



FESTIVALS ADELAIDE

12 King William Road, Unley
South Australia, 5061, Australia

t: +61 8 8271 1488

f: +61 8 8271 9905

e: info@festivalsadelaide.com.au

festivalsadelaide.com.au

Legislative Services
Attorney-General's Department
GPO Box 464
Adelaide SA 5001

6 January 2017

Dear Attorney-General,

Recently an industry roundtable of music festivals and events in South Australia came together to discuss streamlining regulation, operational and cultural elements of their business.

Participants in the roundtable include:

- The Adelaide Fringe
- WOMADelaide
- The Garden of Unearthly Delights
- Gluttony
- Royal Croquet Club
- The Porch Sessions
- Melt Frank Productions
- Joe Hay Consulting
- Music SA
- Musitec
- [KM1]
- Festivals Adelaide

With input from:

- The Music Development Office
- Department of the Premier and Cabinet
- Events South Australia

The Government's Vibrant City agenda has inspired the growth of these events and indeed created opportunity for new enterprises. Our Festivals are the best attended in the nation – selling more tickets than any other State and we proudly boast Adelaide as the Best Festival City in Australia. The desire for 'unique experiences' and world class entertainment in pop-up and boutique venues is trending internationally and our events are at the top end of this phenomenon.



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The City of Adelaide (and indeed the State) is extremely well set up to provide extraordinary event experiences, in turn creating jobs through visitation, positive brand equity and economic growth.

The capacity for growth in the delivery of unique music and other entertainment/arts festivals and events is unlimited, given the right conditions.

As part of a workable business model, most festivals and events aimed at an adult audience will require alcoholic beverages to be available. The supply of liquor meets the community expectation of a sophisticated event and adds to the overall experience whilst providing a revenue stream to assist the event promoter underwrite their risk. Furthermore, we believe that the drinking behaviour of audiences is more mature when music and other entertainment is either the main reason for their participation, or offered as part of the experience. It is our intention to further explore the data around this for our events in Adelaide.

It is therefore timely that the Liquor Licence Reform is open for public consultation, we thank you in advance for considering our submission.

We comment on the document, *Summary of Proposed Changes to the Liquor Licensing Act November 2016*, in the order in which the categories are presented:

Objects of the Act

No comment

Categories of Licence

We note the abolishment of Limited and Special Circumstances Licences, and the inclusion of the *Short Term Licence*.

We respectfully request the implementation of a permanent *Short Term Licence* to professional festival and event managers, rather than annual application. Perhaps this could be a *Festival and Event Licence*, similar to the *Restaurant and Caterers Licence* that provides the consistency required for growth, essential in seeking investment and developing audiences. This could work alongside a three year licence for 'low risk' festival and event organisations.

Furthermore, we note that the Regulations surrounding the *Short Term Licence* will be critical for the festival and event industry and we request consultation and consideration of our business models for this new licence.



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Whilst many festivals and events utilise the same location year after year, or month after month for similar activity, there are also new models of events that create small and large scale experiences, dozens of times throughout the year in different locations.

In the past, a Limited Licence was able to be used only 12 times per annum. We challenge that this number has not changed since the 80s and that the new *Short Term Licence* should have a number of flexible applications. It would be ideal that the *Short Term Licence* be granted to a reputable event organiser permanently and contain flexibility around the number of times it can be used in a 12 month period. For example, perhaps it could be limited at a single location (but more than 12 times per year) and unlimited at different locations.

An example of a new business model that would benefit from this type of approach would be a mobile music festival entrepreneur - The Porch Sessions www.theporchsessionsadelaide.net. These events are organised by the same reputable team with the same staff, event structure and business model, but move to different Councils Areas and different locations on a weekly basis.

If the *Short Term Licence* is not applicable to mobile events, we request consideration of a new Licence to be adopted – the aforementioned *Festivals and Events Licence*.

Trading Conditions

Clause 63 - We note with enthusiasm that Entertainment should be permitted as a matter of right at any time during nominated trading hours for all types of licences. Terrific.

We note however that all of the clauses referred to in the Trading Conditions relate to licensed premises / bricks and mortar business models and wonder if the lens of outdoor, short term and mobile events and festivals has not been articulated here – and in other categories.

