 3.

Our members expect a health approach to health-related risks at music festivals.



3. Establish a Regulatory Roundtable for Festivals in NSW to address regulatory changes in a measured, consultative approach

As identified in Image 2, festival and major event planning is a complex area involving multiple regulatory bodies. The industry expects that these critical concerns are addressed in a consultative approach, where the balance of expert advice from market-leaders is heard alongside regulatory consideration from relevant agencies.

At a regulatory roundtable, the full context of festival planning may be considered and discussed. Our members have indicated the following issues require further *immediate* discussion, and a regulatory roundtable would be the best forum.

- ✓ User charges services including -
 - Police, Ambulance & Health
- ✓ Council adoption of Health Guidelines
- ✓ Centralized Policing for Major Events
- ✓ Harm reduction training including -
 - Police, onsite staff & patrons

The success of this roundtable relies on the inclusion of peak industry bodies and key representatives. The AFA has suggested format and composition for this Festival Regulations Roundtable (Appendix D).

4. Significantly increase investment in Peer-based Harm Reduction Services to ensure recommended service levels are available to event organisers.

The AFA understands that current service levels of providers are insufficient to service the state on important festival dates. An example of this was on the Easter Long Weekend when resources were stretched too thin for some organisers to confirm peer-based services at required levels.

The government has already recommended this option as part of the Expert Panel into Music festivals¹⁰. Festival organisers have already been at the forefront of implementing peer-based Harm Reduction services at festivals and would continue to support the inclusion of this as part of best practice.

In addition to onsite services, peer-based harm reduction services could be used to develop training programs for staff, security, and crew and other stakeholders who work onsite at festivals, such as NSW police.

AFA members have already pioneered these strategies to bolster the onsite activities and we invite the committee to consult with market-leaders in this space to understand these initiatives.

5. Centralize a Major Event Police operations to ensure consistency and efficacy of addressing safety concerns at large-scale gatherings

Members have noted, that current police operations are vastly inconsistent across regions, leading to a lack of clarity in "standard" festival operations. A central team overseeing operations for Major Events allows for risk context, and a consistent approach for license conditions, user charges quantities and police operations. This approach is used successfully in other jurisdictions, and AFA members have noted that festivals are more consistently policed across different venues.

Members have reported varying levels of user charges requirements across the state. In addition, members have identified user charges costs in NSW can be 3 times that of other states for an event of the same size/demographic. Issues like a lack of transparency, inconsistencies and increased costs become a significant barrier to new entrants in this industry.

The AFA would suggest this could be an ideal agenda item to be discussed at the Regulation Roundtable indicated in Recommendation 3.

Our members have identified police operations as a high priority issue for the industry, and one that has been adding considerable pressure to businesses.

6. Establish a Live Music Roundtable in New South Wales, based on the Victorian model, that includes key government agencies and music industry stakeholders

To be considered separately from the Regulatory Roundtable, this recommendation was put forward by the Parliamentary Inquiry into the Music Economy. The (now) leading state in live performance revenue, Victoria¹, has had a Live Music Roundtable established since 2017. Coincidentally, this was the year that state surpassed the NSW revenue for live performance.

The implementation of a NSW Live Music Roundtable is a positive step towards repairing the reputation² the state has gained around live music. The AFA suggests the inclusion of a number of peak music bodies and government agencies (Appendix E).

The AFA sees this recommendation as a long-term solution to strategically address the live music ecosystem, and its important place in NSW's economy and socio-cultural environment.

7. Commission regular research into recreational drug use to adopt an evidence-based, health-focused approach to drug regulation

The recent drug-related issues are a reflection of a broader societal health issue that deserves greater understanding to ensure the appropriate responses are being implemented. We need to understand drug use behavior better, identify significant intervention points, better coordinate between regulators, health, police, businesses and broader communities, and make sure that the health and safety of Australians is the ultimate priority.

8. Work with health, festival, and drug experts to develop pill-testing trials at permanent and festival-based locations as part of a broader public health initiative.

As shown in Image 4 (below), pill testing has been widely supported by; medical associations, other countries including New Zealand, the Australian Senate in 2016 and a significant portion of Australians.

AFA members are overwhelmingly in favour of the implementation of trials for pill testing at festivals. Furthermore, the AFA encourages the consideration of a permanent drug checking facility in NSW to address the issue of drug use at locations other than festivals as drug-related harm is an issue across all levels of society, not especially at festivals.

