

REPORT ON PROCEEDINGS BEFORE

REGULATION COMMITTEE

**LIQUOR AMENDMENT (MUSIC FESTIVALS) REGULATION 2019
AND GAMING AND LIQUOR ADMINISTRATION AMENDMENT
(MUSIC FESTIVALS) REGULATION 2019**

UNCORRECTED

At Macquarie Room, Parliament House, Sydney, on Tuesday, 13 August 2019

The Committee met at 9:30

PRESENT

The Hon. Mick Veitch (Chair)

The Hon. Catherine Cusack

The Hon. Greg Donnelly

Ms Cate Faehrmann

The Hon. Wes Fang

The Hon. Scott Farlow

The Hon. John Graham

REGULATION COMMITTEE

UNCORRECTED

UNCORRECTED

The CHAIR: Welcome to the first hearing of the Regulation Committee inquiry into music festival licensing regulations. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay my respects to the elders past and present of the Eora nation and extend that respect to other Aborigines present today. The inquiry is examining the Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019. This inquiry is taking place in the context of an ongoing coronial inquest into the recent deaths at music festivals and the New South Wales Parliament's Joint Select Committee inquiry on Sydney's Night Time Economy. The Committee does not intend to impact on the work of either of these processes but will be focusing on the impact and implementation of the music festival licensing regulations.

Due to a tight reporting timeframe today is the only hearing we will hold for this inquiry. Today we will hear from local government representatives, the Victorian Commission for Gambling and Liquor Regulation, a panel of industry stakeholders, NSW Users and Aids Association [NUAA], the Foundation for Alcohol Research and Education [FARE] and the New South Wales Government. Before we commence I would like to make some brief comments about the procedures for today's hearing. The hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography.

I remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at this hearing. I urge witnesses to be careful about any comments they may make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

Due to the short timeframe for this inquiry, we ask that witnesses avoid taking questions on notice; however, if a question is taken on notice witnesses will need to provide an answer within five days of receiving the questions from the secretariat. Witnesses are advised that any messages should be delivered to Committee members through the Committee staff. To aid the audibility of this hearing I remind both Committee members and witnesses to speak into the microphones. The room is fitted with induction loops compatible with hearing aid systems that have telecoil receivers. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who have hearing difficulties. Could everyone please turn their mobile phones to silent for the duration of the hearing.

NAOMI BOWER, Cultural Planning and Policy Leader, Inner West Council, affirmed and examined

CLOVER MOORE, Lord Mayor, City of Sydney, affirmed and examined

JESS SCULLY, Councillor, City of Sydney, affirmed and examined

LINDA SCOTT, President, Local Government NSW, affirmed and examined

The CHAIR: I ask that the witnesses make their opening statements very brief. There will be questions from the Committee members and we have a short timeframe.

Ms BOWER: Thank you for the opportunity to provide evidence at the inquiry. You have read council's submission on the 2019 music festival regulations. I emphasise three main points. Firstly, the health of our festivals cannot be separated out from the health of the music sector in our communities. Festivals are a critical platform for musicians to grow their products, and for audiences they inspire a participation and love of cultural life. More than ever before we are seeing a hunger for communities to connect to music culture and each other in local places, particularly as our cities densify. In the inner west festivals are an employer of artists, technicians, producers and designers. They are a stimulator of our economy and have an invaluable role in our creative identity and quality of life. Secondly, whilst a definition of music festivals was provided in the Liquor Amendment (Music Festivals) Regulation 2019, in practice there is a spectrum of festivals offering music and celebration, from small community operators to major national festivals, all of which are important in the creative echo system. The new regulations both directly and indirectly affected operators from across this spectrum, and likewise a challenging regulatory environment that impacts not only large operators but also smaller community-based festivals.

Lastly, this is a highly valuable sector that warrants proper engagement, understanding and support. It has been very concerning to witness so many festival operators struggling or ceasing operations over the last five years due to increasing regulatory burdens and costs. Whilst the 2019 festival regulations were aimed at making festivals safer, they were destabilising and confusing for the sector. Councils put forward a range of recommendations to properly engage with festivals, respond to their mounting barriers and costs and to provide the sector with the financial and capacity-building support it deserves.

Ms MOORE: Thank you for the invitation to appear before you. The inquiry is welcomed by the City of Sydney. In March council resolved to support calls for the music festival regulations to be repealed. The resolution called for genuine and comprehensive consultation with the live music and festival sector and for a comprehensive review of the economic, social, cultural and operational impact of the regulations. All councils supported this motion that I moved. It also followed concerns raised by our creative sector and night life advisory panel. They were concerned about the lack of time and consultation, they were concerned about the Government's overwhelming focus on regulation without similar concern about harm minimisation, concern about confusion and lack of clarity and concern about the additional financial burdens relating to music festival licences.

The inquiry is overdue. These regulations now form part of the Liquor Act. I support the measures which aim to ensure that music festivals are safe and harm is reduced. I am therefore concerned that New South Wales law will not currently permit pill testing and counselling as a harm reduction measure. Simply relying upon the "just say no" message does not work for a lot of people and can have the opposite effect when delivered by middle-aged people in suits and uniforms. Young people are more likely to respond to information about drug use if they get it from people they can relate to and who they think are credible. This was the clear message from the pill testing demonstration that we held at Sydney Town Hall in June with the support of all councillors. It was conducted by Dr David Caldicott. He is an emergency services doctor who conducted two pill testing trials at the Groovin the Moo Festival in Canberra.

What we learned is that pill testing was just a small component of the service that Dr Caldicott and his team provided. Contrary to what many people believe, the pill testing trials did not tell people whether or not drugs were safe to take. People submitted a sample of the drug to be analysed. Medical professionals calmly and factually explained the exact contents of the sample. This was followed by a conversation with a peer educator, a person with practical drug use knowledge or experience and someone who young people felt they could trust. It was often their first serious conversation about their drug use. It is not surprising that many young people chose to discard their drugs after these conversations. This meant serious and possible fatal consequences of taking these drugs were avoided. At the last Groovin the Moo Festival there were no ambulance transfers to hospital due to drug overdose. Dr Caldicott and his team could be invited to conduct a similar demonstration at Parliament and all members could attend.

This demonstration could be held in conjunction with a drug summit. A drug summit provides a valuable forum for evidence to be presented, considered and discussed. This enables informed decisions to be made and worthwhile outcomes to be achieved. This was my experience of the first drug summit held over five days at Parliament House following the 1999 election at the time of the heroin epidemic in Kings Cross, Redfern and Cabramatta. That summit brought together members of Parliament, experts in the medical and social aspects of drug use, community representatives, families who had lost their sons and daughters to overdosing and people with experience of drug use and its effects. MPs and others heard compelling and moving evidence about issues that were confronting to many of them. They engaged in serious discussions about these issues, often for the first time, and many of them changed their views.

While the medically supervised injecting room in Kings Cross in my former electorate of Bligh—now Sydney—remains the summit's most high-profile outcome, it achieved much more. It made 172 recommendations relating to young people and drugs, treatment services, drug education, law enforcement, breaking the drugs and crimes cycle and community action. These actions from the drug summit addressed the significant issues related to drug use at that time. The results of the medically supervised injecting centre show how bold initiatives can save lives. Over the past 18 years it has supervised more than 1 million injections, managed over 7,400 overdoses without a single fatality, made around 13,000 referrals to external health and social welfare services and dramatically reduced a number of ambulance call-outs in Kings Cross and the number of needles discarded in public places. Its opponents' fears have not been realised; instead, the centre has been instrumental in saving many lives.

But times have changed and drugs have changed and there are new issues that need to be addressed. Another drug summit could examine all the possible ideas that could contribute to minimising the harm from illicit drug use. It could consider whether existing approaches are working effectively or whether they are perversely increasing the risk of harm. This includes measures to ensure safety and reduce harm, not just at music festivals but more broadly. I urge the Committee to make recommendations in support of a new drug summit until testing demonstration to ensure that policy relating to music festivals and drug use is evidence-based, practical and effective.

The CHAIR: Thank you. Councillor Scully?

Ms SCULLY: Thank you, Chair. I would also like to give thanks for being invited to speak today. I am here as a councillor but also in my capacity as Co-chair of the City's Nightlife and Creative Sector Advisory Panel. This has been a real strength that the City has drawn on the industry and taken the advice of the sector and taken their good counsel and their experience as we formulate our own policies and make our own approaches. I note that is one of the many recommendations that have come to this Committee—the idea of looking at a task force or an industry panel. Just as a note, it has been hugely helpful for the City of Sydney. Just to balance, the Lord Mayor has focussed on harm minimisation and I am going to focus on what the panel has told us about the economic, social and cultural costs of this regulation on their sector.

Some of those things at quite hard to quantify. It is hard to quantify the social and cultural value that the festivals sector contributes but there are some ways of pointing towards it. If we look at the way that people in Australia access contemporary live music, about 10 per cent of the engagement that people have with contemporary live music is through the festivals sector. That is drawn from the fantastic submission that has come to you from the Australian Festival Association. It is really significant channel for people to actually engage with contemporary music in Australia. It is also a really significant way that people are engaging in the social life of their communities, particularly in regional and rural areas and also in the inner city—places where people can come together and connect with their peers and feel connected to a place as well, particularly in those regional and community festivals.

But the economic impact, of course, is always easier to evaluate and the economic impact of the festivals sector is significant. The festivals sector contributes \$3.6 billion to the New South Wales economy. It contributes 23,000 jobs to the New South Wales economy. This is a really significant sector. What you have here before you is a really powerful opportunity. Up until yesterday members of this Committee and in the other Committee were looking at the impact of the lockout laws and their impact over the past five years, and trying to determine the impact that that has had on the economic, social and creative life of the city. You have the opportunity to arrest the impact of this regulation before it has the kind of impact that that regulation had. There are a lot of similarities between what is happening here and what happened in the case of the lockouts.

Primary amongst them, I think, is the lack of consultation with the sector. We had a real rush job approach to this regulation, as we did with the lockouts. Now the festivals sector is an incredibly sophisticated and professional sector. It is one that operates on 18- to 12-month timeframes in the development of a festival, but yet

they were only engaged with less than three months before this regulation came into effect. The engagement with the sector was very limited. It was very constrained in terms of the kinds of issues that the sector could raise. They were not allowed to discuss harm minimisation as an approach, for example.

Also, the regulation does not take into account the commercial reality of running a festival. The idea that you would put your application in 90 days before an event with no requisite obligation on the Government's part to give people some certainty as to when they would receive that licence really undermines the commercial viability of the sector, which invests millions of dollars across New South Wales in delivering these complex and well-managed events. I think one of the other really remarkable things from the Australian Festival Association submission is the level of regulatory complexity that these companies and organisations already deal with. This is already a well-regulated sector in New South Wales and yet they have been treated, I think, very poorly by the New South Wales Government.

Their value and contribution to the community and to the economy of the State have been underestimated. I also think that this is a misaligned approach in that liquor licencing is being used to deal with a health and harm minimisation issue. Finally, I think that there have been some really significant adverse impacts that result from a lack of a regulatory impact statement around the implementation of this regulation. First of all, they have really changed the risk profile of unrelated events. Events that are unlicensed and events that are small community events have now been considered high-risk events or events that are too risky or expensive to be supported in local communities. Secondly, it has also undermined the viability of the Australian touring circuit for contemporary music, more broadly. If you take New South Wales out of the equation, if you make New South Wales a less viable place to run music festivals, you have a domino effect on the contemporary music industry across Australia and that economic, cultural and social cost is too high to bear.

Ms SCOTT: Local Government NSW, as you all probably know, is the peak body for councils in our State and we advocate on behalf of, and provide, services to councils and local governing organisations as well as county councils, regional organisations and councils. Thank you for the opportunity to appear today. Councils and their communities of course welcome a vibrant, safe and sustainable music festivals sector that is effectively and sensibly regulated. Councils are the main organisers, regulators and, typically, also sponsors of music festivals in most local government areas across the State, such as the Tamworth Country Music Festival, one of the top 10 music festivals in the world; the Feel the Beat Music Festival, run this year for the first time by Campbelltown City Council—a new music event for young people with a disability; or Mullum Music Festival, supported by the Byron Shire Council, a festival in Mullumbimby where school halls, community spaces, street corners and even the council chambers are turned into music and comedy venues.

Local Government NSW would welcome the Committee not only considering the regulation on festivals but also the broader impact of music festival regulation and the policy settings here in New South Wales, particularly the substantial cost increases that these events have faced in recent years. We have seen significant cost increases for councils and community-run events as a result of the requirement to protect crowded places, particularly since the release of the Australian Government's Strategy for Protecting Crowded Places from Terrorism in 2017. While councils have always had responsibility for the safety of public places they own and operate—a responsibility we take very seriously—in recent years the security environment has shifted.

The protective measures prescribed for councils by the strategy and the New South Wales Government represent significant new costs that councils are not funded to meet. Community organisations such as the RSL, reconciliation groups and community street festivals are, of course, also increasingly seeking financial support from councils to meet protective security measures for their outdoor events such as Anzac Day marches. Without council funding and support, these events are at serious risk of cancellation. Since the strategy's publication, smaller councils, in particular, are struggling to meet the increased costs of traffic management plans and protective infrastructure.

We know, for example, that Randwick City Council has already set aside \$6 million to protecting public spaces but this will not likely cover all the requirements. Cootamundra Gundagai Regional Council has faced costs into the hundreds of thousands of dollars for infrastructure to protect a single stretch of street in one town for community events, risking future community events from happening. In Wollongong the financial impact of event regulation on community organisations is also high. Hostile vehicle mitigation, for example, has added \$10,000 to the cost of each small community street festival.

Without council support this event may be at risk of cancellation. We look forward to working with the Government on this. We have met with Ministers of the Government to speak about this and have advocated for a grant program to assist with meeting the cost of these security requirements. It is also the case that particularly for music festivals, the increasing cost of user-pays policing has had an impact on their financial viability. The

New South Wales police received more than \$20 million per year over the past two years for this service. As a result, we have seen music festivals facing dramatic increases year on year. Overall, this is a significant cost-shift to local government on behalf of the New South Wales Government.

In cases where councils are not the main organisers of festivals, they are often still the primary point of contact for community event organisers. Councils support festivals through grants, reduced fees and charges, and in-kind professional advice and services. They need to consider whether events will require a fee or charge to cover the costs but when councils run or sponsor these events, we try to keep the costs to the public to a minimum. Councils often have individual arrangements with community event organisers so in many cases the fees are significantly subsidised by the councils.

We appreciate that new music festival regulations were intended to improve community safety. We recognise that the new regulations are primarily aimed at festivals with a high risk of hospital admissions and fatalities for festival goers. While the current regulatory settings mean that the New South Wales Government's list of 14 festivals does not at present include council-run festivals, councils still have a role as regulators in approving these music festivals. When the regulations that are the subject of this inquiry were first announced, it was intended that they may be broader and apply to all music festivals in New South Wales. We note that New South Wales Government has limited the scope of these reforms but there is concern amongst councils that they could be extended to other festivals in the future. In short, no council in New South Wales has supported these new festival regulations and we would support them being repealed.

We have made a range of other recommendations to ensure that there is better public consultation and that we can better work together to secure the safety of festivals in New South Wales—something we hold very firm—and that the New South Wales Government finalise the NSW Contemporary Music Strategy, and appoint a Minister for the night time economy and music to drive the implementation of a new approach. Music festivals are a key contributor to the vibrancy of our communities. It is important that regulation is sensible and proportionate with a focus on public health and harm minimisation and that we do not regulate our festivals out of existence.

The Hon. JOHN GRAHAM: Thank you for all those submissions. I might start with you, Lord Mayor, on the City of Sydney's call for repeal. Councillor Scott is correct that the Government will make the case and has made the case in its submission that this was restricted to what they called high-risk festivals. I just want to be clear that at the time, on 11 March, when the City of Sydney made its unanimous call for repeal that was after the Government had made that announcement on 23 February to say that this would be restricted to a certain number of festivals. I have got that timeline correct, have I not?

Ms MOORE: You have.

The Hon. JOHN GRAHAM: The second issue is about consultation and I think all your submissions make it clear that there really was very little consultation. I think Local Government NSW says there were three business days to go out and consult with councils across the State. At the moment there is just no place for this industry to go in a similar way to what you are doing at the City of Sydney.

Ms MOORE: With our advice, we can.

The Hon. JOHN GRAHAM: If there are issues to raise, are you aware of anywhere in government where this industry could go to have the sort of sensible discussions that you are proposing?

Ms MOORE: Not at the moment and that would be a real forum that is needed.

The Hon. JOHN GRAHAM: Thirdly, I have a question for Councillor Scott from a Local Government point of view. Your submission calls for a change in who regulates this area. You both make the point that having Liquor & Gaming, which is primarily focussed on alcohol, may not be the best regulator for this industry. Councillor Scott, your submission calls for the Department of Planning, Industry and Environment to take over the regulation. Do you want to expand at all on that idea?

Ms SCOTT: A number of the festivals that councils run do not have any involvement with alcohol. We run a number of festivals—for example, in Youth Week—that are all targeted at people under 18 and they explicitly do not have an alcohol component. The numerous festivals that councils organise, regulate and sponsor across the State are largely not, in any way, focused on the delivery of alcohol but rather on entertainment, culture, community engagement and economic activity for a main street or a small town. Therefore, they should be regulated in a way that understands the need to balance safety with economic development, cultural activity and fun. The delivery of alcohol is a minor component in a small number of festivals and should not be the driving regulatory approach.

The Hon. JOHN GRAHAM: Lord Mayor, returning to consultation, we have heard that there were three days for consultation for Local Government NSW. Are you aware, perhaps today or on notice, of any consultation with the City of Sydney on this issue?

Ms MOORE: I might get Councillor Scully to answer that.

Ms SCULLY: The City of Sydney was in an enviable position in that we were the only local government in New South Wales that was invited to one of the two meetings that were held with the sector. Of course, that is grossly inadequate. As Councillor Scott has indicated, this impacts on every local government area in New South Wales and yet those other council areas did not have a say; they were not at the table. It was a small table and the list of topics that were able to be discussed were very limited. It was not a full and frank discussion and it certainly did not bring in the entirety of the New South Wales local government community. I think it was not representative of the different conditions that councils have to deal with in supporting different festivals, as Councillor Scott has mentioned. We did have a voice at that table but sadly we were the only ones and we were quite constrained.

The Hon. JOHN GRAHAM: Councillor Scott, I think Local Governments NSW presented to the expert panel, although you were given five minutes, you have said in your submission.

Ms SCOTT: In February 2019, after we were notified by a member council of an information session run by Liquor & Gaming for festival organisers, we contacted Liquor & Gaming and were subsequently invited to an information session. In the limited time to seek the views or counsel or collect questions prior to and after the session, we stressed to Liquor & Gaming that councils are festival organisers as well as regulators and supporters, and so we have a really important voice here. But the Liquor & Gaming information session that we were able to attend was not intended as a forum for genuine consultation; it was an information session.

The Hon. JOHN GRAHAM: We will put these questions to the Government. In any of the contact you have had are you aware of what the criteria are for how festivals end up on this list? In any consultation you had, in any private discussions, is it clear at all how you get on this list or how you get off it?

Ms SCULLY: If I could answer, no, there is no clear criteria. That is something that has been conveyed to us by our panel as well. It is hard to even discern a unifying link amongst those 14 festivals that were eventually narrowed down to be the target festivals. That sort of uncertainty undermines the whole sector, whether it is the commercial sector or the not-for-profit sector or community sector because any entity could find itself in the targets. There is no way that people have criteria that they can respond to and argue back or make their own case, and it also extends that regulatory uncertainty to the broader festival sector.

Ms CATE FAEHRMANN: The Hon. John Graham has asked a few of the questions that I was going to ask, which is excellent, considering we are on the same page. I was going to ask about the five minutes that you were given, Councillor Scott, before the expert panel, the LGSA. I just want to be clear: There was legislation that the Government introduced on 13 November last year, the Community Protection Legislation Amendment Bill, which is essentially what amended the Liquor Act to include these provisions. Can I check with all of you whether there was any consultation around that legislation beforehand?

Ms BOWER: No.

Ms CATE FAEHRMANN: So before the law was changed, before the amendment?

Ms MOORE: I think we have all said "No".

Ms SCOTT: No from Local Government NSW.

Ms CATE FAEHRMANN: You had five minutes to speak to the expert panel with three days' notice beforehand, not actually consulting on anything in terms of changes to legislation. The legislation was rushed through, I do not think anybody from the Opposition or the crossbench was able to see that before it was rushed through Parliament, and stakeholders certainly did not see that legislation. What you were consulting on, when you were talking about the meetings later that you were invited to, was actually the implementation of the legislation that had already passed.

Ms SCULLY: If I could just note that the expert panel was established on 18 September.

Ms CATE FAEHRMANN: Yes.

Ms SCULLY: The expert panel convened a meeting with the stakeholders on 3 October, but there was no regulation at that point, no detailed regulation or regulation to speak to, it was more generally a conversation and each stakeholder was given five minutes to present to the panel on the terms of reference. That excluded any

discussion of harm minimisation. Then on 23 October the Premier announced the recommendations from the panel. So that was the sequence of events.

Ms CATE FAEHRMANN: How long was the 3 October meeting?

Ms SCULLY: I would have to get back to you on that.

Ms CATE FAEHRMANN: Was everybody there together and just given five minutes each to speak?

Ms SCULLY: I understand there were 12 stakeholders.

Ms MOORE: We could take that on notice.

Ms SCULLY: We can come back to you.

Ms CATE FAEHRMANN: This is important in terms of the consultation around these regulations, and of course this is what we are here for. We are seeing whether there was in fact adequate regulation, and what the impact is going to be on the industry. One of you mentioned in your opening statement a regulatory impact statement for regulations like this that impact industry so much, particularly economically and obviously cities culturally. I was wondering if you could give the Committee other examples or best practice perhaps of similar regulations affecting industry that you have consulted on? If any of you could think of—

Ms SCOTT: I just wanted to clarify your earlier point. On 3 October Local Government NSW was given five minutes before the expert panel.

Ms CATE FAEHRMANN: Yes.

Ms SCOTT: Obviously, however, given for example the list of 14 festivals deemed to be high risk was finally published on 23 February, we could not provide a response on 3 October with knowledge of what the regulation would do to actually impact on councils and we can only have that opportunity now.

Ms CATE FAEHRMANN: Yes, and you were not even consulted importantly on the legislation that the Government brought to Parliament so quickly without consultation on 13 November.

Ms SCOTT: That is correct. When it comes to best practice, we support councils maintaining their regulatory role and we would very much like to work with the Government to co-design a new system to ensure that safety is handled appropriately. We do not, however, agree that the current system of regulation is best practice and councils across New South Wales have not welcomed its introduction.

Ms CATE FAEHRMANN: If there was a delay in the implementation of these regulations, a round table was set up with all of the right representatives from industry as well as Local Government, as well as various agencies that have been largely excluded to date, do you see a need for regulation—a music festivals regulation, for example, down the track three or four months before summer—or are you suggesting that we do not need further regulation and to scrap it? What guidance would you like to offer this Committee in terms of going forward?

Ms SCOTT: Councils currently are the regulators of festivals. Prior to the introduction of this, councils were already regulating festivals. If the Government has concerns about that process, we would welcome having a conversation with them about that. We would welcome a round table. Our submission explicitly calls on the New South Wales Government to consult with us and the wider local government sector to seek input and feedback on proposals for festivals. But the current set of regulations has not been welcomed by councils. We do not believe that they deliver the kinds of changes that allow the State of New South Wales to balance the need for economic development from festivals for cultural vibrancy with safety.

The Hon. CATHERINE CUSACK: Getting into the specifics of the regulation, I understand it is now going to be compulsory for organisers to provide free water stations at festivals. Is that something that Local Government NSW objects to?

Ms SCOTT: There are parts of New South Wales where there is no drinking water and it is being delivered by trucks over dirt roads for hundreds of kilometres. We would take the view that generally that is a fantastic provision for a council, should they choose to insert it as a condition of consent for a festival, to impose. However, having a one-size-fits-all approach for the entirety of New South Wales we do not think is a great approach. Councils have been regulating festivals for a long time in New South Wales. We would welcome a conversation with the Government about working better together, improving the safety of those. Water delivery is a really important component, but if there is no drinking water in a town, that is going to be a problem. So we do not think a one-size-fits-all approach would work well.

The Hon. CATHERINE CUSACK: We are specifically inquiring into this regulation, which does not apply to all events, like Anzac Day and those events, and I think you would accept that.

Ms SCOTT: At the moment is really the point.

The Hon. CATHERINE CUSACK: In terms of the application of the regulation as it is presented to the Parliament and a risk management approach to these events, in principle, you are not supportive of a water station? I am from the north coast and we get water at the Bluesfest. It is really critical in terms of the wellbeing of patrons there all day. Anyway, you are not supportive of that provision? I just want to clarify that.

Ms SCOTT: To correct the record, that is clearly not what I said. What I said was that councils need to continue to be able to best regulate festivals in their area. Of course, wherever possible, delivering free water is a very sensible public health strategy. Currently in New South Wales we have towns with no water, no drinking water, because of the drought. So councils—

The Hon. CATHERINE CUSACK: Okay, but I just want to deal with the festivals that are impacted by this.

