

Submission  
No 9

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

**Organisation:** City of Sydney

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**Legislative Council Regulation Committee  
Inquiry into the Liquor Amendment  
(Music Festivals) Regulation 2019  
and the Gaming and Liquor  
Administration Amendment  
(Music Festivals) Regulation 2019**

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**City of Sydney submission**



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# Background

On 30 May 2019 the NSW Government called upon the Regulation Committee of the Legislative Council to inquire into and report on the impact and implementation of the Liquor Amendment (Music Festivals) Regulation 2019 and the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.

The terms of reference for the inquiry are as follows:

1. That the Regulation Committee 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.
  
2. That the committee report by 6 August 2019.

## Introduction

The City of Sydney is a strong supporter of the live music sector and recognises the significant cultural and economic contribution that gigs, concerts, festivals and street performances make in our global city. Music festivals are an important part of the industry's ecology that provides a broad range of offerings to audiences and employment pathways for musicians, technicians, promoters and producers.

Sydney is at the centre of Australia's contemporary music and recorded music industries and home to some of the nation's most prestigious music education institutions. Sydney hosts the country's most outstanding performance venues that musicians all over the world aspire to one day play in.

The first finding of the 2018 Parliamentary Inquiry into the music and arts economy in NSW was *"that there is massive potential for the contemporary music sector in New South Wales. The recorded music sector has grown rapidly over the last two years via online streaming. The majority of the industry is based in New South Wales."*

Despite long being at the heart of Australia's contemporary music sector, Sydney has earned a reputation as the town that killed music. Instead of championing our thriving industry, resilient venues, acclaimed music talent and world class nightlife, thousands of young Sydney-siders have taken to the streets in protest calling to the state government "Don't Kill Live Music".

Sweeping, swift changes to liquor regulation without community and industry consultation and without adequate evidence base have had damaging impacts on Sydney's music industry and reputation. The City of Sydney calls upon the NSW State Government to abandon the Liquor Amendment (Music Festivals) Regulation 2019, and the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019, as well as repeal "the lockout laws" and to commit to research, consultation and collaborative development of policies that help reduce drug consumption and alcohol related violence without decimating culture, nightlife and our music industry.

# 1. Music Festivals Licence Scheme

On 11 March 2019 Council unanimously supported a Minute by the Lord Mayor regarding the NSW Government's Music Festival Licensing Scheme.

The Minute is a response to concerns raised by the City of Sydney's Nightlife and Creative Sector Advisory Panel. The Panel note that the contemporary music industry contributes \$3.6 billion and 23,207 jobs to the NSW economy. They also pointed to the vital platform that music festivals provide to celebrate cultures and for communities to connect. The panel are deeply concerned by the rushed introduction of the Liquor Amendment (Music Festivals) Regulation. The concerns include:

- the lack of time given and consultation undertaken to develop a completely new regulatory approach;
- considerable confusion and lack of clarity and transparency about the requirements to obtain a music festivals licence;
- the additional financial burdens relating to the music festival licence; and
- the government's overwhelming focus on regulation and enforcement without a similar focus on drug harm minimisation

On 21 February 2019, thousands gathered in Hyde Park to protest the introduction of these liquor regulation amendments.

On 23 February 2019, the Australian Festival Association, Live Performance Australia, APRA/AMCOS, MusicNSW and the Live Music Office called on the State Government to defer implementation of the new regulation to allow for genuine and extensive consultation with the sector and for the regulation's economic, cultural and operational impacts to be understood. The call was ignored and the regulations were introduced.

On 11 March 2019 the Council of the City of Sydney unanimously called for the Liquor Amendment (Music Festivals) Regulation to be repealed to allow for:

- a) genuine and comprehensive consultation with the live music and festival sector; and
- b) a comprehensive review of the economic, social, cultural and operational impacts of the regulation.

## 2. Practical and Compassionate Action on Drugs

The Liquor Amendment (Music Festivals) Regulation and the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019 were introduced in response to the tragic drug-related deaths of five young people, aged 19 - 23, at music festivals over the 2018-19 summer season.

The City of Sydney agrees that action must be taken to reduce festival overdoses and the damaging impacts of drug related harm. However, the approach must be clear and consistent and should not place unreasonable financial and operational burdens on festival operators.

On 11 February 2019, the Council of the City of Sydney unanimously supported a Minute by the Lord Mayor on the need for practical and compassionate action on drugs. The Minute calls for a new approach to tackling illicit drug use through a drug summit where all options, including practical and compassionate proposals for drug testing, are considered by experts, industry and government.