We also note that the new Act will allow for more scope for license holders to sell liquor for consumption off premises. How this is going to be managed, particularly in relation to proximity of events is of interest to our group.



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Annual Licence Fee

We request that the *Short Term Licence* also have a single Annual Licence Fee— with flexible regulations around the number of times it can be used at fixed and mobile premises.

It is time and cost prohibitive for small scale entrepreneurs and small business event managers to pay for and apply for *Short Term Licences* for every event they deliver.

Red Tape

A *Festivals and Events Licence* with flexible location application will cut down red tape for professional event managers.

Planning & Liquor Licencing Regime Overlap

We note considerable over-lap and confusion in relation to ‘building or land use’ for Short Term Licencing. Many of these inconsistencies relate to Council approvals and the lack of consistency between Councils as well as the inability to use non-zoned premises for short term events.

We believe that Council should be involved in application decisions, as they are closest to the community, but we would like to see more consistency around process.

We suggest the consideration of Case Management for festivals and events. The smooth management of Council and Liquor Licence Approvals will be achieved when each organisation – Council, CBS, SAPOL and LEB appoints a dedicated Case Manager to work with both the applicant and each other. State based Codes of Conduct could be developed and consistently implemented with Case Managers within each relevant organisation.

Needs Test

We note that the Needs Test, now replaced with a *Community Impact and Public Interest Test* does not apply to a *Short Term Licence*. These tests are only applied for General Licences and Premise Licences.

Packaged Liquor Sales in Supermarkets

No comment.

Small Venue Licences

No comment.



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Limited Licences

We note the abolishment of Limited Licences and the inclusion of a “separate application for low-risk single occasion events using a system of permits by notification”. We seek clarification and more information about this system.

Recommendation 81 discusses potential three year licences to ‘low risk’ events such as Tasting Australia and Glendi Festival. Will there be any revision to the definition of what constitutes low risk versus high risk events and is this publicly available?

We reiterate the request for a *Festival and Event Licence*, which is effectively a permanent Short Term Licence for reputable (low risk) event and festival managers which has more flexibility in its regulatory application than the current Short Term Licence offers – such as the number of times per year, number of days or weeks that determines ‘short term’ and location differences.

Dry Areas

No comment.

Minors

No comment.

Compliance and Enforcement

Festivals and events note that application for and policing of licences can be inconsistent. Council, CBS, LEB and SAPOL officers have, in the past provided contradictory advice for some events which leads to confusion and frustration.

For example, every complaint received during (and prior to an event) is considered valid and isn’t tested against any set of parameters. We believe that the Commissioner should have directive to make judgement about specific complainants’, in line with the State’s strategic objectives.

It is also noted that for short term events, the first time a Licensee may meet a representative from CBS, SAPOL or LEB may once the event is up and running and potentially too late for significant changes to operation. We believe that a collegial approach in which pre-event conversations regarding compliance, issues of concern specific to the event neighbourhood and RSA could be imparted to licensees and Responsible Persons, in the form of recommendations and advice from CBS, SAPOL or LEB, in advance of the event opening.



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To that end, we suggest consideration of a specific Festivals and Events Case Manager and consistent system for approvals within CBS, SAPOL and LEB.

This would also assist the new models of festivals and events, (particularly quick turnaround, mobile, boutique experiential events), who have very short timeframes in which to apply, set up and implement licence requirements.

Licencing Authority

No comment.

Liquor Licensing and Gambling Regime Overlap

No comment.

RSA Standards and Competency

No comment.

Miscellaneous Matters

No comment.

Continues..



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Thank you for considering these suggestions.

May I please inquire as to the process for determining and embedding the new regulations once this reform has passed? If there is a possibility of testing and shaking out any unintended consequences for the Festivals and Events sector in this process, we would be delighted to offer our industry expertise to assist.

Finally, may I also note that a delegation from the Music Festivals Roundtable, and indeed from Festivals Adelaide would be grateful to meet with you to discuss our comments further.

I look forward to hearing from you.

With best wishes for the New Year,

Christie Anthony
CEO
Festivals Adelaide

For:

- The Adelaide Fringe
- WOMADelaide
- The Garden of Unearthly Delights
- Gluttony
- Royal Croquet Club
- The Porch Sessions
- Melt Frank Productions
- Joe Hay Consulting
- Independent music promoters
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