Ms SCOTT: Yes.

The Hon. CATHERINE CUSACK: And they are not in those communities, so in terms of the provisions of the regulation that we need to consider, chill-out zones, medically supervised chill-out zones in those high-risk events—would you oppose those or support those?

Ms SCOTT: Again, councils are making local decisions about these things and there is a new set of festival regulations for the 14 festivals. None of these events—

The Hon. CATHERINE CUSACK: So would councils like to undertake the risk management process that determines whether a festival requires a chill-out zone and medical supervision? Is that your submission, that councils should be doing that rather than the Government?

Ms SCOTT: Councils have been regulating festivals in New South Wales up until this additional process happened.

The Hon. CATHERINE CUSACK: Through the development application process, but there are planning provisions that everyone has to fit with. What I am trying to understand is whether you are saying that you want the Government to step out of the space and for a council to take over the risk management for these at-risk events?

Ms SCOTT: We would welcome a conversation on how better to work with the Government on, for example, standard conditions of consent to cover issues like this. However, I have not consulted every single council on particular conditions of consent for festivals, so I want to be very clear, I cannot make a comment on behalf of councils on that. What I am here today to present is that with respect to the current regulations, councils have not welcomed them. They would support their repeal.

Ms Cate FAEHRMANN: Just to be clear, music festival operators have to apply to a range of different agencies to demonstrate that they have supplied a hell of a lot of risk management. It is not like we are suggesting that suddenly councils have to be responsible for everything music operators already do, all of the chill out zones and water. I am not sure whether the member is aware of the—

The Hon. CATHERINE CUSACK: I was on the inquiry last year and councils got such a belting from the industry, you have got no idea. Everybody wants to reduce regulation. That is what I am trying to understand and not have a one size fit all, I get, but on the other hand going for those standard development application requirements gives you a one size fits all.

Ms SCOTT: I do not think that is correct. We would welcome a discussion with the Government on how to do this better. Councils would welcome some standard conditions of consent that they could consider to apply in their local area, if they suited.

The Hon. CATHERINE CUSACK: We have had five deaths over a period, which is what has prompted this inquiry. Has the local government association been raising this issue with the Government or have they put forward other ideas other than this regulation? This has all been presented as some kind of shock, but you would have to accept that there has been a build up to this point and a lot of discussion in the community about this issue. What ideas have people been putting forward up until this point that you could alert us to?

Ms SCOTT: We would welcome a conversation with the Government about how to do this better. We have no problem with working very closely with the Government to try to co-design a better system. It simply is that this response did not come after consultation with local governments. It did come in the current form as a shock. We have no argument with the need for a response. The current response that has been done without consultation with councils has not been welcomed.

The Hon. CATHERINE CUSACK: One further question to Councillor Moore. The issue of pill testing, which has been suggested would have a financial cost attached to it, just as there is a financial cost attached to what the Government has put forward as a regulation. The problem for the organisers seems to be the cost of either option. Who, in principle, should be paying for those additional costs if either option is implemented?

Ms MOORE: I think when you are dealing with lives, you work out what the best solution is and then who is going to provide the cost. Here we are dealing with lives of young people that should not have been lost. The proposal that Dr Caldicott has put forward that he has been using in ACT festivals and he demonstrated at town hall recently is a solution that could save lives. I thought this was one of the principal concerns that led to the change of the regulation, that the Government, the Premier, was concerned about loss of life.

The Hon. CATHERINE CUSACK: Yes.

Ms MOORE: I have put forward a proposal that should be considered by you because it could save lives, just as the supervised injecting centre in Kings Cross has saved lives. There is documentary evidence over 18 years to show how many lives have been saved and how many overdoses have not occurred. Yet the evidence we took on a similar committee to this was from families who had lost sons and daughters to overdosing and the people of the area had got really distressed about the fact that they were waking up in the morning and finding dead young people in their back lanes. That is the situation we were dealing with at Kings Cross in the nineties. I think you have got a similar situation here where young people are dying and they are dying because of the system. It is head in the sand to say young people are not going to go to festivals, because that is what they want to do. That is what we all want to do at that age. We know the evidence shows that most of those young people going to festivals are taking drugs. We also know that there is a real problem about the drugs they are taking.

This pill testing is a way of ensuring that their lives are not lost because they are taking that contaminated drug rather than what they think they have bought. This is an issue that you do not want to deal with, that the Government does not want to deal with, just as the Government and the Opposition did not want to deal with the fact that a supervised injecting centre might save lives. I was on a parliamentary committee before that drug summit where we took evidence which showed in other countries where the supervised injecting rooms were successful and lots of lives had been saved. No-one wanted to listen to that until we had the drug summit and there was an opportunity for evidence-based solutions to be put forward. I remember at the time how you could see people were changing their views about this because they could see solutions that might work. I think you have been told that festival organisers are being asked to prepare a safety management plan that includes harm minimisation. You should be considering the pill testing proposal that Dr Caldicott has been using in the ACT festivals because at their recent concerts, no-one has died.

The Hon. SCOTT FARLOW: Lord Mayor, how many events in the city of Sydney are captured by those current regulations, how many events are on that list?

Ms MOORE: The City of Sydney is 25 square hectares. I might refer to Councillor Scully, who has actually run festivals in the past.

The Hon. SCOTT FARLOW: Councillor Scully, how many events are actually captured within the City of Sydney?

Ms SCULLY: One, the Days Like This Festival is in the City of Sydney currently, but it did raise a lot of issues for us. Because it was such short notice, the roll-out of this regulation, caused a lot of challenges for those festivals that City of Sydney supports in the inner city, community events such as Yabun, for example, are a major investment in the indigenous community.

The Hon. SCOTT FARLOW: How did this regulation cause concerns for that event?

Ms SCULLY: Because it generates regulatory uncertainty. It generates a higher risk profile for these kinds of public gatherings and it also throws a lot of extra attention and policing focus on community-focused events as well. I understand that includes Days Like This in Victoria Park Camperdown and the Electric Gardens Festival in Centennial Park.

The Hon. SCOTT FARLOW: Is Centennial Park under your regulation or is that by the Centennial Park authority?

Ms SCULLY: It is not under our regulation, but it is in our local government area.

Ms MOORE: The issue for us too was the impact on the music industry. We are very strong supporters of the music industry and we have a cultural and creative program policy. We have a panel that we have set up and we know that the regulation can have a serious impact on opportunities for people in the music industry, just as the lockout laws have also had a serious impact on the music industry. Lots of people are leaving Sydney and going to other places because of the lack of opportunity. That is one of the reasons why we are very concerned—the safety and the impact on the music sector.

The CHAIR: Thank you very much, the time is now up. Thank you for attending the hearing today. I think there was one question taken on notice from the City of Sydney.

Ms MOORE: Yes.

The CHAIR: The Committee has resolved that answers to questions taken on notice be returned within five days and the secretariat will contact you in relation to the questions you have taken on notice.

(The witnesses withdrew.)

BENJAMIN MARK COX, Policy Director, Don't Kill Live Music, sworn and examined

The CHAIR: Would you like to make a short opening statement? We do not have a lot of time today. So a couple of minutes, no more.

Mr COX: I have four university degrees, just to establish some credibility here. A bachelor of economics, two science degrees and one of them is a masters. I also have a masters of administrative law and policy. I have worked within policy, science, economics and criminal investigation areas. I think we are here because of the Premier's report, so we have got to start from there. The report is probably one of the worst attempts I have seen at regulation in any public policy area in recent memory. I think it is likely to increase drug harms, because certain effects of the interaction between regulated markets and black markets have not been considered at all. There is some really basic economics that has been ignored, like microeconomics 101 kind of stuff. The substitution effect. There are few economists, I think, in the room today, who probably know what that is. Basically, if you increase the price of one good relative to another, it creates incentives for people to switch their consumption choices. So we have an unregulated black market for illicit substances and we have a regulated market for alcohol. We are making market interventions in the alcohol market at the moment and we are not considering the effects in those illicit markets. And that is my primary concern today.

The CHAIR: Okay. Thank you. We will go to questions.

The Hon. JOHN GRAHAM: You have referred in your submission to the usual practice for making of regulations and you have referred to what usually happens, also to best practice. Take us through your view on the contrast between best practice for how you might deal with regulating an industry and the specific path that this regulation has travelled.

Mr COX: So best practice regulation is quite extensive. I think for something as significant as this maybe three years would be an appropriate kind of time frame to make a regulation to try and control some of these drug and alcohol harms. We have seen this process happen in maybe four months. There was also the Christmas break, so everyone was away from work for that period. There are Treasury circulars that refer to the NSW Guide to Better Regulation, I believe it is called, and that I believe have not been adhered to. You also have to adhere to Schedule 1 of the Subordinate Legislation Act in the making of this subordinate legislation. There are several things within the Subordinate Legislation Act where I think it is tenuous that they are being complied with. For example, Schedule 1 Item 1 says that due consideration must be given to costs and benefits. At Item 2, before a statutory rule is proposed to be made, reasons for them must be clearly formulated. Those objectives also need to accord with the objects, principle, spirit and intent of the enabling Act, being the Liquor Act. And then also within that guideline at (c), alternative options for achieving those objectives, whether wholly or substantially, and the option of not proceeding with any action, must be considered. I do not think that has occurred. At item 3, administrative decisions should be based upon adequate information and consultation—and consultation is the big one here.

The Hon. JOHN GRAHAM: In contrast to best practice for regulation, what is the level of consultation that was heard? We have heard in one of these submissions that it was five days between this regulation being presented and implemented. How unusual is that?

Mr COX: I am not aware of any other circumstance when that has occurred. I believe within the Guide to Better Regulation there is a minimum consultation time frame. I think it might be 28 days. I think I refer to that in my submission. So that is quite a short period, obviously. I also think you need to identify the stakeholders you need to consult with, and I do not think that was done when the Premier's expert report happened. I do not think it was done in any of the subsequent attempts to formulate a regulation, ever.

The Hon. JOHN GRAHAM: Obviously this will be one of the questions put to the Government witnesses, but what are the criteria that operate under this regulation to have festivals on the list or off the list—which has now been a very high profile matter. Are you aware of any criteria that have been set out publicly that set out exactly which festivals have been selected to be on this list?

Mr COX: Can you re-ask that question?

The Hon. JOHN GRAHAM: What are your criteria? Are you aware of what the criteria are to end up on the Government's list of what they call high-risk festivals?

Mr COX: I believe it is almost pure discretion. I am not aware of any empirically-based criteria.

The CHAIR: Can I just ask, Mr Cox, whose discretion?

Mr COX: I believe it is Liquor & Gaming.

The CHAIR: Thank you.

The Hon. WES FANG: Thank you for appearing today. I would just like to dive into a couple of areas. One is how can the statement that the regulations are likely to increase drug harms with the identification of high risk festivals be justified?

Mr COX: So that is justified in the sense that with a user-pays police policy which I have here—and I will just put it over there if you would like a copy of it—those charges when the police attend those events are then passed onto the consumer either through the ticket price or the alcohol prices.

The Hon. CATHERINE CUSACK: When you say "charges", you mean "costs"?

Mr COX: Costs, sorry. So they are charges in the policy, but costs to the business. So they have got to be recovered by the business in some form or other. Typically, people that attend these events are students. They are on limited incomes. Probably something like \$400 a week. I have been looking at the Australian Bureau of Statistics' statistics. They have a limited income constraint. They cannot go beyond that. When you have to pay that kind of cost as a young person to attend an event, the costs go up because the police are charging more to the events, you are going to consider substituting towards a cheaper, unregulated good, which in this case might be MDMA.

The Hon. CATHERINE CUSACK: Sorry, just to clarify, are you saying increased ticket prices will cause more young people to take drugs? Is that the connection?

Mr COX: I am saying increased combined ticket and alcohol prices at events. So it does not matter which one of those increases, but—well, it does to a certain extent. Increased ticket prices but also increased alcohol prices could increase young people substituting towards illicit substances.

The Hon. SCOTT FARLOW: As in illicit substances will work out to be cheaper than what it will be to have alcohol?

Mr COX: Yes. And that is an unregulated market. And those prices in Australia have been declining recently, whereas alcohol has been increasing substantially because of the way Federal excise taxes work. It is indexed twice a year, and so it is kind of turning into a bit of a death spiral, to be honest, where alcohol prices for this particular market segment are now becoming so unaffordable that the methylenedioxymethamphetamine [MDMA] is looking very attractive to them.

The Hon. WES FANG: I am sorry, but I fail to see the link between increased costs for a festival due to, say, policing increases and how that will lead to an increase in drug intake by the festival-goers themselves.

Mr COX: I have three scientific peer-reviewed journals here for your review. You can look at those after this is finished.

The CHAIR: Are you tabling those for the whole Committee?

Mr COX: I am tabling those so that everybody can have a look at those.

The CHAIR: I will hand those over to the secretariat.

Ms CATE FAEHRMANN: Just to be clear, to confirm what I think your argument is, Mr Cox, it is that if you are a student or a young person, you have a budget of \$400 or \$500 where you have to pay various things out of that. You really want to go to a festival with your mates. Tickets prices are \$130. You have really got, like, \$160 for that fortnight to spend on entertainment. You weigh it all up. You buy the ticket for \$130 that you can get MDMA for \$25.

Mr COX: Probably less.

Ms CATE FAEHRMANN: Probably less, exactly. That is what it is about, Mr Fang. That is what it is about. Going out and drinking at these festivals, if you could confirm this, a beer or whatever is actually quite expensive.

Mr COX: A beer can be up to \$15 per unit in some cases.

Ms CATE FAEHRMANN: Yes.

Mr COX: That is because—

Ms CATE FAEHRMANN: So the user-pays policing is imposed onto the festival operators and tickets are more expensive because of the user-pays policing.

The Hon. CATHERINE CUSACK:: And they are putting up the price of alcohol.

Mr COX: Yes. That is what I am trying to say, but also real incomes are declining at the moment and that is particularly affecting young people, which is this market segment and these are the people that go to these types of events. People are starting full-time employment later on in life as well. It is a combination of several factors. So macroeconomic factors in our labour market policies are actually feeding into this problem as well. It is very, very complicated.

The Hon. WES FANG: I can understand the logic with which you are presenting the argument. I just feel that the argument is somewhat flawed and a little bit presumptive in the way that it is being presented. But we will move on now.

Mr COX: You can read the documents I tabled for you. Maybe you will be convinced by the peer-reviewed literature.

The Hon. WES FANG: No, no—understood.

The CHAIR: We are organising for those to be circulated after the hearing today.

The Hon. WES FANG: Can you tell me a little bit more about the organisation Don't Kill Live Music? How was it formed? Who is involved?

Mr COX: It was formed because I was concerned as a member of the public about this regulation. I would say that the involvement is probably about 137,000 people that signed our online petition and we do not keep any records of who has helped at the rally. We just gather people in to sign our physical petition, which we still have and we will deliver to this Parliament if we think it is appropriate. We are still collecting signatures on that petition.

The Hon. WES FANG: When you say "we", who is involved in the organising committee or the leadership of the organisation? What is the structure?

Mr COX: There is no structure. It is basically me at the moment and whoever I ask to come and help me. We are not associated or funded by any political party or any music industry.

The Hon. WES FANG: How do you go about analysing and debating policy positions that the organisation may come to? Is it just your views on issues or are they debated and tested among the membership?

Mr COX: I have consulted with the National Drug and Alcohol Research Centre [NDARC] on my own views. I am the sole policy director.

The Hon. WES FANG: Okay.

Mr COX: They are my own. I will take expert opinion because I have four university degrees.

The Hon. WES FANG: Okay. I have only one.

Mr COX: I understand these things. I went and spoke to the drug policy modelling program people last week and I have been consulting also by talking to people who own music businesses and people who attend events.

The Hon. CATHERINE CUSACK: Essentially, your biggest concern is the additional costs that are being imposed on music festivals and the knock-on effects. Am I getting that correct? The reason I am asking is that people are proposing other solutions and my question is: Whichever side of the argument's solution you pick, it is going to be expensive for the music festival.

Mr COX: I disagree.

The Hon. CATHERINE CUSACK: The financing of that, how would you do it?

Mr COX: I have looked at the Premier's expert report and I can wholeheartedly say I support one recommendation of it and that is, if I can find my notes, basically the movement to on-the-spot fines for people because it will stop deaths like the death of Alex Ross-King, who saw police, became afraid of being detected and consumed her drugs and died. I can wholeheartedly support that. However, it cannot be a trial. It must be a policy that is widely publicised because young people are confused as to what drug laws are already. They need to know that it is a blanket policy and that it applies to everybody. I would suggest that if we were to trial it, we trial it as

a policy that applies to every single music festival in New South Wales and we could trial it only at music festivals to begin with—as a conservative approach.

The Hon. CATHERINE CUSACK: And to understand your argument, the effect of that is that would not cost any extra money, so it would not be putting additional costs onto anybody.

Mr COX: In fact, it would save us money because it would divert people from the judicial system.

The Hon. CATHERINE CUSACK: On-the-spot fines at music festivals.

Mr COX: On-the-spot fines and it also involves a revenue stream, which is the penalty infringement notice amount.

The Hon. CATHERINE CUSACK: The new provision of water at these high-risk events, are you opposed to that?

Mr COX: No, I am not and the events are already doing it.

The Hon. CATHERINE CUSACK: I know. The provision of medically supervised chill-out rooms?

Mr COX: That is great as well.

The Hon. CATHERINE CUSACK: Who should pay for that?

Mr COX: The event should and they already do. A better way to approach that, rather than a licence—because I feel like a guideline would be better as opposed to a licence in the sense I do not think there is a justification for a liquor licence per se on the basis of this not being a legal problem.

The Hon. CATHERINE CUSACK: In the regulation that we are specifically looking at, what provision in the regulation do you believe is driving additional costs that you think are unnecessary?

Mr COX: Well, there are red tape costs so despite the fact that the licensing fees have been reduced from something like \$15,000, as originally proposed, to \$750, I believe now, someone still has to be paid to organise all that. That is where the cost lies: It is in employing someone.

The Hon. CATHERINE CUSACK: They are already doing that. I mean, a development application [DA] can take 18 months to get approved.

Mr COX: It is additional work. It is quite simply additional work and that cost gets passed on.

The Hon. CATHERINE CUSACK: That is your whole objection? The reason I keep asking is that we have heard an awful lot about Anzac Day being wonderful. I mean, none of this applies to those events or things. We have to deal with the specifics that are in the regulation, so if there are provisions in the regulation that you think are generating costs that are unreasonable—

Mr COX: It is the whole regulation I think is unreasonable, not within the terms of the enabling Act or the—

The Hon. CATHERINE CUSACK: The water is okay, the chill-out rooms are okay: What is not okay in the regulation?

Mr COX: I do not think the regulation accords with the objects of the enabling Act, quite simply, and I do not think it was the original intent of Parliament to use the Liquor Act to regulate a complex drug and alcohol market.

The Hon. CATHERINE CUSACK: What in the regulation does not accord?

Mr COX: Well, I would probably look back to the second reading speech.

The Hon. CATHERINE CUSACK: It is a regulation. With respect, it is a regulation.

Mr COX: Yes.

The Hon. CATHERINE CUSACK: It has not been done that way in Parliament.

Ms CATE FAEHRMANN: Is it also something to do with the fact that the music festival—I am just thinking about the objections—licence can be so automatically not granted and that is it. Do you think it is a way for government to, essentially, shut down some festivals in the way it is?

Mr COX: Yes. I think it is a desperate measure to try and shut down events that we do not know how to regulate currently because we have not done work into it.

The Hon. CATHERINE CUSACK: Can you say what part of the regulation does that?

Mr COX: The plenary power to have the discretion to move someone to a music festival licence does. You are affecting existing business interests and multi-year financial models. These businesses—people in the room who own businesses behind me—they have got financial models that have been planned five years ago and now there is new regulation coming in with plenary—very discretionary powers—affect their financial model. That introduces a lot of financial risk into this market.

Ms CATE FAEHRMANN: I want to touch on some of the issues you raised in your submission in relation to policing and some of the questions you have asked. I wonder if you could elaborate on this a little bit where you said:

The questions should have been asked: What level of policing is optimal; what level of policing causes more harm than good ...

Can you explain to the Committee why you think those questions should have been asked at that time?

Mr COX: I think that, like anything in economics, there is an optimal level for everything and we need to sit down and crunch the numbers to figure out what that is. As the Coroner's inquiry has heard, people are afraid of police and are afraid of enforcement. There is evidence, which I can provide to the Committee on notice, that the presence of police may increase drug harm to those people who are afraid of enforcement. I believe that there is a level of policing that is optimal in deterring dealers from entering these zones but does not create excessive risks to those other people who are afraid of enforcement and engage in risky drug consumption as a result of that police presence.

The Hon. WES FANG: Is that a formula or a ratio? How does that number get calculated?

Mr COX: I have been calculating that, but the modelling is not complete because it is actually quite complicated. It takes a little more than three or four weeks to do; it is probably a committee project.

The Hon. WES FANG: By your estimation—and I know the modelling is complex—with current music festivals and the current level of policing, where do you see the optimal being? Is it higher or lower? Do you have a figure?

Mr COX: I cannot give you a figure, because I have not completed the modelling and it is irresponsible not to do proper economic modelling to support a figure when you do not have a figure.

The Hon. WES FANG: Is it possible the figure could be higher?

Mr COX: No.

Ms CATE FAEHRMANN: Police presence increased significantly at festivals after the two deaths at DEF CON over the summer. Festivals were required to have a more overt police presence over that period, yet we saw four more deaths in that summer period with increased police presence at music festivals.

Mr COX: I think that is an interesting statement and I am going to look into those numbers and perform statistical analysis. I will get back to on that, but that might be in six months' time.

Ms CATE FAEHRMANN: Probably too late for this deliberation, but it will be interesting.

Mr COX: That is just how long it takes.

The CHAIR: Thank you, Mr Cox.

Mr COX: Can I table a few more documents?

The CHAIR: Yes. Are they electronically available?

Mr COX: They are.

The CHAIR: It would assist if you could provide the electronic link to the secretariat and they can then circulate it to the Committee.

Mr COX: Okay, thank you.

Ms CATE FAEHRMANN: I think you said that something was user-pays policing policy. Is that what you have?

Mr COX: Yes, I could table that.

The CHAIR: Thank you very much.

(The witness withdrew.)

SCOTT RODNEY MAY, Director, Legal Services and General Counsel, Victorian Commission for Gambling and Liquor Regulation, before the Committee via teleconference, sworn and examined

The CHAIR: Would you like to make an introductory statement?

Mr MAY: Yes, I have a short opening statement. Thank you for providing me with the opportunity to speak at this inquiry on behalf of the commission. As you may be aware, the commission is the independent statutory authority here in Victoria that regulates the gambling and liquor industries. Its vision is for Victorians and its visitors to enjoy a safe and responsible liquor and gambling environment. I understand the Committee is looking into the implementation of music festival licensing regulations in New South Wales and we have been invited to assist the Committee by providing information on how we regulate those festivals here in Victoria. To help the Committee understand the Victorian licensing system, I am happy to provide a brief summary of the liquor licensing of music festivals here in Victoria and answer any questions the Committee may have.

The CHAIR: Yes, please.

Mr MAY: Under the Victorian Liquor Control Reform Act, we do not have a definition of "music festival" per se and no specific category in our legislation or regulations, but large music festivals would usually come under what we call the major events licence category. That is where, under the Act, the commission considers that the event is classed as a major event. Of course, that is not limited purely to music festivals as it covers other types of events. Under the Act, it is a matter for the commission to determine. Under the Act it is basically defined as any event that will have a significant impact, and the Act sets out factors the Victorian Commission for Gambling and Liquor Regulation [VCGLR] should consider when it is making that decision—things like the proposed number of patrons attending, the potential impacts of the event on public transport, emergency services, public safety, amenity et cetera.

In terms of the process, the VCGLR encourages applicants for major licences to engage with both Victoria Police and the relevant local council about the proposed event. This is because our licensing process would normally seek comments from both of those entities about the application. Under the Act, they have the ability to object to the application to the commission if they believe there are amenity issues or issues associated with the suitability of a potential applicant. Applicants are also typically required to submit a management plan for a proposed major event and that will outline how the event organisers deal with issues such as noise, security and patron management. In terms of the fee structure in Victoria, the fee to apply for a major event licence is \$986, where there is a single event organiser. For certain other types of events, generally not music festivals, where you have multiple suppliers, then the fee is \$148 each.

Once the commission has received all the application documents including any comments or submissions by Victoria Police and local councils, the commission is then required to determine whether to grant or refuse the licence. The commission considers all the information it has received, previous compliance issues in relation to the event, if the event has been held in the past then the compliance history of the organiser and whether they have held any other liquor licences. Generally the commission is required to have due regard to harm minimisation and the risks associated with the misuse and abuse of alcohol, which is the primary object of the Victorian Act. In short, if the commission decides to grant a major event licence, it does have the power to impose conditions on the licence to help mitigate and reduce any risks associated with the event. There is a plethora of examples where the commission has imposed conditions—it may be crowd controllers, it may be conditions to limit or slow the amount of alcohol that may be supplied. The commission does publish copies of the licences that it grants on its website for anyone to access. That is a short and sharp summary of the Victorian licensing process for major events. I am more than happy to answer any questions that the Committee has in relation to processes in Victoria.