We do not believe that pill-testing is the only answer. But it is a crucial part of a broader harm reduction strategy that prioritises people's health and safety, over criminality or laws. Encouraging drug abstinence instead of education is out-of-touch, proven to be ineffective, and unnecessarily risking lives.



PILL TESTING SUPPORTERS

- ✓ MEDICAL ASSOCIATIONS INCLUDING
 - AMA¹
 - PSA²
 - RACP³
 - ACEM⁴
 - RANZCP⁵
- ✓ COUNTRIES INCLUDING
 - New Zealand⁶
 - United Kingdom⁷
 - Ten+ European Countries⁸
 - Canada⁹
- ✓ AUSTRALIAN SENATE 2016¹⁰
- ✓ MORE THAN 82% OF AUSTRALIANS¹¹
- ✓ AUSTRALIAN FESTIVAL ASSOCIATION

SOURCE: 1. PHARMACEUTICALS AUSTRALIA, JOURNAL OF THE AUSTRALIAN PHARMACEUTICAL ASSOCIATION 47, 2008-9. 2. PHARMACEUTICALS AUSTRALIA, JOURNAL OF THE AUSTRALIAN PHARMACEUTICAL ASSOCIATION 47, 2008-9. 3. AUSTRALIAN MEDICAL ASSOCIATION, RELEASED BY THE AUSTRALIAN MEDICAL ASSOCIATION TO SUPPORT PILL TESTING. 4. AUSTRALIAN MEDICAL ASSOCIATION, RELEASED BY THE AUSTRALIAN MEDICAL ASSOCIATION TO SUPPORT PILL TESTING. 5. AUSTRALIAN MEDICAL ASSOCIATION, RELEASED BY THE AUSTRALIAN MEDICAL ASSOCIATION TO SUPPORT PILL TESTING. 6. AUSTRALIAN MEDICAL ASSOCIATION, RELEASED BY THE AUSTRALIAN MEDICAL ASSOCIATION TO SUPPORT PILL TESTING. 7. AUSTRALIAN MEDICAL ASSOCIATION, RELEASED BY THE AUSTRALIAN MEDICAL ASSOCIATION TO SUPPORT PILL TESTING. 8. AUSTRALIAN MEDICAL ASSOCIATION, RELEASED BY THE AUSTRALIAN MEDICAL ASSOCIATION TO SUPPORT PILL TESTING. 9. AUSTRALIAN MEDICAL ASSOCIATION, RELEASED BY THE AUSTRALIAN MEDICAL ASSOCIATION TO SUPPORT PILL TESTING. 10. AUSTRALIAN MEDICAL ASSOCIATION, RELEASED BY THE AUSTRALIAN MEDICAL ASSOCIATION TO SUPPORT PILL TESTING. 11. AUSTRALIAN MEDICAL ASSOCIATION, RELEASED BY THE AUSTRALIAN MEDICAL ASSOCIATION TO SUPPORT PILL TESTING.

Image 4: Pill testing supporters¹⁰⁻¹⁸ Source (image) AFA.

CONCLUSION

The AFA appreciates that the implementation of these regulations was ultimately in the interest of increasing safety for the patrons who attend music festivals. Our members share this objective and want to ensure they are working within evidence-based, best practice planning, and operations frameworks. The Music Festival Regulations are not the solution.

Festivals are complex. They cross multiple regulatory jurisdictions and impact various operational agencies. To add to the complexity, festivals comprise patron groups with changing trends and nuances that require organisers to be agile and flexible in managing large crowds of these patrons. A regulatory solution can only be derived from meaningful consultation with all aspects of this industry.

We want see music festivals continue to attract fans to metropolitan and regional communities, while ensuring patron safety remains the top priority. Impacts on the economy, tourism, labour and socio-cultural areas need to be considered as part of any regulatory approach that aims to address patron safety or the operation of festivals.

As the peak body representing Australia's festival industry, the AFA would like to work with the government to develop a regulatory framework that finds the right balance between safety and industry viability, through meaningful consultation and cooperation. We are available to answer further questions the committee may have regarding this submission.



APPENDIX A

Member Case Study

The AFA spoke to organisers Fuzzy Operations whose national festival Listen Out has seen a change in profit share across its shows due to the general attitude in NSW.

