

## Item 3.1

### Music Festival Licensing

File No: S051491

#### Minute by the Lord Mayor

To Council:

I have received a letter from Kerri Glasscock, Co-chair of the City of Sydney's Nightlife and Creative Sector Advisory Panel, relaying the Panel's concerns about the Liquor Amendment (Music Festivals) Regulation 2019 which came into effect on 1 March 2019.

The NSW Government has justified the regulation, which creates a new "music festival licence", claiming it is necessary to improve safety at large music festivals.

The Panel is deeply concerned about the economic and cultural impacts that this rushed regulatory change will have on the live music industry and our sectors. The Panel points out that the contemporary music industry contributes \$3.6 billion and 23,207 jobs to the NSW economy, "with music festivals providing a platform that celebrates our sub cultures and provides the community with a space to connect".

Many in the sector share these concerns, which include:

- The lack of time given and consultation undertaken to develop a completely new legislative approach;
- The government's overwhelming focus on regulation and enforcement without a similar focus on drug harm minimization;
- Considerable confusion and lack of clarity and transparency about the requirements which must be met to obtain a music festivals license; and
- The additional financial burdens relating to the music festivals licence.

On 21 February 2019, thousands gathered in Hyde Park for the Don't kill live music rally to protest against the regulation and the government's attack on music festivals. Among the many powerful speakers was Councillor Jess Scully, who described the music festivals license as a "*half-baked rush job*" pointing out that there was only 90 minutes of consultation with the sector.

She said the Festivals License undermined the role that local councils play in approving local events. "*Local governments are responsible for approving festivals development applications under the Environmental Planning and Assessment Act 1979, and our expert staff coordinate with local NSW Health and NSW Police on a daily basis.*"

*"Under the Festivals License, that power moves away from local communities and to the office of Liquor and Gaming but they don't have the local knowledge, the technical expertise or the staff to do this in a timely way or to understand local needs and conditions. This is undermining local governments and stripping control from local communities across the state."*

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

Instead, on the same day, the Government announced that 14 festivals would be subject to the new licensing regime. This did not allay the disquiet and uncertainty within the sector.

I believe Council should support the Panel's request and call for a repeal of the new music festival regulation until further consultation with the sector can be carried out and a regulatory impact review is undertaken.

### **Recommendation**

It is resolved that Council support calls for the Liquor Amendment (Music Festivals) Regulation 2019 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.

### **COUNCILLOR CLOVER MOORE**

Lord Mayor

### **Attachments**

**Attachment A.** Letter from the Nightlife and Creative Sector Advisory Panel

# **Attachment A**

**Letter from the Nightlife and Creative  
Sector Advisory Panel**

4 March 2019

Lord Mayor Clover Moore  
City of Sydney Council  
[cmoore@cityofsydney.nsw.gov.au](mailto:cmoore@cityofsydney.nsw.gov.au)

Dear Lord Mayor,

**Re: NEW FESTIVAL LIQUOR LICENCE COMMENCING 1 MARCH 2019**

The Nightlife and Creative Sector Advisory Panel have provided feedback and advice to the City on the *Late Night Trading Development Control Plan*, the *Open and Creative* reforms and other initiatives that support development of the night time ecology and culture. One of the panel's key priorities is to achieve greater alignment, collaboration and coordination with industry, business and government to support a thriving, inclusive and safe nightlife in Sydney.

On 17 September 2018, the Premier Gladys Berejiklian responded to the tragic death of two young people by drug overdose at the Defqon 1 music festival, saying "I never want to see this festival held in Sydney or NSW every again and the state government will do everything they can to shut it down."

On 18 September, the Premier announced the establishment of an expert panel to advise the NSW Government on how to make music festivals safer, but added that the panel will not be looking at pill testing because the government did not support it and maintains a zero tolerance policy to drugs. The panel, comprised of the NSW Police Force Commissioner Mick Fuller, the Chief Health Officer Kerry Chant and the Chair of the Independent Liquor and Gaming Authority Phillip Crawford, would investigate how to make music festivals safer. Despite requests from Music NSW and other key music stakeholders, a place on the expert panel for the sector was denied.

On 3 October 2018, the expert panel convened a meeting with 12 stakeholders including Emily Collins from Music NSW, one of the City's Nightlife & Creative Sector Advisory Panel members. Each stakeholder was given 5 minutes to present to the panel on a narrow terms of reference that excluded any discussion on harm minimisation strategies relating to pill testing.