The CHAIR: Thank you very much, Mr May. To give you an idea about the process, the member asking a question will give you their name at the start of the question. We will start with Government members.

The Hon. CATHERINE CUSACK: Thank you so much for being available for this inquiry. Who actually does the risk assessment and makes the determination on the level of risk and harm at a festival? Who does the risk assessment of the festival and makes the determination in relation to the level of security that is required, given that that is driving a lot of the costs? What is the decision-making chain in that process?

Mr MAY: The commission encourages applicants to liaise with both the Victoria Police and their local council first before coming to the commission. I would expect that a lot of that, I suppose, discussion about security, et cetera, would occur at that time, but ultimately then the commission can seek objections or submissions from both the police and council. In terms of the decision to grant the licence and impose conditions, that is usually

done by a delegate of the commission. Certainly, the responses that we receive from police and council would inform the delegate's risk assessment and decision in relation to that.

The Hon. CATHERINE CUSACK: In a practical sense the applicant is doing his homework before the proposal comes forward, talking to the police and negotiating something is acceptable because obviously he would like the support of the police when he puts the application forward. Is that pretty much it? It is the police who are working with the applicant to discuss what would be a reasonable security requirement?

Mr MAY: Absolutely. In many instances the answer is of course yes, and the commission certainly encourages applicants to do that.

The Hon. SCOTT FARLOW: There is not actually a requirement, it is effectively something to make the process go more smoothly?

Mr MAY: It is certainly our best practice, yes. There is no legislative or regulatory requirement that an applicant go to either the council or police beforehand. Having said that, of course the commission will deliver the application to the Victoria Police and the local council and request a response, so often it is probably in the applicant's best interest to do that.

The Hon. SCOTT FARLOW: How many applications do you receive a year?

Mr MAY: I do not have the applications received per year. In the last financial year the commission granted 967 applications for a major event licence, but I would preface that with, that is a broad category, so that is not 967 music festivals, it is major events. Some sets of those would be music festivals, but I do not unfortunately have the specific breakdown.

The Hon. SCOTT FARLOW: That would include things like a street parade or something?

Mr MAY: Correct, yes. Food and wine festivals, exactly.

The Hon. CATHERINE CUSACK: When they talk to the police in Victoria, is it licensing police or is it local police?

Mr MAY: Usually in Victoria the answer there is the local liquor licensing inspector is the expected person who an applicant would go to because under the Act a licensing inspector can object to an application.

The Hon. CATHERINE CUSACK: Do those local licensing inspectors have some sort of guidelines that they are working to?

Mr MAY: I could not answer that. That would be a matter for Victoria Police.

Ms CATE FAEHRMANN: I am thinking about the reason for this inquiry in the first place is to look at the music festival regulations that have come in quite quickly, and lack of consultation generally for the industry. I was wondering if you could talk the Committee through what would be a general consultation process with industry in Victoria if, for example, the Government was planning reasonably significant changes to the major events category in the way they were treated and licensed. What kind of consultation would you expect from the Victorian Government in that regard?

Mr MAY: Sorry, I had some difficulty hearing that question but, correct me if I am wrong, the question is what consultation process would the Victorian Government go through in passing regulations?

The CHAIR: That is it.

Ms CATE FAEHRMANN: Yes.

Mr MAY: The commission here in Victoria is not responsible for drafting or passing regulations. It is difficult for me to comment on those processes because they are not ones that would be run by the commission. They would be primarily run by the office of liquor and gaming in the Department of Justice and Community Safety here in Victoria. Having said that, I am aware that the Department of Treasury and Finance have a guide to regulations which I believe sets out expectations with regards to consultation in regulation making. That is probably all I can say in relation to that.

The Hon. JOHN GRAHAM: Continuing on the consultation framework for major events—taking your point these are not all music festivals—is there a forum which you do consult with sectors about major events, or is that really just too diverse?

Mr MAY: I am not specifically aware of a consultation process of that nature. I suppose that the process in Victoria tends to be with event organisers in relation to the specific events.

The Hon. JOHN GRAHAM: And that makes sense. Zooming now down to music and the music sector in Victoria, the consultation forum we have been told is the Live Music Roundtable. If there were issues with the operation of music festivals or the operation of the music sector more generally, that is the sort of industry government forum where you might expect this to receive some commentary. Is that a fair assumption?

Mr MAY: It think that is fair. There is the Victorian Live Music Roundtable, which was established by the Victorian Government to bring parties together in the live music sector. The commission does attend that. That is essentially correct, that would be one vehicle where those concerns could be raised and addressed. The other is, my understanding is there is an advisory council to the Minister which also exists, and that could be another forum.

The Hon. JOHN GRAHAM: You participate in that. From an agency point of view how valuable is that forum? Has it been a forum where there is much engagement, or there is not so much in practice?

Mr MAY: It is somewhat difficult for me to answer because I do not actually attend those meetings personally. Certainly, I think there have been achievements in that forum. I think it is generally a positive to be able to have a discussion and understand the issues.

The Hon. JOHN GRAHAM: If there was a major issue it would give you somewhere to go to, to discuss that.

Mr MAY: I think that is right. It certainly would create opportunity, that is right, to have the discussion and understand the issue.

The Hon. JOHN GRAHAM: One of the issues that has been raised with us by some operators is that for similar events, or the same event being run in New South Wales, as opposed to Victoria, the police requirements are quite different. I do not know if you are in any position to give any commentary on that issue at all?

Mr MAY: No, I am not. As I said earlier, that probably would be a matter best addressed to the—

The Hon. JOHN GRAHAM: I appreciate that. Returning to the safety question, we are really considering here what is the regulatory framework that allows us to make sure festivals are safely conducted in New South Wales. Do you feel that under the existing Victorian regulatory arrangements—acknowledging you have a major events framework, not a music festival framework—do you feel that allows you to adequately deal with the safety issues that are present at these major events?

Mr MAY: I probably could not answer that either. That is probably really a policy question for government. Obviously, what I can say is that the commission does assist and considers major event licensing includes music festivals and will impose conditions to reduce any risks that it identifies as part of the application process.

The CHAIR: Before I go to Ms Cate Faehrmann I just have a question around how you, in Victoria, would implement voluntary safety measures or how you accommodate those in the licensing arrangements and what would that look like—what are some of the voluntary safety measures that major events would put in place?

Mr MAY: I mean if they are essentially voluntary, they are voluntary. Do you mean in a venue management plan?

The CHAIR: Yes.

Mr MAY: Certainly it is part of the application process—we require and consider a venue management plan be lodged. I suppose it is a matter of course for a venue if it wants to adopt its own best practice safety measures to reduce any risk that it sees or considers appropriate that would, of course, be a matter for the event organiser. It would of course be encouraged. Yes, fundamentally, that would be a matter for the event organiser.

Ms CATE FAEHRMANN: Can you hear me okay, Mr May?

Mr MAY: Just, I would say.

The CHAIR: We are just going to get Ms Cate Faehrmann to change chair so that you might be able to hear better.

Mr MAY: Fantastic, thank you.

Ms CATE FAEHRMANN: Just going further from what the Hon. John Graham asked before, regarding the regulatory environment for music festivals particularly. What we are seeing here is that certain festivals—I think 11—have been deemed to be "high risk" because of the nature of their business model. The Government

has said to us that they are running large music festivals targeted at young people, which include a focus on electronic dance music. You have just said that through the Victorian legislation you can impose conditions on all sorts of events including, I am assuming, large music festivals targeted at young people with a focus on electronic dance music. In your view, is the Victorian legislation and the conditions that can be imposed, sufficient? If not, what other conditions could be imposed, as opposed to moving towards a completely harm-reduction model, considering the extent of illicit drug taking at these festivals?

Mr MAY: Under the liquor control format, section 49 of the Act states that the commission can impose any condition it sees fit. So the commission has a very broad discretion with respect to imposing conditions. So we are not significantly limited and if it is considered appropriate a condition can be imposed. To that extent, that offers the commission quite a lot of flexibility to address and consider harm via the condition process.

Ms CATE FAEHRMANN: What types of conditions does the commission impose on those types of festivals?

Mr MAY: I suppose there are a plethora and I will give you some examples. There may be conditions that control the volume of liquor that may be supplied—so it might be per transaction, limitation on the amount of drinks and, on occasion, it may be that at a certain point in time all sales of certain types of liquor must cease. One example recently was at the interval of the main supporting artist, the licensee was no longer able to supply 750 millilitre bottles of wine and then would have to go to supplying no more than two containers of liquor per person per transaction. We may limit spirits, shots, alcoholic content of drinks, container sizes, plastic only—depending on the nature of the event. There may be then conditions about park routes—wrist banding of patrons to distinguish those who are 18 years of age and over, requirements in relation to crowd controllers and, again, as I said, because there is no restriction on the number of conditions that would be imposed by the Commissioner there is a broad discretion there.

Ms CATE FAEHRMANN: It sounds like conditions that the New South Wales office can impose on music festival licenses already and last year before these changes. Has the Victorian commission rejected many applications for big music events in the past few years?

Mr MAY: Not that I am specifically aware of. It can be the case—and I do not have the figures to hand—that an applicant may withdraw an application during the application process. The other option is they may have that preliminary consultation with Victoria Police and the council and decide not to proceed. In terms of applications where there has been a refusal, I am not aware of any, of the nature you have described.

Ms CATE FAEHRMANN: Just to confirm, and I know the Hon. John Graham asked your question before is. Does the user pays policing model exist in Victoria, similar to what exists in New South Wales?

Mr MAY: I believe it does.

Ms CATE FAEHRMANN: Is that just for music festivals or for different public events like Melbourne Cup, for example?

Mr MAY: Again, it is difficult for me, I am only speaking to my own knowledge here. My understanding is that that is the case—that there is a user pays cost model. But those matters would have to be addressed by Victoria Police.

Ms CATE FAEHRMANN: Ok, thank you.

The CHAIR: Mr May, thank you very much for your time and your assistance to the committee's work this morning. You did not take any questions on notice so I do not have to give the spiel.

Mr MAY: Fantastic. Thank you very much for having me and all the best with your inquiry.

(The witness withdrew.)

EVELYN RICHARDSON, Chief Executive, Live Performance Australia, affirmed and examined

ADELLE ROBINSON, Director, Fuzzy Operations, affirmed and examined

JULIA ROBINSON, General Manager, Australian Festivals Association, affirmed and examined

JESSICA DUCROU, Co-Chief Executive Officer, Secret Sounds, affirmed and examined

JOHN WARDLE, Consultant to the Live Music Office, affirmed and examined

The CHAIR: Would anyone like to make an opening statement? If you do, please make it short because the Committee has questions to ask.

Ms RICHARDSON: I do, but I would prefer it if Ms Julia Robinson from Australian Festivals Association [AFA] opened.

Ms JULIA ROBINSON: Thank you to the Committee for including Australian Festivals Association on this panel and feel time in considering all the submissions given to this inquiry. We would also like to take the opportunity to voice our deepest condolences to the family and friends of those who are the subject of the current colonial inquest. As participants, the AFA has witnessed each day of this inquest and the families' ongoing commitment to the process. We respect the important work being undertaken by the deputy coroner and her team and acknowledge that the second part will take place in September. As a newly formed association, the AFA has been holding introductory meetings with various levels of government and other industry agencies across Australia for the past nine months. Overwhelmingly in these interstate discussions they centre around learning how to avoid the issues faced by the festival industry in New South Wales. Issues such as: regulatory red tape and a lack of transparency for user charges emergency services and how these changes can have knock-on effects for the community, culture and economy of the State.

While we know that no jurisdiction is without its own issues, New South Wales has become the butt of the regulatory joke. These narratives have to change. The good news is that there has already been positive steps taken by NSW Health in the area of harm reduction and medical oversight at festivals. The latest consultation version of the guidelines for music festival harm reduction that has been submitted to the AFA is shaping up to be the most contemporary and comprehensive health-focused guidelines for music festival operators in Australia. It is likely that these guidelines will be widely used in other States as best practice, putting New South Wales back on the map.

We note to the Committee that once published, this will order one of the listed issues in our submission. With respect to the music festival liquor license the AFA remains focused on the call for the music festival regulations to be disallowed. The Liquor Act was written to regulate the sale and supply of alcohol, not to address the harm caused by illicit drug use. It is a classic case of a square peg in a round hole. We acknowledge that this Committee is no doubt concerned about the pending summer festival season and having in place the necessary controls to address safety concerns. Therefore, we continued to call for a regulatory roundtable so that appropriate agencies can consult with key industry contacts to deliver better regulations that strike the right balance between safety, community, culture and economic concerns.

Ms DUCROU: My name is Jessica Ducrou. I am presenting as one of the founding members of the Australian Festival Association [AFA] and as producer of Splendour in the Grass and the national Falls festivals. I would like to speak against the recently introduced measures to regulate festivals. While I do not disagree that the festival industry—in fact, in industry—could benefit from informed changes, as it currently stands, the intended legislation is without adequate industry consultation. It would appear disingenuous to link festival licence to a liquor licence. It could be interpreted as a crude tool to control the festival's future but in reality it has created confusion and disharmony in our industry. As you can appreciate, the service of alcohol is just one part of many considerations when planning and presenting an event. I speak from almost 30 years of operating festivals. In that time we have implemented a raft of improvements but the process is constant and ever evolving. We must respond to cultural changes. Although well-meaning, this legislation has been hastily constructed in a reactive manner in response to the tragic loss of five lives to drug use but without understanding how festivals are constructed, which should also consider changes in youth culture.

It is quite obvious we have a serious health issue that requires consideration on how best to tackle what is a very complex issue. In broader terms, right now, and operating under the proposed legislation, the festival industry is confused. The implementation of these regulations and the new liquor licences is subjective without response to the many festival nuances and without adequate industry consultation. I would like to see an ongoing

industry-inclusive roundtable process that includes all stakeholders, where we can discuss the various challenges, implement the appropriate strategies in order to present safe, well-organised festivals. Thank you.

Mr WARDLE: About the Live Music Office: We were established in 2013 by the Federal Government in partnership with the Ministry for the Arts, the Australia Council for the Arts and APRA AMCOS. The Live Music Office was set up to review the impact of policy frameworks on the Australian live music sector and to provide a central point of best practice reference and support. We would like to recognise the commitment of the New South Wales Premier to the music industry in Parliament in October last year in a speech on music festival safety where she said:

I put on the record that we want more festivals and we want people to enjoy themselves, especially young people, but we want to make sure that these festivals are safe.

We believe that this is a view shared fundamentally an equally also by the music industry and Government together. Our submission provides what we believe is a constructive contribution to this inquiry that offers a partnership with industry, Government and local government and identifies a number of avenues for us to work collaboratively together. We thank the Committee for the opportunity to participate in its process.

Ms RICHARDSON: Good morning. I thank the Committee for inviting me to appear before you this morning. I also thank the Committee for conducting this important inquiry. By way of background, Live Performance Australia [LPA] is the peak body for Australia's live performance industry. Established over 100 years ago in 1917 and registered as an employer's organisation under the Fair Work Act, LPA has over 400 members nationally. We represent all sectors of the industry, including music promoters, music festivals, live music venues and service providers such as ticketing companies and technical suppliers. We also represent commercial and independent producers, performing arts companies, art centres, commercial theatres and arts festivals.

Music festivals are a cornerstone of New South Wales' cultural vibrancy and renowned for their contribution to the economic, social and cultural fabric. In New South Wales music festivals recorded almost 400,000 attendances in 2017. We are the third largest contributor to ticket sales revenue—around \$55 million—after contemporary music concerts and musical theatre. In its submission, the Australian Festival Association outlines the music festival business model, which is typically project-based and reliant on ample lead time to set ticket prices and pay deposits for artists and production services. Budgets for all music festivals, inclusive the ticket prices, are generally finalised 12 to 18 months out from a festival. Event organisers for ticketed, for-profit music festivals operate within extremely slender margins while not-for-profit music festivals operate on shoestring budgets. Uncertainty about discretionary costs that may be imposed at the last minute, such as policing or security fees, can make a festival financially unviable.

Festivals cannot recoup last-minute cost increases from tickets that have already been sold, nor negotiate artist performance fees. There are exposed to supply costs and contracts and if there is doubt over a festival's viability, the only solution is generally to cancel it. LPA believes that over-regulation of music festivals could force the closure or relocation of long-established, well-managed and safe events that contribute tens of millions of dollars to the New South Wales economy, including regional areas, in addition to job losses and those businesses and communities that support festival activities, both directly and indirectly. LPA wants to ensure that New South Wales continues to host and establish events that thrive and attract local, interstate and international audiences. It should also be noted that other States and Territories are watching closely what is happening in New South Wales and based on the feedback that we have received to date, they are keen to avoid replicating such negative impacts in their own jurisdictions.

LPA's submission notes that there was inadequate consultation about the new regulations which, in turn, has caused considerable confusion and apprehension across the industry. LPA has serious concerns about the new regulation and strongly supports its disallowance. Our reasons for this—I will restate them although they are in our submission—are use of the Liquor Act 2007 to address complex health and safety issues related to illicit drugs; definitions that do not fit with current industry understanding; guidelines and regulations that are not viable for implementation as currently defined; discretionary power, which allows for subjective decisions to be made by the Independent Liquor & Gaming Authority, which do not provide certainty for event organisers and significantly increase discretionary police powers. In our submission, we outlined four key issues in the current environment, which I will not go into detail, around transparency, centralising operations, the guidelines for music festival organisers and harm minimisation. LPA recommends the Committee support the disallowance of the regulations and enable the Government to undertake proper consultation with industry. Going forward, we believe a workable solution will include seven actions.

These are summarised in our submission, and also in the AFA's, but I would like them to go onto the record: firstly, managing the sale and supply of liquor through existing suitable licence arrangements, including limited licence special event or large scale commercial, where appropriate; secondly, immediately establishing a regulatory roundtable for festivals in New South Wales to address short- to medium-term regulatory changes through a measured, consultative approach; thirdly, managing health-related risks at festivals through NSW Health with updated health guidelines for music festival organisers and included as part of event planning at the local government venue level; fourthly, centralising major event police operations to ensure consistency, transparency and efficacy in addressing the safety concerns at large-scale gatherings; fifthly, investing in peer-based harm reduction services to ensure that recommended service levels are available to festival organisers; sixthly, establishing a live music roundtable in New South Wales based on the Victorian model that includes key government agencies and music industry stakeholders; and seventhly, commissioning further research into recreational drug use to adopt an evidence-based, health-focused approach to drug regulation. We stand ready to work in partnership with the Government to deliver a positive solution.

Ms ADELLE ROBINSON: Thanks, everyone, for the opportunity to speak today. Just a bit of background: Fuzzy Events have been running events in Australia for over 20 years. In New South Wales alone, I run an event called Listen Out, which has a 35,000 capacity; Field Day, which has a 28,000 capacity; Harbourlife, which has 5,750; and a series of events at Carriageworks, which are a part of Vivid, which have a combined capacity of 26,000 patrons. I was one of only two promoters who were invited to present to the expert panel following the Defqon tragedy. My initiatives around harm in practices for staff and patron training now form a part of the NSW Health guidelines for music festivals. During the development period of the music festival regulations, New South Wales police shared both Listen Out and Field Day event plans and risk assessments as way of best practice with NSW Health and Liquor & Gaming.

I welcome the NSW Health guidelines in their current format. They have evolved significantly since their first iteration. NSW Health have welcomed feedback and taken on board this feedback from the industry and also the medical provider sector. While everyone here appreciates that safety plans are essential for the running of music festivals and, in fact, for all events, I do not believe that an Act that exists to regulate the sale and supply of liquor should be regulating health and safety at events, especially in response to what is a health and societal issue, being recreational drug use.

I firstly want to talk about what I believe is a real life impact of the over-regulation and climate of fear that exists around music festivals in New South Wales, impacting not only on my business but also the New South Wales economy. My Listen Out festival has shows in Sydney, Melbourne, Brisbane and Perth and we also do a smaller version in Adelaide and Auckland. Until this year, the Sydney show had the highest capacity, which was a consistent capacity split between the populations of the States. This year we have been able to confirm an increase in capacity from 18,000 to 40,000 for the Brisbane show, with council, police, health all actively supporting the increase. The Queensland show is now the biggest show that I do in Australia. Not only is the Queensland show bigger, the user pay police bill in New South Wales is consistently two to three times higher per capita than events in Queensland and Victoria, making the New South Wales show less profitable. I can honestly say that if I was given the opportunity to start a new event in any city in Australia in the current climate, I would chose Melbourne or Brisbane over Sydney.

Finally, I would like to discuss my firsthand experience with a music festival licence. As discussed, my events plans were used as best practice when developing the licence by NSW Police. We also heard from the Premier when the high-risk list of 14 was released:

We expect people to raise their standards, but I don't want anyone that's been holding a festival for a long time to worry. This isn't aimed at you, this is aimed at those people at high-risk festivals that in the past haven't done the right thing.

Since lodging my submission for this inquiry, my event list now has been deemed by the authority that the sale of liquor be more appropriately provided under a music festival licence. I was not on the original high-risk 14 list, despite the stats from that event being available at that time when that list was developed. I had not even lodged an application for this year's event when I received the letter from the Independent Liquor & Gaming Authority [ILGA] saying that I was being considered for a music festival licence and I needed to make a submission and could present my case. Despite demonstrating that I was already going above and beyond the requirements for the music festival licence, I was told that my event fit with the definition of a music festival under the regulations and therefore had deemed that a better licence for my event. Under this case study the assumption has to be that at any time the authority can, it determines that any event that falls under the definition in the regulations could be better placed under a music festival licence.

I have a large operation that includes a big compliance team. I have a big event. My medical plans have remained unchanged despite the music festival licence. As mentioned, my harm initiatives form part of the NSW Health guidelines. I have the resources to meet with the music festival licence requirements, but also the resources to ensure that during a large event all these elements are complied with. Not all event companies have these resources. Under the current legislation, it will only be the large and profitable events that are able to thrive. In the current climate, I would not take the risk I did 19 years ago and put on my first music festival in New South Wales. I want a festival economy that allows new players to come into the market, that allows avant-garde events to thrive and that fosters diversity and creativity. I am here for the smaller events because that is where I started. I am asking the committee to disallow the regulations. It is possible to have safe, well-run events of all shapes and sizes. Let us work together to make events safe and thriving in New South Wales.

The CHAIR: Again, same thing, if you have got even an electronic version.

Ms ADELLE ROBINSON: I might have. It has got lots of typos in it.

The CHAIR: We will start questioning with the Hon. John Graham.

The Hon. JOHN GRAHAM: Thank you for your submissions. Firstly, upfront, you are not asking not to be regulated. In your submission you are already working under the Major Events Act, the Local Government Act, the Work Health and Safety Act, the Liquor Act, the Environmental Planning and Assessment Act, the Food Act and the Police Act, six different licences and certificates, four council or venue regulations, eight primary regulatory stakeholders and four other regulatory stakeholders. You are not asking not to be regulated here, you are talking about what is the form of that regulation, is that correct?

Ms JULIA ROBINSON: Yes, that is very accurate.

Ms ADELLE ROBINSON: Yes, correct.

The Hon. JOHN GRAHAM: Turning to consultation, your submission makes it clear that the final version of this regulation came into effect five days after notice was given. There were five days between notice being given and this being implemented. Can you tell us anymore about how tight that timeframe was?

Ms JULIA ROBINSON: Yes, the five days' notice was the visibility of the full regulations in their final state to the actual implementation on 1 March I think it is. Prior to that we did not get to talk to any government representatives about the changes to the Liquor Act that occurred in November. So, we did not get to see any final version of that and we only saw the final version of the regulations five days before they were to be implemented.

The Hon. JOHN GRAHAM: I am referring now to some of the media reports around this, but this was not a routine government process, the regulations were delivered late at night, is that correct?

Ms JULIA ROBINSON: We actually received notification, I think it was midnight or sometime similar to that time.

The Hon. JOHN GRAHAM: I think on a Friday.

Ms JULIA ROBINSON: On a Friday night.

Ms ADELLE ROBINSON: Great timing.

Ms JULIA ROBINSON: I think it was before a long weekend.

Ms ADELLE ROBINSON: Yes.

Ms JULIA ROBINSON: Yes, it was before a long weekend.

The Hon. JOHN GRAHAM: This is not a routine government process.

Ms JULIA ROBINSON: No.

The Hon. JOHN GRAHAM: Fourteen festivals were singled out. They were described by the Government and in the media as being high-risk. How were those festivals notified?

Ms JULIA ROBINSON: We believe through some of our members that they were notified by email, but we do understand that one person did get notified by a text message. One festival did not receive the notification in the way that they potentially should have and they found out by a media report.

The Hon. JOHN GRAHAM: In the paper.

Ms JULIA ROBINSON: Yes.

The Hon. JOHN GRAHAM: Described as high-risk.

Ms JULIA ROBINSON: Yes.

The Hon. JOHN GRAHAM: The first they know or their financiers know for a big event is in the media rather than any sort of contact in this process.