Listen Out is *Australia's premier dance music event, bringing quality dance music to four spectacular inner city venues across Australia* each spring. Held in greenspace venues, Listen Out is an over 18's music festival attracting a predominately under 25-year-old crowd. Previous line-ups have included the likes of Childish Gambino, Flume and What So Not. Listen Out is run by Fuzzy Operations who brings Sydney based festivals Harbourlife and Field Day to life over Summer and Curve Ball as part of Vivid Festival in Winter.

Over the past five years of operation, and in its previous capacity as Parklife, the Listen Out tour has maintained a consistent capacity split between the states. NSW has always enjoyed the highest capacity event with 2018 experiencing record attendance for the Centennial Park site. The location has the benefit of flexible capacity given the significant size of the area.

During the planning season for the 2019 events, the QLD site has been allowed an increased capacity enabling it to bring in the highest ticket sales for the tour. Organisers say this is due to a "positive government attitude towards festivals." Venues and councils are more willing to work with organisers to promote viable yet safe festivals.

The NSW event not only has less capacity, but this event has also become less profitable with user charges police costs around three times that of QLD and two times VIC. Also, the regulatory environment means organisers spend more time and resources on compliance than any other state.

APPENDIX B

Member Case Study

The AFA spoke to festival organiser Mark Dodd regarding the impact of the regulations for his festival Fairgrounds.

Fairgrounds Festival, situated in the idyllic town of Berry, harks back to festivals of the '70s with gourmet eats, artisan markets, intimate artist experiences, Little Fairgrounds, and craft workshops. Now in its fourth year, Fairgrounds has established itself as an intimate festival experience, hosting a carefully curated line-up of international and local artists across the twin-stage site.

The festival contributes around \$3m each year to the small town that had been mostly closed off to tourist traffic due to highway bypasses²⁰. The impact of the festival is also felt in the neighbouring towns of Kangaroo Valley, Gerringong, Geroa and Nowra with festival attendees seeking accommodation during the 3-day event.

As the festival is held in December, planning had been well underway for the 2019 event by the time the regulations changes were announced. Managing Director of Fairgrounds, Mark Dodds, noted that due to the uncertainty in the industry, he was hesitant to book artists in case the changes would blow the festival budget out. Usually, artists would have been locked in well before 12 months out from the festival allowing ticketing budgets to be finalized.

Even though the regulations currently do not apply to Fairgrounds, the impact of the changes meant that Mark was unable to move quickly enough to lock in artists, resulting in the loss of leads. As a result, the line-up composition is different from the usual split of international and local artists; it is unknown what toll this may take on ticket sales.

APPENDIX C

Member Case Study

The AFA spoke with organiser Paul Robertson from the Northern Beaches Music Festival about the high costs he faced due to the uncertain environment in NSW during the early implementation of the regulations.

The Northern Beaches Music Festival has been operating since 2011. A not-for-profit event that focuses on the local community attracting music lovers to an idyllic beach setting across three days in May. Organiser Paul Robertson runs the event as a "passion project," relying on sponsorships, donations, ticketing and volunteers. The festival is operated by the Northern Beaches Music Alliance that include The Shack, The Fig Manly, Fairlight Folk, HUMPH Hall, The Music Lounge, Accoustic Picnic and Songs on Stage.

This year, Paul was faced with vastly different conditions placed on his Liquor Licence compared with those previously applied at the same site, using the same operational model. These changes meant the loss of significant beverage sponsorship money that was vital to the viability of the festival. This loss of funding, coupled with the limited time to find a replacement source of funding forced the decision to cancel. In addition, these changed conditions meant costs for security went from approximately \$1,500 to over \$9,000 for the event that was already operating on a shoe-string.

Due to the high profile nature of the changes to music festival regulations, the AFA has heard of other stories like Paul's where various authorities, nervous about their responsibility, have placed onerous restrictions on organisers. While the new licence didn't apply at all to the Northern Beaches Music Festival, the heightened anxiety fed back via the conditions.

APPENDIX D

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 15 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 Performance Australia (LPA)
10. Local Government Association of NSW (LGANSW)
11. Music NSW (MNSW)
12. NSW Health (NSWH)
13. NSW Police Force (NSWPF)
14. Roads & Maritime Services (RMS)
15. 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.

APPENDIX E

Live Music Roundtable

The AFA The Parliamentary Inquiry into the Music Economy delivered a recommendation for a Live Music Roundtable (Recommendation 11). The AFA supports this strategy and has suggested composition for a Live Music Roundtable that follows.

Purpose

The purpose of the Regulation Roundtable is to support a vibrant, successful, and responsible live music industry, and promote best practice for safe and well-managed music venues in NSW.