Council resolved to:

- a) support proposals for a Drug Summit which brings together Members of Parliament, experts in the medical and social aspects of drug use, community representatives, families, and people with experience of drug use and its effects;
- b) request that the Drug Summit:
  - (i) examine and make recommendations on actions which could contribute to reducing and ending the harm from illicit drug use; and
  - (ii) specifically consider illicit drug testing, including:
    - (a) hearing evidence on the nature and effectiveness of illicit drug testing on other jurisdictions, including from the individuals and agencies responsible for conducting such testing; and
    - (b) making recommendations on the value of providing for illicit drug testing and how an effective drug testing trial may be conducted in NSW;
- c) request the Chief Executive Officer to liaise with medical professionals seeking to provide a practical demonstration of how drug testing may be conducted, with the aim of providing them with a suitable City facility at no charge, provided that the demonstration does not involve the use of illicit substances; and
- d) request the Lord Mayor to write to the Premier, the Leader of the Opposition, the Leaders of other Parties in the NSW Parliament and Independent MPs to provide them with this Lord Mayoral Minute and request them to support the City's proposal.

In accordance with this resolution of Council, the City of Sydney hosted Pill Testing Australia, a consortium of harm reduction advocacy groups to conduct a pill testing demonstration at Sydney Town Hall on 11 June 2019. Pill Testing Australia held the first state or territory sanctioned pilot of drug testing in Australia at the 2018 'Groovin' The Moo' festival in Canberra.

The aim of the City's demonstration was two-fold:

1. **To assist the current public education campaign to promote harm reduction initiatives at festivals** by:
  - Demystifying the process of pill testing by showing the technical elements and peer education on drug related harm.
  
2. **To advocate to the State Government about the role of pill testing in harm minimisation** by:
  - Providing factual information about drug testing to ensure that State Government drug and alcohol policy is evidence-based.

The "pill testing" demonstration was attended by relevant health, government and community representatives and provided insight into the benefits of use inside a festival environment.

Accompanying the demonstration was a presentation and discussion about the role of peer education programs in festival environments. This outlined the benefits of providing one-to-one information about drug use to festival attendees who might be considering using drugs from people their own age with a lived experience of drug use. The evidence provided suggests that peer education is likely to have a strong impact on young people deciding to reduce or avoid drug consumption.

### **3. A Contemporary Music Strategy for New South Wales**

Recommendation 4 of the Parliamentary Inquiry into the music and arts economy in NSW was: *that Create NSW immediately complete and release its strategic plan for contemporary music.*

A Contemporary Music Strategy has been in development with Create NSW for over a year. The City of Sydney has been consulted, alongside a number of industry stakeholders on the development of this strategy. Minister Harwin's response to the Parliamentary Inquiry on 20 December 2018 states that Create NSW are finalising the Contemporary Music Strategy, however to date there has been no update on if and when the industry might expect to see the strategy.

Given the significant cultural and economic impact the contemporary music sector has in NSW, the City of Sydney calls upon the State Government of NSW to complete and publish a draft Contemporary Music Strategy for sector feedback, with a view to finalise and implement the strategy as soon as possible.

The strategy should acknowledge the important contribution of music festivals to the ecology of the contemporary music sector and commit to reviewing licensing, policing and regulatory burdens which may be out of balance with the assessed risks and the track record of responsible festival producers.

# Recommendations

The City of Sydney recommends that the State Government of NSW:

1. Repeal the Liquor Amendment (Music Festivals) Regulation 2019, and repeal the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.
2. Undertake genuine and comprehensive consultation with the live music and festival sector regarding management of the health and safety of festival attendees.
3. Undertake a comprehensive review of the economic, social, cultural and operational impacts of any new music festival regulation.
4. Repeal the 1:30am lockout and 3am cease service liquor regulations which have had a demonstrable impact on the live music sector, affecting the industry supply-chain and the resilience of NSW music festivals.
5. Support the City of Sydney's proposal for a Drug Summit which brings together Members of Parliament, experts in the medical and social aspects of drug use, community representatives, families, and people with experience of drug use and its effects. This Drug Summit should:
  - i. examine and make recommendations on actions which could contribute to reducing and ending the harm from illicit drug use; and
  - ii. specifically consider illicit drug testing, including hearing evidence on the nature and effectiveness of illicit drug testing and making recommendations on the value of providing for illicit drug testing and how an effective drug testing trial may be conducted in NSW.
6. Complete and publish a draft Contemporary Music Strategy for sector feedback, with a view to finalise and implement the strategy as soon as possible.

# Attachments

1. Minute by the Lord Mayor, 11 March 2019: Music Festival Licensing.
2. Letter from Kerri Glasscock, co-chair of the City of Sydney Nightlife and Creative Industries Advisory Panel regarding the Music Festival Licensing Scheme.
3. Minute by the Lord Mayor, 11 February 2019: The Need for Practical and Compassionate Action on Drugs.