Ms JULIA ROBINSON: Yes.

The Hon. JOHN GRAHAM: Have you got any other comments about the way this consultation has happened?

Ms JULIA ROBINSON: I think it was pretty disheartening for most people in the industry. We are a new association. It says in the submission that we launched in December, so we acknowledge we are very new. But this did feel very cloak and dagger. I was a bit worried actually if this is the way that things go on in normal day-to-day operations of government, as a new association.

Ms RICHARDSON: I would add to that, from Live Performance Australia's [LPA] perspective, we do not believe there was a consultation process, certainly not based on previous consultation processes with government that we have had all over the country. The other thing I would add is despite the industry's best efforts when we were aware of what was starting to play out, we tried very hard to engage with government and we suggested very early in the piece, and certainly prior to the regs being circulated and put out, that we wanted to sit down. We suggested a roundtable. We met with a group of cross government representatives to have that meeting on a Wednesday three days out. It was made very clear that this process was going ahead and that we should continue to try and engage with government but there would not be an opportunity to sit down and go through a rigorous consultation process.

The Hon. JOHN GRAHAM: Ms Richardson, you are coming from a national perspective, you are dealing with Federal issues, dealing with State Governments around the country.

Ms RICHARDSON: Yes.

The Hon. JOHN GRAHAM: Is this a usual process? Have you seen anything quite like this and the process that is being described?

Ms RICHARDSON: No. I have been chief executive for 12 years of LPA and we have not experienced this in any other jurisdiction. Prior to that I ran another industry association for the game developers and never saw it there either. I go back to my point before, after we had this experience, and LPA takes the national perspective, we are always very concerned when regulations roll out in one State that there may be a flow-on effect to the other states, so it may have national implications. This is very much the case with the said regulations. We wrote to every State and Territory Government raising our concerns and indicating that we would be willing to sit down and work with them. We had a response from every jurisdiction very early in the piece, which is also very unusual. I think there was certainly a lot of attention focusing on what was happening in New South Wales. As I said before, the feedback from the other jurisdictions was very much that they wanted to avoid ending up in this situation. At the end of the day what we have been saying all along is we want to work with government. We all share the same objectives in terms of safe environments, but we have not really been given an opportunity. When you look at the expertise across the country and within New South Wales, we really need to harness that.

The Hon. JOHN GRAHAM: I turn to the question of repeal or disallowance, because it is obviously a very strong action. In your submissions one of your key arguments is the reputational impact that this regulation has had in its existing form that New South Wales will lose festivals or lose the potential to have new festivals start up because of the signal this has sent. Would any of you like to expand on that point?

Ms DUCROU: I guess as a festival promoter I second Adelle's position and I think that at this point New South Wales would be the last place that I would want to start a festival based on the current climate.

The Hon. JOHN GRAHAM: And this regulation has become the symbol of that climate?

Ms DUCROU: Absolutely.

The Hon. JOHN GRAHAM: There are some broader issues, but this is now the symbol of it.

Ms DUCROU: Yes.

The Hon. JOHN GRAHAM: The second issue you have raised in your submissions is really for the festivals on this list. The Government said that this is just restricted to some festivals—they have described them as high-risk festivals—but for those festivals, being on this list obviously has a whole lot of implications for who

is financing it and what message it sends to audiences. Given the public discussion around this, given the way it is being conducted, the existence of this list is now a problem for operators, is it not? If you are on this list it sends a terrible signal.

Ms ADELLE ROBINSON: Yes, and I think as someone who was not on the list and is now apparently on the list—although no-one is referring to it as a list anymore, there is no list, there is just the licence or not the licence—there is definite reputational damage, and that is one of the things that I provided in my submission to ILGA. Interestingly, they came back to that point and said that being under the music festival licence should be worn as a badge of honour, and it is like the health tick of approval from their perspective, which I think shows the real disconnect between what is being played out in the media and what is happening on a government level. As you mentioned, obviously from a police perspective, from a venue perspective, from a bank perspective, merchant facility perspective, being under the music festival licence is very, very much a negative.

The CHAIR: Mr Wardle, did you want to say anything?

Mr WARDLE: Yes.

The Hon. JOHN GRAHAM: I do have some questions for Mr Wardle, but I might keep rolling, if that is all right? I am conscious of the other committee members.

The CHAIR: Yes.

The Hon. JOHN GRAHAM: So you are really saying that your preference is to scrap this list, which has a major reputational impact, and move to a more sensible regulation, free of the way this has been discussed to date. That is the position you are putting to the Committee?

Ms ADELLE ROBINSON: Yes, correct.

The Hon. JOHN GRAHAM: I want to turn to the criteria and the definitions in the regulation. Firstly, what are the criteria for being on or off this list? Is it clear?

Ms ADELLE ROBINSON: As I said, I do not even know why—it was not made clear to me why ILGA requested letters from Health and Police about my Listen Out event. I had not even lodged a liquor licence, so I am still not aware why my event was flagged. Obviously, I will say here, it is a large event, it does attract a young demographic, it does have electronic dance music at it, so I was actually expecting to be on the high-risk list to begin with, but there was no transparency around why I was not on it to begin with and why I am now. That is the issue.

The Hon. JOHN GRAHAM: You were told your event fit the definitions. Let us turn to those definitions. I might ask you, Mr Wardle, a little bit about those definitions.

Mr WARDLE: Yes.

The Hon. JOHN GRAHAM: There is a definition of "music festival"?

Mr WARDLE: Yes.

The Hon. JOHN GRAHAM: It is different from the industry or the APRA AMCOS definition of a music festival. Is that correct?

Mr WARDLE: That is my understanding.

The Hon. JOHN GRAHAM: Was there any consultation with the industry about this definition in the regulation?

Mr WARDLE: No, not from my desk. I guess that is what has been quite disappointing about this process all the way through, that really the Premier's expert panel failed to engage with us, and that comprised police and ILGA. We have a constructive and ongoing working relationship with the New South Wales Government. We actively engage in liquor licensing processes, which ILGA are well aware of. We have been through last year's inquiry—and yet they did not engage with us, they did not engage with LPA for example—

The Hon. JOHN GRAHAM: And on these specific definitions, if what one festival has been told is, "Well, you fit the definition of a music festival", many events would fit this definition of a music festival, would they not?

Mr WARDLE: Absolutely, and these were a cause of great discussion internally with industry colleagues as to, "Hang on, how is this supposed to work?"

The Hon. JOHN GRAHAM: I want to turn to the definition of "concert".

Mr WARDLE: Yes.

The Hon. JOHN GRAHAM: So essentially the regulation says you are a music festival except if you are a concert.

Mr WARDLE: Yes.

The Hon. JOHN GRAHAM: But then the definition of "concert" says a music-focused event that uses a single stage, is proposed to be held over a period of less than five hours, and has not more than two headlining performers and not more than four performers in total, including supporting performers. Under that definition of "concert", is there not a risk that, if you have two stages or if you run for more than five hours, or if you have more than two headlining performers, or if you have five performers, you are actually a music festival?

Mr WARDLE: That is correct.

The Hon. JOHN GRAHAM: Is that a risk under this regulation?

Mr WARDLE: That is a clear risk. That could capture any number of events.

The Hon. JOHN GRAHAM: So a concert at the Qudos Bank Arena might fall under the definition of "music festival" under this regulation?

Mr WARDLE: But also many community type events as well, regional—

The Hon. JOHN GRAHAM: Yes, and any of those might get a call from a regulator saying, "You fit the definition of a music festival."

Ms DUCROU: And to add to that, a concert in the Domain, a headline concert that might run for a longer period of time, would fit that criteria as well.

The Hon. JOHN GRAHAM: Yes.

Ms RICHARDSON: Absolutely.

The Hon. JOHN GRAHAM: So the dragnet formed by these definitions in the regulation is far broader than has been suggested. Thank you. I might now turn to the path forward that you are recommending. You are really saying to repeal this regulation, establish a regulatory roundtable and, by the summer festival season, you believe you would be able to work together with Government to put together an appropriate regulatory framework. Is that what you are recommending to the Committee?

Ms JULIA ROBINSON: In our submission we do recommend a regulatory roundtable and we do recommend the disallowance. I think from a timeline perspective ahead of the summer season, what we would not want to see is another bandaid or quick-fix sort of response to what are complex issues.

The Hon. JOHN GRAHAM: I think there is going to be public concern to make sure there is some appropriate regulation where we can say people are safe before the summer festival season.

Ms JULIA ROBINSON: Yes, and further in the submissions we talk about the New South Wales Health guidelines, which I have reiterated this morning that they are in a really great position to provide safety to our patrons at music festivals in their current capacity. They have not been published yet. With respect to the sale and supply of liquor, that is in my opinion and in the AFA's opinion suitably managed through the current available options of liquor licences, so with respect to safety it is appropriately addressed via the health guidelines and with respect to the sale and supply of liquor, that is appropriately addressed via the Liquor Act through the available options.

The Hon. SCOTT FARLOW: I understand a lot of your submission has been around the inappropriateness of this being governed by liquor regulation effectively. Why do you see that as the case?

Ms JULIA ROBINSON: Because the issues that led to the change in the licensing regime were due to recreational or illicit drug use harms, and that is not—

The Hon. SCOTT FARLOW: Covered under the Liquor Act.

Ms JULIA ROBINSON: Covered under the Liquor Act. The Liquor Act regulates the sale or supply of alcohol.

Ms DUCROU: I was just going to give an example of the confusion that it has created in my world.

The Hon. SCOTT FARLOW: Yes.

Ms DUCROU: We engage a contractor to operate our bars. They are experts and have great knowledge around liquor acts and responsibilities that we, as a festival, have to deliver under the new regulations. In fact the liquor licence now would be held by myself—

The Hon. SCOTT FARLOW: And previously that would be held by?

Ms DUCROU: By the contractor. I do not have that same level of knowledge. The reason I would not put our existing contractor in that position is because they are now responsible for the entire operations of the festival under the new legislation, which is not practical. They do not have the experience to know how to run a festival. So the liquor licence will now sit with me, I am now going to have to go and do the appropriate training, and it has presented confusion about how best to approach it from our end. Not to say that for all festivals, that the liquor licence is held in the same way—some actually already hold the liquor licence from an operational point of view—but that is my reality.

The Hon. SCOTT FARLOW: That is very helpful in terms of that information. With respect to the round table process that you would be looking at undertaking with the Government, who do you think should be part of that round table process and what do you think should be an adequate timeline to be in place for the summer festival season?

Ms JULIA ROBINSON: So in terms of who should be a part of it, I put some suggestions in my submission, so they are at the back in the appendix. But certainly things to not forget in this process are the State Transit Authority. So, you know, our transport regulators need to be involved because in fact in one of those tragedies that person actually became quite sick at the train station, not actually at the music festival. So is that an example of why this is quite complex and it does not just involve Health, police and Liquor & Gaming. So there is an example in there. As far as the timeline goes, I think I would leave it up to the experts who would normally—

Ms ADELLE ROBINSON: But we would all be available straight away.

Ms JULIA ROBINSON: Tomorrow? We're fine. Are you free?

The Hon. SCOTT FARLOW: Tomorrow? The diary is free?

Ms JULIA ROBINSON: Yeah. We're free tomorrow.

The Hon. SCOTT FARLOW: Great. Excellent. And with respect to, I guess, one of the issues that constantly is raised here is in terms of the cost and the cost burden that festival promoters are bearing in this process. Where—how do you think costs should be allocated in terms of—I guess one of the challenges that I see is that—and the Government's submission outlines the cost that the Government incurs in this. And of course the Government will seek to defray some of that cost. Should that be borne by festival promoters? Is part of your concern with the amount of cost that Government is incurring as part of this process? And we have heard submissions with respect to policing numbers and policing levels. How do you think that should be apportioned?

Ms JULIA ROBINSON: So I will first address that I think discussions like that are a perfect agenda item for a regulatory round table.

The Hon. SCOTT FARLOW: A point for the round tables?

Ms JULIA ROBINSON: I also just point to the issues that the industry raised in the media and via the Australian Festival Association [AFA] and by other sources around cost were largely because of the fast implementation of these regulations. And we pointed to the timelines of 12 to 18 months out. Promoters are booking artists and they have to work out the costs. They have to work out the ticket price. And those were all set, and we were given five days. So that portion of that discussion is addressed by the time. The other portion of the increasing cost—so there is a significantly increased cost to user charges policing in New South Wales over other States. Again, that is an agenda item perfect to discuss at a regulatory round table, from my perspective.

The Hon. WES FANG: Which beautifully segues into my questioning, actually. Thank you. Ms Adelle Robinson, I guess I am curious to know—and you are the perfect person to talk to this—how the regulation will affect the operation of, say, your festivals from before you were identified as being part of the music festival licensing structure to now. I think you said in your opening statement that you did a lot of what was already required there.

Ms ADELLE ROBINSON: Yes. That is correct.

The Hon. WES FANG: What additional conditions will be applied to you?

Ms ADELLE ROBINSON: So in terms of operationally, the event kind of base standards on what I am providing will not change. The main thing that will change is all of the operational plans for the event will be able to be breached on if they are not exactly how they are in my safety plan. So obviously when you are talking about a festival with 35,000 people, I am going to have 350 security guards. I am going to have over 1,000 staff. They all play into the safety management plan, and by the letter of the law a licensing sergeant could come and say, "This part of the safety plan is not being enacted exactly how that harm min person was supposed to be standing there doing XYZ." So that is the main change and I think what I have said is in terms of a large event which has got large resources, I have compliance teams that spend the whole day walking around making sure that all of those elements are being complied to anyway. A large event is able to do that. As I said in my statement, my main concern is for smaller events that are starting up, potentially having to operate under a music festival licence and not having those resources.

The Hon. WES FANG: I can understand the burden of, say, a licensing officer coming in and saying, "Your safety plan says X, but this person is doing Y and that is a breach," but by my observations, A, that is a legitimate complaint, and B, the whole purpose of having a safety plan is that it is enacted as per the safety plan.

Ms ADELLE ROBINSON: Yes.

The Hon. WES FANG: And if there are breaches, then they should be addressed. I fail to see how that is going to make for a less—how it is going to affect the user experience.

Ms ADELLE ROBINSON: I understand. You just asked me what the difference would be, and that was all I said. So that is the difference. The difference is all elements of the safety plan are now open to compliance checks. That is the difference.

The Hon. WES FANG: Okay. I just do not understand how that is a problem.

Ms ADELLE ROBINSON: So like I said, I am not having any issue complying with the music festival licence. As I said, my concern is smaller events that do not have the same resources, do not have the same experience, would potentially have trouble.

The Hon. WES FANG: Okay. One of the things I noted from your opening statement was that for festivals you hold in Queensland, the policing cost was—I think you said it was two to three times more in New South Wales than it was in Queensland? Was that correct?

Ms ADELLE ROBINSON: Yes. Per capita.

The Hon. WES FANG: Per capita. So when we are talking about a ticket price, are you able to sort of quantify how much that adds to the price of a ticket?

Ms ADELLE ROBINSON: No, because I have a standard ticket price for the festival. So I do not—

The Hon. WES FANG: So it is absorbed by your—

Ms ADELLE ROBINSON: Yes. It would come out of the bottom line.

The Hon. WES FANG: Right.

The Hon. SCOTT FARLOW: Just quickly on that question, what would be the per capita price in Queensland compared to New South Wales? What sort of sum? Are we talking, like, \$10 per person? Are we talking \$1?

Ms ADELLE ROBINSON: I will have to take that on notice.

The Hon. SCOTT FARLOW: If you could, that would be great.

Ms DUCROU: I can give a little comparison. With Splendour in the Grass, our user paid bill is in excess of \$200,000. In Victoria with Lorne Falls Festival, a similar format, it is zero.

The Hon. WES FANG: Is there a similar number of people attending both festivals?

Ms DUCROU: No, I would say half for Falls. But there is no user paid bill at all. In fact, I think the police that are provided are complementary.

The CHAIR: Catherine, I think you had a question?

The Hon. CATHERINE CUSACK: Yes. Just how those figures are calculated by the different States.

Ms DUCROU: I think that is another thing for the round table because there is inconsistency from precinct to precinct in New South Wales, let alone State to State. It is subjective at the moment.

The Hon. CATHERINE CUSACK: So does the new regulation change any of that aspect of it?

Ms DUCROU: No, it does not address it.

The Hon. CATHERINE CUSACK: So just to be clear, in terms of the—where it is sort of alleged that—we are a review committee for the actual regulation as opposed to for the generic issues, which—and I know there is a whole head of steam around this and a lot of people have talked to us generally about, you know, "It is a great industry. It is not being supported." But in terms of our mission, which is actually what is in the regulation, is it kind of reflecting best practice but you feel it is been inappropriately implemented or inappropriately paid for? Or can you actually speak to those specifics in relation to the implementation? Maybe, Adelle, I might ask you. Since it is already reflecting what you are already doing, it is really—

Ms ADELLE ROBINSON: Yes. I think, like I said, the NSW Health guidelines, they are excellent and I think they will be, really, a great guide for people. But I think that the Liquor Act attaching itself with health guidelines is incorrect. That is the issue.

The Hon. CATHERINE CUSACK: That is the issue for you?

Ms ADELLE ROBINSON: Yes.

The Hon. CATHERINE CUSACK: And can I ask is that the same for you?

Ms DUCROU: Yes, absolutely.

The Hon. CATHERINE CUSACK: Can you explain that?

Ms DUCROU: I think I am talking, again, to our licensing issues at the festival under the proposed legislation. It is shifting the responsibility of the liquor licence to the promoter who does not necessarily have the experience that the contractor that we had been using—

The Hon. CATHERINE CUSACK: Yes. And the contractor has the liquor licence?

Ms DUCROU: That is right. Currently for us, yes.

The Hon. CATHERINE CUSACK: All right. And the promoter is going to—but I think that is pretty normal, is it not? That festivals do not sell their own—

Ms DUCROU: Right. Yes. Well, I think it varies, and I think that is another part of the problem with this legislation is that it does not talk to the nuances of the many different festivals. And I think that is at the foundation.

The Hon. CATHERINE CUSACK: Okay. I did not understand that. So by making you accountable—well, I suppose now multiple people are accountable for the liquor licence bit—I presume that adds to your financial risk in terms of—

Ms DUCROU: That is not my concern, the financial risk.

The Hon. CATHERINE CUSACK: No, no. I am just thinking you have got to borrow money to organise the festival and you have got a whole—or is that not really—

Ms DUCROU: That does not change.

The Hon. CATHERINE CUSACK: It does not change?

Ms DUCROU: It just puts us—I mean, I could not allow our existing licensee to take on the responsibility of the entire festival, which is why I have to now take on the liquor licence responsibility, of which I am not an expert. Does that make sense?

The Hon. CATHERINE CUSACK: It does. I just do not understand why it is being done.

Ms DUCROU: Prior to the proposed legislation we engaged an independent liquor consultant to operate our bars. Bars are one part of probably 20 to 30 different areas that we need to manage for the festivals' supply of alcohol. Under the new legislation they have shifted that responsibility onto the promoter. It is really, the way I interpret it, a crude tool to control the future of a festival, because you cannot operate a festival without a liquor licence. They are shifting it to the promoter. The promoter takes full responsibility for the supply of alcohol at the festival, along with every other operational aspect. My concern is that I do not have the appropriate experience to

be running those bars. So I am now going to have to train to make sure that I understand all of the various issues that the contractor used to manage.

The Hon. CATHERINE CUSACK: For you to hold a liquor licence you need to demonstrate certain things?

Ms DUCROU: Yes. I have to go and do a course.

The Hon. CATHERINE CUSACK: I understand.

Ms DUCROU: Because most of those liquor licences come from pubs, hotels that are already operating, people who are experienced in responsible service of alcohol [RSA] and so forth. We engage experts to produce that at our festival.

Ms JULIA ROBINSON: I understand that there are some complexities with our industry—

The Hon. CATHERINE CUSACK: That is what we are keen to get to the bottom of though. This is really very helpful to us, this information.

Ms CATE FAEHRMANN: Ms Ducrou, did you get an opportunity to provide this feedback—that it appears that Government members are hearing with interest—about the difficulties with the liquor licence being put on to you as opposed to the contractor, to government before this was introduced?

Ms DUCROU: No, I was not consulted, and I did ask to be included, but I was not consulted.

Ms CATE FAEHRMANN: Because that would have been the time to be able to sit down with government and explain what an impost it would be to not just you, I am assuming, but many festivals across the State.

Ms DUCROU: Absolutely.

Ms CATE FAEHRMANN: Many operators. It is an example of the lack of consultation of the two regulations before us.

Ms DUCROU: That is right.

Ms CATE FAEHRMANN: To most of you appearing today, in your huge amount of experience and knowledge in running music festivals, will these two regulations make it any safer for young people attending music festivals next summer?

Ms JULIA ROBINSON: I think one of the answers to that is due to the fact that there was no regulatory impact statement done for these regulations, we cannot actually know the impact that they will have, and due to the fact they largely were not based on any kind of evidence for harm minimisation or safety at music festivals, I think it is hard to assess. However, as I said at the beginning, the New South Wales guidelines for harm reduction at music festivals is a really robust document. It has been based largely around evidence and largely around very live, very up-to-date evidence of the past nine months. You can virtually by the guidelines what has been written in and how it relates to the current inquest and what was found in that inquest in the first instances—I think those guidelines are a really good step in the right direction. But, again, without a full impact statement done into these regulations we cannot possibly know.

Ms ADELLE ROBINSON: Those guidelines are like a live document. It is about it being continual consultation, looking at each new trend, et cetera, and that is what makes them really valuable.

Ms CATE FAEHRMANN: Why is it important to wait for the Deputy Coroner to hand down her findings? Why is that so important before we determine how to keep people safe at music festivals?

Ms JULIA ROBINSON: I think that that process is quite unique for a lot of reasons but mostly because it is six very similar instances that we can all learn from and I think it is a process that has been carried out for over a hundred years, the Coroners Court. And so it is an opportunity to have a robust look at what has happened before we jump to placing blame, or jump to pointing the finger at exactly what was the problem. I have personally sat in that inquest every day so far, and it is complex. It is a really complex thing that has happened and it deserves a complex response. But it deserves a comprehensive response, it does not deserve a bandaid. I think that is not doing justice for the families and friends of those loved ones.

Ms CATE FAEHRMANN: Turning to Mr Wardle's Live Music Office submission—thank you all, by the way, for your comprehensive submissions, they were very good and the recommendations contained in them. I am particularly interested in the table that it provided, the Better Regulation Standing Committee/Roundtable,

you provide a table which is very interesting, of what the different States do in terms of consulting with the music industry. Would you like to expand on that?

Mr WARDLE: The table just identifies the number of standing committees or forums that have been convened around the States and Territories to deal with particular regulatory challenges that face our music industry. The festivals regulation is particularly complex but additionally so are the venue regulation and land use conflict. There have been some really successful models. We look at the entertainment precinct model in Brisbane. Agencies were convened at that time to achieve that. In 2007 when we changed the places of public entertainment [POPE] laws in the 2007 Liquor Act, the agencies came together and worked collaboratively in South Australia, Western Australia and also Victoria. I provided this table to just provide a broader picture of how governments and industry can work collaboratively.

Ms CATE FAEHRMANN: Can you expand a little bit on the 2007 situation when the Liquor Act was changed and the government agencies came together with industry, why that was so essential? Do you know a bit about what happened at that time?

Mr WARDLE: I know a great deal about that. I have been around a long time. The Premier in 2004 created a Premier's Department, wrote a paper on issues to do with the music industry red tape. At that time there were Council of Australian Governments [COAG] obligations on competition policy to do with the Liquor Act, and the Liquor Act was undergoing a reform through that time. We got a number of items there, changes to the objectives with all ages opportunities, new bar category, new licence categories and a new noise complaints process. We were not going to get a result unless we had changes to the planning laws at that time and the place of public entertainment, as it were, was a double development application process. There were Environmental Planning and Assessment Act amendments, a SEPP and a Reg. We also needed to deliver a building code reform to ensure that the fire safety was adjusted for low-risk venues. So the agencies worked collaboratively with us, New South Wales, as it were, then. It was a lot of work. It was a great deal of work. Ultimately that was a great foundation that really we saw building the night time economy up until the lockouts, essentially.

South Australia has done some really great work recently with their better regulation project. I am a member of these. I am a member of the Victorian Regulation Roundtable and the West Australian 2016 work, so I am a part of these. I am very familiar with them. If we look to the 2002 Coroner's report, one of the primary recommendations from there was that a working group be established. If we look to last year's music and arts inquiry, section 9 speaks in some detail to issues faced by music festivals in New South Wales. There are other forums that have provided what we would see is a united direction to bring everybody together to work collectively on. That is supported through local government submissions—Wollongong, City of Sydney—through the local government association.

Ms CATE FAEHRMANN: In your view, because at the time it was clear that government was under pressure from the deaths and the media storm surrounding those deaths to do something, if the Government had come forward and established one of these regulatory roundtables and taken the time to consult with industry and listen to the experiences and information in terms of the liquor licensing debacle, would the Government have got it right and found something that the music industry and the promoters would have thought would do the job?

