

Submission
No 31

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

Organisation: Foundation for Alcohol Research and Education

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Foundation for Alcohol Research & Education

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The Hon. Mick Veitch MLC
Committee Chair
Regulation Committee

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Dear Mr Veitch

SUBMISSION TO THE INQUIRY INTO THE LIQUOR AMENDMENT (MUSIC FESTIVALS) REGULATION 2019 AND GAMING AND LIQUOR ADMINISTRATION AMENDMENT (MUSIC FESTIVALS) REGULATION 2019

Thank you for the opportunity to provide a submission to the Inquiry into the new music festival regulation.

FARE is an independent, not-for-profit organisation working to reduce the significant harm caused by alcohol in Australian communities. Nearly 6,000 lives are lost every year and more than 144,000 people are hospitalised making alcohol one of our nation's greatest preventive health challenges, including nearly 2,000 deaths and 47,000 hospitalisations in NSW.¹

Alcohol is no ordinary commodity and as such must be appropriately and effectively regulated. The scale and variety of harm that alcohol causes to innocent third parties distinguishes it from other health and lifestyle risks. This harm includes street and family violence,^{2,3,4} road traffic accidents,⁵ child maltreatment,⁶ and chronic disease.^{7,8} Alcohol is also the major contributor to the three leading causes of death among adolescents; unintentional injuries, homicide and suicide.⁹ The social and economic costs to the community as a result of alcohol must be reduced.

The recent reforms introduced by the NSW Government to minimise harm at music festivals is welcomed. However, the focus of these amendments has centred largely on illicit drug use. While illicit drug harm is a public health issue that needs to be addressed, particularly at music festivals, alcohol remains the most widely used and most harmful drug in Australia.¹⁰

Research on substance use at music festivals has found that polysubstance use (including alcohol use) is high among attendees.^{11,12} This is supported by population data from the Australian Institute of Health and Welfare (AIWA), showing that risky drinking (monthly risk of single occasion harm) was particularly prevalent among recent users of stimulants such as ecstasy (84%), cocaine (82%), hallucinogens (78%) and meth/amphetamines (73%).¹³ However, there is little published research on the harms of alcohol at music festivals. Additional research into this area will better allow festival organisers and regulators to manage and prevent alcohol harm at these large events.

As the Committee considers the amendments to the Regulations, FARE urges extra consideration be given to alcohol harm experienced at music festivals.

The *Liquor Regulation 2018* should prioritise harm minimisation

Alcohol causes considerable harm within the community and this should be reflected in the laws that govern the sale and supply of alcohol. Currently the Act does not include harm minimisation as an Object.¹⁴ The Objects of the Act are as follows:

- a. To regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
- b. to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
- c. to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.

Harm minimisation is included merely as a requirement to secure the Objects of the Act, with particular regard to:

- a. The need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
- b. The need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor, and
- c. The need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

FARE strongly believes that harm minimisation should be included as an object in the Act, the South Australian Liquor Act is an illustrative example of how this might be achieved.¹⁵ In the absence of a harm minimisation objective in the Act, FARE proposes that the *Liquor Regulation 2018* include a definition of harm that encompasses the scale and variety of harm caused by alcohol. This would ensure at least that the Regulation is read through a harm minimisation lens.

Fees for Music Festival Licences should represent their risk for harm

Fees to hold a music festival should reflect the risks they pose to both attendees and to taxpayers.

The NSW system of risk-based licensing would facilitate such an approach for music festivals as it accounts for the risks posed by different types of licences and is a successful model in reducing alcohol harm. It is also a successful mechanism for recouping costs associated with the administration of liquor legislation, law enforcement, and the provision of public services responding to alcohol harm (including ambulance and police, emergency departments, social workers, and AOD treatment services).

Music festivals are typically high alcohol consumption events. They are frequently attended by large numbers of people, operate for the entire day or several consecutive days, and can even offer overnight stays. Music festivals will vary in their size and length, and the licencing fees they pay should reflect the risks that they pose.

