

Supplementary Questions for the Inquiry into Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration (Music Festivals) Regulation 2019

- 1. Prior to implementation of this regulation on the 1st of March, did any Minister in the NSW government meet with the industry in relation to this matter?**

The NSW Police Force is not able to provide an answer this question and suggests that it is referred to the relevant Ministers for a response.

- 2. Noting the agency evidence in support of a regulatory roundtable, who would you recommend is on such a regulatory Roundtable? What other aspects of its design would you recommend?**

The NSW Police Force is supportive of a regulatory roundtable.

- 3. Given that one of the four criteria for events that have to apply for the music festival licence is for 'new' festivals, has any assessment been done of the impact this may have on new festivals commencing in NSW?**

The NSW Police Force recommends that this question is more appropriately answered by the government agency managing the current licence regime, Liquor & Gaming NSW.

- 4. In relation to the information supplied by NSW Health and possibly NSW Police to the Government ahead of the Minister's press release on the 23rd of February setting out the fourteen festivals:**

- a. Who requested this information?**

The then Minister for Police and the then Minister responsible for Liquor & Gaming NSW requested statistical data and other holdings held by the NSW Police Force relevant to a number of music festivals.

The information provided by the NSW Police Force consisted of historical data and information relevant to the event inclusive of the crowd capacity, type of event (for example under or over 18), the number of drug searches, drug detections, arrests, cautions, ejections, banning notices, and medical presentations.

- b. To whom was it supplied?**

The then Minister for Police and the then Minister responsible for Liquor & Gaming NSW.

- c. When was it requested?**

22 February 2019

d. When was it supplied?

22 February 2019

e. Where any criteria specified in that request, or in parallel to that request, about the criteria for festivals on that list?

The request related to NSW Police data as listed above in 4(a).

f. Fourteen events were recommended. Was this list amended at any point?

This question should be referred to Liquor & Gaming NSW.

g. Given the Minister's press release names fourteen festivals, in contravention of the process which is proposed to apply, was this press release reviewed by any agency prior to it being issued? If so, by which agency?

This question should be directed to Minister who issued the release. The NSW Police Force provided advice that informed aspects of the policy underlying the release.

5. Given the evidence that a RIS was not conducted because debate had already occurred in Parliament at the time of the passing of the Bill the previous year, how could the agencies be aware of the impact of this regulation given it was months away from development at that point?

This question should be referred to Liquor & Gaming NSW.

Joint Select Committee Inquiry into

Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019

Questions on Notice

Question 1:

I will be specific, Victoria and Queensland, and you have referred to festivals that have closed already. In that decision before this ministerial media release, the Government submission identifies that, "NSW Health and NSW Police have provided advice to government that 14 music festivals should be referred to the authority". That is not what the ministerial media release says. It just says these are the festivals, but I accept the Government submission says something else, "these should be referred". I ask the Assistant Commissioner first, is that accurate? Was this list recommended from NSW Police?

Answer 1:

The NSW Police Force provided statistics on certain requested music festivals on 22 February.

The NSW Police Force provided advice to Liquor and Gaming NSW (L&GNSW) about clause 61L of the draft regulation which provided some assessment criteria to be used by the Authority when considering when a music festival should be considered 'high risk'.

END

Question 2: How is the amount that police charge for attending music festivals, the user-pays policing, how is that determined?... I was just wondering whether there is guidelines or a policy. Can you take that on notice as well? Because what we are hearing is that it is discretionary between police area commands in terms of how much police charge music festivals.

Answer 2:

User pays cover a wide variety of services provided by the NSWPF under cost recovery principles on request. User pays services go beyond the general responsibility of the NSWPF to the community to promote public safety and protect community interests.

The NSWPF does not make a surplus from user pays activities. Fees for user pays services are generally set to recover full cost, in accordance with New South Wales Treasury *Guidelines for Pricing of User Charges* which is available on the NSW Treasury website.

The aim of the user pays charges is to achieve an efficient and equitable use of public resources by ensuring that the cost of providing these services is passed on to those who derive commercial or other benefits from them.

The user charges scheme is a statutory scheme pursuant to:

- sections 8 and 208 of the *Police Act 1990 (NSW)*, and
- clause 134 of the *Police Regulation 2008*.

This legislative framework outlines the terms under which the NSWPF can demand payment for user pays services.

Charges for special events are set to recover only avoidable cost in accordance with the New South Wales *Whole of Government Policy for the Application of User Charges for Major and Special Events*. Avoidable costs are those costs that would be avoided by the NSWPF if the goods or services were not provided. The event organiser is not charged for overhead costs that would have been incurred in running the non-commercial activities of the NSWPF.

The person, venue or organiser requesting user pays services should plan to meet the cost of the service as part of budgeting. In order to clearly define the obligations of both, the NSWPF requires clients to enter into an agreement for the provision of services for an agreed cost.

The number of police deployed to an event is the minimum number to maintain order as required by section 208 of the Police Act. The policing requirements are assessed against risk factors associated with the event including, but not limited to:

- The size and type of venue and event
- The type and age group of spectators
- Facilities available at the venue
- Availability of alcohol
- Experience at similar events
- Emergency management requirements
- Private security arrangements
- Other risks impacting on the event
- Time and place of the event (eg no single police units are available for some work after dark, some areas may require work in teams etc)

The NSW Police Force administers 'user charges' policing services in accordance with the 'Cost Recovery and User Charges Policy 2019' which is available on the NSWPF website.

END

Question 3: Were the NSW Police Force consulted about the regulation and if it supported it?

Answer 3: Liquor and Gaming NSW as the agency responsible for arranging drafting, sought NSWPF advice on the draft *Liquor Amendment (Music Festivals) Regulation 2018* (the Regulation). The NSW Police Force supported the introduction of specific music festival licences and participated in the Music Festival Interagency Working Group prior to the regulation's finalisation.

END