Mr WARDLE: Absolutely, and we have seen industry providing best-practice examples that agencies are using. You can see from the challenges around the definitions just how difficult it is to pin down what an event actually is. We have seen the challenges faced by operators in them having to restructure their business because they are now having to assume regulatory responsibilities that were outsourced to contractors. For this to land in a place where events are safe and where New South Wales has a thriving events industry, it needs to be done in partnership with operators and with local government.

Ms CATE FAEHRMANN: I have a clarifying question for Ms Adelle Robinson. You mentioned that Listen Out was not initially on the list that we are not allowed to call a list. You said that the Independent Liquor & Gaming Authority [ILGA] had requested information from health and police. Can you expand on what happened for the Committee and why you were on the list?

Ms ADELLE ROBINSON: I received a letter from ILGA, which had supporting letters from health and police around their recommendations as to whether the Listen Out show should be under a music festival licence. This was before I had applied for a music festival licence that year. I think it was even before I had announced the event.

Ms CATE FAEHRMANN: Was that correspondence the first you had heard?

Ms ADELLE ROBINSON: I had heard whisperings that it might be coming.

Ms CATE FAEHRMANN: It was the first formal correspondence?

Ms ADELLE ROBINSON: Yes, it was the first formal.

The Hon. JOHN GRAHAM: I have a couple of issues. The point was made about the former music inquiry, which both I and the Hon. Catherine Cusack served on. That outlined a range of existing regulatory issues for festivals in New South Wales. For me, that was part of the backdrop to this discussion. It was already quite hard to run a festival in New South Wales in some ways. Please briefly comment on that.

Ms DUCROU: In terms of the complexities in New South Wales, the challenges around policing, particularly, require further conversation. I think they are very heavy-handed in comparison to other States. Complexities around approvals, whether they are local, State, Federal—

The Hon. JOHN GRAHAM: These might be council issues or government issues, but it was a very complex environment already before this regulation comes in.

Ms DUCROU: Yes, that is right, whether it be private land, public land, what the political landscape might be at the time you are applying for festivals.

The Hon. JOHN GRAHAM: All of those issues you would like to bring to this regulatory roundtable, in essence.

Ms DUCROU: Absolutely.

Ms ADELLE ROBINSON: Most of those issues have been amplified by the media storm around music festival regulations. I think that it is really important to mention that the media storm around this has amplified every dealing that we have had to have with stakeholders. Everyone has been operating in an atmosphere of fear.

The Hon. JOHN GRAHAM: That is regardless of whether you are on the list or off the list.

Ms ADELLE ROBINSON: Correct, yes.

The Hon. JOHN GRAHAM: It was already hard and it has got harder as a result of this.

Ms ADELLE ROBINSON: Correct.

The Hon. JOHN GRAHAM: We are looking at this from the New South Wales point of view; you are operating across the country. How is it that other States seem to have got this balance right and kept young people safe in some of those jurisdictions?

The Hon. CATHERINE CUSACK: That is a big statement.

Ms DUCROU: That is a loaded question.

The Hon. JOHN GRAHAM: It has been a pretty bad—

The Hon. CATHERINE CUSACK: There have been deaths in other States as well.

The Hon. JOHN GRAHAM: Exactly, but we have had—

The Hon. CATHERINE CUSACK: You do not get it right until you can stop the deaths, I think.

Ms CATE FAEHRMANN: I think the Deputy Coroner is looking into that as well.

The Hon. JOHN GRAHAM: It has been a particularly bad summer. That is one of the real fears and it is of concern to the Committee. Why is it the case that other States do not seem to have had a summer like we have had in New South Wales?

Ms JULIA ROBINSON: To your point, I think that that is part of what the Deputy Coroner is going to be addressing. As I said and as anyone who sat in on the inquest would know, this is a really complex issue. It seems like it goes back 30 years and covers issues like training of police at the academy. They used to be trained in drug and alcohol principles and now they are not. Drug and alcohol training in our schools, a change in culture—it is a raft of things that need to be considered as to why New South Wales had that awful summer and whether it was just the circumstances of the time. It is not our call to make. As I said in the beginning, I think that there are issues in all of the States. They have various issues, but I think that they are all eager to try to clear them up or to try to work with industry to promote the future of the festivals, as opposed to regulating them to death.

The Hon. JOHN GRAHAM: To return to the path forward, you called for this legislation to be repealed and then work towards safe regulation. Is the industry willing to work with government to make sure that kids are safe before the summer festival season?

Mr WARDLE: Yes.

Ms DUCROU: Yes, of course.

Ms JULIA ROBINSON: We are committed to safety.

The Hon. CATHERINE CUSACK: My question is on the whole issue of timing. How can the Government not do anything after a summer like last summer and expect the community, who do not want to see these deaths, to accept the Government waiting until after the Coroner's report? If that were all that was to occur, would your festivals like to be slammed with new conditions overnight? I guess what I am trying to say is that, from the Government's point of view, something needs to be done and it needs to be done in a timely way. The timing of that can affect you very badly as well. As there has been six months of consultation and it could all be announced now, that could be even worse, could it not?

Ms ADELLE ROBINSON: Yes. I guess, looking back to the last summer, those health guidelines have been being developed since then and they have been put in place. I feel like the health guidelines can be separated out from the liquor licence. There are ways that the guidelines can be enforced across the summer. Those guidelines need to be the focus, not the Liquor Act. That is what we think.

Ms DUCROU: Agreed.

The CHAIR: Thank you all very much for your attendance today. I believe Ms Adelle Robinson took some questions on notice.

Ms ADELLE ROBINSON: I did.

The CHAIR: Committee has resolved that answers to questions on notice be returned within five days. The wonderful secretariat will be in touch with you in regard to those questions on notice.

(The witnesses withdrew.)

(Luncheon adjournment)

MARY HARROD, Chief Executive Officer, NSW Users and AIDS Association, affirmed and examined

PATRICIA HEPWORTH, Director of Policy and Research, Foundation for Alcohol Research and Education, sworn and examined

MADELEINE DAY, Senior Policy Officer, Foundation for Alcohol Research and Education, affirmed and examined

The CHAIR: Would any of you like to make a very brief opening statement?

Dr HARROD: Yes. This will be brief. The NSW Users and AIDS Association [NUAA] is a community-based drug user organisation. We represent at a policy level people who use drugs and we also provide services. One of those services is DanceWize NSW, which has been very heavily involved in the response to the deaths that happened beginning of September. It is coming from a really on-the-ground harm reduction perspective. The three main points that I would like to emphasise is that I appreciate that this is a community consultation here and that all of the members represent communities. I encourage any ongoing festival regulation to have a consultative approach with the affected community, which is festival-goers but also the multiple stakeholders who are involved in this important part of the economy.

Second, I think we really need to bed down harm reduction in the regulation of music festivals and look at the benefits of taking a rational evidence-based approach to drug use at music festivals. Then I think we at NUAA think it is very important to recognise the really intrinsic cultural value of music festivals. These are important social and cultural occasions for mostly young people and create a supportive atmosphere for patrons and promoters and the multiple stakeholders, including evidence-based community policing practices.

Ms HEPWORTH: Good afternoon and many thanks for the invitation to appear before the Committee today. I wish to acknowledge in starting the traditional owners of the land on which we meet, the Gadigal people of the Eora Nation, and also acknowledge the great harm reduction work that is done by NUAA, especially through their DanceWize program. The Foundation for Alcohol Research and Education is an independent not-for-profit organisation which works to reduce the significant harm caused by alcohol. Alcohol remains the most widely used and most harmful drug in Australia. In New South Wales nearly 3,000 lives are lost and more than 47,000 people are hospitalised due to alcohol every single year.

We know that there are high rates of alcohol harm at music festivals. Recent analysis of the global drug survey from Monica Barratt, Caitlin Hughes, Jason Ferris, and Adam Winstock, for example, found that alcohol was the most common drug leading to emergency medical treatment among people who identify as festival-goers and additionally that many people are intoxicated before they consume illicit drugs. We also acknowledge that festivals are an integral part of New South Wales cultural make-up and that people should be able to attend them in safety. As such, we support in principle the creation of a special liquor licence category that recognises the heightened and specific risks of festivals and in response requires consistent statewide harm minimisation procedures to be put in place in consultation with medical health and emergency services.

Harm reduction should be a primary consideration of liquor licensing. I take this opportunity to reiterate our call for harm minimisation to actually be inserted as an object in the Liquor Act. We also call for more research to be done into the impact of both licit and illicit drug use among festival-goers and evaluation of successful harm minimisation strategies. We do believe that there is scope to improve the licences. One aspect that would be done is proper integration with the risk-based licensing model that already exists in New South Wales, having a fee structure for music festival licences that is built on a risk model with the high-risk festivals paying higher fees and incentivise smaller low-risk festivals and also incentivise risk-reduction measures. There is also scope for the integration of some form of the violent venue system that already exists in New South Wales which would again incentivise festivals to ensure that they are providing the best services and best harm reduction services for festival-goers.

Finally we believe the Committee should think a little bit outside of these regulations and consider other preventive health techniques, such as stopping the sale of bulk drink purchases and also working to break the insidious links between alcohol promotion and festival sponsorship. New South Wales' biggest family-friendly music festivals all have alcohol companies as major sponsors, exposing kids to advertising which is shown at population level to lead to earlier commencement of drinking and higher rates of drinking. We acknowledge there have been some hiccups in implementation; however, the foundation believes that it is now time to refine these specific festival licences to better ensure that harm minimisation is integrated and that people in New South Wales can enjoy festivals safely.

The CHAIR: Ms Day, do you have a short opening statement?

Ms DAY: No. I support what Ms Hepworth said, thank you.

The Hon. CATHERINE CUSACK: Given your submission, do you support the regulation as it is?

Ms HEPWORTH: I definitely think that the regulation as it stands is an improvement in what we have had before. In particular, the key thing that we appreciate about the regulation is that ability for festivals to be compelled to ensure that there is a safety management plan in place and that safety management plan must be in consultation with groups such as NSW Health. Having said that, we would obviously recommend that there is scope for this licence to be refined and certainly acknowledge that there have been hiccups in its implementation. But we would not advocate scrapping it, especially not with something else in place that would ensure that those harm reduction measures were in place.

The Hon. WES FANG: Thank you very much for attending today. Dr Harrod, you said in your opening statement that effectively you are advocates for those who take drugs at a recreational level—actually I guess at all levels. With that mind, how do you feel that the regulation as it currently stands inhibits or in any way detracts from the users' freedoms?

Dr HARROD: I guess I think that the main thing, recognising that illicit drug use is illicit and it is a criminalised behaviour, so your freedom around that is highly restricted. That is the situation that we are in. I think in terms of personal freedoms outside of that one behaviour are currently being—like your personal freedoms are very often in festival environments under scrutiny and under attack in terms of the way that we often see policing occurring at festivals. I think that the strip searching that has happened in a number of festival environments that attracted quite a bit of comment recently is a very big example of that.

Perhaps the clearest example where people that are identified by sniffer dogs, where there is very slim evidence base that those identifications are correct, are subjected to what are often very horrific strip searches. We have a number of reports from members of their violation of their right to bodily integrity but also the trauma that that causes. I do not think we can underestimate what a traumatic experience that is for a young person going into a festival. There is also a level of personal intimidation in walking past a cordon of police when you are just going to enjoy some music. You may or may not be taking illicit drugs, but it can be quite confronting at festivals that I have been at. You have to run a gauntlet of approximately 20 police at the gate.

The Hon. CATHERINE CUSACK: Which festival was that?

Dr HARROD: That specifically was Ultra.

The Hon. CATHERINE CUSACK: 20 police at the gate.

Dr HARROD: I am guessing, but I was a lot of police. I have pictures on my phone actually of it. They were standing right at the gate, from memory in pairs. It was between 10 and 20 policemen standing there watching people as they came in.

The Hon. WES FANG: It is an interesting observation that you make because I think if I was attending a music festival, the sight of police officers there would (1) add to my level of security and (2) be a comfort for me to know that they are actively policing and enforcing the law.

The Hon. CATHERINE CUSACK: And if you were going to commit a crime, it might deter you.

The Hon. CATE FAEHRMANN: It might show how out of touch you are, with the majority of festival goers, with respect.

The Hon. WES FANG: Possibly, but I do not take drugs.

Dr HARROD: I think there are ways to do policing well at festivals and there are ways to increase the atmosphere of worry and intimidation. Maybe because I have a history as a drug user, I do not really know why, but I see 10 to 20 police and I think it is quite a normal reaction to get nervous. I do not think that is uncommon, whether you are committing a crime or not. There are positive examples of policing at festivals. There are supportive and friendly interactions with the crowd and they are creating an atmosphere of safety. That is more of a community policing model. But if the police are there and their sole purpose of being there is to scrutinise you and catch you out with something—and we have multiple examples of this, where the police and the passive alert protection [PAD] dog operations have picked somebody out, said you are a drug user and strip searched them and there are no substances on these guys. You cannot tell me that that is making people feel safer, because it is causing them trauma. That particular style of policing is increasing the harm.

The Hon. WES FANG: Do you have an alternate proposal as to how the police may detect drug dealers, drug users, those in possession of illicit substances at a music festival?

Dr HARROD: I think there are methods of detecting dealers and that would be where the national policy approach—

The Hon. WES FANG: That is what I am asking, what are the methods by which we might do that?

Dr HARROD: I am not an expert in that. I actually do not have any suggestions.

The Hon. CATHERINE CUSACK: Do you agree that the level of illicit drugs at these festivals is a problem?

Dr HARROD: In my mind, illicit drugs, like it or not, the reality of the society we live in is this is a way a lot of people enjoy themselves and connect with each other. The problem for me is yes, there are problems in the way people take illicit drugs—I would not deny that—and there are problems in the way we try to control drug use. The observation of our organisation and my observation is the more we try to crack down on things, the more people go sideways with them and the behaviour becomes more covert. So yes, there are problems with people preloading or double dosing, that has been well-documented this past season. The more we have 10 policemen, policemen near the medical tent, that presence, stops people from getting help when they do get in trouble. That is what I see is the bigger problem. I do not expect us all to accept that drug use is part of life and it is a reality, but that is the position I am coming from and that is my experience.

The Hon. CATHERINE CUSACK: The community does not accept that and the media does not accept that. When five people die at music festivals, there is an expectation that the Government has a role to play in that. I think that is why my colleague is saying what would you recommend, but it sounds like you do not see it as a problem.

Dr HARROD: I do not think that I said that. I said that I see it as a reality of life.

The Hon. CATHERINE CUSACK: A reality to be tolerated?

Dr HARROD: To be what?

The Hon. CATHERINE CUSACK: Tolerated or ignored?

Dr HARROD: I am not saying we should ignore it, but our whole organisation's purpose is to make people safe. We should take an approach of health, safety and evidence. The evidence that we have from many, many years in many places of the world is that the approach of saying we are going to crack down and crack down and say no is not working, and it is increasing harm.

The Hon. CATHERINE CUSACK: We get that you do not support that, but what we do not get is what you do support.

Dr HARROD: I support an evidence-based health-based approach. In terms of specific policing measures to catch dealers, I am not a policeman, so I do not have any ideas about that; I am sorry.

The Hon. CATE FAEHRMANN: In terms of badgering the witness, there has been a submission that NUAA has made with in fact what NUAA does do, what they are promoting, which is dance-wise, which is essentially being this very successful, harm minimisation, harm reduction approach at dance parties. I object to the line of questioning and almost harassment of the witness that we are seeing from government.

The CHAIR: We will take that on board.

The Hon. WES FANG: Dr Harrod, continuing a little bit with that line of questioning, in your experience, do you think it is possible that should we reduce the amount of policing around this issue that there could be a safe drug taking occurrence happening at music festivals? Do you think if we decriminalised or reduced the enforcement of the drug policies that we would see a safer—

Dr HARROD: Yes, I think it would be safer for the attendees, yes.

The Hon. WES FANG: How would that manifest itself?

Dr HARROD: First and foremost, I think the overall atmosphere of scrutiny and criminalisation, people are very afraid of getting caught, they are very afraid of being arrested, they are very afraid of their parents finding out. That prevents people from fronting up and getting help if they are in trouble. That is well documented. It is something that we hear repeatedly from the community, is people are very wary. That is not just at festivals, that is across the board, very wary of seeking help for fear of being identified as a drug user. If we reduce the amount

of stigma and people coming forward and saying, yes, I do need drugs, then that reluctance to actually front up to a health service and get assistance would go down.

We have many, many examples of that documented within our organisation and that is one of the key parts we do as an organisation, is try to reduce the level of stigma that people experience getting help. Secondly, in the specific festival environment, that having to hide—and it goes beyond that into many environments—creates riskier drug use. The classic example is people approaching a festival and seeing a line-up of police: They have three pills on them that they might have stretched out over 12 hours but they take them all at once. We also have documented cases. The other example—I am not expecting you to sympathise with this one—is that the drugs that you purchase inside of a festival tend to be of more variable quality than you purchase beforehand from a dealer whom you know.

Ms CATE FAEHRMANN: Can you explain why people are purchasing them inside the festival?

Dr HARROD: If you are worried about getting caught at the gate and you do not bring something in with you then you might seek to purchase it inside the festival. We know that those drugs are poor quality and riskier.

The Hon. CATHERINE CUSACK: But they know it is wrong; they know what they are doing is illegal.

Dr HARROD: I would separate those two statements and I would say, yes, everyone knows it is illegal but "wrong" is a value that not everyone agrees with. I do not think it is wrong.

The Hon. WES FANG: I have just liaised with my good colleague and he has permitted me to ask one more question. I can see the validity of the argument that you are making around the reduction in enforcement, but part of the testimony that we heard this morning was that the regulation that we have put in now has increased the cost to the festivals themselves through the extra policing and the user charge that is occurring. I guess in the utopia world where we have a lower enforcement level, one would presume that because we were permitting more drug use we would also potentially increase the number of medical attendants, rest areas, safe areas and doctors; the whole cost of the medical service provider to the festival will increase. We heard from festivals today that they do not want to increase their prices because they have a very set model with a start this planning 12 to 18 months out. Who should be responsible for paying for the increased medical costs where we allow drugs to be taken in the festival?

Dr HARROD: I would strongly suggest that there is no evidence to suggest that that would be the case. I think that we potentially have the opportunity to look at this question on the basis of evidence. The evidence would be those festivals that have a strong police presence—Do some multivariate stats and try to crunch the numbers. There are a lot of places overseas where policing is minimal. There is a community policing approach where the medical harms at festivals are vastly different to what we have here in New South Wales. I think that if you compare the approach in Victoria—a number of festival promoters have told me personally and I think this is very widely acknowledged that the Victorian policing approach has in the past been quite different to New South Wales—a much lighter touch. I do not believe there were any drug-related festival deaths in Victoria last year. I know that is not gold standard evidence but I would strongly contest that premise that decreasing policing will increase medical attention harms. I would say that we probably could gather enough evidence to have an educated guess about it but we could also study that question in more depth.

The Hon. WES FANG: I am struggling to relate those in my mind because one argument is that it is over-policed and people are feeling fearful, yet if we were to reduce the enforcement we would not see any greater drug use. That would seem to me to say that there really is not a problem at the moment then.

Dr HARROD: I just do not think there is evidence to suggest that increased enforcement reduces drug use. I think it is reasonably well-established over many years that cracking down does not reduce use; it increases the risks in use. There are many examples of that. Maybe you would see—I really do not know. Overall, we know that drug use in the general population is decreasing. Festivals are a specific event where people do tend to use drugs—a high percentage—but we need to remember that the vast majority of the drug use at festivals results in no harm at all. That is why people keep doing it. It is not because they are outlaws or rule-breakers; it is because it is an enjoyable experience. The vast majority of people who are doing it are not experiencing harm.

The harms that come specifically—I do not think we will ever eliminate harms with illegal substance, as our colleagues on the left could testify. I think we would have to balance carefully regulated supplies of methylenedioxymethamphetamine [MDMA], for example, in terms of increased uptake and the harms but I think

that for a substance that is manufactured illegally and is taken under cover, MDMA harms are actually relatively low and the majority of experiences of people taking it are fine, if not good.

The Hon. SCOTT FARLOW: Do not worry, Dr Harrod, it is not for you; it is for FARE. I am moving along a little bit. Does FARE take a position with respect to illicit drugs at all?

Ms HEPWORTH: No, our specialisation is alcohol so can talk to harm reduction strategies for alcohol, but I will defer to other experts.

The Hon. SCOTT FARLOW: We have heard some evidence earlier today from Mr Cox about some of the challenges that he saw in alcohol pricing at music festivals and how that then had an impact on illicit drug use. Do you have any view on that? For instance, we heard evidence earlier today that alcohol is \$15 and therefore the substitution effect was that people were taking illicit substances like MDMA rather than having a beer at a festival. Do you take any position on that or have any knowledge of that?

Ms HEPWORTH: It is one of those myths that refuses to die, this substitution effect: When alcohol prices go up then drug use will increase. As Dr Harrod mentioned recently, you will find that drug use in the general population is decreasing in line at the moment with alcohol use decreasing. We find that when alcohol use goes up, drug use goes up. Instead of having an inverse relationship, they actually move generally in lockstep. As I mentioned before, we generally find that for a lot of users of illicit substances, they will consume alcohol before taking illicit substances.

The Hon. SCOTT FARLOW: Is that part of pre-fuelling at home because it is cheaper at home and not buy alcohol but buy drugs at the festival because you are getting screened? Is that part of it—this pre-fuelling that goes on—because of pricing?

Ms HEPWORTH: There is definitely a culture and quite a dangerous culture in Australia around preloading. We know that people who tend to drink a substantial amount of alcohol before they go out are at much greater risk of the whole gamut of alcohol harms, from nausea and passing out through to getting into fights and getting into accidents. Definitely, preloading is a thing. Preloading is a behaviour that is common across a lot of people who drink, especially young people, who drink before they go out. It is at festivals, before they go out to nightclubs, before they go out to the pub. It is not something that is specifically related to illicit drug taking; it is a very common behaviour amongst young people in Australia.

Ms CATE FAEHRMANN: To continue on that line of questioning, is pricing not one of the key factors that does affect people's purchasing decisions in terms of alcohol? I have heard this from younger people who have talked about being at festivals and how much cheaper it is to have a pill or two as opposed to four, five or six beers or drinks at \$12 each or whatever. That is a factor though, is that right?

Ms HEPWORTH: As I said, it is absolutely a common mythology that gets repeated an awful lot. I have yet to see any really good empirical evidence that would suggest that there is this inverse proportion between them. There is also a question about generalised alcohol pricing as well. Realistically, the absolute cheapest thing that anybody can do to alter their state of mind is to preload on alcohol. You can buy a four litre cask of wine in Aldi for about \$8 or \$9, which is basically enough to kill you if you drank it all. So there is no substance, licit or illicit, that is going to be cheaper than preloading on alcohol before you hit up a festival.

When you are talking about this pricing thing, this is one of those interesting questions where you realise how dependent a lot of festivals' business models are upon selling alcohol. Most major festivals in New South Wales have firm alcohol sponsors. They have interactive alcohol sponsorship activities. Our policy officer, Maddie, was talking the other day about the fantastic one of Carlton Dry or similar, that had a giant blow-up beer keg that you could play inside. Festivals often play on a certain culture that encourages out-of-body or intoxicating experiences and a lot of that is to sustain the alcohol sales which underpin that business model of festivals. So festivals absolutely have this interest in ensuring that people continue to purchase alcohol, which is one of the reasons they are such a high-risk vector for alcohol harms.

Ms CATE FAEHRMANN: It does seem to be interesting how much alcohol is promoted. I was somewhere a few months ago that, behind the DJ, had a video—I am not sure whether you have heard of this happening a lot—which just had rotational alcohol ads behind the DJ for the entire afternoon. This is an environment of sniffer dogs out the front and everybody encouraged to have copious espresso martinis, I think.

Ms HEPWORTH: Caffeine and alcohol, by the way, are a terrible mix.

Ms CATE FAEHRMANN: Ms Hepworth, you said in your opening statement that alcohol is the leading cause of emergency presentations at music festivals.

Ms HEPWORTH: Well, amongst people who identified as music festival-goers in the global drug strategy. A global drug survey, basically, is one of our best sources of demographic information. When the research team crunched the numbers about people who would identify as people who were festival-goers, the number one drug that caused them to seek emergency medical treatment was alcohol. Certainly we know at a population level, alcohol is by far the drug that results in the most emergency medical treatments in the country.

Ms CATE FAEHRMANN: So in terms of the harms posed to young people overall in New South Wales attending music festivals, the harms posed by alcohol versus illicit drugs, do you think the Government has the balance right in terms of how they are addressing both of those?

Ms HEPWORTH: I absolutely think there should be a lot more focus on alcohol as a harm factor. We do not have the absolute best data around harms. Some of that comes down to the reporting of actual medical presentations at festivals. For example, we know that the two most common things that people will refer themselves for emergency medical treatment when they are intoxicated with alcohol are nausea and vomiting, and injuries. Both of those are often recorded at festivals as illnesses or injuries. So you will not get the fact that it is an alcohol-related injury or an alcohol-related illness recorded.

