

Consultation on managing public health risks at events in Western Australia

Submission from Live Performance Australia

1. INTRODUCTION

Live Performance Australia (LPA) welcomes the opportunity to provide feedback on the review of management of public health risks at events in Western Australia. LPA is the peak body for Australia's live performance industry. Established over 100 years ago in 1917 and registered as an employers' organisation under the *Fair Work (Registered Organisations) Act 2009*, LPA has over 400 Members nationally. We represent commercial and independent producers, music promoters, performing arts companies, venues (performing arts centres, commercial theatres, stadiums and arenas), arts festivals, music festivals and service providers (such as ticketing companies and technical suppliers). Our membership spans from small-medium and not-for-profit organisations to large commercial entities.

Some LPA Members, such as arts and music festivals, event promoters and venues, hold events in Western Australia that would be affected by new regulations for the management of public health risks. LPA acknowledges that the safety of event patrons is of prime importance but maintains that appropriate consideration be given to balance regulations, so that they do not adversely impact organisations or impose unnecessary administrative, financial and regulatory burden for Members and event patrons.

Western Australia has a diverse and vibrant live performance industry spanning a wide range of arts and entertainment, from major contemporary music concerts to reputable arts festivals and much more. Key festivals in Western Australia include Fringe World Festival, Perth Festival and Falls Festival (Fremantle). The live performance industry in Western Australia is experiencing significant growth. Live performance revenue in Western Australia increased in 2017 when compared to 2016, from \$147.8 million to \$196.7 million – an increase of 33.1%.¹ Likewise, attendance for 2017 has grown steadily, increasing by 11.5% from 2.3 million tickets issued in 2016 to 2.6 million in 2017.²

Western Australia's share of national live performance industry attendance (11.3%) and share of industry revenue (10.4%) is higher than its share of population (7.0%).³ Western Australia also recorded the highest state or territory per capita spend of \$113.81, significantly higher than the national per capita spend of \$76.08⁴. This indicates the economic and cultural importance of Western Australia's live performance industry and suggests there is great potential for its continued growth by attracting more local, interstate and international audiences to help stimulate the local economy and benefit all West Australians.

¹ Live Performance Australia. (2018). Ticket Attendance and Revenue Report 2017. Ernst & Young. p. 22 & p. 26

² *ibid.* p. 22 & p. 26

³ *ibid.* p. 23

⁴ *ibid.* p. 38

2. PROPOSED CHANGES

We understand the Department of Health in Western Australia is reviewing the management of public health risks at events and is considering three options. The Department of Health has identified the third option, **to provide new events regulations under the *Public Health Act 2016* with an updated guideline**, as its preferred approach.

Whilst Option C increases oversight, it aligns more closely with standards of other jurisdictions, even though the mechanism being proposed is different from most Australian states and territories. Given the third option is the preferred option, LPA's comments will focus on addressing the six new proposals in Option C, acknowledging that it is impossible to comment on these in detail without the updated events guideline.

LPA notes that any transition of responsibility from local government to state government needs to be seamless and adequately resourced, in order to avoid confusion or create unnecessary delay for event promoters and venues. LPA also believes any unnecessarily onerous procedures in the approval process for an organisation be removed. LPA advises that the working documents in the discussion paper appendices and events guideline are assessed in conjunction with a review of the existing local government regulation of events to ensure there is no duplication or gaps.

There is an opportunity for the Department of Health in Western Australia to consult with individuals who have significant experience in the events sector to minimise unreasonable negative impacts on the industry. LPA's Members are open to contributing further and directly, should more in-depth consultation be conducted in the future. **LPA recommends that the updated events guideline includes a clear timeline for how and when it will be reviewed, and that a review of the regulations is conducted after a set period, which involves consultation with key industry stakeholders.**

3. COMMENTS

Proposal 1:

LPA supports the adoption of a modern approach to replace the certificate of approval process with the registration process under Part 8 of the Public Health Act. LPA acknowledges that this approach recognises the need to meet risk-based standards, while maintaining the process of conditional registration, which is suitable for high-risk events. **LPA also notes that, under the Public Health Act, a risk-based fee may be set for services provided by local government and requests further information be provided to relevant stakeholders in advance of this change.**

Proposal 2:

LPA supports risk management planning that is compliant with the current standards and proportional to the risk level of an event. A risk management plan (RMP) based on risk rather than capacity allows for event organisers to consider all potential public health and safety hazards, regardless of levels of attendance. **LPA does recommend that a RMP is not submitted at the point of application and is instead submitted as a draft three months' prior to the event to limit burden.**

LPA considers safety of event patrons to be paramount, but also advocates for less regulatory burden for its Members. The proposed risk matrix in Appendix 1 of the discussion paper does not consider the fact that with risks, come mitigation strategies designed to reduce those risks.

A solution could be developing a two-tier risk assessment, where event organisers use the matrix to showcase how they would address risks with mitigation strategies in their RMP, and then for the matrix to consider the *residual* risk as well as the risk profile itself.

Some LPA Members are also concerned that application of standard ratings and scores to event types in the matrix is fundamentally flawed. A simplistic and singular rating system would class a large-scale contemporary music performance in the same way as a large-scale event, such as a music festival, where these are two different propositions. The matrix is also solely focused on health issues consistent with the Public Health Act, despite event risks not being limited to health risks. For example, weather is not included in the matrix, but it has a significant impact on risk levels. **LPA recommends that the matrix needs to be flexible enough to adapt to different types of events, so that only venues or events with a genuine high level of risk are assessed accordingly.**

In addition, LPA Members such as Falls Festival and Perth Festival are immediately classified as high-risk based on the expected number of event patrons, type of venue and a standing/active/participating audience. The matrix also does not consider positive compliance records or prior track-record of risk management and will result in increased cost burdens for event organisers and, subsequently, event patrons. **LPA recommends that the proposed matrix considers compliance records and risk-management practices, and associated reduced risk loading for organisations with a positive reputation.**

LPA Members, namely arts festivals and music festivals, are required to obtain public liability insurance to cover for losses or damage to a third party as a result of their business' activities. LPA does not object to event organisers needing to provide proof of adequate public liability insurance.

Proposals 3 – 6:

LPA advocates for measures that support best-practice and contribute to longevity of its Members' business activities, bring consistency to the management of public health risks at events and uphold the safety of event patrons. **As such, LPA recommends that accessible amenities and functions should be captured under regulation, as either a standalone regulation or in conjunction with other regulations.**

In reference to Proposals 3-6 outlined in the discussion paper, LPA supports the requirements related to temporary structures; first aid planning and on-site medical services; exits and egress; and equipment and facilities. **LPA does note that there needs to be appropriate consideration of the accreditation or mandatory requirements for first aid providers. References to provisions for exits and egress of ambulances and emergency vehicles are also notably absent in the discussion paper.**

LPA further advises that implementation of Option C must consider the impact of new events regulations on additional stakeholders, including festival suppliers; the wider general community; and other bureaucratic agencies, such as the Metropolitan Redevelopment Authority, Main Roads Western Australia, Western Australia Police Force and the Western Australian Environmental Protection Authority. In conjunction with this, event organisers would need to be consulted to determine if potential requirements for additional police and/or first aid services would be appropriate and affordable under the updated events guideline.

4. CONCLUSION

LPA looks forward to the implementation of consistent, practical and effective regulations under the Public Health Act that incorporate harm reduction strategies and support the sustainability and dynamic growth of Western Australia's live performance industry.

LPA, and its Members, would welcome the opportunity to engage in more in-depth consultation with the Western Australian Department of Health to support the reduction of red tape and encourage the continued growth of a safe, vibrant and cost-effective entertainment environment.

Should you have any queries regarding our submission, please contact Kim Tran, Director, Policy and Governance at ktran@liveperformance.com.au or 03 8614 2000.