

**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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## Music festivals data

Of the 11 music festivals held between 2015-2016 on land managed by the then Office of Environment and Heritage:

- 10.4% of the 770 medical presentations were due to illicit drug use
- 44% of the 16 ambulance transfers were drug related

For the 27 music festivals between 15 September 2018 and 13 May 2019 for which we have data, there were 212 festival patrons transported from a music festival by NSW Ambulance to hospital. Of these, 130 transports (61.3%) were suspected to be drug or alcohol-related.<sup>1</sup>

Of the music festivals since September 2018 NSW Health has examined in detail:

- Five deaths in four months,
- 25 pre-hospital intubations,
- 25 drug-related intensive care admissions, and
- 20 additional drug-related hospital admissions.

For the 27 music festivals held between 15 September 2018 and 13 May 2019 for which the Government has data, pre-deployed ambulance resources included:

- 55 ambulance crews,
- 25 forward commanders,
- 19 ambulance liaison officers, and
- 10 aeromedical retrieval teams.<sup>2</sup>

Additional Ambulance resources needed to be deployed in response to demand at these 27 festivals, and included:

- 120 ambulance crews
- 3 road retrieval teams and 3 helicopter retrieval teams
- 5 forward commanders.

Additional ambulance resources deployed mid-event are not charged under the user pays arrangement.

NSW Health pre-deployed NSW Health medical retrieval team for 10 music festivals between September 2018 and 13 May 2019.

These teams consists of a medical retrieval specialist doctor, intensive care paramedic and a medical commander, and may require logistics support and support from the State Health Services Functional Area Commander (State HSFAC).

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<sup>1</sup> Note – hospital transfers are encouraged as a positive and necessary action. However, when they are not budgeted for by operators on a user-pays basis, the costs are externalised and resources must be diverted away from other demands.

<sup>2</sup> These services have typically been paid for under a user pays agreement between the festival operator and NSW Health and NSW Ambulance.

The cost of pre-deploying a NSW Health medical retrieval team for the duration of a festival is approximately \$9000 per deployment on average. NSW Health incurred the cost for all of these medical retrieval team deployments.

In addition, three NSW Health road retrieval teams and three helicopter retrieval teams were deployed to music festivals during the event.

Of those evacuated from a music festival over this period, 25 music festival attendees were admitted to an intensive care unit (ICU), some for extended periods of time. The average cost per day for an ICU (critical care only) drug and alcohol-related admission in a metropolitan area is \$3,480. The average cost per day for an ICU (critical care only) drug and alcohol-related admission in a regional area is \$3,674.

Estimates from Liquor & Gaming NSW indicate that between December 2017 and May 2019:

- 69 music festivals were held under an existing licence, and
- 85 music festivals were held under a one-off Limited Licence.

A Safety Management Plan details the operators plans and strategies for dealing with risks associated with their event, including:

- Responsible Service of Alcohol,
- security management,
- emergency procedures,
- medical plans,
- drug management,
- water provisions, and
- sanitation.

Under the interim licensing arrangements, the following were used as indicative risk factors:

- the event targets people aged 18-29 years,
- attendee numbers are high relative to available services at the location,
- the event is held over a long time (e.g. six hours or more), and/or extends past midnight,
- anticipated weather conditions, in particular heat,
- the event has limited access to acute hospital services,
- the experience of event operator/organiser, and
- security plans - drug prevention/management.

Between October 2018 and February 2019 17 music festivals were considered lower risk and 18 higher risk.

On 28 November 2018, Liquor & Gaming NSW, NSW Health and NSW Police held a three hour stakeholder forum with industry representatives to present on the findings of the Expert Panel and the proposed new music festival licence. This forum was attended by around 30 people, including those who attended by video conference.

Between the 28 November 2018 and 6 February 2019 stakeholder forums, the Government engaged with industry on the development of the proposed new music

festival licence, including through five face to face meetings with industry representatives.

On 6 February 2019, the NSW Government held a second three hour stakeholder forum with industry representatives to discuss changes to the proposed approach to the regulation of music festivals. Over 100 representatives attended in person or by accessing the live stream of the forum to allow regional industry representatives to provide feedback throughout the forum. The live-streaming option allowed questions to be asked.