So we know we have some gaps in the data. We also know we do not collect particularly good data on alcohol harms to others. So people who suffer an assault from an intoxicated person, or people who suffer sexual assault from somebody who is under the influence. We know that music festivals have a particularly high risk factor for things like sexual assault. I would strongly encourage more data to be collected. But from my understanding, and from the data we do have, I would say alcohol is the clear front-runner in causing harm to people who attend music festivals.

The Hon. CATHERINE CUSACK: Can I ask a clarification on that? Is that what young people are saying when they get hospitalised; I have been drinking too much? Generally, they do not say I have been taking illegal drugs. I know this for a fact.

Ms HEPWORTH: Yes, so.

Ms DAY: I do not think the survey's necessarily ask that specific question.

The Hon. CATHERINE CUSACK: So when you say they are alcohol-identified, who has identified an alcohol-related hospitalisation from a music festival?

Ms DAY: Often festival-goers are not identifying alcohol as a drug. When they have completed this global drug survey, when they have answered what sort of substances they were taking, a lot of them have not included alcohol and it was not until later when asked if they were drunk, then the researchers had to go back and add that in. So if you compare the number of people seeking any emergency treatment, alcohol was 186 but methylenedioxymethamphetamine (MDMA) is only 51. So the harms from alcohol are so much higher.

The Hon. CATHERINE CUSACK: But is it that they are self-identifying?

Ms HEPWORTH: This information is not identified at the hospital. This is identified in a survey afterwards.

The Hon. CATHERINE CUSACK: I apologise to my colleague.

Ms CATE FAEHRMANN: Dr Harrod, I was hoping that you could explain to the committee a little bit more about your DanceWize program. Firstly, do that, and I will have some more questions.

Dr HARROD: It is interesting because DanceWize does a number of things at festivals. We attended 22 festivals, regulated events, which were multi-day and one-day festivals in the past financial year. We have a team of volunteers, 150 currently and growing fast. We have volunteers and experienced coordinators. The volunteers do a care space, meaning they look after people that are drug and alcohol-affected. They refer people into medical, so they work closely with medical services. They looked after over 1000 people. We do know the drug of primary concern, including alcohol, for those care episodes. So I can speak to that point. I would have to check the numbers but, I believe, certainly there is a lot of alcohol involved but I do not think it is the primary cause of people attending care. We also have rovers. These are highly-identifiable people, in bright purple uniforms with doof sticks, who go through the crowd and look for people that might be in trouble. They might be looking for people who are isolated, or showing signs of being unwell.

The Hon. WES FANG: Sorry, just for *Hansard* and my own—

Dr HARROD: What is a doof stick?

The Hon. WES FANG: Thank you.

Dr HARROD: A bush doof is a music festival, typically in a country setting, and people have sticks that they use.

Ms CATE FAEHRMANN: You know, the little fluoro, brightly-coloured.

Dr HARROD: They might have Pacman on top, or something, and all their friends say; there is the Pacman stick, and you can find your friends.

Ms CATE FAEHRMANN: We do not have enough time to explain to Mr Fang all the details of what a dance party looks like.

The Hon. CATHERINE CUSACK: It actually does not work.

Dr HARROD: So the rovers serve a number of functions. But a key role is identifying people in a crowd that might be in trouble. Of the multiple people transferred to medical from our service, 26 per cent of the people that were transferred to medical were picked out of the crowd by rovers and supported into our care space. One of those people was then transported by ambulance. Then we do education. So general, broad-range education. A lot of this is drug-specific harm reduction information. Those are the primary functions of DanceWize.

Ms CATE FAEHRMANN: So for several decades at least, we have heard the heavy-handed, just say no, message from the Australian Government, the New South Wales Government and around the world. It has been decades, yes? How do you think that has gone over the last few decades—the just say no message for young people? How do you think that has gone?

Dr HARROD: I think that it is clear that it does not really cut a lot of ice or it does not really cut through with young people. The message is pretty much rejected.

Ms CATE FAEHRMANN: Is it working?

Dr HARROD: No, it does not work.

Ms CATE FAEHRMANN: Because of the regulatory environment and the fear of seeking help that you talked about, do you know of situations in which young people overdosing at music festivals have not sought help because they are afraid of what will happen to them by authorities?

Dr HARROD: Absolutely. We have a number of cases where people have sought help and the police have accompanied the ambulance services, for example. The well-known example is about one of our volunteers, who is a young woman named Sophie. She took a substance that was adulterated—this is many years ago. She has told this story publicly. Her friends refused to call the ambulance. Luckily she survived to tell the tale.

Ms CATE FAEHRMANN: Even though she was begging them to.

Dr HARROD: Yes. She was very adamant that she was dying and she did not happen to die. She certainly was at high risk and an ambulance should have been called. Her friends were worried about the repercussions, because they had supplied her and they refused to call the police.

Ms CATE FAEHRMANN: I know Sophie and I think she ended up having to go to hospital 48 hours later and still has health impacts.

Dr HARROD: And still has health impacts, yes.

Ms CATE FAEHRMANN: She almost died, in other words.

Dr HARROD: That is one of many, many examples, and across the board; it is not just at music festivals that people are overdosing on opiates and are very reluctant to call ambulances for fear of the repercussions. We have any number of examples within our community of people who have called ambulances and the police have attended.

Ms CATE FAEHRMANN: Have either of your organisations been consulted by the expert panel that the Government set up last year?

Dr HARROD: Yes.

Ms CATE FAEHRMANN: When where you consulted? Do you know the time frame?

Dr HARROD: I would not know the exact date, but we were consulted prior to the expert panel report. I had a teleconference with the Ministry of Health, with the Chief Health Officer and the head of the Alcohol and

Other Drug [AOD] branch. Then we were asked to provide a written submission to the panel. The panel itself requested the written submission.

Ms CATE FAEHRMANN: Did you ignore the evidence around pill testing? They said they did not want pill testing. Did you just not mention pill testing or harm reduction to them?

Dr HARROD: Certainly we talked about harm reduction and there was a lot of harm reduction included in the panel recommendations. I do not recall if we discussed pill testing or not, to be honest.

The CHAIR: Ms Hepworth, you were shaking your head in response to the question.

Ms HEPWORTH: No, that was just me saying that we were not consulted, although I believe that some of the people we work with in New South Wales were.

The Hon. JOHN GRAHAM: Thank you for your submissions. Dr Harrod, there have been repeated calls for some sort of regulatory roundtable to deal with a range of these issues. Do you support that proposal?

Dr HARROD: Indeed, yes.

The Hon. JOHN GRAHAM: I ask this same question of the FARE team. Do you support that proposal?

Ms HEPWORTH: Yes, absolutely. Our big thing is that it needs to have strong representation from the health sector including public health and alcohol.

The Hon. JOHN GRAHAM: Yes. I think we would invite you to supply additional information about exactly who you would like to see on it. That would be helpful for the Committee.

The CHAIR: To be clear, are you taking that on notice?

Ms HEPWORTH: Yes, I will make a note.

The Hon. JOHN GRAHAM: Dr Harrod, that may well be the place where a range of your recommendations might be sensibly be discussed between government and the festival industry. Your recommendation 4 is very specifically about the change in the regulation. Is it correct that you are recommending this be one thing that we change in the actual festival regulations?

Dr HARROD: Can you remind me specifically of recommendation 4?

The Hon. JOHN GRAHAM: It is essentially to include harm-reduction services in the list of agencies that the authority might seek advice from.

Dr HARROD: Yes.

The Hon. JOHN GRAHAM: Would you prefer that to be in this regulation?

Dr HARROD: Yes. I think we need to strengthen the provisions around harm reduction.

The Hon. JOHN GRAHAM: That would be one way to do it.

Dr HARROD: Yes, and ensuring that multiple stakeholders are routinely consulted, with us being one of them or a community representative.

The Hon. JOHN GRAHAM: Secondly, I want to agree with the observations about DanceWize, an incredibly valuable program and it seems to be helping people on the ground, from the feedback that I have had.

Dr HARROD: Thank you.

The Hon. JOHN GRAHAM: In relation to the FARE submission, would you like to add anything to the position you have taken on the question of whether decisions made by ILGA are subject to review by the NSW Civil and Administrative Tribunal? You said that you believe they should be and therefore you do not support that aspect of the regulations.

Ms HEPWORTH: Yes. As a general rule of thumb we would say that any decision from ILGA should be subject to administrative review. Obviously, there is very little information as to exactly why it was decided to exempt those festivals. If there is further information I am happy to take it on notice and potentially review it, but our detailed assumption is that things should be subject to administrative review.

The Hon. JOHN GRAHAM: When you say there is very little information, are you aware of any information justifying this lack of review? I am not; I wonder if you are.

Ms HEPWORTH: No.

Ms DAY: No.

The Hon. JOHN GRAHAM: To be specific, there are two regulations, one of which is entirely dealt with by the regulations. If the Committee took your view, that would strike out one of the two regulations.

Ms HEPWORTH: Yes.

The CHAIR: With regard to the FARE submission, in recommendation 3 you say that the Regulation Committee should recommend the removal of the amendments made to the Gaming and Liquor Administration Regulation 2016 and the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019. Pretty much you are saying that you want us to repeal those regulations.

Ms HEPWORTH: They should be the ones that pertain to the administrative review.

The CHAIR: I wanted to clarify that because I think that is where the Hon. John Graham may have been heading.

Ms HEPWORTH: We can exactly clarify the wording we put into that submission and check that there has not been a typo that has slipped in somewhere.

The CHAIR: That would be good.

The Hon. CATHERINE CUSACK: Are you saying that you have not been given the rationale and therefore you do not think it is necessary or are you actually saying that it has to be taken out? Are you opposed to it or do you just not support it?

Ms HEPWORTH: As a matter of principle, we would say that any decision taken by Liquor & Gaming should be subject to administrative review. That is our default position. There may be a fantastic reason that completely escapes me. If that was to come to light then yes, of course we would reconsider our position.

Ms DAY: We will try to find out the answer to that.

The CHAIR: Thank you very much for your attendance today. Some questions were taken on notice. The Committee has resolved that answers to questions on notice should be returned within five days. The committee secretariat will be in touch with you with regard to the questions you took on notice.

(The witnesses withdrew.)

(Short adjournment)

PHILIP CRAWFORD, Chair, Independent Liquor & Gaming Authority, sworn and examined

ROSE WEBB, Deputy Secretary, Better Regulation Division, Department of Customer Service, Liquor & Gaming NSW, affirmed and examined

NATASHA MANN, Executive Director, Liquor, Gaming and Racing, Better Regulation Division, Department of Customer Service, Liquor & Gaming NSW, affirmed and examined

MICHELLE CRETIKOS, Director, Clinical Safety and Quality, Centre for Population Health, NSW Ministry of Health, affirmed and examined

MICHAEL WILLING, Assistant Commissioner, Commander, Central Metropolitan Region, NSW Police Force, sworn and examined

The CHAIR: Does anyone of you have a short opening statement?

Mr CRAWFORD: I would thank the Committee for the opportunity to talk here in my capacity as Chair of the Independent Liquor & Gaming Authority. While I note that the Committee has invited me to present alongside colleagues from Liquor & Gaming, NSW Health and the New South Wales police, I would like to make it clear that while we work with these agencies in the administration of the Liquor Act, the Independent Liquor & Gaming Authority is an independent statutory authority. For the purposes of the music festival licensing scheme under Liquor Regulation 2018, this means that we have the benefit of advice from these agencies but we make decisions, independent of government, regarding which music festivals are required to apply for a music festival licence.

I wish to make that point as I think it is an important one in underpinning these regulations. While I note that these regulations were made at a troubling time in the music festival industry, which was dealing with community concern over the tragic rates of five young people, the authority makes its decisions objectively and with regard only to relevant factors. I have had the benefit of reading some of the submissions received by this Committee and note that some submissions are argued that the ambit of music festival licence is unclear and arbitrary; with respect, I disagree with that analysis. The regulation clearly demits the authority to make any decisions on whether require a music festival to apply for a music festival licence where it is more appropriate to operate under that kind of licence rather than another type of licence.

In undertaking this assessment, the authority will consider what additional requirements an applicant would have to satisfy, compared with a different type of licence. This assessment invariably comes down to the mandatory requirements around having a safety management plan in place to deal with the risks associated with an event. In making this determination the authority may have regard to four issues: submissions from NSW Health; submissions from New South Wales police pertaining to the health risk associated with the event, including the history of drug- and alcohol-related issues at that event; whether or not any death occurred at, or in connection with, the particular music festival within the previous three years; and any submission by the applicant.

The final factor—the submission from the applicant—is incredibly important to us. Before the authority makes any of its decisions it has given each applicant the opportunity to consider the advice of New South Wales police and NSW Health, and to prepare their own written submissions, responding to that advice and then to make oral submissions before our board. To this end, the authority has ensured that every applicant has had the benefit of procedural fairness and that no decisions have been made before the process is complete. In fact, it has ensured that some festivals have not been required to apply for a music festival licence, notwithstanding initial advice to the contrary provided by Health and police.

I would also like to deal briefly with the submissions that argue that the process is unclear about which festivals are required to apply for a music festival licence. In addition, clear guidance is contained in the music festival licence guidelines, which are hosted on the Liquor & Gaming website, which spell out the factors agencies will need to take into account before making their submission to the authority. The authority has been clear in its engagement with operators that it will consider what plans that operator has had in the past to deal with the elevated health risk associated with their events and whether a requirement to work with the New South Wales government experts in medical, public health and harm reduction is appropriate, given the festival's history or its level of experience.

Going through the licensing process is not an assessment on our part of whether the operator was a good operator or not; rather, it is about fulfilling our obligations under the Liquor Act, including the supporting the balanced development of industry while ensuring that harms associated with the operation of licensed premises

are appropriately dealt with. If anything, prospective music festival attendees and their families and friends should draw comfort from the fact that an event is being licensed as a music festival, given that the licensing process requires the implementation of additional risk management measures that are aimed at keeping people safe at events, particularly in respect of the medical presence in the event of a drug- or alcohol-related health emergency. The authority believes that the licensing scheme that has been implemented strikes a balance and gives operators the support they need to run safe and enjoyable events.

Ms WEBB: I have a short statement. I would like to thank the Committee for the opportunity to answer questions relating to the regulation of high-risk musical festivals under the Liquor Regulation in my capacity as Deputy Secretary, Better Regulation Division, which is responsible for the administration of the Liquor Act. This inquiry covers the amendments made predominantly by the Liquor Regulation Amendment (Music Festivals) Regulation, which is designed to support a safe and vibrant music festival scene in New South Wales. As the Government submission notes, the regulation was made as part of the Government's response to deaths at music festivals. This Government response was predicated on needing to take decisive action to ensure that the Government played an active role in dealing with the serious risks associated with alcohol and drug use at music festivals.

While the New South Wales Government submission to this Committee sets out the process we went through to settle the regulation, I would like to have the opportunity to briefly deal with some of the information in other submissions to the Committee. In developing the music festival licence, the Government consulted with industry over a number of months, including holding two stakeholder forums, engaging directly with individual festival operators and providing draft copies of the regulation to peak bodies. While we do not shy away from the fact that we moved quickly to finalise the new licence, the preference for consultation to occur—and which happened—to enable everyone to be happy with the final product, we were also faced with a realistic prospect of festivals continuing to operate without appropriate safety management plans in place, putting festival goers at risk of serious injury or death.

We consider the right balance has been struck and that the regulation is consistent with the Government's ongoing support of a vibrant music festival industry. I think it is important to understand what the actual burden of these regulations has been rather than focusing only on the expedited implementation timeline. Each year there are over 80 festivals held in New South Wales and at this stage only 12 music festivals have been directed to apply for a music festival licence. This was only after clear evidence was provided of the elevated health risks associated with their event. These included deaths occurring and admissions to intensive care units. These music festivals are now required to put in place appropriate measures to respond to the health risks associated with their event. This includes the right mix of medical personnel, adequate water and shade, harm reduction services and proper evacuation procedures, including dedicated ambulance entry and exit points.

We do not consider this to be an onerous requirement and it should be where most of these operators were seeking to operate already. The new music festival licence fee is \$650, the same amount that festivals operating on a stand-alone liquor licence were previously subject to. The regulations do not shut music festivals down, and nor has any festival had its licence refused since the expert panel handed down its report. Liquor & Gaming NSW is committed to working constructively with those who have been directed by the Independent Liquor & Gaming Authority to apply for a music festival licence. If a festival has been directed to apply for a licence it does not mean that the organisers have not been trying to do the right thing. It does mean that agencies want to work with those organisers to support them to run safer events.

Liquor & Gaming NSW will work with those organisers through a dedicated licensing officer to facilitate early engagement with police, NSW Health and ambulance before the licence application is lodged, as well as during the licence application assessment process. Our officers approach their work with the intention of working with organisers to find solutions that allow their events to prosper in a safe and sustainable way. The focus is on finding the right mixture of harm reduction initiatives and services, including by appropriately staffed and resourced medical services to support a safer event by bringing together the expertise of festival organisers and experts in medical treatment, public health and harm reduction in one proactively managed process.

Dr CRETIKOS: Thank you very much for the opportunity. In response to the tragic beginning to the music festival season in September last year, the Ministry of Health developed the Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction. These guidelines have been developed to support event organisers to deliver safer music festivals. The interim guidelines were published in December 2018. Updated guidelines were published following further consultation in February 2019, and further updates to the guidelines are currently the subject of consultation, with anticipated publication in September 2019.

To support the music festival response NSW Health has also contributed significant expertise by way of clinical toxicology and harm reduction advice, and medical and health response team support and resources. This includes support from the NSW Poisons Information Centre, the NSW Ambulance event planning team staff, State Health Services Functional Area Coordinator and health Emergency Management Unit, local health district disaster managers and health services functional area coordinators, and the State reference laboratory for forensic toxicology, the Forensic and Analytical Science Service.

During the peak of the 2018-2019 music festival season daily meetings were held within the NSW Ministry of Health to review issues identified at events and plan for upcoming events. In addition to these regular meetings pre-brief and debrief meetings were held with music festival stakeholders for events considered to have a substantial risk of drug-related harms. In addition to policy and planning support, NSW Health implemented measures to reduce drug-related harm during the 2018-2019 music festival season. These included social marketing and harm reduction messaging targeted to music festival patrons, strengthening peer support and education services, developing harm reduction guidelines for event organisers and developing clinical guidance and enhancing the onsite response to serious medical illness at selected events. Work continues in consultation with festival organisers, private medical providers and festival patrons to further develop the clinical and harm reduction guidelines, support the delivery of peer-based harm reduction services and develop enhanced harm reduction messages and resources.

Mr WILLING: Thank you for the opportunity of appearing before you this afternoon on behalf of the commissioner and members of the NSW Police Force to assist you in your deliberations in relation to the Liquor Amendment (Music Festivals) Regulation 2019 and the Liquor Administration Amendment (Music Festivals) Regulation 2019. By way of very brief background—and I apologise to the committee members who heard me say this yesterday at another forum—I moved from my previous role as the Commander of the Counter Terrorism and Special Tactics Command to my current position as the Commander of the Central Metropolitan Region around a month ago, with responsibility for a large geographical area, which incorporates the Sydney CBD. I have also been given the corporate spokesperson's role for alcohol-related crime. So I am trying to get up to speed as quick as I can on some of the issues that you are considering today.

Can I begin by stating that we acknowledge the current coronial inquest, which is underway into the tragic deaths connected to the music festivals and offer our deepest condolences to the families and friends of the young people that we have sadly lost to drugs. In that context can I state that from the outset the NSW Police Force is one of many government agencies committed to a vibrant and safe music festival industry. The primary focus for police in policing music festivals is public safety. That will always remain the focus for police. We recognise that the music festivals are an important part of the social, cultural and economic makeup of New South Wales and we consistently work with music festival organisers to deliver safe and well-run events. The need for appropriate plans in place to address the risks associated with music festivals and the importance of event planners working closely with government agencies in ensuring appropriate medical support is in place cannot be understated.

In relation to the matters before the Committee we recognise and support the benefits of the regulations under consideration, including the requirement for operators to provide comprehensive plans, especially in relation to health risks, the involvement of NSW Health to act as an oversight in relation to those plans and the requirement to lodge an application 90 days prior to the event in a process that allows for the opportunity to draw on expert advice on how to improve the operator's medical, drug and alcohol management plans for their event. The NSW Police Force is keen to continue to work with industry and recognises that there is a committed focus by industry on the development of informed and unified strategies in response to event liquor licensing, harm minimisation practices, even medical guidelines and awareness of public safety issues.

We recognise that drug taking at music festivals remains a social problem that affords no simple solution. However, we will continue to police music festivals and we will continue to use the tools available to us to do all we can to ensure that people are safe when they attend them. Finally, as we are all aware, there are a range of issues surrounding policing of music festivals, and indeed other large scale gatherings that are the subject of ongoing commentary and are being examined by other inquiries as we sit here. But I am mindful of the terms of reference before this Committee that relate to the impact and implementation of regulations under consideration.

The Hon. JOHN GRAHAM: Thank you to the witnesses for their statements and also their evidence yesterday, which I think we all found extremely helpful in another Committee. I turn to the issue of consultation on this regulation to confirm some of what has been put to the Committee. This is probably best directed to Ms Webb. The view is being put to the Committee that these draft regulations were first shared with the industry on Friday 21 February in the evening, possibly as late as after 11 p.m. Is that correct?

Ms WEBB: I am unable to answer that directly. I am happy to take it on notice. I became in charge of Liquor & Gaming with the machinery of government changes, so that was before my time and I do not think Ms Mann will have the exact time.

Ms MANN: I do not think that the email to which you are referring was sent by our office. I think it may have been sent from elsewhere, but that is not the first time that that regulation was shared with industry. I am happy to take you through the times at which the draft regulation was shared.

The Hon. JOHN GRAHAM: Perhaps if you take that on notice, that will be helpful. Was a draft regulation shared at around that time of night, by whom? You would agree, Ms Webb, it is not an ordinary time to be consulting with the industry?

Ms WEBB: I think that is right, and it does surprise me a bit that it would have come from someone in Government, because it would not be our normal practice at all. We are happy to get to the bottom of what that particular email is.

The Hon. JOHN GRAHAM: The details will be appreciated. Do you agree with the position which has been put to the Committee that there are essentially five days between when the final regulation existed and the date of implementation?

Ms WEBB: Which five days?

The Hon. JOHN GRAHAM: Five days between the final regulation and the date of implementation.

Ms MANN: I think that is my understanding.

The Hon. JOHN GRAHAM: The view has been put to this committee and also this was the subject of media reports, that when these 14 festivals were notified, at least one was notified by text message, is that correct?

Ms WEBB: Again, I think it is probably better if we confirm it on notice. I am not aware that we would have done it by text message, but I can check that.

The Hon. JOHN GRAHAM: I am very happy with that. I think that would be helpful for the committee. I am referring now to evidence and your reports. Can you also confirm that some, at least one, were not notified at all? Do you want to take that on notice?

Ms WEBB: Yes.

The Hon. JOHN GRAHAM: What you would agree though Ms Webb, again, that would not be usual government practice if that was the case?

Ms WEBB: No, that is not my understanding of how we would do that.

The Hon. JOHN GRAHAM: Mr Crawford, I turn to the opening statement you have made, which was very helpful to clarify things.

Mr CRAWFORD: What we do.

The Hon. JOHN GRAHAM: Exactly what is going on here. When the list of 14 high-risk festivals was announced to the public and this was the cause of much media interest.

Mr CRAWFORD: Yes.

The Hon. JOHN GRAHAM: These festivals were immediately answering questions about what was going on here to their audiences, to their suppliers, to their financiers. That was not as the result of the process you have described, was it?

Mr CRAWFORD: I am not quite sure what you mean there. There were 14 festivals nominated on a list.

The Hon. JOHN GRAHAM: On 23 February a list was announced, these are the high-risk festivals.

Mr CRAWFORD: That list was not announced by me, no.

The Hon. JOHN GRAHAM: Correct.

Mr CRAWFORD: That is correct, yes.

The Hon. JOHN GRAHAM: That was announced by ministerial press release.

Mr CRAWFORD: Yes.

The Hon. JOHN GRAHAM: It did not follow the process you have outlined, did it?

Mr CRAWFORD: It subsequently did exactly follow the process. Each of the 14 promoters were invited then to meet with us.

The Hon. JOHN GRAHAM: You have then written to them and taken them through the process you have referred to.

Mr CRAWFORD: The process that was assigned to us under the regulation, which was to meet with them and to talk to them about the process.

The Hon. JOHN GRAHAM: As a result, some are on the list and a small number are not, after the process you followed.

Mr CRAWFORD: I do not think there is any list. As far as I am concerned, what there is, is those that were required to apply for the licence.

The Hon. JOHN GRAHAM: Well, the Minister disagrees with you in this ministerial release titled "New South Wales Government releases list of high-risk music festivals".

Mr CRAWFORD: So, there were 14 referred to us but we do not keep a list and we did not approach it that way. In fact, we went to some length to point out in our first meetings with them that the regulation does not have any reference to high-risk itself. What happened then was, we had a day set aside and we met with all the promoters one after another.