The way the current licensing scheme is applied to music festival licences is not fit for purpose. It unfairly penalises smaller festivals and is likely not high enough to cover the costs associated with larger festivals. FARE proposes that the *Liquor Regulations 2018* set out an additional fee table specifically for Music Festival Licences. In the remake of the *Liquor Regulations 2018* a large-scale event licence was introduced and the Regulatory Impact Statement acknowledged a number of different approaches used by different jurisdictions regarding the fees of large-scale events, including the risk-based scheme operating in Western Australia (WA).

Liquor & Gaming NSW could apply the current fee unit structure to the WA model for event licences (Table 1). The WA approach puts the onus on the licensee and holds them accountable for the potential level of harm that the event poses to the community. It also incentivises them to consider restricting the size of events and allows the authority to recoup any administrative and public service costs. This will also prevent small scale music festivals from being burdened with exceptionally high licence fees.

Table 1: Western Australia risk-based licensing model for occasional liquor licences

Licence type	Eligibility	Patron capacity loading	Cost per event (single application)	Lead time for application assessment
Occasional liquor licence *Licence not needed if <100 patrons running for up to 2 hrs, or <75 running for up to 4 hrs. Must finish by 10pm.	Open to anyone seeking authority to sell and supply liquor at an occasion (gathering, function or event, including sports, trade or other fairs or receptions). Recommends use of other existing licences if they already provide that authority.	>10,000	\$4650	60 days
		5001 to 10,000	\$2275	60 days
		1001 to 5000	\$1137	30 days
		501 to 1000	\$226	30 days
		250 to 500	\$110	14 days
		Up to 250	\$53	14 days

Special licence conditions

Music festivals are typically high alcohol consumption premises and are at greater risk of alcohol harm due to the larger number of patrons and the longer hours of service, with some festivals operating across consecutive days. Special licence conditions should be applied to music festival licences to limit the hours in which alcohol can be sold and that also limit the types of alcoholic beverages to be sold.

Drinks restrictions are put in place with the intention of minimising the rapid consumption of alcohol. These products include those designed to be consumed quickly such as ‘shots’, and those that include excessive amounts of alcohol, for example ‘doubles’ and some Ready-To-Drink beverages (RTDs). These products also contribute to the culture of ‘drinking to get drunk’ by encouraging the rapid consumption of alcohol to produce intoxication. Restricting the sale of products with the highest alcohol content results in patrons at licensed premises having to select a product of lower alcohol content, resulting in a decline in the amount of pure alcohol consumed. Reducing the availability of alcohol by minimising the number of drinks that can be purchased and restricting high-alcoholic beverages, reduces the risk of highly-intoxicated patrons and reduces the risk of harm to themselves and others.

Following the model of special licence conditions applied in prescribed precincts (another high risk location for alcohol consumption), music festivals should also be prohibited from selling high strength drinks or shots, and should introduce a per-person sale limit of no more than four alcoholic drinks at one time.

Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019

As a matter of principle, FARE does not support the amendment to the Regulations whereby decisions made by ILGA in relation to music festival licences under gaming and liquor legislation are not subject to review by the Civil and Administrative Tribunal of New South Wales. Administrative decisions made by ILGA, in relation to music festival licences should be subject to review in the same way that other decisions made by ILGA are.

Recommendations

FARE recommends the following:

1. That additional research be commissioned to gain a better understanding of the range and magnitude of alcohol (and drug) harm at NSW music festivals.
2. That the Regulation Committee recommend amendments to the *Liquor Regulation 2018*:
 - a. To include a definition of harm relating to the sale, supply and consumption of alcohol including:
 - i. the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community);
 - ii. the adverse economic, social and cultural effects on communities (whether on a community as a whole or a group within a community);
 - iii. the adverse effects on a person's health;
 - iv. alcohol abuse or misuse; and
 - v. domestic violence and/or anti-social behaviour, including causing personal injury and property damage.
 - b. To introduce a risk-based licensing scheme specifically for music festival licenses, based on the Western Australian model, which incentivises smaller and lower risk music festivals and applies higher fees for high risk festivals.
 - c. To introduce special licence conditions for the Music Festival Licence, including:
 - i. prohibiting the sale of high alcohol content beverages and shots
 - ii. a per-person sale limit of no more than four alcoholic drinks at one time
3. That the Regulation Committee recommend the removal of the amendments made to the *Gaming and Liquor Administration Regulation 2016* under the *Gaming and Liquor Administration Amendment (Music Festivals) 2019*.