Members

The AFA suggested Live Music Roundtable membership comprises 18 core member organisations:

1. Australian Festival Association (AFA)
2. APRA AMCOS (APRA)
3. Association of Artist Managers (AAM)
4. Australian Hotels Association (AHA)
5. Create NSW
6. Department of Planning and Environment (DPE)
7. Department of Premier and Cabinet (DPC)
8. Destination NSW
9. Environment Protection Authority (EPA)
10. Liquor & Gaming (LGNSW)
11. Live Music Office (LMO)
12. Live Performance Australia (LPA)
13. Local Government Association of NSW (LGANSW)
14. Music NSW (MNSW)
15. Night Time Industries Association (NTIA)
16. NSW Health (NSWH)
17. NSW Police Force (NSWPF)

Provision for additional stakeholders

- Rotating Council Representative
- Music Media Representative
- Venues NSW

APPENDIX F

NSW Health Guidelines Feedback

The following is an excerpt from AFA's submission to NSW Health regarding the current iteration of the Guidelines produced for Music Festival Organisers. The full paper is available on request.

AFA Feedback - Guidelines for Music Festival Event Organisers: Festival Harm Reduction

INTRODUCTION

The Australian Festival Association (AFA) would like to provide feedback to NSW Health on the second iteration of the Guidelines for Music Festival Event Organisers. The AFA looks forward to the implementation of consistent, practical, and useful guidelines that incorporate harm reduction strategies while supporting the sustainability and dynamic growth of New South Wales' festival industry.

The Australian Festival Association (AFA) is the newly formed peak body for Australia's festival industry. We were established in late 2018 after the need was recognised for a unified voice to represent the industry. The AFA has since grown its membership base to include;

- every state and territory
- regional and metropolitan-based festivals
- every size from boutique to large-scale
- single day to multi-day camping festivals
- industry representatives from key festival suppliers
- not-for-profit organisations

CONSULTATION

We welcome any consultative and measured approach to required regulatory change for festivals; as such, we value the opportunity to provide feedback to NSW Health. Our members consider patron safety of the utmost concern in event planning and as such welcome evidence-based best practice initiatives, regulatory or otherwise, to assist the event management process.

The AFA wants to ensure, however, that any regulatory changes do not negatively impact an industry that delivers economic, social, and cultural benefits to the state. Onerous red tape and costly permits threaten the festival industry, particularly new and emerging events or those that take place in regional or rural locations.

METHOD

The following is the combined feedback from members on the current version of the guidelines. Members who provided feedback included, but were not limited to, Festival Organisers, Site Managers, Risk Management providers, Medical Providers, and Harm Reduction service operators. The AFA has taken this feedback and distilled it into either general comments or a comment about what is absent from the guidelines, and a table with notes referencing comments on specific inclusions in the guidelines.

This feedback should be taken as general in nature as compiled from members and as such may not necessarily be used as a referencing tool, rather an opportunity to further question methods, inclusions, and models.

SUMMARY OF FEEDBACK

As these guidelines are referred to in the Music Festival Licence Regulations, this document goes into specific detail in a line-by-line manner to ensure all concerns are captured. However, a summary of the general feedback has been captured below –

- Members widely welcome changes from the interim version
- Some references and authors remain absent from this document impacting its credibility
- Detailed acknowledgments to contributors such as festival organisers are also absent
- A transparent feedback process, with public submissions, would be welcomed by industry
- References to police not patrolling medical and harm reduction areas are welcomed by members
- Application of the Australasian Triage Scale (ATS) in full raises concerns
- Generally, this document refers to the responsibility specifically of the event organiser as a single person ensuring an action happens in each instance. The Event Organiser may make provisions in planning or write procedures to make intentions clear to suppliers, but they may not be able to be present in all situations.

Generally, however, the AFA observes that much of the issues being addressed by this document might be more thoroughly addressed via accreditation or regulation of the onsite medical providers as is currently being investigated in Victoria. We also note the current Coronial Inquest into Music Festival Deaths process should be respected as part of this process.

CONCLUSION

The AFA is supportive of these guidelines being reviewed, with an option for additional comments, before they are used in conjunction with the Music Festival Licence. In this current form, they are unable to be adhered to as part of a regulatory regime.

We again point to the suggestion of regulation of the onsite medical providers as a solution to address many of these issues. This would only be appropriate after careful consideration of the impacts on that industry as due diligence.

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