The Hon. JOHN GRAHAM: I have some sympathy for the evidence you put in front of the committee and as I listened to you describe it, part of the trouble we have got ourselves into here is a very different description in public by the Minister of a process that then is sitting behind that you and others are responsible for. I do not ask you to comment on that, that would be my observation.

The Hon. CATHERINE CUSACK: Thanks for the evidence. Can I ask you some questions next?

The Hon. JOHN GRAHAM: I am just trying to let the witness off the hook. In this media release, the Minister sets out the 14 festivals and definitely references them as high-risk. As the operators put to us, people might draw comfort from the fact that appropriate checking has been done. In the next moment though, Ms Webb is describing these as high-risk festivals. The Minister is describing them as high-risk festivals in this release. As a parent of a child who wants to go to these festivals, I would worry about what that means for these festivals. That is one of the key observations the operators have made to us, their objection to this regulation being in place is if you are on this list it is a major problem for your audience, for the parents of your audience, for the people who are financing this, for the suppliers, for the artists who might want to perform. Ms Webb, do you accept that is a barrier for these operators, given the publicity around this list, the way this happened?

Ms WEBB: We would say that there is an advantage to these festivals that they have got to through this process; to have a safety plan in place that has been carefully scrutinised and I think they could make something of the fact that they in fact are probably now operating at a higher standard because of the process they went through.

The Hon. JOHN GRAHAM: I accept that is your view, but do you accept that it is also of concern to the audience, the parents, the artists and the suppliers that these might be high-risk events? Do you see that as a barrier to these events as well, given the publicity around this? Do you accept that?

Ms WEBB: It is very hard to put ourselves in the shoes of all those parties. I think we understand that that might be one perception that some people have, but I think that we would promote the idea that now that these festivals have gone through this additional licensing process, they potentially have less risk involved in them and certainly safety management plans that might attract people to attend them.

The Hon. JOHN GRAHAM: Are you aware Ms Webb of festivals that are moving or considering moving interstate as a result of these regulations?

Ms WEBB: We have heard of some festivals that may not go ahead, but I think we would not say it was as a result of these regulations. We understand there are quite a number of factors that influence whether a festival goes ahead, to do with economics of the festival, other operational requirements. It is difficult for us to say there is a single source of decision-making on that.

The Hon. JOHN GRAHAM: Are you aware of other States seeking to essentially poach festivals from New South Wales, some of the higher profile ones, as a result of these regulations?

Ms WEBB: I am not aware of that.

The Hon. JOHN GRAHAM: Are you aware of the award winning festival Bluesfest being approached by other States in order to poach it?

The Hon. CATHERINE CUSACK: Which event, sorry?

The Hon. JOHN GRAHAM: Bluesfest.

The Hon. CATHERINE CUSACK: At Byron?

The Hon. JOHN GRAHAM: Yes, at Byron at the moment, yes. I am asking are they aware of it being approached by other States.

Ms WEBB: No, I am not aware of that.

The Hon. JOHN GRAHAM: 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?

Mr WILLING: I do not have any personal knowledge of that. I would have to take that question on notice.

The Hon. JOHN GRAHAM: Which would certainly be helpful. From a NSW Health point of view, did this list come to the Minister from NSW Health?

Dr CRETIKOS: To the best of my knowledge, I understand that there was information requested about events that were considered to be of higher risk of substantial drug-related harm.

The Hon. JOHN GRAHAM: And NSW Health provided that?

Dr CRETIKOS: I believe that some of that information came from NSW Health, but I do not know how much information may have come from another agency.

The Hon. JOHN GRAHAM: I am happy for you to take that on notice, that is helpful.

The Hon. CATE FAEHRMANN: If you are taking things on notice in relation to that, specifically what the Government asked for, what drug-related harm was. I am sure there were some parameters to that. Earlier you may have suggested deaths and people being admitted to intensive care. Was that in your opening statement?

Dr CRETIKOS: No, I did not make reference to that.

The Hon. CATE FAEHRMANN: Just some detail in terms of how NSW Health determined that in their advice to government.

Dr CRETIKOS: Sure.

The Hon. JOHN GRAHAM: Are you aware of the criteria that was used to select these by NSW Health? That may be best taken on notice, unless you want to tell us something now.

Dr CRETIKOS: To the best of my knowledge, it is the same process as we are using now, where we examined the profile of the event, what we knew about the event in terms of the size, the target demographic, the genre of music, the period, the weather conditions and any history that we had about the event to determine whether it was of greater risk of drug-related harms.

The Hon. JOHN GRAHAM: Right. Are those criteria public at any point?

Dr CRETIKOS: So that is what is listed in the music festival guidelines for harm reduction. We list the criteria, and that is the same criteria.

The Hon. JOHN GRAHAM: And these are the guidelines that are being developed in multiple drafts?

Dr CRETIKOS: That is right.

The Hon. JOHN GRAHAM: Which, I might say, the feedback the committee received earlier was really encouraging about, A, the process that has now been followed on those, and, B, the outcome that it is heading towards.

Dr CRETIKOS: Thank you.

The CHAIR: A number of participants were actually extending their congratulations on the way that had been conducted.

Dr CRETIKOS: Thank you.

The Hon. JOHN GRAHAM: Yes. Both the conduct and where it is heading now.

Ms MANN: Sorry to interrupt, but if it would assist the committee—because I have listened to some of the evidence where people are sort of saying, "We do not know why we were referred to the authority."

The Hon. JOHN GRAHAM: Sure.

Ms MANN: Just to make it absolutely clear for the committee, there is this document which is called "Music Festival Licence Guidelines", which is on our website and I think on Ms Cretikos's as well. It is absolutely on ours. Page 2 of that document comprehensively lists the criteria that are used. Criteria number one: The festival has had one or more drug related serious illnesses, so an illness resulting in admission to an intensive care unit or a drug related death in the last three years. Number two: The festival has experienced a significant year on year increase in the number of drug-related medical preventions and/or admissions to hospital over the past two years of operation. Number three is around the content of the safety management plan and whether it appropriately addresses the risk in terms of sufficient number of appropriately qualified doctors, correct mix of health service professionals, sufficient number of ambulances and broader compliance with the New South Wales guidelines. Number four: The festival is new and the festival promoters have a lack of experience running a higher risk event.

And then at the conclusion of that it talks about the indicative risk factors. So these are factors that, no matter how you control your festival, the inherent nature of your festival puts you in this indicative higher risk category. That is number one, a predominant target demographic of people aged between 18 to 29 years; number two, a projected attendance of 8,000 patrons or more; number three, music type being predominantly high energy and/or electronic dance music; number five, the event is held over a long period, i.e. eight hours or more and/or extends past midnight; and finally, the anticipated weather conditions such as high temperature, particularly if the event is to be held outdoors. So I think perhaps this is not widely known or understood, but it is very clear, I think, the parameters upon which you might find yourself referred to—

The Hon. JOHN GRAHAM: So Ms Van, you are saying that each of the festivals to which this has been applied do meet those criteria?

Ms MANN: That is my understanding, yes.

The Hon. JOHN GRAHAM: And you are saying if there are festivals being conducted that meet those criteria, they will be directed into the music festival licence program.

Ms MANN: They will be directed. They will—

The Hon. JOHN GRAHAM: —because that is not clear to the industry at the moment.

Ms MANN: So if you come within this criteria, you will find yourself referred to the Independent Liquor & Gaming Authority, which will then make the determination about whether the music festival licence is the most appropriate one.

The Hon. JOHN GRAHAM: Yes, and then you will go through that process which has been referred to?

Mr CRAWFORD: We made that point clear where—all the festival operators we have met with, we have told them that. This is not a static number, a static list.

The Hon. JOHN GRAHAM: Yes. Exactly.

Mr CRAWFORD: There will be others that will be looked at.

The Hon. JOHN GRAHAM: Understood. On the definitions that are sitting in this regulation, these are not the, for example, the definitions that are used by the industry, say by Australasian Performing Right Association [APRA] or Australasian Mechanical Copyright Owners Society [AMCOS], for a music festival. Was this definition the subject of any industry consultation?

Mr CRAWFORD: Which definition, sorry?

The Hon. JOHN GRAHAM: I am referring to clause 61B, the meaning of "music festival." The definition of music festival within the regulation.

Ms WEBB: I would have to take on notice whether that specifically was the subject of consultation.

The Hon. JOHN GRAHAM: The way this music festival is—

Ms WEBB: I apologise. Sorry. Now, looking at my notes, there was consultation with industry. And it also followed advice from the expert panel and drafting advice from the parliamentary council.

The Hon. JOHN GRAHAM: Yes. So why does it differ from the—well, I will not take time by asking that. So this would apply, though, to more than 80 events that take place in New South Wales, under that? Do you accept that?

Ms MANN: Absolutely.

The Hon. JOHN GRAHAM: So many more events might be caught under this regulation than just 80. In addition, that definition excludes concerts?

The Hon. CATHERINE CUSACK: I am sorry, Mr Graham. Just to clarify, are you saying that there are more than 80 events with 2,000 people attending?

The Hon. JOHN GRAHAM: I would have thought so.

The Hon. CATHERINE CUSACK: I do not know that. I am just asking.

The Hon. JOHN GRAHAM: Yes. I would have thought so, and the witnesses have just confirmed that. Yes, I would have believed that.

The Hon. CATHERINE CUSACK: I was not sure that they were understanding your meaning there.

The Hon. JOHN GRAHAM: Yes. I am happy to restate the question. So the question is, given this different of "music festival", different to the industry definition, selected in the way you have just described, how wide is this net? To me, it looks like there would be more than 80 events that meet this definition. Do you—

Ms WEBB: We will have to take this specific question on notice. Part of the issue was making sure that we did catch events that were under eight hours. Some of the other industry-based definitions did not incorporate those festivals, but we were concerned to catch those.

The Hon. JOHN GRAHAM: I think that would be useful, if you would take that on notice. In relation to the definition of "concert". So it is a festival if it is not a concert. So concerts are not included. A definition of a concert is a music-focused event that uses a single stage and is proposed to be held over a period of less than five hours, has not more than two headlining performers and not more than four performers in total, including supporting performers. The view that has been confirmed by industry is if you have a second stage or if you go for more than five hours or if you have more than two headlining performers or you have more than four performers in total—and that includes the supporting performers—you are not a concert. That is, you are a music festival under this regulation. That might apply to, say, a large concert at Qudos Bank Arena, one running for a long period of time. It might apply to concerts held in a winery in the Hunter Valley. Do you believe—that is the view that has been put to us. Is that correct?

Ms WEBB: I think you are taking us through the definition. I am not quibbling with that at all. It is just a question is whether it is 80 or more than 80 or something less than 80. I would have to take that on notice.

The Hon. JOHN GRAHAM: Yes. But I am asking—you are right. So you do agree, though, that concerts that trip over those criteria may well fall in the music festival category?

Ms WEBB: If I am understanding your outlining of the definitions, yes.

The Hon. JOHN GRAHAM: Yes. So that may again expand the number of events that fall under the potential scope of this regulation, that may end up on Mr Crawford's desk?

Mr CRAWFORD: There may be some other reason why we do not require them to get that music festival licence.

The Hon. JOHN GRAHAM: Correct. Yes, but they may end up on your desk?

Ms WEBB: Yeah. It would be in scope.

Mr CRAWFORD: Yes. I am sorry, I am not with you on the definition stuff, but you could be absolutely correct.

The Hon. CATHERINE CUSACK: He is just asking if you can confirm the definition that is in the legislation, I think. Is that what you are doing? You just read it out and said, "Is that right?"

The Hon. JOHN GRAHAM: No, I am asking is it true that a concert at Qudos Bank Arena that runs for more than five hours is a music festival?

The Hon. CATHERINE CUSACK: More than eight hours is the definition.

The Hon. JOHN GRAHAM: The public might not—

The Hon. CATHERINE CUSACK: More than 2,000 people and more than one stage.

The Hon. JOHN GRAHAM: Yes. So if a concert is held with two stages—not unusual—it would be a music festival under this definition?

Ms MANN: So just in terms of the way you have characterised the definitions, I think we would accept that the net is much broader than the intention of what should be caught by a music festival licence. So to your question, I think the answer is yes. The Government has made it quite clear that it is absolutely not the intention to capture the majority of festivals that are taking place across the State. The intention is to go for the ones that fall within that category of risk. And so when you read the rest of the regulation in its entirety then that becomes clear.

The Hon. JOHN GRAHAM: I almost agree with you.

Ms MANN: Thank you.

The Hon. SCOTT FARLOW: That is a big concession.

The Hon. JOHN GRAHAM: Yes, but at the moment this discussion has not focused on the concert-concerts, but if the concerts meet the criteria you have then described—if it is a hot day, if there is a lot of people, if there is a lot of young people, if they play a certain sort of music—they will be a music festival under this regulation and they will end up on Mr Crawford's desk?

Ms MANN: But they would also need to have had at least one of the other indicative things.

The Hon. JOHN GRAHAM: Yes.

Ms MANN: So a death or those sorts of things.

The Hon. JOHN GRAHAM: Or a hospitalisation?

Ms MANN: Or a hospitalisation. Correct.

The Hon. JOHN GRAHAM: Yes. Agreed. Or they might be new. A new concert. Not unusual. In fact, frequent.

Ms MANN: Yes, and the lack of experience in running those if it is a higher risk event. Yes, correct.

The Hon. JOHN GRAHAM: I have got a couple of things to wind up on but I might pass over to my colleagues first just to—

The CHAIR: I plan to do one more small round.

The Hon. JOHN GRAHAM: Yes, okay.

Ms CATE FAEHRMANN: Thank you Chair. Just to confirm, Ms Mann, with the health guidelines you were referring to before when you mention drug-related illness, does that also mean alcohol-related illness?

Ms MANN: Sorry, are you referring to the health guidelines or in general?

Ms CATE FAEHRMANN: I think you read—yes, the guidelines. When you read those guidelines out I would have thought they were the health guidelines.

Ms MANN: No, they are separate. These ones are called the music festival licence guidelines. Apologies. There are two guidelines.

Ms CATE FAEHRMANN: Okay, so those, I think you were mentioning harm and drug-related illness, was that in there?

Ms MANN: The language is, one, a more drug-related serious illness, an illness resulting in admission to an intensive care unit.

Ms CATE FAEHRMANN: Just checking, is that alcohol-related as well? Do you know how it is applied?

Ms MANN: My understanding is that it is drug-related but I might check—

Ms CATE FAEHRMANN: Because alcohol is a drug, of course.

Ms MANN: Yes. I would like to take that on notice if I could.

The CHAIR: Take it on notice.

Ms CATE FAEHRMANN: That would be good. Mr Willing, we meet again.

Mr WILLING: We do. Sounds ominous.

Ms CATE FAEHRMANN: There were some questions I was wanting to ask in relation to music festivals that I could not ask yesterday during the lockout laws inquiry but I am curious to know—

Mr WILLING: You can ask them—as long as they relate to the regs, you can ask them.

Ms CATE FAEHRMANN: How is the amount that police charge for attending music festivals, the user-pays policing, how is that determined?

Mr WILLING: The question is in relation to the user charges. I am not sure whether they are part of the terms of reference, to be honest. I am happy to take any of those questions on notice and refer them for follow-up for the Committee, if that suits the Chair.

The CHAIR: Yes, take it on notice.

Ms CATE FAEHRMANN: They are. With respect, they are quite relevant actually. We have been hearing if festivals are determined to need a certain amount of police presence, which is what is happening and we heard earlier this is the case, then that is a barrier to festivals. It is a key part of what we are hearing from witnesses.

The Hon. CATHERINE CUSACK: Sorry, I am not sure if that is in relation to the regulation though. I think that was already part of the policy.

Ms CATE FAEHRMANN: No.

The Hon. CATHERINE CUSACK: This is specific to the new regulation.

Ms CATE FAEHRMANN: Yes, but since the—

The CHAIR: Just for clarity, Mr Willing has said he is going to take that on notice.

Ms CATE FAEHRMANN: Okay. I was just wondering whether there is guidelines or a policy. Can you take that on notice as well?

Mr WILLING: I can.

Ms CATE FAEHRMANN: Because what we are hearing is that it is discretionary between police area commands in terms of how much police charge music festivals.

Mr WILLING: It is a negotiation between police area commanders and operators at the request of festival operators who request user-charges police. I can take that question on notice, as I have indicated before, and provide the Committee with a more comprehensive answer.

Ms CATE FAEHRMANN: You said in your opening statement that the primary aim in terms of police presence at music festivals is, of course, public safety. Over the summer New South Wales had the highest rate of deaths at music festivals across the country which was incredibly tragic. According to operators and people we have spoken to such as event organisers, Sydney, New South Wales has the highest police presence compared to other States at festivals. We have heard that the police are charging two to three times more for similar music festivals in Sydney, as compared to—

Mr WILLING: Are we on a user-charges question again?

Ms CATE FAEHRMANN: Yes, but I am getting somewhere.

The Hon. CATHERINE CUSACK: Do you mean charges with offences or charges of money?

Ms CATE FAEHRMANN: No. Charges of money, Catherine.

The Hon. CATHERINE CUSACK: Sorry. I misunderstood.

Ms CATE FAEHRMANN: I am pretty sure that Mr Willing recognised where I was going. I am just wondering, in terms of public safety, we have what seems to be an increased presence of police at music festivals in New South Wales compared to other States. We have an increased presence yet we seem to have had more deaths over the summer. Do you see there is any kind of inverse relationship between the number of police at New South Wales festivals—

Mr WILLING: Are you suggesting that the amount of police that are policing festivals directly relates to the deaths of those individuals?

Ms CATE FAEHRMANN: I am just wondering why you think that New South Wales had five deaths over the summer compared to other States?

Mr WILLING: Those matters are currently before the coronial inquest and, like my colleagues here at the table, we all wait for the outcomes from the Coroner in terms of manner and cause of death for those tragic events. That is something I cannot comment any further on to be honest.

Ms CATE FAEHRMANN: Therefore, do you think that we should be waiting for the Deputy Coroner's findings before implementing these regulations?

Mr WILLING: I think that the Deputy Coroner's findings will inform the wider debate and the wider issues around music festivals per se but I am not saying that the regulations should wait at all. I think there are some positives with the regulations that I have articulated in my opening address which are consistent with my colleagues here at the table. The Coroner will obviously come back with advice and recommendations relating to those specific deaths of which you are raising the question to me around.

Ms CATE FAEHRMANN: Are people taking less drugs at music festivals as a result of police presence?

Mr WILLING: I do not know.

Ms CATE FAEHRMANN: Why do you not know that? People are still getting in and taking drugs though, is that right?

Mr WILLING: Of course, people are getting in and, as I said in my opening statement, we recognise that drug taking does occur at music festivals. In terms of whether or not there are more, or higher or lower levels of drug taking, I do not know. I cannot provide that. That is a question which is almost impossible to answer.

Ms CATE FAEHRMANN: That is all for me.

The Hon. CATHERINE CUSACK: Is Bluesfest at Byron on the list of festivals that needs to—

Ms WEBB: It is not my understanding that it is.

The CHAIR: Just to be clear, there is no list.

The Hon. CATHERINE CUSACK: Right, so there is no relevance to that at all as far as we can see.

Mr CRAWFORD: I have a hunch that there was an inquiry that came into our authority but I think they were told—

The Hon. CATHERINE CUSACK: Thank you, I just wanted to clarify that. One of the witnesses complained that there is no right of appeal once someone has been listed as having to apply for a music festival, no right of appeal to the Administrative Decisions Tribunal, I should say. I wondered if you could talk us through that.

Mr CRAWFORD: As far as I am aware, under the regulation there is no right of appeal. What we do is to simply determine if they are suitable for a music festival licence. If not, they go back to a generic liquor licence. And weighing that up is a serious undertaking because of the hidden inherent risks involved. The music festival licence gives them Rolls Royce treatment through the department in terms of assistance, through medical, we take advice from health and from police—we take advice from them, they do not tell us what to do—and then we bundle all that up with the application and send it to the applicant and ask them to provide their own submissions. Once their submissions are in then we invite them if they want to come in to make oral submissions,

and all of them have. It is a fairly thorough process and we are governed by administrative laws so there is procedural fairness at every level.

The Hon. CATHERINE CUSACK: In a sense it is already used two-step process because you have got Liquor & Gaming making the recommendation and then you reviewing that. It is not just one person saying you are on the list.

Mr CRAWFORD: Absolutely. As I understand it Liquor & Gaming start engaging with the applicant at a very early stage, at a preliminary meeting about what is required, and work with everybody to make sure everyone knows exactly what they require. They engage with health and they engage with police. It is a very thorough process.

The CHAIR: Sorry Catherine, can I just clarify. Mr Crawford, when you say a very early stage, how far? What is the lead time?

Mr CRAWFORD: The first thing is that they have to get a formal application in more than 90 days. As I understand it, one of the problems for operators in the past was that there was a hell of a rush just before their festivals with a lot of things happening in the last seven days. One of the things that became apparent was that it would be nice for everyone to have more time to carefully plan because good planning is going to give you a better outcome, I think that is generally accepted. But when people are looking at bringing the application, my understanding is they talk to the department and they call a very early stage meeting before the application goes in to talk about what they need to do.

The Hon. CATHERINE CUSACK: Have you refused any recommendations?

Mr CRAWFORD: Two, with that list of 14 that came to us. We met with everybody, we had submissions and there were two we thought that did not require a special music festival license.

The Hon. CATHERINE CUSACK: Through that process.

Mr CRAWFORD: Through that process, yes.

The Hon. CATHERINE CUSACK: Splendour has said that it has been sent a letter. Would that advice include reasons as to why they should be in that category of having to apply for a music festival license? Secondly, can you share with us what those reasons might have been? Take it on notice, by all means. They indicated that they did not know why.

Mr CRAWFORD: Which one was that?

The Hon. CATHERINE CUSACK: Splendour in the Grass.

The Hon. JOHN GRAHAM: I think in fact that was another festival—you might want to check.

Mr CRAWFORD: I think you are right I do not think it is Splendour. It might be Listen Out.

The Hon. CATHERINE CUSACK: Would they be given reasons in the advice or would that they have been consulted with and given an idea?

Mr CRAWFORD: Yes, we had very interactive discussions about the sorts of issues we were looking at—there are eight of us on the board and we sit around the table like this and they were all invited. We do not write the long decision like we do in some of the matters we deal with, which often have various rights of appeal to the Supreme Court or NSW Civil and Administrative Tribunal [NCAT]. There is a letter informing them of the decision but it does not go into chapter and verse on reasons.

The Hon. CATHERINE CUSACK: Were the NSW Police Force consulted about the regulation and if it supported it?

Mr WILLING: I will have to take that on notice. I am assuming we did and we most certainly see the positives now.

The Hon. CATHERINE CUSACK: In relation to the Department of Health, how do you define the festival season? Is it September to January?

Dr CRETIKOS: I do not think there is a formal definition. When we have been referring to the last music festival season we've been generally commencing in September and then reporting through to whenever the data was up to at that point and so we probably would have covered from September to May for the music festival season. From this year onwards we are just going to be looking at financial years because festivals run throughout the year.

The Hon. CATHERINE CUSACK: Just roughly, in terms of the Coroner's report—and I know nobody knows when that is going to be finalised and handed down—but based on experience what type of time frame are we looking at for the recommendations of the Coroner? How long could that take?

Dr CRETIKOS: I could not answer that.

The Hon. CATHERINE CUSACK: Often they take years, don't they? Or more than a year?

Ms CATE FAEHRMANN: It is October or something, it is not more than a year.

The Hon. CATHERINE CUSACK: In terms of waiting for the Coroner's report, what would have been the impact on that in terms of organising—

Dr CRETIKOS: I do not understand the question.

The Hon. CATHERINE CUSACK: We are getting evidence that the Government should have waited until after the Coroner's report, before doing regulations. But then the music festival season is running from September to May and so it would seem—

Dr CRETIKOS: I think in general we have been responding to the information that we have received throughout the season and acting. We would, under normal circumstances for any serious incident, be responding and acting at the same time as—on occasion—Coroner's investigations are underway. We do not then comment on the reasons for deaths or the circumstances surrounding the deaths, while those processes are underway. But we can still continue to respond and develop a response during that time.

The Hon. CATHERINE CUSACK: The work is continuous isn't it? The policy work?

Dr CRETIKOS: It certainly is in this regard.

The Hon. SCOTT FARLOW: Mr Crawford and Ms Mann, this is probably for you: How many festivals have taken place that have been subject to the new regulations so far?

Ms MANN: My understanding is that there was the interim period between when the expert panel report occurred and the regulation came into place. I think some of those festivals were treated as if they were a music festival license and they may have occurred, a couple of them. In terms of this process under the new regulation, my understanding is that none of the 12 have taken place yet so they will be taking place shortly.

Mr WILLING: I can add to that. The first one, from my understanding, is on the 5 October and that is Listen Out.

The Hon. SCOTT FARLOW: If Listen Out is the first one there is no data at this stage as to how that is operated and the process, or any of it. Fair enough. With respect to some of the criticism we have received today, which has been about this being attached to liquor licenses and that this is not an appropriate place for them to fall in terms of regulation, do you have any commentary on that? In terms of it being a liquor regulation when it is effectively looking at illicit substances particularly?