Thank you once again for the opportunity to raise these important issues with you. We hope you will consider the recommendations outlined in our submission. If you would like any further information, please contact Maddie Day, Senior Policy Officer on (02) 6122 8600 or

Yours sincerely

MICHAEL THORN
CHIEF EXECUTIVE

References

- ¹ Lensvelt, E., Gilmore, W., Liang, W., Sherk, A. and Chikritzhs, T. (2018). Estimated alcohol-attributable deaths and hospitalisations in Australia 2004 to 2015. National Alcohol Indicators, Bulletin 16. Perth: National Drug Research Institute, Curtin University. Supplementary data tables retrieved from: <http://ndri.curtin.edu.au/publications-resources/project-reports-and-bulletins/national-alcohol-indicators-bulletins>
- ² Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction* 106(5): 919–25.
- ³ Jochelson, R. (1997). *Crime and place: An analysis of assaults and robberies in Inner Sydney*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁴ Briscoe, S. & Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁵ Morrison, C., Smith, K., Gruenewald, P. J., Ponicki, W. R., Lee, J. P., & Cameron, P. (2016). Relating off-premises alcohol outlet density to intentional and unintentional injuries. *Addiction*. 111(1), 56-64.
- ⁶ Laslett, A.M., Mugavin, J., Jiang, H., Manton, E., Callinan, S., MacLean, S., & Room, R. (2015). *The hidden harm: Alcohol's impact on children and families*. Canberra: Foundation for Alcohol Research and Education.
- ⁷ Lindberg R, Fetherston H, Calder R, McNamara K, Knight A, Livingston M, Kypri K, Malo J, Roberts L, Stanley,S, Grimes C, Bolam B, White S, Purcell K, Daube M, O'Reilly S, Colagiuri S, Peeters A, Batterham P, Harvey C, Dunbar JA (2016) Getting Australia's Health on Track Australian Health Policy Collaboration: Melbourne, Victoria University.
- ⁸ World Health Organization. (2017) 'Best Buys' and Other Recommended Interventions for the Prevention and Control of Noncommunicable Diseases: Updated (2017) Appendix 3 of the Global Action Plan for the Prevention and Control of Noncommunicable Diseases 2013-2020.
- ⁹ National Health and Medical Research Council (NHMRC). (2009). *Australian guidelines to reduce health risks from drinking alcohol*. Commonwealth of Australia.
- ¹⁰ Bonomo, Y., Norman, A., Biondo, S., Bruno, R., Daghli, M. Dawe, S. ... & Castle, D. (2019). The Australian drug harms ranking study. *Journal of Psychopharmacology*. doi.org/10.1177/0269881119841569 Retrieved 24/06/2019 from: <https://journals.sagepub.com/doi/abs/10.1177/0269881119841569>
- ¹¹ Fernandez-Calderon F, Lozano-Rojas OM, Rojas-Tejada AJ. Raves and drug use from an epidemiologic and psychosocial approach: a bibliographic systematic review. *Adicciones* 2013;25:269–79.
- ¹² Palamar JJ, Griffin-Tomas M, Ompad DC. Illicit drug use among rave attendees in a nationally representative sample of US high school seniors. *Drug Alcohol Depend* 2015;152:24–31.
- ¹³ Australian Institute of Health and Welfare 2017. *National Drug Strategy Household Survey 2016: detailed findings*. Drug Statistics series no. 31. Cat. no. PHE 214. Canberra: AIHW. Retrieved 04/02/2019 from: <https://www.aihw.gov.au/getmedia/15db8c15-7062-4cde-bfa4-3c2079f30af3/21028a.pdf.aspx?inline=true>.
- ¹⁴ *Liquor Act 2007* (NSW), section 3(1).
- ¹⁵ *Liquor Licensing (Liquor Review) Amendment Act 2017* (SA), section 3(1).