Following the forum, the NSW Government continued to engage with industry representatives on a regular basis through face-to-face and teleconference meetings, including with the Australian Festivals Association, Live Music Office, Music NSW, Live Performers Australia, and individual festival operators.

On 28 February 2019, the Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019 commenced. These Regulations introduced a new music festival licence for higher risk music festivals.

Under clause 35A of the Liquor Regulation 2018, a festival is only required to apply for a music festival licence where the Independent Liquor & Gaming Authority considers that the event would be more appropriately licensed by a music festival licence than another type of liquor licence. In reaching this determination, the Authority may have regard to:

- any advice from the Health Secretary or the Commissioner of Police that the health risks of the music festival would be more appropriately addressed by a music festival licence than another type of licence,
- whether a death has occurred in the State on a previous occasion at the music festival or in connection with the music festival in the last 3 years, and
- any submission to the Authority that may have been made by a licensee or an applicant for a licence as to the reasons the licensee or applicant should sell or supply liquor under a licence that is not a music festival licence.

On 23 February 2019, the then Minister for Racing, the Hon. Paul Toole MP, identified that NSW Health and NSW Police had provided advice to Government that 14 music festivals should be referred to the Authority for consideration of whether these events should be subject to the new music festival licence.

These festivals were identified due to the underlying risk factors of the events they were operating, including general indicative risk factors of higher risk events:

- predominant target demographic of people aged between 18-29 years,
- projected attendance of 8,000 patrons or more,
- music type being predominantly high energy and/or electronic dance music,
- the event is held over a long period (i.e. eight hours or more), and/or extends past midnight,
- anticipated weather conditions, such as high temperature, particularly if the event is to be held outdoors, and

the following event-specific risk factors:

- the festival has had one or more drug related serious illness (an illness resulting in admission to an intensive care unit) or drug related death that has occurred at, or in connection with, the music festival in the previous three years,
- the festival has experienced a significant year on year increase in the number of drug related medical presentations and/or admissions to hospital over the last two years of operation,
- whether the proposed Safety Management Plan (if already received) will be able to sufficiently address the risks associated with running a higher risk event, including:
  - o sufficient number of appropriately qualified doctors,
  - o correct mix of health service professionals,
  - o sufficient number of ambulances and/or appointment of Ambulance Forward Commander, and
  - o broader compliance with the NSW Health *Guidelines for Music Festival Organisers: Music Festival Harm Reduction*, and
- The festival is new and the festival promoters have a lack of experience running a higher risk event (as characterised by the general indicative risk factors outlined above).

On 15 March 2019, the Independent Liquor & Gaming Authority wrote to these festival operators to provide copies of the relevant advice from NSW Health and NSW Police, and provide them with information on how they could make a submission responding to the advice of NSW Health and NSW Police to the Authority.

All festival operators were provided 21 days to make a written submission, with the Authority holding a standalone music festivals meeting on 10 April 2019 to allow festival operators to also make oral submissions.

Of the 14 music festivals that were notified by the Authority, 13 made written submissions and 12 made oral submissions in person.

On 23 April 2019, the Authority determined that 11 music festivals were required to apply for a music festival licence as the risks associated with their event would be more appropriately dealt with under a music festival licence than another type of licence.

In developing the new music festival licensing process, Liquor & Gaming NSW estimated that its additional staffing costs to administer the new scheme, as well as fulfil its ongoing regulatory oversight and licensing functions, would be:

| <b>Cost</b>                                 | <b>Amount</b>    |
|---|------------------|
| Licensing Officers:<br>9/10 + 5/6 x 2 + 3/4 | \$460,900        |
| Compliance Officers:<br>7/8 + 5/6           | \$238,600        |
| <b>Subtotal</b>                             | <b>\$699,500</b> |

However, the NSW Government determined to not cost recover for the new scheme and imposed a fee of \$650 for those music festivals required to apply for a music festival licence, and has approved a waiver of fees for all other music festivals. This represents a cost deficit to the Government.