Mr CRAWFORD: The first thing I would say is that it emerged from work done late last year that some regulatory regime was required if there was to be regulation imposed on this industry and there was a certain obviousness about the fact that liquor and gaming have similar problems with alcohol in terms of licensing premises and outdoor events. There are some very good people down there who are terrific at interacting with industry. They are not there to stop industry, they are there to work with them to try to get the best possible outcome in a balanced environment for the community and for the operators.

Ultimately, there was already a structure down there and very highly competent people who had been there for a long time—who understand industry and both sides of the argument; how to work with people. That is why it ultimately merged with liquor and gaming. Most festivals have a liquor license anyway and so how it operates is that that process is undertaken at a pretty high level, with input from police and health, under a management plan that is quite detailed. So it is supervised, if you like, by liquor and gaming officers. My own perception, as an outsider and independent person, has been that they are very good at what they do and I have not found any evidence that they are there to say no—they are not there to stop anything happening, they are there to work to get the best possible outcome and hopefully get all the kids home after the event.

The Hon. SCOTT FARLOW: For instance, one of the practical implications that was raised with us today from Splendour in the Grass was that previously they had had the providers of liquor outlets within the event holding the liquor license and now because of the additional requirements of the regulation they have to

hold a liquor license themselves, as the event provider. Is that something you are aware has impacted other event providers?

Mr CRAWFORD: It is a different regime because the promoter is now responsible—the buck stops with the promoter and cannot be devolved to a contractor. Ultimately, in an environment where the focus is on harm minimisation, whether from alcohol or drugs, that is the outcome of the regulation.

Ms MANN: If I can add to Mr Crawford's statement: In fact you do have the ability to appoint a manager to run your liquor operations at festivals. I think someone had given evidence around the fact that this would now mean that they would have to undertake Responsible Service of Alcohol [RSA] training and so forth, but actually that is not the case. That person is able to appoint someone to do that for them.

The Hon. SCOTT FARLOW: So they are able to still hold the head license, effectively, and then have somebody else undertake—

Ms MANN: That's right.

Mr CRAWFORD: That is quite a common structure with liquor.

The Hon. CATHERINE CUSACK: Can that be a contractor or does not have to be an employee?

Ms MANN: I believe that they can continue with the arrangements that they have. I think it can be either.

The CHAIR: Mr Willing, if you need to depart, if there is anything else you would like to say?

Mr WILLING: There is an incident that is unfolding in Sydney at the moment which I may have to go and assist with, if the Committee is okay with that. My opening statements have summarised the position of our organisation.

The CHAIR: Full understanding. Thank you very much for your time.

(Mr Willing withdrew.)

The Hon. SCOTT FARLOW: I completely understand Mr Willing's need to depart and thank him for his service. We had evidence from Local Government New South Wales and the City of Sydney Council and the Inner West Council previously today, who effectively had said that they had undertaken the regulatory process previously and believed they had done a fairly good job and there was not any great need for additional regulation or for that to be taken off councils. Do any of you have any view in terms of local government's place as a regulator in this area previously, all for events and being the main authority for such high-risk events?

Ms MANN: I think local councils do a really good job with smaller community festivals and things like that—they absolutely do a great job there. I think the Government was really concerned about high-risk festivals and, given the context that we had had five deaths, there was really a want by the New South Wales Government to uplift those high-risk ones so that we had the best experts' minds and consistency and strategic effort invested in those high-risk ones. So by no means do we want to take on the role for every festival that occurs in New South Wales—absolutely not—and certainly I do not have the resources in my organisation to do that.

The Hon. SCOTT FARLOW: And the regulation does not do that, does it?

Ms MANN: No, it does not do that. But in terms of those high-risk ones, I think Premier Baird and Premier Berejiklian were very clear that we needed to do more and we needed a concerted and focused effort to regulate those ones.

The Hon. SCOTT FARLOW: It actually involves a lot of State Government instrumentalities as well. We are talking about what we have around the table effectively—we have the police, health, people from gaming administration and customer service in New South Wales—so there are a lot of State Government instrumentalities involved in these high-risk events and effectively the buck stops with the State Government, not the local council. Would you say that is fair to say?

Ms MANN: I think that is a fair assessment.

The Hon. SCOTT FARLOW: That was my little monologue there—apologies for that.

Ms MANN: It is a leading question, but—

The Hon. SCOTT FARLOW: Yes, very leading. We have had quite a lot of evidence today, and I think the Hon. John Graham picked up this, in terms of the health department guidelines being well received by

festival operators. There has been some suggestion in a sense—it might be a little bit unfair to characterise it in this way—that those health department guidelines may be enough to be able to combat some of the problems we have had at festivals and the festival season that has just passed. Would you have any commentary on that, Dr Cretikos?

Dr CRETIKOS: We found the regulatory framework to be a helpful approach in that it ensures that Health is engaged early, particularly for the festivals that are of concern to us. Before this framework there was no mechanism for Health to be engaged systematically as part of the planning process. In many cases, Ambulance would have been engaged, particularly around the deployment of ambulances to events, but in many events local health districts may not have been engaged or may have only been engaged at a very late stage. So we do welcome the opportunity to engage from both an ambulance perspective and from a local health district perspective to ensure that we can provide the support and advice that is required, and so without that regulatory framework the guidelines can provide more consistent guidance and an approach to planning, but that does not ensure the engagement with Health that we would really like to see.

The Hon. WES FANG: We have heard today that the regulations are quite onerous, but by my reading—and talking of leading questions—they seem quite reasonable. In your experience, would the regulations have previously been identified as best practice and should festivals have been implementing the regulations prior to the determination that they are a high-risk festival?

Ms WEBB: I think the licensing process is intended to encourage best practice, a little bit similar to what we have just heard from Health, that if you have the framework and clear guidelines about what people should aspire to, it probably just helps to reinforce that this is the best practice and this is the way to go, and it is definitely our expectation that over time, once people have engaged with the process once and got the licence one year and understand what is required of them and what we will be looking for, then it hopefully will just become the way they do business and each time should be easier for them to obtain the licence.

The CHAIR: Just for the Committee members, I will go around one more time and we will probably have five or six minutes for each group. Can I just ask: Was there a regulatory impact statement that you are aware of around these two regulations?

Ms MANN: There was no regulatory impact statement, and there was a technical reason for that because the provision in the legislation that was introduced last year was specifically for the purposes of introducing a music festival licence, so it in a sense had already been looked at in that forum, so technically there was no requirement for an RIS. I suppose the point I would like to make is that the consultation was definitely less than ideal, but I guess there are a couple of things for the Committee that I would like to put on the record: We were in the middle of a music festival season where there were three deaths, the expert panel released its report, there were three more deaths and there was a lot of pressure everywhere to try and get something in place so that no more young lives were lost. I think that, in the process, the consultation absolutely was not optimal and not the way that I would normally like to conduct consultation. I do believe there was more consultation—and I can give you the records of that—than you have heard, but I think the problem with that is that that has obscured what the regulation is actually requiring.

Having a music festival licence, the impost is really not great. People are paying \$650.00, and that is what they would have paid anyway, and they are being required to do things which are very reasonable and they are probably doing already, and they are getting a dedicated officer within our organisation to help steward them through the process. They have got State Government agencies talking at a higher strategic level and making sure that the mix is right, so it actually is not a huge impost to have one of these music festival licences, but I think the noise and the pandemonium that was created during that consultation or reduced consultation phase has resulted in something which, if you look at the facts, is not a huge impost. If you look at what the regulation actually requires, it is not huge. Yes, there are probably improvements that could be made, but to remove it, to disallow it now takes us back to the position that we were in before, which is really not ideal. I think we are very committed to working with the industry. We understand that they would like to see improvements and changes and we absolutely want to do that, but to remove this and have effectively what we had before I just think is a bad outcome.

The CHAIR: When you say that the consultation was not optimal, do you think in hindsight a better consultation process may have mitigated some of the concerns and issues that are being raised now?

Ms MANN: Yes, I do think so, and I think a better communication process so that there was clear awareness of what I have read out, you know, that these are the factors, this is what is going to be the burden and impost on you, it is not as great—people have not actually completed this process yet, so I think it would be good

to speak to the 12 that are going through it at the end and just see where that lands before we make any hasty moves.

The CHAIR: Do you think that, if there was some sort of consultation or consultative mechanism between the industry and Government through this process and beyond, that would help?

Ms WEBB: It is definitely an ongoing issue. As we have been mentioning, people are working very closely to shepherd people through this process and part of that is also understanding from the industry where the friction points are, what they are finding difficult to comply with, so that we can make sure that we continue to improve the process definitely.

The Hon. JOHN GRAHAM: I want to take up exactly there. Firstly, thank you for that approach to the issue. I think hearing that from the agencies makes it a lot easier for everyone to put those issues in the past, so if that is the attitude of the agencies, I think that is very encouraging. There have been specific calls for a regulatory roundtable. That sounds very helpful. That would give a place for these issues to be cleared through in future, including specific recommendations for who might serve on it. Is that recommendation supported?

Ms MANN: Wholeheartedly.

The Hon. JOHN GRAHAM: Any views from Health?

Dr CRETIKOS: We are in intensive consultation. We would be very happy to have a formal process interagency to consult.

The Hon. JOHN GRAHAM: Thank you for those views. I think that is certainly helpful. I did want to ask about one specific issue on the Government submission on page 5, which is about the support that was provided to festivals over this season. It includes \$1.7 million, \$885,000 of which was for peer-based harm reduction services. What was this specifically doing?

Dr CRETIKOS: Again, to the best of my knowledge, that would have been funding for the two peer-based services that we do fund, or which we did fund at that time, which was Dancewize NSW and Australian Red Cross save-a-mate for their services at music festivals.

The Hon. JOHN GRAHAM: Thank you.

The CHAIR: Just for the purpose of accuracy, if you want to take that on notice.

Dr CRETIKOS: I can further split it. Yes.

The CHAIR: Thank you.

The Hon. JOHN GRAHAM: I might turn to the licensing issue. One of the things that was reported to a music inquiry that a number of us served on with festivals was how late their licences were being issued. Mr Crawford, you have already referred to it. Festivals were telling us, "We are literally getting it in the week before or the day before the festival. We are trying to keep people safe, but we are having to deal with licensing issues 24 hours before the festival." You have talked about the requirement now under this regulation to put in a submission of the licence application 90 days beforehand. When are the licence approvals coming back, though? Is there any standard for that? Or what is your expectation about when? Will it still be the week before?

Ms WEBB: We have not yet done one, but what will happen is that it will go out, we hope, a month or so before. It would be up to the authority to make its decision in its own time frame, but our expectation is at least three or four weeks, subject to everything.

Mr CRAWFORD: Listen Out is 5 October. We have a monthly meeting which is roughly the middle Wednesday of each month. I understand that the Listen Out application will come before ILGA in the September meeting, so about three or three and a half weeks before the event. And ordinarily they would get a decision that afternoon.

The Hon. JOHN GRAHAM: Yes. Which is certainly a big improvement from where we were.

Mr CRAWFORD: Massive.

The Hon. JOHN GRAHAM: Yes. And just to give you one idea of where it at got to, I came across a brewer from Western Australia whose business was—a big part of the business was actually supplying mid-strength beer in a rush job to New South Wales festivals who had been given licence conditions to supply mid-strength drinks at short notice. So this person literally built their business racing mid-strength beer across the continent because of the pressures that having those decisions put so close to the date of the festival caused.

Mr CRAWFORD: One of the good things about this process is that a lot of work is done earlier on in that rush, with a view to hopefully avoiding that rush because it puts massive pressure on government agencies and only the operators themselves.

The Hon. JOHN GRAHAM: Yes.

Mr CRAWFORD: And ticket sales. That sort of stuff.

The Hon. JOHN GRAHAM: The two biggest hurdles, though, the two reasons why the industry still says, "Look, can you repeal this regulation?", are really these: One, the reputation of New South Wales. This has just been a big stop sign to the festival industry in New South Wales. And we have heard that from the national bodies, that the way this happened—and I want to indicate I do not regard the agencies as being the primary actors in the way this happened, but the way this happened has meant that there is a big signal out there to festivals, "Do not come to New South Wales." There is a big signal to other states, "Come and poach our festivals." That reputational issue is very hard to step round, is it not? There is not an easy way where, even with the best regulation, we can tackle that.

Mr CRAWFORD: My personal view is I would not agree with that. I think the proof is going to be in the pudding, longer term. Because this is a real response to a crisis and I think Natasha spoke really well about the—

The Hon. JOHN GRAHAM: Yes. I agree.

Mr CRAWFORD: You know what it was like back then. It was terrible.

The Hon. JOHN GRAHAM: Yes.

Mr CRAWFORD: So I would not rush to that conclusion. I think we spent quite a bit of time talking to each of the promoters when we met with them about the fact that there was, as far as we were concerned, absolutely no express or implied criticism of them as operators. Just if there were risk factors—they are very big events. You need more time; you need as much help as you can to maximise your harm minimisation platform.

The Hon. JOHN GRAHAM: Now, I accept that is your view and I support risk-based regulation. However, you can understand why these festivals would be hesitant to be on what is a high-risk list, what has been described by the Minister—

The Hon. CATHERINE CUSACK: Sorry, Chair. I do understand what Mr Graham is trying to do, but he is arguing with the witness rather than asking a question.

Mr CRAWFORD: Sorry. I just gave you my view. I do not agree with that particular view, because if your focus is a balanced development of the industry in our society, one of those things has to be maybe to try to prevent deaths, and that is a big focus for us. And it has got to be balanced. And we are happy to support industry.

The Hon. JOHN GRAHAM: Yes. I appreciate it. So I will just wrap up on the—I did not want to interrupt on the Bluesfest issue, but just to be clear, Bluesfest is absolutely—well, originally would have been caught, was then not caught under these regulations and is not caught, and it does not meet the definitions you are talking about?

Ms WEBB: No.

The Hon. JOHN GRAHAM: I am making a separate observation that they have been approached by at least the Victorian and Queensland Government off the back of the way this has been implemented, to try and—

The Hon. CATHERINE CUSACK: Not this regulation, though. That is not—

The Hon. JOHN GRAHAM: Off the—

The Hon. CATHERINE CUSACK: They are not being affected by the regulation.

The Hon. JOHN GRAHAM: Correct. Yes. They are not—

The Hon. CATHERINE CUSACK: I just think that is really important. You are talking about things that have not happened and will not happen. Is that what you are trying to put on the—

The Hon. JOHN GRAHAM: No, I am putting that because of the dispute over this regulation, the Victorian Government and the Queensland Government have approached that festival, along with others. I was asking the witnesses whether they were aware of those interactions.

Mr CRAWFORD: I think we got a phone call early on and they were told a long time ago they were not caught. They were never caught.

The Hon. CATHERINE CUSACK: They have always been approached by our Government. It has been going on for decades.

The Hon. JOHN GRAHAM: Yes. Yes.

Mr CRAWFORD: The festival, they were told that they were not caught up.

Ms CATE FAEHRMANN: Could you please explain specifically why the Bluesfest is not caught under these regulations?

Ms WEBB: We would have to just address it specifically against the licensing guidelines, so we might take that on notice. But as far as I know, they have not had an incident.

Ms CATE FAEHRMANN: Have they simply been reassured or could another event similar to Bluesfest apply for a licence and be captured? Is it just the Bluesfest—that this is a kind of gentleman's agreement, if you like? Or is there—

Ms WEBB: . No. I think if a festival falls within the criteria that are in the licensing guidelines, then they are liable to be referred to the Independent Liquor & Gaming Authority for consideration as to whether they need to apply for one of these licences. If they do not fall within that criteria then they can have the assurance that they will not be subject to such referral.

Ms CATE FAEHRMANN: Yes. But the reading of it would suggest that Bluesfest could potentially be captured, surely?

Ms WEBB: Under which criteria?

The Hon. SCOTT FARLOW: "Music and dance related"—

The Hon. CATHERINE CUSACK: That is not a criteria.

Ms WEBB: That is the definition of—I think the criteria are different from the—are you talking to the definition of a music festival or the criteria?

Ms CATE FAEHRMANN: Yes.

Ms WEBB: Yes. So they fall within the definition of a music festival. I think what we have been trying to explain is only those ones who meet those criteria in the licensing guidelines—

Ms CATE FAEHRMANN: That you have got over there?

Ms WEBB: —about having had an incident that are then liable to be referred.

Ms CATE FAEHRMANN: And that is, I suppose, where the alcohol-related incident versus drug-related incident comes into it as well?

The CHAIR: Yes. And those guidelines were circulated to the committee. So we have all received those guidelines.

Ms CATE FAEHRMANN: Yes. Just checking, because I think we would find that festivals such as Bluesfest do have alcohol-related incidents. Potentially quite a number.

Dr CRETIKOS: From a health perspective in relation to Bluesfest, the target demographic is older than the 18- to 29-year-olds and the music genre is not one of the high-risk ones from our perspective, in terms of electronic dance music. So it is not; it is blues, largely. And then we would look to see if there is any evidence of an adverse health event, taking into account the size of the festival. But to our understanding, that festival does not have that profile of health risk that other, smaller festivals with the target demographic and the genre of music do have.

Ms CATE FAEHRMANN: Another question to health, if I can. Given that we know that the expert panel was expressly instructed by the Premier not to consider pill testing, I am just wondering whether the Ministry of Health has been asked by the Premier or her department outside of the expert panel process to provide evidence about pill testing?

Dr CRETIKOS: So there are two processes underway that are considering matters in relation to pill testing. One is the colonial inquest into music festival deaths. And the other is the special commission of inquiry into the drug ice. So both of those are currently underway.

Ms CATE FAEHRMANN: Yes, but the question was has the—

The Hon. WES FANG: But pill testing is not part of this regulation.

Ms CATE FAEHRMANN: Yes, but we know where it has stemmed from in terms of regulation, which was public safety.

The Hon. CATHERINE CUSACK: I really feel that we need to stick to the regulation before the committee at the moment. There are many other inquiries which you are on.

Ms CATE FAEHRMANN: It is about public safety and deaths at music festivals as the result of methylenedioxymethamphetamine [MDMA] overdoses, for goodness sake.

The Hon. WES FANG: It is the regulation.

The Hon. CATHERINE CUSACK: The regulation mandates that they need to—

The CHAIR: A bit of order. We are nearly there. This inquiry is actually about the impact and implementation of the two regulations, so could we just keep our questioning to that. We are nearly there.

The Hon. WES FANG: We have heard from a number of the witnesses today that the regulations are going to create an impost on their business model. Have you seen any evidence of that with the high-risk festivals that are currently going through the process? Do you think that into the future we are going to have a sustainable model?

Ms WEBB: I think we have certainly had some good discussions with the festivals as part of the pre-licensing and the licensing process. Probably it is fair to say that there are views sometimes that what we are asking or the police or the Ministry of Health is asking is beyond what they may feel they would have done if not subject to this regime. But I think in general we are finding it a very fruitful process of working through how they can meet the objectives of the regulation while maintaining their commercial viability. That has definitely been something the team is working closely with them on.

The Hon. SCOTT FARLOW: One of the continuing recommendations that the Committee has heard today is that the Committee should disallow these two regulations. I put that proposition to this panel to see your perspective if that was a Committee recommendation that stemmed from this inquiry. What would be the arrangements with respect to high-risk music festivals without these regulations? Would that be a desirable position for us to be in, considering what happened last summer?

Ms MANN: We would need to go back to the situation before, which is that usually the festivals would apply for special event licence or they would use the venues' existing on-premises licence. Part of the issue with that, as I think my colleague has pointed out, is the ability for health to be involved in that process. There is no legislative basis for that and there is no legislative basis for us to sit and determine these matters in the way that we are currently doing. I think that outcome would be very suboptimal at the moment, because we would really be going back to what we had before, which was not ideal.

The Hon. SCOTT FARLOW: And that would be before even one festival taking place under this regulatory regime.

Ms MANN: I think that is something that we would need to work through, because at the moment there are 12 that have been directed to apply. Then what happens and how do we manage that transition?

The Hon. SCOTT FARLOW: I think the first one is in October.

Ms MANN: There is one in October.

Dr CRETIKOS: The health guidelines are being developed now.

The Hon. CATHERINE CUSACK: Is it fair to say that if there is no transition, the safety plans would cease to be legally enforceable?

Ms WEBB: I think that would be the position. Potentially there are a few ways it could go. One would be that we might take a very risk-averse approach to the licensing decisions and, because we cannot have this dialogue with health and police and looking at the safety management plans, it may be that liquor and gaming decides to be very risk averse and not grant licences.

The Hon. SCOTT FARLOW: It could actually stop the festivals from taking place altogether?

Ms WEBB: Potentially, but we cannot say in generality it would.

The Hon. CATHERINE CUSACK: Because you do not have the full suite of abilities to work with these festivals.

Ms WEBB: Then the other, as Ms Mann has already said—

Ms CATE FAEHRMANN: Leading questions.

The CHAIR: The work that the Department of Health is doing is separate to the regulations, is that correct?

The Hon. CATHERINE CUSACK: Mandated by the regulations.

Dr CRETIKOS: For us, one of the important things that the regulatory framework offers us is the mechanism to obtain information in relation to the consistency with which the guidelines are being considered in relation to the safety management plans. The regulations specify clearly what information is required under the regulations in relation to safety management plans. The guidelines give guidance and advice as to what we are looking for and they articulate the expectations that we would have in order to try to ensure health and safety for people attending festivals. But outside of the regulatory framework, the guidelines are simply guidelines. We can engage and we can consult, but we have no regulatory framework in which to work.

The Hon. CATHERINE CUSACK: You have had five people in the department working on this since September last year, is that correct?

Dr CRETIKOS: Yes, and many more people engaged across health, as I have identified, to provide support and advice.

The Hon. CATHERINE CUSACK: The legal basis is really in this regulation that is under consideration for appeal?

Dr CRETIKOS: Yes, the guidelines for us are with our key documents, but the regulatory framework refers directly to those guidelines and is the basis on which we would assess the safety management plans, particularly in relation to whether the safety management plans address the risks that are identified and are commensurate with the profile of that event.

The Hon. CATHERINE CUSACK: You tick that off and then the musical festival licence—

Mr CRAWFORD: The real benefit from our perspective is that this regulation is a framework for three government agencies to work together to get the best possible outcome. Take that away and there is no framework. There was no framework before this was put up, so it is a quite valuable tool for us all getting together and everyone knowing the ground rules. I think it has been quite amazing and hopefully we will get some good outcomes over the summer. It is the framework, and if you take that away I do not know where we go.

The Hon. CATHERINE CUSACK: A person is assigned to each of the affected festivals. I can see the budget allocation for health; is there a budget allocation in racing and gaming in terms of government resources being invested?

Ms WEBB: No, it is part of our general licensing team.

The Hon. CATHERINE CUSACK: You are not cost-recovering from those festivals, are you?

Ms WEBB: No.

Ms MANN: No, we have had to divert staff away from these functions to get them on the music festival project. Certainly the \$650 fee goes no way towards covering that.

The Hon. CATHERINE CUSACK: This is what is referred to as almost a Rolls-Royce process—in fact, it can be beneficial to the music festival to have more attention.

Ms MANN: I think our anticipation is that this year is very resource intensive, but hopefully the process, once we have done it a few times, will become more routine and people will come with applications that cover everything they are required to cover.

Ms CATE FAEHRMANN: Mr Crawford, would a formalised, ongoing regulatory roundtable provide that framework you are talking about with agencies present and the music industry present in terms of having health's input into everything?

Mr CRAWFORD: I would need to know a bit more about its decision-making process, how it would manage it and who makes the ultimate decision in terms of the licence and what happens if there are problems. I think it is really good to have an independent body look at the outcome of the work of three agencies in consultation with the industry to get the best possible outcome. That can happen in conjunction with the roundtable and that would be fine. But there needs to be a legislative framework, if you like, to give effect to what is being proposed.

Ms CATE FAEHRMANN: Which could happen with a few more months' consultation before summer?

Mr CRAWFORD: In terms of a roundtable, I do not understand at the moment how you would put that together from a legal perspective or how it works. I would need to see that. What I am saying is that there is something there now and there need to be ongoing chats about that, but do not take away what is there at the moment because I do not know where we would go to.

The Hon. JOHN GRAHAM: I understand the view that is being put about the attractions of this regulation including the detail, but I want to be clear. Is there no other licence under which those agencies, particularly health, are consulted?

Dr CRETIKOS: Health is not mandated or has no regulatory contribution through any other licence. We can be consulted and we can provide advice.

The Hon. WES FANG: I know there was some criticism about the consultation process and you have given evidence that things could potentially have been done better, but from your experience since the regulation was put, would there have been any different outcome had we had an exhaustive consultation process as part of the framework?

Ms MANN: I think the outcome is the right outcome, but the way we got there, as I said, was not ideal. There is probably some tweaking we could do in consultation with the industry, but I believe the outcome is the right one.

The Hon. WES FANG: Excellent, thank you very much.

The CHAIR: Thank you very much for your submission and your contribution today. You took some questions on notice and the Committee has resolved that answers to questions on notice be returned within five days. The secretariat will get in touch with you about those answers.

(The witnesses withdrew.)

The Committee adjourned at 16:14.