On 23 October, 2018 Premier Gladys Berejiklian announced the recommendations from the expert panel that focused on three key areas:

- ② Improving the regulation of music festivals by introducing a new, specific and consistent licensing regime to improve safety, and provide certainty for the music festival industry and other stakeholders;
- ② Strengthening drug and alcohol education, and providing more support for frontline health workers at music festivals; and
- ② Strengthening laws to target drug suppliers by introducing a new offence that will hold drug dealers responsible for deaths they cause, and trialling on-the-spot fines for drug possession at music festivals.

On 28 November 2018 and 6 February 2019 a briefing was given by Liquor and Gaming NSW to a small number of representatives of the music festival sector on the new [Music Festival Licence](#) that came into effect on 1 March 2019. Attendees were informed about the introduction of the new regulations, risk matrix and health guidelines. The new licence supersedes existing music festival approval processes and any existing liquor licence that may be in place for a festival.

Since early February 2019 there has been a range of guidance documents and resources about the new licence that have been posted, removed and re-posted on the Liquor & Gaming NSW website. Many apparently low risk events were initially being rated as high risk, with festival organisers not knowing if their event would be impacted by the new regulations, or to what degree. The inadequate consultation with the music festival sector, lack of transparency by the NSW Government and ill-conceived regulation created an enormous amount of confusion, uncertainty and angst among the music sector.

On 21 February 2019, thousands gathered in Hyde Park for the *Don't kill live music* rally to protest introduction of the proposed regulations. This was followed by a government announcement by Minister for Racing, Paul Toole, that the regulations would only apply to 14 specified higher risk festivals. Only one so called "high risk" festival is located in the City of Sydney local government area – Days Like This to be held in Victoria Park, Camperdown on 9 March 2019 – however, there continues to be uncertainty about the impact on the many other festivals held in the City of Sydney Local Government Area.

The regulation and guidelines were unclear and in draft form until the final version was received by Music NSW on 28 February, one day before they came into effect. Music NSW advise that the regulation guidelines apply to any concert for over two thousand people with more than four performers, longer than five hours in duration or with more than one stage. From the Sydney Opera House, Olympic Park, Luna Park, the Hordern Pavilion, wineries, showgrounds, beaches and community events, concerts like this happen across the state every weekend.

The following key issues remain matters of great concern to the sector:

- ② The lack of time given and consultation undertaken to develop a completely new legislative approach to regulate the music festivals sector.
- ② Despite the expert panel recommending further consultation, there has been no consultation with any stakeholders outside of NSW Government in the development of the new legislation or the related approval processes to regulate the festivals sector.
- ② The overwhelming focus on regulation and enforcement and the absence of information on drug harm minimisation.
- ② The requirement for an application to be submitted 30 days in advance of the event, with no indication given of the timeframe for assessment and approval.
- ② The time between finalisation of the regulations and guidelines on 28 February 2019 and introduction of the regulation on 1 March is inadequate for festival producers putting on events in the coming months to understand and adjust to the new requirements.
- ② The additional financial burden and lack of transparency on the calculation of the new liquor licence fee, believed to be in the range of sixty cents to \$2 per ticket sold.
- ② The financial impact and lack of transparency of how costs are calculated for the NSW Government imposed health and policing costs, with invoices received by some festival producers reported to be over \$100,000.

- ② The remaining uncertainty about which events may be impacted by the regulation in the future.

The Nightlife and Creative Sector Advisory Panel are deeply concerned about the economic and cultural impacts that this rushed regulatory change will have on the live music industry and our sectors. The contemporary music industry contributes \$3.6 billion and 23,207 jobs to our economy in NSW, with music festivals providing a platform that celebrates our sub cultures and provides the community with a space to connect.

On 21 February 2019 a [joint statement](#) made by Australian Festivals Association, Live Performance Australia, APRA/AMCOS, MusicNSW and the Live Music Office called for the NSW Government to **defer implementation of the new regulations so that genuine and extensive consultation with the sector can be undertaken to better understand the economic, cultural and operational impacts of the new regulations.**

We ask for Council's support in seeking a repeal of the new music festival regulation until further consultation with the sector can be carried out and a regulatory impact review can be undertaken.

Yours sincerely,



Kerri Glasscock  
Co-chair  
City of Sydney Nightlife and Creative Sector Advisory Panel