

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

**Name:** Dont Kill Live Music

**Date Received:** 16 August 2019

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## LIQUOR AMENDMENT (MUSIC FESTIVALS) REGULATION 2019

### STATEMENT OF COMPLIANCE WITH SCHEDULE 1 OF THE SUBORDINATE LEGISLATION ACT 1989

The *Subordinate Legislation Act 1989* provides that, before a statutory rule may be made, the responsible Minister must ensure that as far as practicable, the guidelines set out in Schedule 1 of that Act are complied with.

The responsible Minister must ensure that implementation by means of a statutory rule occurs only when anticipated community benefits outweigh anticipated community costs.

The Minister must also ensure that only the option involving the greatest net benefit or least net cost is chosen, bearing in mind the impact of the proposal on the economy and on consumers, members of the public, relevant interest groups, and any sector of industry and commerce, that may be affected.

This statement has been prepared to provide evidence of compliance with these obligations.

#### **Need for government action**

#### ***Better Regulation Principle 1: The need for government action should be established***

The Government is introducing a new music festival licence for higher risk events in response to community concerns about young people overdosing at music festivals.

In 2014 and 2015, four people died at music festivals as a result of drug overdoses. The Government indicated that greater self-regulation by music festivals was required to ensure that this did not happen again. Over the past six months, five people have died at music festivals as a result of drug overdoses. It is clear that greater Government action is required.

While many operators manage well-run events, some operators are either falling short of the mark, or require further assistance in implementing plans that mitigate the risks associated with their events.

The new licensing regime is intended to provide an opportunity for higher festival operators to access expert advice from the NSW Government on health services, harm reduction and security. The new scheme will ensure that those who need additional assistance in running enjoyable and safer events are able to access it.

#### **Formulation of objectives**

#### ***Better Regulation Principle 2: The objective of government action should be clear***

The Regulation supports the Government's commitment to making music festivals safer by introducing a new licensing scheme for higher risk events.

## **Reasonableness, etc, of objectives**

Following significant community concern around the consequences of drug use at music festivals, including five deaths over six months, the Government has developed a new licensing scheme that ensures that operators have appropriate plans in place to run safer events.

The new scheme is limited to higher risk events rather than all music festivals to ensure that the regulatory burden is focused on where Government action is most needed.

## **Consideration of options for achieving objectives**

An Expert Panel, comprising Mr Mick Fuller (NSW Police Commissioner), Dr Kerry Chant (NSW Chief Health Officer) and Mr Philip Crawford (Chair, Independent Liquor & Gaming Authority), in its report *Keeping People Safe at Music Festivals*, considered a range of options to ensure that there were appropriate measures in place to respond to the particular risks associated with music festivals.

In its response, the NSW Government accepted all of the recommendations of the Expert Panel. The proposed Regulation implements the Government's commitment to introduce a new music festival licence. The new licence also establishes a more comprehensive inter-agency assessment process to ensure that applicant's Safety Management Plans are assessed by Government experts in health services, harm reduction and security.

The NSW Government considered applying the new music festival licensing regime to all music festivals. This approach would have imposed additional obligations on events that may already be appropriately managed through existing licensing structures. Rather than imposing undue additional licensing processes, the Government has ensured that the proposed Regulation is appropriately focused on where Government action is required.

The NSW Government consulted with industry throughout the development of the proposed Regulation and incorporated feedback into the final proposed Regulation.

## **Evaluation of costs/benefits**

***Better Regulation Principle 3: The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options***  
***Better Regulation Principle 4: Government action should be effective and proportional***

An Expert Panel, comprising Mr Mick Fuller (NSW Police Commissioner), Dr Kerry Chant (NSW Chief Health Officer) and Mr Philip Crawford (Chair, Independent Liquor & Gaming Authority), in its report *Keeping People Safe at Music Festivals*, considered a range of options to ensure that there were appropriate measures in place to respond to the particular risks associated with music festivals.

The new licensing scheme is focused on those events which do not have appropriate plans in place to respond to the risks associated with their event or where a death has occurred at or in connection with the music festival.

The new licence will replicate elements of existing licensing processes, including the Limited Licence – Special Events. Additional obligations for higher risk festivals will include a requirement to have appropriate health services, harm reduction and security plans in place before a licence is issued.

In determining the ambit of the additional obligations that would be imposed on licensees, the Government considered:

- clinical and public health advice from NSW Health and NSW Ambulance
- expert advice from NSW Police on the management of large scale events and responding to drug related issues
- alcohol management advice from Liquor & Gaming NSW
- stakeholder views, through: two stakeholder forums (November 2018 and February 2019); engagement with individual festival operators; and meetings with representatives from the Australian Festivals Association, MusicNSW and Live Performers Australia.

Advice from these agencies and stakeholders were taken into consideration in determining the content of the proposed Regulation.

### **Effect on another authority**

The Regulation imposes additional obligations on the following agencies:

- Liquor & Gaming NSW
- NSW Health
- NSW Ambulance
- NSW Police Force
- Rural Fire Service and Fire and Rescue NSW
- Local Councils.

These agencies were consulted in the development of the new licensing scheme.

### ***Better Regulation Principle 5: Consultation with business and the community should inform regulatory developments***

Industry was consulted throughout the development of the new licensing scheme through two stakeholder forums (November 2018 and February 2019), engagement with individual festival operators and meetings with representatives from the Australian Festivals Association, MusicNSW and Live Performers Australia.

A Regulatory Impact Assessment process was not required.

### **Language of the proposed regulation**

***Better Regulation Principles 6 and 7: The simplification, repeal, reform or consolidation of existing regulation should be considered and the Regulation should be periodically reviewed, and if necessary reformed to ensure its continued efficiency and effectiveness***

It is considered that the proposed Regulation, which has been drafted by the Parliamentary Counsel's Office, is in keeping with its 'plain English' principles, and employs clear and contemporary language. The proposed Regulation utilises a new regulation making power and will be reviewed within 12 months.

### **Conclusion**

The proposed Liquor Amendment (Music Festivals) Regulation 2019 conforms to the requirements of Schedule 1 to the *Subordinate Legislation Act 1989*.

Prepared by:

[Redacted signature]

24 February 2019